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## Legislation

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

# EN

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## II

(Non-legislative acts)

## REGULATIONS

## COMMISSION DELEGATED REGULATION (EU) 2019/1701

of 23 July 2019

amending Annexes I and V to Regulation (EU) No 649/2012 of the European Parliament and of the Council concerning the export and import of hazardous chemicals

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals <sup>(1)</sup>, and in particular points (a) and (b) of Article 23(4) thereof,

Whereas:

- (1) Regulation (EU) No 649/2012, which was adopted on 4 July 2012, implements the Rotterdam Convention on the Prior Informed Consent Procedure for certain hazardous chemicals and pesticides in international trade <sup>(2)</sup> (‘the Rotterdam Convention’). It is a recast of Regulation (EC) No 689/2008 of the European Parliament and of the Council <sup>(3)</sup> and replaced that Regulation with effect from 1 March 2014. Regulation (EC) No 689/2008 was amended by Commission Regulation (EU) No 73/2013 <sup>(4)</sup>, which was adopted on 25 January 2013 but did not become applicable until 1 April 2013. The amendments set out in Regulation (EU) No 73/2013 were not duly reflected in Regulation (EU) No 649/2012. Therefore, in order to ensure legal clarity and consistency, it is necessary to formally reflect in the Annexes to Regulation (EU) No 649/2012 the amendments set out in Regulation (EU) No 73/2013.
- (2) By Decision 2008/934/EC <sup>(5)</sup>, the Commission decided not to include the substances acetochlor, asulam, chloropicrin and propargite as active substances in Annex I to Council Directive 91/414/EEC <sup>(6)</sup>, with the effect that those substances are banned from pesticide use and thus should be added to the lists of chemicals in Parts 1 and 2 of Annex I to Regulation (EU) No 649/2012. However, the addition of acetochlor, asulam, chloropicrin and propargite to Annex I to Regulation (EU) No 649/2012 was suspended due to a new application for inclusion of those substances in Annex I to Directive 91/414/EEC submitted pursuant to Article 13 of Commission Regulation (EC) No 33/2008 <sup>(7)</sup>. That new application resulted in the adoption of Implementing Regulations (EU) No 1372/2011 <sup>(8)</sup>,

<sup>(1)</sup> OJ L 201, 27.7.2012, p. 60.

<sup>(2)</sup> OJ L 63, 6.3.2003, p. 29.

<sup>(3)</sup> Regulation (EC) No 689/2008 of the European Parliament and of the Council of 17 June 2008 concerning the export and import of dangerous chemicals (OJ L 204, 31.7.2008, p. 1).

<sup>(4)</sup> Commission Regulation (EU) No 73/2013 of 25 January 2013 amending Annexes I and V to Regulation (EC) No 689/2008 of the European Parliament and of the Council concerning the export and import of dangerous chemicals (OJ L 26, 26.1.2013, p. 11).

<sup>(5)</sup> Commission Decision 2008/934/EC of 5 December 2008 concerning the non-inclusion of certain active substances in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing these substances (OJ L 333, 11.12.2008, p. 11).

<sup>(6)</sup> Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ L 230, 19.8.1991, p. 1).

<sup>(7)</sup> Commission Regulation (EC) No 33/2008 of 17 January 2008 laying down detailed rules for the application of Directive 91/414/EEC as regards a regular and an accelerated procedure for the assessment of active substances which were part of the programme of work referred to in Article 8(2) of that Directive but have not been included into its Annex I (OJ L 15, 18.1.2008, p. 5).

<sup>(8)</sup> Commission Implementing Regulation (EU) No 1372/2011 of 21 December 2011 concerning the non-approval of the active substance acetochlor, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending Commission Decision 2008/934/EC (OJ L 341, 22.12.2011, p. 45).

(EU) No 1045/2011 <sup>(9)</sup>, (EU) No 1381/2011 <sup>(10)</sup> and (EU) No 943/2011 <sup>(11)</sup>, by which the Commission decided not to approve the substances acetochlor, asulam, chloropicrin and propargite, respectively, as active substances under Regulation (EC) No 1107/2009 of the European Parliament and of the Council <sup>(12)</sup>, with the effect that they remain banned from pesticide use. Therefore, the substances acetochlor, asulam, chloropicrin and propargite should be added to the lists of chemicals in Parts 1 and 2 of Annex I to Regulation (EU) No 649/2012.

- (3) By Decision 2008/934/EC, the Commission decided not to include the substance flufenoxuron as an active substance in Annex I to Directive 91/414/EEC and by Decision 2012/77/EU <sup>(13)</sup> it decided not to include that substance as an active substance in Annex I, IA or IB to Directive 98/8/EC of the European Parliament and of the Council <sup>(14)</sup> for product type 18. Flufenoxuron is therefore severely restricted for pesticide use and should be added to the lists of chemicals in Parts 1 and 2 of Annex I to Regulation (EU) No 649/2012. The addition of flufenoxuron to Annex I to Regulation (EU) No 649/2012 was, however, suspended due to a new application for inclusion of that substance in Annex I to Directive 91/414/EEC submitted pursuant to Article 13 of Regulation (EC) No 33/2008. That new application resulted in the adoption of Implementing Regulation (EU) No 942/2011 <sup>(15)</sup>, by which the Commission decided not to approve flufenoxuron as an active substance under Regulation (EC) No 1107/2009. Therefore, the substance flufenoxuron should be added to the lists of chemicals in Parts 1 and 2 of Annex I to Regulation (EU) No 649/2012.
- (4) By Decision 2012/257/EU <sup>(16)</sup>, the Commission decided not to include the substance naled for product type 18 in Annex I, IA or IB to Directive 98/8/EC and by Decision 2005/788/EC <sup>(17)</sup>, it decided not to include that substance in Annex I to Directive 91/414/EEC. Naled is therefore banned from pesticide use and should thus be added to the lists of chemicals in Parts 1 and 2 of Annex I to Regulation (EU) No 649/2012.
- (5) By Decisions 2009/65/EC <sup>(18)</sup>, 2009/859/EC <sup>(19)</sup> and 2008/769/EC <sup>(20)</sup>, the Commission decided not to include 2-naphthoxyacetic acid, diphenylamine and propanil, respectively, as active substances in Annex I to Directive 91/414/EEC. Those substances are therefore banned from pesticide use and should thus be added to the lists of chemicals in Parts 1 and 2 of Annex I to Regulation (EU) No 649/2012. The addition of 2-naphthoxyacetic acid, diphenylamine and propanil to Part 2 of Annex I to Regulation (EU) No 649/2012 was, however, suspended due to

<sup>(9)</sup> Commission Implementing Regulation (EU) No 1045/2011 of 19 October 2011 concerning the non-approval of the active substance asulam, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending Commission Decision 2008/934/EC (OJ L 275, 20.10.2011, p. 23).

<sup>(10)</sup> Commission Implementing Regulation (EU) No 1381/2011 of 22 December 2011 concerning the non-approval of the active substance chloropicrin, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending Decision 2008/934/EC (OJ L 343, 23.12.2011, p. 26).

<sup>(11)</sup> Commission Implementing Regulation (EU) No 943/2011 of 22 September 2011 concerning the non-approval of the active substance propargite, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending Decision 2008/934/EC (OJ L 246, 23.9.2011, p. 16).

<sup>(12)</sup> Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).

<sup>(13)</sup> Commission Decision 2012/77/EU of 9 February 2012 concerning the non-inclusion of flufenoxuron for product type 18 in Annex I, IA or IB to Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market (OJ L 38, 11.2.2012, p. 47).

<sup>(14)</sup> Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market (OJ L 123, 24.4.1998, p. 1).

<sup>(15)</sup> Commission Implementing Regulation (EU) No 942/2011 of 22 September 2011 concerning the non-approval of the active substance flufenoxuron, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending Commission Decision 2008/934/EC (OJ L 246, 23.9.2011, p. 13).

<sup>(16)</sup> Commission Decision 2012/257/EU of 11 May 2012 concerning the non-inclusion of naled for product type 18 in Annex I, IA or IB to Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market (OJ L 126, 15.5.2012, p. 12).

<sup>(17)</sup> Commission Decision 2005/788/EC of 11 November 2005 concerning the non-inclusion of naled in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance (OJ L 296, 12.11.2005, p. 41).

<sup>(18)</sup> Commission Decision 2009/65/EC of 26 January 2009 concerning the non-inclusion of 2-Naphthoxyacetic acid in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance (OJ L 23, 27.1.2009, p. 33).

<sup>(19)</sup> Commission Decision 2009/859/EC of 30 November 2009 concerning the non-inclusion of diphenylamine in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance (OJ L 314, 1.12.2009, p. 79).

<sup>(20)</sup> Commission Decision 2008/769/EC of 30 September 2008 concerning the non-inclusion of propanil in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance (OJ L 263, 2.10.2008, p. 14).

a new application for inclusion in Annex I to Directive 91/414/EEC submitted pursuant to Article 13 of Regulation (EC) No 33/2008. That new application resulted in the adoption of Implementing Regulations (EU) No 1127/2011<sup>(21)</sup>, (EU) No 578/2012<sup>(22)</sup> and (EU) No 1078/2011<sup>(23)</sup>, by which the Commission decided not to approve the substances 2-naphthoxyacetic acid, diphenylamine and propanil, respectively, as active substances under Regulation (EC) No 1107/2009, with the effect that they remain banned from pesticide use. Therefore, the substances 2-naphthoxyacetic acid, diphenylamine and propanil should be added to the list of chemicals in Part 2 of Annex I to Regulation (EU) No 649/2012.

- (6) The entry for dichlorvos in the lists of chemicals contained in Parts 1 and 2 of Annex I to Regulation (EU) No 649/2012 should be amended to reflect Commission Decision 2012/254/EU<sup>(24)</sup> not to include dichlorvos in Annex I, IA or IB to Directive 98/8/EC, which has the effect that dichlorvos is banned from pesticide use.
- (7) By Implementing Regulations (EU) No 582/2012<sup>(25)</sup> and (EU) No 359/2012<sup>(26)</sup>, the Commission approved the substances bifenthrin and metam, respectively, with the effect that those substances are no longer banned from pesticide use. Consequently, the substances bifenthrin and metam should be deleted from Part 1 of Annex I to Regulation (EU) No 649/2012.
- (8) At its fifth meeting in June 2011, the Conference of the Parties to the Rotterdam Convention decided to include the substances alachlor, aldicarb and endosulfan in Annex III to that Convention, with the effect that those substances became subject to the Prior Informed Consent procedure under that Convention. They should therefore be removed from the list of chemicals in Part 2 of Annex I to Regulation (EU) No 649/2012 and added to the list of chemicals in Part 3 of that Annex.
- (9) The substance cyanamide should be removed from Part 2 of Annex I to Regulation (EU) No 649/2012 since evidence was submitted that Commission Decision 2008/745/EC<sup>(27)</sup> not to include cyanamide in Annex I to Directive 91/414/EEC does not amount to a severe restriction of the use of the substance at the level of the category 'pesticide', considering that cyanamide has important uses in the subcategory 'other pesticide including biocides'. Cyanamide has been identified and notified for evaluation under Directive 98/8/EC. Biocidal products containing cyanamide may thus continue to be authorised by Member States in accordance with their national rules, until a decision under that Directive is taken.
- (10) Following the decision taken under the Stockholm Convention on Persistent Organic Pollutants to list the substance endosulfan in Part 1 of Annex A to that Convention, that substance was included in Part A of Annex I to Regulation (EC) No 850/2004 of the European Parliament and of the Council<sup>(28)</sup>. Consequently, endosulfan should be added to Part 1 of Annex V to Regulation (EU) No 649/2012.
- (11) Regulation (EU) No 649/2012 should therefore be amended accordingly.
- (12) As, in practice, the amendments laid down in this Regulation have already been implemented by the relevant authorities and economic operators on the assumption that Regulation (EU) No 649/2012 had been amended by Commission Regulation (EU) No 73/2013, they should apply retroactively from 1 March 2014, the date when Regulation (EU) No 649/2012 started to apply.

<sup>(21)</sup> Commission Implementing Regulation (EU) No 1127/2011 of 7 November 2011 concerning the non-approval of the active substance 2-naphthoxyacetic acid, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market (OJ L 289, 8.11.2011, p. 26).

<sup>(22)</sup> Commission Implementing Regulation (EU) No 578/2012 of 29 June 2012 concerning the non-approval of the active substance diphenylamine, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market (OJ L 171, 30.6.2012, p. 2).

<sup>(23)</sup> Commission Implementing Regulation (EU) No 1078/2011 of 25 October 2011 concerning the non-approval of the active substance propanil, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market (OJ L 279, 26.10.2011, p. 1).

<sup>(24)</sup> Commission Decision 2012/254/EU of 10 May 2012 concerning the non-inclusion of dichlorvos for product type 18 in Annex I, IA or IB to Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market (OJ L 125, 12.5.2012, p. 53).

<sup>(25)</sup> Commission Implementing Regulation (EU) No 582/2012 of 2 July 2012 approving the active substance bifenthrin, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 (OJ L 173, 3.7.2012, p. 3).

<sup>(26)</sup> Commission Implementing Regulation (EU) No 359/2012 of 25 April 2012 approving the active substance metam, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 (OJ L 114, 26.4.2012, p. 1).

<sup>(27)</sup> Commission Decision 2008/745/EC of 18 September 2008 concerning the non-inclusion of cyanamide in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance (OJ L 251, 19.9.2008, p. 45).

<sup>(28)</sup> Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC (OJ L 158, 30.4.2004, p. 7).

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EU) No 649/2012 is amended as follows:

- (1) Annex I is amended in accordance with Annex I to this Regulation;
- (2) Annex V is amended in accordance with Annex II to this Regulation.

*Article 2*

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

It shall apply with effect from 1 March 2014.

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

Done at Brussels, 23 July 2019.

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

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## ANNEX I

Annex I to Regulation (EU) No 649/2012 is amended as follows:

(1) Part 1 is amended as follows:

(a) the entries for alachlor and aldicarb are replaced by the following:

Chemical	CAS No	Einecs No	CN code (***)	Subcategory (*)	Use limitation (**)	Countries for which no notification is required
'Alachlor (#)	15972-60-8	240-110-8	ex 2924 25 00	p(1)	b	
Aldicarb (#)	116-06-3	204-123-2	ex 2930 80 00	p(1)-p(2)	b-b'	

(b) the entry for dichlorvos is replaced by the following:

Chemical	CAS No	Einecs No	CN code (***)	Subcategory (*)	Use limitation (**)	Countries for which no notification is required
'Dichlorvos (†)	62-73-7	200-547-7	ex 2919 90 00	p(1)-p(2)	b-b'	

(c) the entries for bifenthrin and metam are deleted;

(d) the following entries are inserted or added in alphabetical order:

Chemical	CAS No	Einecs No	CN code (***)	Subcategory (*)	Use limitation (**)	Countries for which no notification is required
'Acetochlor (†)	34256-82-1	251-899-3	ex 2924 29 70	p(1)	b	
Asulam (†)	3337-71-1 2302-17-2	222-077-1 218-953-8	ex 2935 90 90	p(1)	b	
Chloropicrin (†)	76-06-2	200-930-9	ex 2904 91 00	p(1)	b	
Flufenoxuron (†)	101463-69-8	417-680-3	ex 2924 21 00	p(1)-p(2)	b-sr	
Naled (†)	300-76-5	206-098-3	ex 2919 90 00	p(1)-p(2)	b-b	
Propargite (†)	2312-35-8	219-006-1	ex 2920 90 70	p(1)	b'	

(2) Part 2 is amended as follows:

(a) the entry for dichlorvos is replaced by the following:

Chemical	CAS No	Einecs No	CN code (***)	Category (*)	Use limitation (**)
'Dichlorvos	62-73-7	200-547-7	ex 2919 90 00	p	b'

(b) the entries for alachlor, aldicarb, cyanamide and endosulfan are deleted;

(c) the following entries are inserted or added in alphabetical order:

Chemical	CAS No	Einecs No	CN code (***)	Category (*)	Use limitation (**)
'2-naphthylox-yacetic acid	120-23-0	204-380-0	ex 2918 99 90	p	b
Acetochlor	34256-82-1	251-899-3	ex 2924 29 70	p	b
Asulam	3337-71-1 2302-17-2	222-077-1 218-953-8	ex 2935 90 90	p	b
Chloropicrin	76-06-2	200-930-9	ex 2904 91 00	p	b
Diphenylamine	122-39-4	204-539-4	ex 2921 44 00	p	b
Flufenoxuron	101463-69-8	417-680-3	ex 2924 21 00	p	sr
Naled	300-76-5	206-098-3	ex 2919 90 00	p	b
Propanil	709-98-8	211-914-6	ex 2924 29 70	p	b
Propargite	2312-35-8	219-006-1	ex 2920 90 70	p	b'

(3) in Part 3, the following entries are inserted in alphabetical order:

Chemical	Relevant CAS number (s)	HS code Pure substance (**)	HS code Mixtures containing substance (**)	Category
'Alachlor	15972-60-8	2924.25	3808.93	Pesticide
Aldicarb	116-06-3	2930.80	3808.91	Pesticide
Endosulfan	115-29-7	2920.30	3808.91	Pesticide'



## ANNEX II

In Part 1 of Annex V to Regulation (EU) No 649/2012, the following entry is added:

Description of chemicals/article(s) subject to export ban	Additional details, where relevant (e.g. name of chemical, EC No, CAS No, etc.)	
	'Endosulfan	EC No 204-079-4 CAS No 115-29-7 CN code 2920 30 00'

**COMMISSION DELEGATED REGULATION (EU) 2019/1702****of 1 August 2019****supplementing Regulation (EU) 2016/2031 of the European Parliament and of the Council by establishing the list of priority pests**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/2031 of the European Parliament and of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC <sup>(1)</sup>, and in particular Article 6(2) thereof,

Whereas:

- (1) Pursuant to Article 6(2) of Regulation (EU) 2016/2031 the Commission is empowered to establish a list of priority pests.
- (2) Priority pests are Union quarantine pests, which fulfil all of the following conditions: firstly, they are not known to be present in the Union territory or are known to be present either in a limited part of that territory or for scarce, irregular, isolated and infrequent presences in it, secondly, their potential economic, environmental or social impact is the most severe in respect of the Union territory, and, thirdly, they are listed as priority pests.
- (3) The Commission has carried out an assessment to determine, which pests to list as priority pests. That assessment was based on a methodology developed by the Commission's Joint Research Centre and the European Food Safety Authority.
- (4) That methodology comprises composite indicators and an analysis based on multiple criteria. It takes into account, for the Union territory, the probability of spreading, establishment and consequences of the pests assessed. In addition, that methodology takes into account the criteria listed in Section 1, point (2) and Section 2 of Annex I to Regulation (EU) 2016/2031, which cover economic, social and environmental dimensions.
- (5) The assessment took into account the outcome of the methodology implemented by the Commission's Joint Research Centre and the European Food Safety Authority, as well as the consultation of the general public carried out via the Better Regulation Portal. As result, it was concluded that there are 20 pests, for which the potential economic, environmental or social impact is considered to be the most severe in respect of the Union territory.
- (6) Furthermore, those pests are not known to be present in the Union territory or are known to be present in limited parts of it or for scarce, irregular, isolated and infrequent presences in it.
- (7) It is therefore appropriate to list those pests in the Annex to this Regulation.
- (8) In order to ensure a consistent application of all rules concerning the Union quarantine pests, this Regulation should apply from the same date as Regulation (EU) 2016/2031, that is from 14 December 2019,

<sup>(1)</sup> OJ L 317, 23.11.2016, p. 4.

HAS ADOPTED THIS REGULATION:

*Article 1*

**List of priority pests**

The list of priority pests, as referred to in Article 6(2) of Regulation (EU) 2016/2031, is set out in the Annex to this Regulation.

*Article 2*

**Entry into force and application**

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

It shall apply from 14 December 2019.

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

Done at Brussels, 1 August 2019.

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

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## ANNEX

**List of priority pests**

*Agrilus anxius* Gory  
*Agrilus planipennis* Fairmaire  
*Anastrepha ludens* (Loew)  
*Anoplophora chinensis* (Thomson)  
*Anoplophora glabripennis* (Motschulsky)  
*Anthonomus eugenii* Cano  
*Aromia bungii* (Faldermann)  
*Bactericera cockerelli* (Sulc.)  
*Bactrocera dorsalis* (Hendel)  
*Bactrocera zonata* (Saunders)  
*Bursaphelenchus xylophilus* (Steiner et Bühner) Nickle *et al.*  
*Candidatus Liberibacter* spp., causal agent of Huanglongbing disease of citrus/citrus greening  
*Conotrachelus nenuphar* (Herbst)  
*Dendrolimus sibiricus* Tschetverikov  
*Phyllosticta citricarpa* (McAlpine) Van der Aa  
*Popillia japonica* Newman  
*Rhagoletis pomonella* Walsh  
*Spodoptera frugiperda* (Smith)  
*Thaumatotibia leucotreta* (Meyrick)  
*Xylella fastidiosa* (Wells *et al.*)

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**COMMISSION IMPLEMENTING REGULATION (EU) 2019/1703****of 4 October 2019****approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications ('Cidre de Normandie'/'Cidre normand' (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 <sup>(1)</sup>, 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 France's application for the approval of amendments to the specification for the protected geographical indication 'Cidre de Normandie'/'Cidre normand', registered under Commission Regulation (EC) No 2446/2000 <sup>(2)</sup>.
- (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* <sup>(3)</sup> 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 'Cidre de Normandie'/'Cidre normand' (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*.<sup>(1)</sup> OJ L 343, 14.12.2012, p. 1.<sup>(2)</sup> Commission Regulation (EC) No 2446/2000 of 6 November 2000 supplementing the Annex to Regulation (EC) No 2400/96 on the entry of certain names in the Register of protected designations of origin and protected geographical indications provided for in Council Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (OJ L 281, 7.11.2000, p. 12).<sup>(3)</sup> OJ C 186, 3.6.2019, p. 4.

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

Done at Brussels, 4 October 2019.

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

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**COMMISSION IMPLEMENTING REGULATION (EU) 2019/1704****of 9 October 2019****adding to the 2019 fishing quotas certain quantities withheld in the year 2018 pursuant to Article 4 (2) of Council Regulation (EC) No 847/96**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas <sup>(1)</sup>, and in particular Article 4(2) thereof,

Whereas:

- (1) Pursuant to Article 4(2) of Regulation (EC) No 847/96, Member States may, before 31 October of the year of application of a fishing quota allocated to them, ask the Commission to withhold a maximum of 10 % of the quota and to transfer it to the following year.
- (2) Council Regulations (EU) 2016/2285 <sup>(2)</sup>, (EU) 2017/1970 <sup>(3)</sup>, (EU) 2017/2360 <sup>(4)</sup>, and (EU) 2018/120 <sup>(5)</sup> fix fishing quotas for certain stocks for 2018 and specify which stocks may be subject to the measures provided for in Regulation (EC) No 847/96.
- (3) Council Regulations (EU) 2018/1628 <sup>(6)</sup>, (EU) 2018/2025 <sup>(7)</sup>, (EU) 2018/2058 <sup>(8)</sup>, and (EU) 2019/124 <sup>(9)</sup> fix fishing quotas for certain stocks for 2019.
- (4) Certain Member States have requested, before 31 October 2018, pursuant to Article 4(2) of Regulation (EC) No 847/96, that part of their quotas for 2018 for the stocks listed in the Annex to this Regulation be withheld and transferred to the following year. Subject to the limits indicated in that Regulation, the quantities withheld should be added to the quotas for 2019.

<sup>(1)</sup> OJ L 115, 9.5.1996, p. 3.

<sup>(2)</sup> Council Regulation (EU) 2016/2285 of 12 December 2016 fixing for 2017 and 2018 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks and amending Council Regulation (EU) 2016/72 (OJ L 344, 17.12.2016, p. 32).

<sup>(3)</sup> Council Regulation (EU) 2017/1970 of 27 October 2017 fixing for 2018 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) 2017/127 (OJ L 281, 31.10.2017, p. 1).

<sup>(4)</sup> Council Regulation (EU) 2017/2360 of 11 December 2017 fixing for 2018 the fishing opportunities for certain fish stocks and groups of fish stocks in the Black Sea (OJ L 337, 19.12.2017, p. 1).

<sup>(5)</sup> Council Regulation (EU) 2018/120 of 23 January 2018 fixing for 2018 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, and amending Regulation (EU) 2017/127 (OJ L 27, 31.1.2018, p. 1).

<sup>(6)</sup> Council Regulation (EU) 2018/1628 of 30 October 2018 fixing for 2019 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) 2018/120 as regards certain fishing opportunities in other waters (OJ L 272, 31.10.2018, p. 1).

<sup>(7)</sup> Council Regulation (EU) 2018/2025 of 17 December 2018 fixing for 2019 and 2020 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks (OJ L 325, 20.12.2018, p. 7).

<sup>(8)</sup> Council Regulation (EU) 2018/2058 of 17 December 2018 fixing for 2019 the fishing opportunities for certain fish stocks and groups of fish stocks in the Black Sea (OJ L 329, 27.12.2018, p. 8).

<sup>(9)</sup> Council Regulation (EU) 2019/124 of 30 January 2019 fixing for 2019 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 29, 31.1.2019, p. 1).

- (5) For the purposes of this flexibility exercise, the eligibility of requested stock transfers and the state of exploitation of these stocks have been verified and taken into account. Therefore these stocks can be subject to the transfer of quota withheld from 2018 to 2019 in line with Article 4(2) of Regulation (EC) No 847/96.
- (6) Whilst certain Member States had requested that part of their quotas for 2018 for the stocks of greater forkbeard be withheld and transferred to the following year, Regulation (EU) 2018/2025 does not set a total allowable catch for greater forkbeard in ICES subareas 1 to 10, 12 and 14. Consequently, the 2018 quotas withheld for the stocks of greater forkbeard are not transferable.
- (7) For the stocks listed in the Annex to this Regulation, in order to avoid excessive flexibility that would undermine the principle of rational and responsible exploitation of living marine biological resources, hinder the achievement of the objectives of the Common Fisheries Policy and deteriorate the biological status of the stocks, the year-to-year flexibility provided for by Article 15(9) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council<sup>(10)</sup> is excluded. Similarly, where a Member State has used the year-to-year flexibility provided for under Article 15(9) of Regulation (EU) No 1380/2013 in respect of a particular stock, no other flexibility as regards a carry-over of unused fishing opportunities should apply to that stock, therefore excluding it from the scope of this Regulation.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

*Article 1*

The fishing quotas fixed for 2019 in Regulations (EU) 2018/1628, (EU) 2018/2025, (EU) 2018/2058, and (EU) 2019/124 are increased as set out in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on the seventh 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, 9 October 2019.

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

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<sup>(10)</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).



## ANNEX

Country ID	Stock id	Species	Zone name	Final Quota 2018 ( <sup>(1)</sup> ) (in tonnes)	Catches 2018 (in tonnes)	Special condition ( <sup>(2)</sup> ) catches 2018 (in tonnes)	% final quota	Transferred quantity (in tonnes)
DE	BLI/5B67-	Blue ling	Union and international waters of 5b, 6 and 7	120,144	0	0	0	12,014
DE	BSF/56712-	Black scabbardfish	Union and international waters of V, VI, VII and XII	32,400	0	0	0	3,240
DE	COD/03AN.	Cod	Skagerrak	171,625	86,169	0	50,21	17,163
DE	COD/2A3AX4	Cod	4; Union waters of 2a; that part of 3a not covered by the Skagerrak and Kattegat	2898,766	458,771	1056,726	52,28	289,877
DE	GHL/2A-C46	Greenland halibut	Union waters of 2a and 4; Union and international waters of 5b and 6	30,434	0	0	0	3,043
DE	HAD/*2AC4.	Haddock	4; Union waters of 2a (special condition to HAD/5BC6A.)	0,650	0	0	0	0,065
DE	HAD/03A.	Haddock	3a	142,739	31,533	0	22,09	14,274
DE	HAD/2AC4.	Haddock	4; Union waters of 2a	987,251	56,378	315,842	37,70	98,725
DE	HAD/5BC6A.	Haddock	Union and international waters of 6b and 6a	6,586	0	0	0	0,659
DE	HAD/6B1214	Haddock	Union and international waters of 6b, 12 and 14	43,847	0	0	0	4,385
DE	HER/*04B.	Herring	4b (special condition to HER/4CXB7D)	545,495	0	0	0	54,550
DE	HER/*04-C.	Herring	Union waters of 4 (special condition to HER/03A.)	179,400	144,000	0	80,27	17,940
DE	HER/*25B-F	Herring	2, 5b north of 62° N (Faroe waters) (special condition to HER/1/2-)	341,230	0	0	0	34,123
DE	HER/03A.	Herring	3a	357,859	174,900	144,000	89,11	35,786

Country ID	Stock Id	Species	Zone name	Final Quota 2018 ( <sup>(1)</sup> ) (in tonnes)	Catches 2018 (in tonnes)	Special condition ( <sup>(2)</sup> ) catches 2018 (in tonnes)	% final quota	Transferred quantity (in tonnes)
DE	HER/03A-BC	Herring	3a	56,610	30,932	0	54,64	5,661
DE	HER/1/2-	Herring	Union, Faroese, Norwegian and international waters of 1 and 2	1982,020	1921,308	0,334	96,95	60,378
DE	HER/2A47DX	Herring	4, 7d and Union waters of 2a	58,504	56,524	0	96,62	1,980
DE	HER/3D-R30	Herring	Union waters of Subdivisions 25-27, 28.2, 29 and 32	4033,980	3951,238	0	97,95	82,742
DE	HER/4CXB7D	Herring	4c, 7d except Blackwater stock	11743,415	10818,525	0	92,12	924,890
DE	HER/7G-K.	Herring	7g, 7h, 7j and 7k	0,021	0	0	0	0,002
DE	HKE/*03A.	Hake	3a (special condition to HKE/2AC4-C)	27,042	7,664	0	28,34	2,704
DE	HKE/*8ABDE	Hake	8a, 8b, 8d and 8e (special condition to HKE/571214)	2,000	0	0	0	0,200
DE	HKE/2AC4-C	Hake	Union waters of 2a and 4	303,514	63,099	7,664	23,31	30,351
DE	HKE/571214	Hake	6 and 7; Union and international waters of 5b; international waters of 12 and 14	22,000	18,401	0	83,64	2,200
DE	LEZ/07.	Megrim	7	2,200	0	0	0	0,220
DE	LEZ/2AC4-C	Megrim	Union waters of 2a and 4	7,776	1,119	0	14,39	0,778
DE	MAC/*02AN-	Mackerel	Norwegian waters of 2a (special condition to MAC/2A34.)	112,700	0	0	0	11,270
DE	MAC/*2AN-	Mackerel	Norwegian waters of 2a (special condition to MAC/2CX14-)	1898,800	0	0	0	189,880
DE	MAC/*8ABD.	Mackerel	8a, 8b and 8d (special condition to MAC/8C3411)	437,478	420,736	0	96,17	16,742
DE	MAC/*FRO1	Mackerel	Faroese waters (special condition to MAC/2A34.)	86,980	0	0	0	8,698
DE	MAC/*FRO2	Mackerel	Faroese waters (special condition to MAC/2CX14-)	1938,700	0,379	0	0,02	193,870
DE	MAC/2A34.	Mackerel	3a and 4; Union waters of 2a, 3b, 3c and Subdivisions 22-32	2746,000	2719,445	3,802	99,17	22,753

Country ID	Stock Id	Species	Zone name	Final Quota 2018 ( <sup>1</sup> ) (in tonnes)	Catches 2018 (in tonnes)	Special condition ( <sup>2</sup> ) catches 2018 (in tonnes)	% final quota	Transferred quantity (in tonnes)
DE	MAC/8C3411	Mackerel	8c, 9 and 10; Union waters of CECAF 34.1.1	437,931	0	420,736	96,07	17,195
DE	NEP/03A.	Norway lobster	3a	26,642	5,936	0	22,28	2,664
DE	NEP/2AC4-C	Norway lobster	Union waters of 2a and 4	886,670	542,044	0	61,13	88,667
DE	PLE/03AN.	Plaice	Skagerrak	68,440	8,464	0	12,37	6,844
DE	PLE/03AS.	Plaice	Kattegat	17,530	0,756	0	4,31	1,753
DE	PLE/2A3AX4	Plaice	4; Union waters of 2a; that part of 3a not covered by the Skagerrak and the Kattegat	6827,053	2616,898	9,710	38,47	682,705
DE	PLE/3BCD-C	Plaice	Union waters of Subdivisions 22-32	1600,393	1445,913	0	90,35	154,480
DE	POK/2C3A4.	Saithe	3a and 4; Union waters of 2a	9029,725	8179,973	0	90,59	849,752
DE	POK/56-14	Saithe	6; Union and international waters of 5b, 12 and 14	247,750	0,479	0	0,19	24,775
DE	RHG/5B67-	Roughhead grenadier	Union and international waters of Vb, VI and VII (special condition to RNG/5B67-)	0,066	0	0	0	0,007
DE	RHG/8X14-	Roughhead grenadier	Union and international waters of VIII, IX, X, XII and XIV (special condition to RNG/8X14-)	0,157	0	0	0	0,016
DE	RNG/*5B67-	Roundnose grenadier	Union and international waters of Vb, VI and VII (special condition to RNG/8X14-)	1,570	0	0	0	0,157
DE	RNG/*8X14-	Roundnose grenadier	Union and international waters of VIII, IX, X, XII and XIV (special condition to RNG/5B67-)	0,660	0	0	0	0,066
DE	RNG/5B67-	Roundnose grenadier	Union and international waters of Vb, VI and VII	6,600	0	0	0	0,660
DE	RNG/8X14-	Roundnose grenadier	Union and international waters of VIII, IX, X, XII and XIV	15,700	0	0	0	1,570

Country ID	Stock Id	Species	Zone name	Final Quota 2018 ( <sup>(1)</sup> ) (in tonnes)	Catches 2018 (in tonnes)	Special condition ( <sup>(2)</sup> ) catches 2018 (in tonnes)	% final quota	Transferred quantity (in tonnes)
DE	SOL/24-C.	Common sole	Union waters of 2a and 4	1129,161	722,721	0	64,01	112,916
DE	SOL/3ABC24	Common sole	3a; Union waters of Subdivisions 22-24	15,808	15,416	0	97,52	0,392
DE	SPR/3BCD-C	Sprat	Union waters of Subdivisions 22-32	16698,104	15228,701	0	91,20	1469,403
DE	WHB/*05-F.	Blue whiting	Faroese waters (special condition to WHB/1X14)	4108,273	1072,776	0	26,11	410,827
DE	WHG/2AC4.	Whiting	4; Union waters of 2a	448,597	60,439	38,781	22,12	44,860
DE	WHG/56-14	Whiting	6; Union and international waters of 5b; international waters of 12 and 14	0,110	0	0	0	0,011
DK	COD/03AN.	Cod	Skagerrak	6883,142	4221,317	0	61,33	688,314
DK	COD/2A3AX4	Cod	4; Union waters of 2a; that part of 3a not covered by the Skagerrak and Kattegat	7783,297	2030,700	3460,877	70,56	778,330
DK	GHL/2A-C46	Greenland halibut	Union waters of 2a and 4; Union and international waters of 5b and 6	17,778	0,001	0	0,01	1,778
DK	HAD/03A.	Haddock	3a	2282,198	563,786	0	24,70	228,220
DK	HAD/2AC4.	Haddock	4; Union waters of 2a	1796,523	264,354	853,336	62,21	179,652
DK	HAD/5BC6A.	Haddock	Union and international waters of 6b and 6a	1,330	0,750	0	56,39	0,133
DK	HER/*04B.	Herring	4b (special condition to HER/4CXB7D)	926,369	0	0	0	92,637
DK	HER/*04-C.	Herring	Union waters of 4 (special condition to HER/03A.)	8929,906	8328,257	0	93,26	601,649
DK	HER/*25B-F	Herring	2, 5b north of 62° N (Faroese waters) (special condition to HER/1/2-)	2491,158	0	0	0	249,116
DK	HER/03A.	Herring	3a	12586,905	1744,028	8328,257	80,02	1258,691
DK	HER/03A-BC	Herring	3a	6315,259	364,862	0	5,78	631,526

Country ID	Stock Id	Species	Zone name	Final Quota 2018 ( <sup>1</sup> ) (in tonnes)	Catches 2018 (in tonnes)	Special condition ( <sup>2</sup> ) catches 2018 (in tonnes)	% final quota	Transferred quantity (in tonnes)
DK	HER/1/2-	Herring	Union, Faroese, Norwegian and international waters of 1 and 2	17810,134	17051,626	0	95,74	758,508
DK	HER/2A47DX	Herring	4, 7d and Union waters of 2a	10385,789	8549,477	0	82,32	1038,579
DK	HER/3D-R30	Herring	Union waters of Subdivisions 25-27, 28.2, 29 and 32	13158,086	11848,401	0	90,05	1309,685
DK	HER/4AB.	Herring	Union and Norwegian waters of 4 north of 53° 30' N	130414,230	114965,013	753,001	88,73	13041,423
DK	HER/4CXB7D	Herring	4c, 7d except Blackwater stock	938,480	2,035	0	0,22	93,848
DK	HKE/*03A.	Hake	3a (special condition to HKE/2AC4-C)	235,928	0	0	0	23,593
DK	HKE/03A.	Hake	3a	1714,839	568,439	0	33,15	171,484
DK	HKE/2AC4-C	Hake	Union waters of 2a and 4	2363,106	560,737	0	23,73	236,311
DK	HKE/571214	Hake	6 and 7; Union and international waters of 5b; international waters of 12 and 14	3,104	2,600	0	83,76	0,310
DK	JAX/*4BC7D	Horse mackerel and associated by-catches	Union waters of 4b, 4c and 7d (special condition to JAX/2A-14)	539,480	0	0	0	53,948
DK	JAX/2A-14	Horse mackerel and associated by-catches	Union waters of 2a, 4a; 6, 7a-c, 7e-k, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 12 and 14	11398,686	6051,438	0	53,09	1139,869
DK	LEZ/2AC4-C	Megrims	Union waters of 2a and 4	63,774	44,271	0	69,42	6,377
DK	MAC/*02AN-	Mackerel	Norwegian waters of 2a (special condition to MAC/2A34.)	2405,000	0	0	0	240,500
DK	MAC/*2A6.	Mackerel	6, international waters of 2a, (special condition to MAC/2A34.)	11190,000	3984,698	0	35,61	1119,000
DK	MAC/*3A4BC	Mackerel	3a and 4bc (special condition to MAC/2A34.)	2028,762	762,531	0	37,59	202,876

Country ID	Stock Id	Species	Zone name	Final Quota 2018 ( <sup>1</sup> ) (in tonnes)	Catches 2018 (in tonnes)	Special condition ( <sup>2</sup> ) catches 2018 (in tonnes)	% final quota	Transferred quantity (in tonnes)
DK	MAC/*4A-EN	Mackerel	Union waters of 2a; Union and Norwegian waters of 4a (special condition to MAC/2CX14+)	2554,430	0	0	0	255,443
DK	MAC/*FRO1	Mackerel	Faroese waters (special condition to MAC/2A34.)	2456,000	0	0	0	245,600
DK	MAC/2A34.	Mackerel	3a and 4; Union waters of 2a, 3b, 3c and Subdivisions 22-32	13930,055	9122,582	4747,229	99,57	60,244
DK	MAC/2A4A-N	Mackerel	Norwegian waters of 2a and 4a	12539,676	12529,570	0	99,92	10,106
DK	MAC/2CX14+	Mackerel	6, 7, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 2a, 12 and 14	4298,986	4225,523	0	98,29	73,463
DK	NEP/03A.	Norway lobster	3a	9645,632	5138,748	0	53,28	964,563
DK	NEP/2AC4-C	Norway lobster	Union waters of 2a and 4	1394,844	58,896	0	4,22	139,484
DK	PLE/03AN.	Plaice	Skagerrak	13514,240	4362,259	0	32,28	1351,424
DK	PLE/03AS.	Plaice	Kattegat	1549,490	479,366	0	30,94	154,949
DK	PLE/2A3AX4	Plaice	4; Union waters of 2a; that part of 3a not covered by the Skagerrak and the Kattegat	23678,404	4887,871	4781,723	40,84	2367,840
DK	PLE/3BCD-C	Plaice	Union waters of Subdivisions 22-32	5405,970	2402,417	0	44,44	540,597
DK	POK/2C3A4.	Saithe	3a and 4; Union waters of 2a	7755,811	6844,467	0	88,25	775,581
DK	POK/56-14	Saithe	6; Union and international waters of 5b, 12 and 14	1,605	1,268	0	79,00	0,161
DK	SOL/24-C.	Common sole	Union waters of 2a and 4	679,100	367,357	0	54,09	67,910
DK	SOL/3ABC24	Common sole	3a; Union waters of Subdivisions 22-24	421,819	353,840	0	83,88	42,182
DK	SPR/3BCD-C	Sprat	Union waters of Subdivisions 22-32	27307,558	24577,085	0	90,00	2730,473

Country ID	Stock Id	Species	Zone name	Final Quota 2018 ( <sup>1</sup> ) (in tonnes)	Catches 2018 (in tonnes)	Special condition ( <sup>2</sup> ) catches 2018 (in tonnes)	% final quota	Transferred quantity (in tonnes)
DK	WHB/*05-F.	Blue whiting	Faroese waters (special condition to WHB/1X14)	541,606	0	0	0	54,161
DK	WHG/2AC4.	Whiting	4; Union waters of 2a	1953,310	171,491	67,004	12,21	195,331
DK	WHG/7X7A-C	Whiting	7b, 7c, 7d, 7e, 7f, 7g, 7h, 7j and 7k	1,000	0,794	0	79,40	0,100
EE	BLI/5B67-	Blue ling	Union and international waters of 5b, 6 and 7	18,880	0	0	0	1,888
EE	HER/03D.RG	Herring	Subdivision 28.1	13170,008	12520,836	0	95,07	649,172
EE	HER/3D-R30	Herring	Union waters of Subdivisions 25-27, 28.2, 29 and 32	26957,499	22205,217	0	82,37	2695,750
EE	SPR/3BCD-C	Sprat	Union waters of Subdivisions 22-32	31084,876	29625,552	0	95,31	1459,324
ES	ALF/3X14-	Alfonsinos	Union and international waters of III, IV, V, VI, VII, VIII, IX, X, XII and XIV	80,320	72,044	0	89,70	8,032
ES	ANE/08.	Anchovy	8	27753,493	27614,827	0	99,50	138,666
ES	ANF/8C3411	Anglerfish	8c, 9 and 10; Union waters of CECAF 34.1.1	3582,444	1536,966	0	42,90	358,244
ES	BLI/5B67-	Blue ling	Union and international waters of 5b, 6 and 7	396,998	134,928	0	33,99	39,700
ES	BSF/56712-	Black scabbardfish	Union and international waters of V, VI, VII and XII	295,428	258,682	0	87,56	29,543
ES	BSF/8910-	Black scabbardfish	Union and international waters of VIII, IX and X	74,478	66,582	0	89,40	7,448
ES	GHL/2A-C46	Greenland halibut	Union waters of 2a and 4; Union and international waters of 5b and 6	68,535	30,194	0	44,06	6,854
ES	HAD/5BC6A.	Haddock	Union and international waters of 6b and 6a	31,107	27,332	0	87,86	3,111
ES	HER/*25B-F	Herring	2, 5b north of 62° N (Faroese waters) (special condition to HER/1/2-)	5,000	0	0	0	0,500

Country ID	Stock Id	Species	Zone name	Final Quota 2018 ( <sup>(1)</sup> ) (in tonnes)	Catches 2018 (in tonnes)	Special condition ( <sup>(2)</sup> ) catches 2018 (in tonnes)	% final quota	Transferred quantity (in tonnes)
ES	HER/1/2-	Herring	Union, Faroese, Norwegian and international waters of 1 and 2	35,432	0	0	0	3,543
ES	HKE/*57-14	Hake	6 and 7; Union and international waters of 5b; international waters of 12 and 14 (special condition to HKE/8ABDE.)	4219,400	2378,000	0	56,36	421,940
ES	HKE/*8ABDE	Hake	8a, 8b, 8d and 8e (special condition to HKE/571214)	3325,230	216,000	0	6,50	332,523
ES	HKE/8ABDE.	Hake	8a, 8b, 8d and 8e	14913,441	8889,383	2378,000	75,55	1491,344
ES	HKE/8C3411	Hake	8c, 9 and 10; Union waters of CECAF 34.1.1	7591,567	6466,076	0	85,17	759,157
ES	JAX/*08C	Horse mackerel	8c (special condition to JAX/09.)	2323,177	2090,000	0	89,96	232,318
ES	JAX/*08C2.	Horse mackerel and associated by-catches	8c (special condition to JAX/2A-14)	8227,267	7400,000	0	89,94	822,727
ES	JAX/*09.	Horse mackerel	9 (special condition to JAX/08C.)	784,528	0	0	0	78,453
ES	JAX/08C.	Horse mackerel	8c	15692,080	12235,671	0	77,97	1569,208
ES	JAX/09.	Horse mackerel	9	24863,885	16575,953	2090,000	75,07	2486,389
ES	JAX/2A-14	Horse mackerel and associated by-catches	Union waters of 2a, 4a; 6, 7a-c, 7e-k, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 12 and 14	9789,557	477,878	7400,000	80,47	978,956
ES	LEZ/*8ABDE.	Megrimms	8a, 8b, 8d and 8e (special condition to LEZ/07.)	836,250	37,834	0	4,52	83,625
ES	LEZ/56-14	Megrimms	Union and international waters of 5b; 6; international waters of 12 and 14	688,040	323,245	0	46,98	68,804
ES	LEZ/8ABDE.	Megrimms	8a, 8b, 8d and 8e	551,524	507,491	0	92,02	44,033



Country ID	Stock Id	Species	Zone name	Final Quota 2018 ( <sup>1</sup> ) (in tonnes)	Catches 2018 (in tonnes)	Special condition ( <sup>2</sup> ) catches 2018 (in tonnes)	% final quota	Transferred quantity (in tonnes)
ES	LEZ/8C3411	Megrimms	8c, 9 and 10; Union waters of CECAF 34.1.1	1 349,508	847,038	0	62,77	134,951
ES	MAC/*08B.	Mackerel	8b (special condition to MAC/8C3411)	2936,352	0	0	0	293,635
ES	MAC/*8ABD.	Mackerel	8a, 8b and 8d (special condition to MAC/8C3411)	8741,172	0	0	0	874,117
ES	MAC/2CX14-	Mackerel	6, 7, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 2a, 12 and 14	1511,801	1311,468	0	86,75	151,180
ES	MAC/8C3411	Mackerel	8c, 9 and 10; Union waters of CECAF 34.1.1	30008,507	28784,005	0	95,92	1224,502
ES	NEP/07.	Norway lobster	7	1693,642	27,263	158,375	10,96	169,364
ES	NEP/5BC6.	Norway lobster	6; Union and international waters of 5b	109,962	0,061	0	0,06	10,996
ES	NEP/8ABDE.	Norway lobster	8a, 8b, 8d and 8e	36,451	0	0	0	3,645
ES	OTH/*08C2	By-catches of boarfish and whiting	8c (special condition to JAX/2A-14)	284,008	0	0	0	28,401
ES	OTH/*2A-14	By-catches of boarfish, had-dock, whiting and mackerel	Union waters of 2a, 4a; 6, 7a-c, 7e-k, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 12 and 14 (special condition to JAX/2A-14)	568,015	0	0	0	56,802
ES	POK/56-14	Saithe	6; Union and international waters of 5b, 12 and 14	19,288	6,772	0	35,11	1,929
ES	RHG/5B67-	Roughhead grenadier	Union and international waters of Vb, VI and VII (special condition to RNG/5B67-)	0,500	0	0	0	0,050
ES	RHG/8X14-	Roughhead grenadier	Union and international waters of VIII, IX, X, XII and XIV (special condition to RNG/8X14-)	15,080	0	0	0	1,508

Country ID	Stock Id	Species	Zone name	Final Quota 2018 ( <sup>1</sup> ) (in tonnes)	Catches 2018 (in tonnes)	Special condition ( <sup>2</sup> ) catches 2018 (in tonnes)	% final quota	Transferred quantity (in tonnes)
ES	RNG/*5B67-	Roundnose grenadier	Union and international waters of Vb, VI and VII (special condition to RNG/8X14-)	153,200	0	0	0	15,320
ES	RNG/*8X14-	Roundnose grenadier	Union and international waters of VIII, IX, X, XII and XIV (special condition to RNG/5B67-)	5,780	0	0	0	0,578
ES	RNG/5B67-	Roundnose grenadier	Union and international waters of Vb, VI and VII	396,891	285,910	0	72,04	39,689
ES	RNG/8X14-	Roundnose grenadier	Union and international waters of VIII, IX, X, XII and XIV	2289,293	924,220	0	40,37	228,929
ES	SBR/09-	Red seabream	Union and international waters of IX	101,722	30,106	11,496	40,90	10,172
ES	SBR/10-	Red seabream	Union and international waters of X	5,557	0	0	0	0,556
ES	SBR/678-	Red seabream	Union and international waters of VI, VII and VIII	115,150	107,872	0	93,68	7,278
ES	SOL/8AB.	Common sole	8a and 8b	8,132	7,837	0	96,37	0,295
ES	WHB/*05-F.	Blue whiting	Faroese waters (special condition to WHB/1X14)	1343,510	0	0	0	134,351
ES	WHB/1X14	Blue whiting	Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14	853,297	766,876	0	89,87	85,330
ES	WHB/8C3411	Blue whiting	8c, 9 and 10; Union waters of CECAF 34.1.1	47848,098	21175,883	0	44,26	4784,810
ES	WHG/56-14	Whiting	6; Union and international waters of 5b; international waters of 12 and 14	0,031	0	0	0	0,003
FI	HER/30/31.	Herring	Subdivisions 30-31	92351,839	80970,999	0	87,68	9235,184
FI	HER/3D-R30	Herring	Union waters of subdivisions 25-27, 28, 2, 29 and 32	54745,026	45908,600	0	83,86	5474,503
FR	ALF/3X14-	Alfonsinos	Union and international waters of III, IV, V, VI, VII, VIII, IX, X, XII and XIV	18,900	14,757	0	78,08	1,890

Country ID	Stock Id	Species	Zone name	Final Quota 2018 ( <sup>1</sup> ) (in tonnes)	Catches 2018 (in tonnes)	Special condition ( <sup>2</sup> ) catches 2018 (in tonnes)	% final quota	Transferred quantity (in tonnes)
FR	ANE/08.	Anchovy	8	5609,698	3141,550	0	56	560,970
FR	ANF/8C3411	Anglerfish	8c, 9 and 10; Union waters of CECAF 34.1.1	58,878	28,689	0	48,73	5,888
FR	BLI/5B67-	Blue ling	Union and international waters of 5b, 6 and 7	8776,985	1324,221	0	15,09	877,699
FR	BSF/56712-	Black scabbard-fish	Union and international waters of V, VI, VII and XII	2425,944	1605,352	0	66,17	242,594
FR	BSF/8910-	Black scabbard-fish	Union and international waters of VIII, IX and X	25,922	9,735	0	37,55	2,592
FR	COD/07A.	Cod	7a	25,711	0	0	0	2,571
FR	COD/07D.	Cod	7d	1642,038	35,052	0	2,13	164,204
FR	COD/2A3AX4	Cod	4; Union waters of 2a; that part of 3a not covered by the Skagerrak and Kattegat	1603,130	588,390	0	36,70	160,313
FR	COD/7XAD34	Cod	7b, 7c, 7e-k, 8, 9 and 10; Union waters of CECAF 34.1.1	2202,064	519,775	0	23,60	220,206
FR	GHL/2A-C46	Greenland halibut	Union waters of 2a and 4; Union and international waters of 5b and 6	363,442	189,970	0	52,27	36,344
FR	HAD/*2AC4.	Haddock	4; Union waters of 2a (special condition to HAD/5BC6A).	27,740	0	0	0	2,774
FR	HAD/07A.	Haddock	7a	201,850	0	0	0	20,185
FR	HAD/2AC4.	Haddock	4; Union waters of 2a	920,140	203,465	0	22,11	92,014
FR	HAD/5BC6A.	Haddock	Union and international waters of 6b and 6a	269,542	66,170	0	24,55	26,954
FR	HAD/6B1214	Haddock	Union and international waters of 6b, 12 and 14	599,411	0	0	0	59,941
FR	HER/*04B.	Herring	4b (special condition to HER/4CXB7D)	9065,005	3051,996	0	33,67	906,501
FR	HER/*25B-F	Herring	2, 5b north of 62° N (Farøese waters) (special condition to HER/1/2-)	59,000	0	0	0	5,900

Country ID	Stock Id	Species	Zone name	Final Quota 2018 ( <sup>(1)</sup> ) (in tonnes)	Catches 2018 (in tonnes)	Special condition ( <sup>(2)</sup> ) catches 2018 (in tonnes)	% final quota	Transferred quantity (in tonnes)
FR	HER/1/2-	Herring	Union, Faroese, Norwegian and international waters of 1 and 2	0,200	0	0	0	0,020
FR	HER/2A47DX	Herring	4, 7d and Union waters of 2a	54,328	0	0	0	5,433
FR	HER/4AB.	Herring	Union and Norwegian waters of 4 north of 53° 30' N	19509,994	17531,200	0	89,86	1950,999
FR	HER/4CXB7D	Herring	4c, 7d except Blackwater stock	17904,656	10731,228	3051,996	76,98	1790,466
FR	HER/7G-K.	Herring	7g, 7h, 7j and 7k	680,299	2,006	0	0,29	68,030
FR	HKE/*03A.	Hake	3a (special condition to HKE/2AC4-C)	52,277	0	0	0	5,228
FR	HKE/*57-14	Hake	6 and 7; Union and international waters of 5b; international waters of 12 and 14 (special condition to HKE/8ABDE.)	7601,051	0	0	0	760,105
FR	HKE/*8ABDE	Hake	8a, 8b, 8d and 8e (special condition to HKE/571214)	3326,972	0	0	0	332,697
FR	HKE/2AC4-C	Hake	Union waters of 2a and 4	2978,608	2691,260	0	90,35	287,348
FR	HKE/571214	Hake	6 and 7; Union and international waters of 5b; international waters of 12 and 14	29082,551	19815,129	0	68,13	2908,255
FR	HKE/8ABDE.	Hake	8a, 8b, 8d and 8e	32401,216	16408,122	0	50,64	3240,122
FR	HKE/8C3411	Hake	8c, 9 and 10; Union waters of CECAF 34.1.1	341,118	59,875	0	17,55	34,112
FR	JAX/08C.	Horse mackerel	8c	271,524	1,303	0	0,48	27,152
FR	LEZ/*8ABDE.	Megrims	8a, 8b, 8d and 8e (special condition to LEZ/07.)	1402,705	686,214	0	48,92	140,271
FR	LEZ/07.	Megrims	7	5361,809	3441,945	686,214	76,99	536,181
FR	LEZ/2AC4-C	Megrims	Union waters of 2a and 4	81,961	69,068	0	84,27	8,196
FR	LEZ/56-14	Megrims	Union and international waters of 5b; 6; international waters of 12 and 14	2644,947	117,242	0	4,43	264,495

Country ID	Stock Id	Species	Zone name	Final Quota 2018 ( <sup>1</sup> ) (in tonnes)	Catches 2018 (in tonnes)	Special condition ( <sup>2</sup> ) catches 2018 (in tonnes)	% final quota	Transferred quantity (in tonnes)
FR	LEZ/8ABDE.	Megrims	8a, 8b, 8d and 8e	805,879	717,271	0	89	80,588
FR	LEZ/8C3411	Megrims	8c, 9 and 10; Union waters of CECAF 34.1.1	49,972	1,468	0	2,94	4,997
FR	MAC/*02AN-	Mackerel	Norwegian waters of 2a (special condition to MAC/2A34.)	248,100	0	0	0	24,810
FR	MAC/*08B.	Mackerel	8b (special condition to MAC/8C3411)	19,312	0	0	0	1,931
FR	MAC/*2AN-	Mackerel	Norwegian waters of 2a (special condition to MAC/2CX14-)	1264,400	0	0	0	126,440
FR	MAC/*8ABD.	Mackerel	8a, 8b and 8d (special condition to MAC/8C3411)	58,355	0	0	0	5,836
FR	MAC/*FRO1	Mackerel	Faroese waters (special condition to MAC/2A34.)	252,800	0	0	0	25,280
FR	MAC/*FRO2	Mackerel	Faroese waters (special condition to MAC/2CX14-)	1292,800	0	0	0	129,280
FR	MAC/8C3411	Mackerel	8c, 9 and 10; Union waters of CECAF 34.1.1	232,094	107,926	0	46,50	23,209
FR	NEP/*07U16	Norway lobster	Functional Unit 16 of ICES Subarea 7 (special condition to NEP/07.)	118,556	0	0	0	11,856
FR	NEP/07.	Norway lobster	7	7742,863	285,176	0	3,68	774,286
FR	NEP/2AC4-C	Norway lobster	Union waters of 2a and 4	162,840	71,701	0	44,03	16,284
FR	NEP/5BC6.	Norway lobster	6; Union and international waters of 5b	112,769	0	0	0	11,277
FR	NEP/8ABDE.	Norway lobster	8a, 8b, 8d and 8e	4005,488	2172,779	0	54,25	400,549
FR	PLE/07A.	Plaice	7a	21,334	0	0	0	2,133
FR	PLE/2A3AX4	Plaice	4; Union waters of 2a; that part of 3a not covered by the Skagerrak and the Kattegat	1364,114	112,278	0	8,23	136,411
FR	PLE/7DE.	Plaice	7d and 7e	5908,607	2288,899	0	38,74	590,861
FR	POK/2C3A4.	Saithe	3a and 4; Union waters of 2a	24225,974	13434,241	0	55,45	2422,597

Country ID	Stock Id	Species	Zone name	Final Quota 2018 ( <sup>1</sup> ) (in tonnes)	Catches 2018 (in tonnes)	Special condition ( <sup>2</sup> ) catches 2018 (in tonnes)	% final quota	Transferred quantity (in tonnes)
FR	POK/56-14	Saithe	6; Union and international waters of 5b, 12 and 14	6204,164	3652,773	0	58,88	620,416
FR	RNG/*5B67-	Roundnose grenadier	Union and international waters of Vb, VI and VII (special condition to RNG/8X14-)	7,891	0	0	0	0,789
FR	RNG/*8X14-	Roundnose grenadier	Union and international waters of VIII, IX, X, XII and XIV (special condition to RNG/5B67-)	285,718	0	0	0	28,572
FR	RNG/5B67-	Roundnose grenadier	Union and international waters of Vb, VI and VII	2857,182	173,520	7,392	6,33	285,718
FR	RNG/8X14-	Roundnose grenadier	Union and international waters of VIII, IX, X, XII and XIV	78,911	0,007	0,22	0,29	7,891
FR	SBR/678-	Red seabream	Union and international waters of VI, VII and VIII	23,448	23,234	0	99,09	0,214
FR	SOL/07E.	Common sole	7e	334,045	216,604	0	64,84	33,405
FR	SOL/7FG.	Common sole	7f and 7g	65,428	44,107	0	67,41	6,543
FR	SOL/8AB.	Common sole	8a and 8b	3585,061	3164,801	0	88,28	358,506
FR	WHB/*05-F	Blue whiting	Faroese waters (special condition to WHB/1X14)	3601,250	1266,963	0	35,18	360,125
FR	WHG/07A.	Whiting	7a	3,332	0	0	0	0,333
FR	WHG/2AC4.	Whiting	4; Union waters of 2a	3083,670	917,760	0	29,76	308,367
FR	WHG/56-14	Whiting	6; Union and international waters of 5b; international waters of 12 and 14	17,371	1,872	0	10,78	1,737
FR	WHG/7X7A-C	Whiting	7b, 7c, 7d, 7e, 7f, 7g, 7h, 7j and 7k	15439,494	6385,566	0	41,36	1543,949
IE	BLI/5B67-	Blue ling	Union and international waters of 5b, 6 and 7	33,345	0	0	0	3,335
IE	BSF/56712-	Black scabbardfish	Union and international waters of V, VI, VII and XII	2,011	0	0	0	0,201
IE	COD/07A.	Cod	7a	467,076	106,470	0	22,80	46,708

Country ID	Stock Id	Species	Zone name	Final Quota 2018 ( <sup>(1)</sup> ) (in tonnes)	Catches 2018 (in tonnes)	Special condition ( <sup>(2)</sup> ) catches 2018 (in tonnes)	% final quota	Transferred quantity (in tonnes)
IE	COD/7XAD34	Cod	7b, 7c, 7e-k, 8, 9 and 10; Union waters of CECAF 34.1.1	837,095	729,354	0	87,13	83,710
IE	GHL/2A-C46	Greenland halibut	Union waters of 2a and 4; Union and international waters of 5b and 6	1,128	0	0	0	0,113
IE	HER/1/2-	Herring	Union, Faroese, Norwegian and international waters of 1 and 2	2698,699	2428,484	0	89,99	269,870
IE	HER/4AB.	Herring	Union and Norwegian waters of 4 north of 53° 30' N	572,884	515,034	0	89,90	57,288
IE	HER/7G-K.	Herring	7g, 7h, 7j and 7k	10179,707	4187,598	0	41,14	1017,971
IE	JAX/2A-14	Horse mackerel and associated by-catches	Union waters of 2a, 4a; 6, 7a-c, 7e-k, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 12 and 14	28162,832	25347,148	0	90	2815,684
IE	LEZ/07.	Megrims	7	2487,151	2239,119	0	90,03	248,032
IE	LEZ/56-14	Megrims	Union and international waters of 5b; 6; international waters of 12 and 14	822,448	740,908	0	90,09	81,540
IE	MAC/*2AN-	Mackerel	Norwegian waters of 2a (special condition to MAC/2CX14-)	6399,754	0	0	0	639,975
IE	MAC/*4A-EN	Mackerel	Union waters of 2a; Union and Norwegian waters of 4a (special condition to MAC/2CX14-)	47004,647	24566,516	0	52,26	4700,465
IE	MAC/*FRO2	Mackerel	Faroese waters (special condition to MAC/2CX14-)	6523,620	0	0	0	652,362
IE	NEP/5BC6.	Norway lobster	6; Union and international waters of 5b	188,645	65,099	0	34,51	18,865
IE	PLE/07A.	Plaice	7a	1334,634	320,468	0	24,01	133,463
IE	POK/56-14	Saithe	6; Union and international waters of 5b, 12 and 14	365,688	231,486	0	63,30	36,569

Country ID	Stock Id	Species	Zone name	Final Quota 2018 ( <sup>1</sup> ) (in tonnes)	Catches 2018 (in tonnes)	Special condition ( <sup>2</sup> ) catches 2018 (in tonnes)	% final quota	Transferred quantity (in tonnes)
IE	RHG/5B67-	Roughhead grenadier	Union and international waters of Vb, VI and VII (special condition to RNG/5B67-)	2,030	0	0	0	0,203
IE	RHG/8X14-	Roughhead grenadier	Union and international waters of VIII, IX, X, XII and XIV (special condition to RNG/8X14-)	0,030	0	0	0	0,003
IE	RNG/5B67-	Roundnose grenadier	Union and international waters of Vb, VI and VII	33,100	0,006	0	0,02	3,310
IE	RNG/8X14-	Roundnose grenadier	Union and international waters of VIII, IX, X, XII and XIV	3,455	0	0	0	0,346
IE	WHB/1X14	Blue whiting	Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14	54899,543	49902,733	0	90,90	4996,810
IE	WHG/07A.	Whiting	7a	50,595	43,540	0	86,06	5,060
IE	WHG/7X7A-C	Whiting	7b, 7c, 7d, 7e, 7f, 7g, 7h, 7j and 7k	6977,282	4633,955	0	66,41	697,728
NL	COD/03AN.	Cod	Skagerrak	75,010	57,875	0	77,16	7,501
NL	COD/07A.	Cod	7a	2,000	0	0	0	0,200
NL	COD/07D.	Cod	7d	48,615	8,135	0	16,73	4,862
NL	COD/2A3AX4	Cod	4; Union waters of 2a; that part of 3a not covered by the Skagerrak and Kattegat	1690,786	345,580	130,330	28,15	169,079
NL	COD/7XAD34	Cod	7b, 7c, 7e-k, 8, 9 and 10; Union waters of CECAF 34.1.1	1,016	0,456	0	44,88	0,102
NL	GHL/2A-C46	Greenland halibut	Union waters of 2a and 4; Union and international waters of 5b and 6	2,625	1,474	0	56,15	0,263
NL	HAD/03A.	Haddock	3a	4,056	3,968	0	97,83	0,088
NL	HAD/2AC4.	Haddock	4; Union waters of 2a	194,495	49,814	50,640	51,65	19,450
NL	HAD/7X7A34	Haddock	7b-k, 8, 9 and 10; Union waters of CECAF 34.1.1	7,410	7,338	0	99,03	0,072



Country ID	Stock Id	Species	Zone name	Final Quota 2018 ( <sup>1</sup> ) (in tonnes)	Catches 2018 (in tonnes)	Special condition ( <sup>2</sup> ) catches 2018 (in tonnes)	% final quota	Transferred quantity (in tonnes)
NL	HER/1/2-	Herring	Union, Faroese, Norwegian and international waters of 1 and 2	4368,591	3642,760	503,600	94,91	222,231
NL	HER/2A47DX	Herring	4, 7d and Union waters of 2a	103,262	32,390	0	31,37	10,326
NL	HER/4AB.	Herring	Union and Norwegian waters of 4 north of 53° 30' N	83660,191	78157,441	0	93,42	5502,750
NL	HER/7G-K.	Herring	7g, 7h, 7j and 7k	829,198	438,964	0	52,94	82,920
NL	HKE/2AC4-C	Hake	Union waters of 2a and 4	125,105	39,437	8,958	38,68	12,511
NL	HKE/571214	Hake	6 and 7; Union and international waters of 5b; international waters of 12 and 14	1484,812	429,868	0	28,95	148,481
NL	HKE/8ABDE.	Hake	8a, 8b, 8d and 8e	42,278	0	0	0	4,228
NL	JAX/2A-14	Horse mackerel and associated by-catches	Union waters of 2a, 4a; 6, 7a-c, 7e-k, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 12 and 14	36350,487	25344,290	2414,244	76,36	3635,049
NL	LEZ/2AC4-C	Megrims	Union waters of 2a and 4	13,520	4,324	0	31,98	1,352
NL	MAC/2CX14-	Mackerel	6, 7, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 2a, 12 and 14	26986,657	13030,288	12579,712	94,90	1376,657
NL	MAC/8C3411	Mackerel	8c, 9 and 10; Union waters of CECAF 34.1.1	358,677	0	356,478	99,39	2,199
NL	NEP/2AC4-C	Norway lobster	Union waters of 2a and 4	1164,977	826,308	0	70,93	116,498
NL	PLE/03AN.	Plaice	Skagerrak	2578,720	1526,370	0	59,19	257,872
NL	PLE/07A.	Plaice	7a	0,995	0	0	0	0,100
NL	PLE/2A3AX4	Plaice	4; Union waters of 2a; that part of 3a not covered by the Skagerrak and the Kattegat	51466,950	22658,378	0	44,03	5146,695
NL	PLE/7DE.	Plaice	7d and 7e	105,249	94,435	0	89,73	10,525

Country ID	Stock Id	Species	Zone name	Final Quota 2018 ( <sup>(1)</sup> ) (in tonnes)	Catches 2018 (in tonnes)	Special condition ( <sup>(2)</sup> ) catches 2018 (in tonnes)	% final quota	Transferred quantity (in tonnes)
NL	POK/56-14	Saithe	6; Union and international waters of 5b, 12 and 14	117,145	100,261	0	85,59	11,715
NL	SOL/24-C.	Common sole	Union waters of 2a and 4	12852,955	8335,970	0	64,86	1285,296
NL	SOL/3ABC24	Common sole	3a; Union waters of Subdivisions 22-24	40,647	40,574	0	99,82	0,073
NL	WHG/2AC4.	Whiting	4; Union waters of 2a	1188,600	647,804	1,364	54,62	118,860
NL	WHG/7X7A-C	Whiting	7b, 7c, 7d, 7e, 7f, 7g, 7h, 7j and 7k	553,243	494,265	0	89,34	55,324
PL	HER/3D-R30	Herring	Union waters of Subdivisions 25-27, 28.2, 29 and 32	58775,811	49537,492	0	84,28	5877,581
PL	SPR/3BCD-C	Sprat	Union waters of Subdivisions 22-32	77568,491	74151,750	0	95,60	3416,741
PT	ANF/8C3411	Anglerfish	8c, 9 and 10; Union waters of CECAF 34.1.1	726,896	435,799	0	59,95	72,690
PT	BSF/8910-	Black scabbardfish	Union and international waters of VIII, IX and X	3267,934	1827,440	0	55,92	326,793
PT	HER/1/2-	Herring	Union, Faroese, Norwegian and international waters of 1 and 2	0,431	0	0	0	0,043
PT	HKE/8C3411	Hake	8c, 9 and 10; Union waters of CECAF 34.1.1	2474,241	1741,283	0	70,38	247,424
PT	JAX/08C.	Horse mackerel	8c	1549,963	532,237	0	34,34	154,996
PT	JAX/09.	Horse mackerel	9	38774,125	19225,896	0	49,58	3877,413
PT	JAX/2A-14	Horse mackerel and associated by-catches	Union waters of 2a, 4a; 6, 7a-c, 7e-k, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 12 and 14	0,402	0	0	0	0,040
PT	LEZ/8C3411	Megrims	8c, 9 and 10; Union waters of CECAF 34.1.1	101,084	90,764	0	89,79	10,108
PT	MAC/8C3411	Mackerel	8c, 9 and 10; Union waters of CECAF 34.1.1	5704,935	4924,715	0	86,32	570,494

Country ID	Stock Id	Species	Zone name	Final Quota 2018 ( <sup>(1)</sup> ) (in tonnes)	Catches 2018 (in tonnes)	Special condition ( <sup>(2)</sup> ) catches 2018 (in tonnes)	% final quota	Transferred quantity (in tonnes)
PT	SBR/09-	Red Sea bream	Union and international waters of IX	71,122	68,156	0,018	95,86	2,948
PT	SBR/10-	Red Sea bream	Union and international waters of X	531,232	447,739	0	84,28	53,123
PT	WHB/1X14	Blue whiting	Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14	1,455	0	0	0	0,146
PT	WHB/8C3411	Blue whiting	8c, 9 and 10; Union waters of CECAF 34.1.1	11796,303	3800,215	0	32,22	1179,630
SE	COD/03AN.	Cod	Skagerrak	1166,102	670,240	0	57,48	116,610
SE	COD/2A3AX4	Cod	4; Union waters of 2a; that part of 3a not covered by the Skagerrak and Kattegat	53,451	38,929	0	72,83	5,345
SE	HAD/03A.	Haddock	3a	268,679	142,556	0	53,06	26,868
SE	HAD/2AC4.	Haddock	4; Union waters of 2a	183,231	8,009	0	4,37	18,323
SE	HER/03A.	Herring	3a	31381,211	17325,858	11832,339	92,92	2223,014
SE	HER/03A-BC	Herring	3a	1016,770	56,020	0	5,51	101,677
SE	HER/1/2-	Herring	Union, Faroese, Norwegian and international waters of 1 and 2	485,797	0	445,006	91,60	40,791
SE	HER/2A47DX	Herring	4, 7d and Union waters of 2a	150,764	123,430	0	81,87	15,076
SE	HER/30/31.	Herring	Subdivisions 30-31	18918,855	16508,830	0	87,26	1891,886
SE	HER/3D-R30	Herring	Union waters of Subdivisions 25-27, 28.2, 29 and 32	74627,970	68722,415	0	92,09	5905,555
SE	HER/4AB.	Herring	Union and Norwegian waters of 4 north of 53° 30' N	7343,533	6646,200	19,179	90,77	678,154
SE	HKE/03A.	Hake	3a	274,946	78,758	0	28,64	27,495

Country ID	Stock Id	Species	Zone name	Final Quota 2018 ( <sup>1</sup> ) (in tonnes)	Catches 2018 (in tonnes)	Special condition ( <sup>2</sup> ) catches 2018 (in tonnes)	% final quota	Transferred quantity (in tonnes)
SE	JAX/2A-14	Horse mackerel and associated by-catches	Union waters of 2a, 4a; 6, 7a-c, 7e-k, 8a, 8b, 8d and 8e; Union and inter- national waters of 5b; international waters of 12 and 14	112,694	0	0	0	11,269
SE	MAC/2A34.	Mackerel	3a and 4; Union waters of 2a, 3b, 3c and Subdivisions 22-32	4170,545	3693,855	366,487	97,36	110,203
SE	NEP/03A.	Norway lobster	3a	3451,775	1860,111	0	53,89	345,178
SE	PLE/03AN.	Plaice	Skagerrak	718,510	79,231	0	11,03	71,851
SE	PLE/03AS.	Plaice	Kattegat	173,750	51,410	0	29,59	17,375
SE	PLE/3BCD-C	Plaice	Union waters of Subdivisions 22-32	147,281	37,491	0	25,46	14,728
SE	POK/2C3A4.	Saithe	3a and 4; Union waters of 2a	660,527	555,178	0	84,05	66,053
SE	SOL/3ABC24	Common sole	3a; Union waters of Subdivisions 22-24	28,978	16,027	0	55,31	2,898
SE	SPR/3BCD-C	Sprat	Union waters of Subdivisions 22-32	53773,703	49133,279	0	91,37	4640,424
SE	WHB/1X14	Blue whiting	Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14	44,306	33,953	0	76,63	4,431
SE	WHG/2AC4.	Whiting	4; Union waters of 2a	15,320	3,465	0	22,62	1,532
UK	ALF/3X14-	Alfonsinos	Union and international waters of III, IV, V, VI, VII, VIII, IX, X, XII and XIV	5,411	0,612	0	11,31	0,541
UK	BLI/5B67-	Blue ling	Union and international waters of 5b, 6 and 7	2233,992	736,689	0	32,98	223,399
UK	BSF/56712-	Black scabbard- fish	Union and international waters of V, VI, VII and XII	167,739	65,445	0	39,02	16,774
UK	COD/07A.	Cod	7a	205,556	128,097	0	62,32	20,556
UK	COD/07D.	Cod	7d	185,868	38,817	0	20,88	18,587

Country ID	Stock Id	Species	Zone name	Final Quota 2018 ( <sup>(1)</sup> ) (in tonnes)	Catches 2018 (in tonnes)	Special condition ( <sup>(2)</sup> ) catches 2018 (in tonnes)	% final quota	Transferred quantity (in tonnes)
UK	COD/2A3AX4	Cod	4; Union waters of 2a; that part of 3a not covered by the Skagerrak and Kattegat	23416,836	19321,906	1804,817	90,22	2290,113
UK	COD/7XAD34	Cod	7b, 7c, 7e-k, 8, 9 and 10; Union waters of CECAF 34.1.1	248,249	132,517	0	53,38	24,825
UK	GHL/2A-C46	Greenland halibut	Union waters of 2a and 4; Union and international waters of 5b and 6	1071,439	65,285	0	6,09	107,144
UK	HAD/*2AC4.	Haddock	4; Union waters of 2a (special condition to HAD/5BC6A)	391,190	0	0	0	39,119
UK	HAD/07A.	Haddock	7a	1810,143	1584,939	0	87,56	181,014
UK	HAD/2AC4.	Haddock	4; Union waters of 2a	30920,425	22478,756	3415,515	83,74	3092,043
UK	HAD/5BC6A.	Haddock	Union and international waters of 6b and 6a	3922,369	3421,950	0	87,24	392,237
UK	HAD/6B1214	Haddock	Union and international waters of 6b, 12 and 14	4233,960	3418,035	0	80,73	423,396
UK	HAD/7X7A34	Haddock	7b-k, 8, 9 and 10; Union waters of CECAF 34.1.1	648,573	581,600	0	89,67	64,857
UK	HER/*04B.	Herring	4b (special condition to HER/4CXB7D)	3549,817	2533,400	0	71,37	354,982
UK	HER/*25B-F	Herring	2, 5b north of 62° N (Faroe waters) (special condition to HER/1/2-)	382,400	0	0	0	38,240
UK	HER/07A/MM	Herring	7a	5584,566	5508,041	0	98,63	76,525
UK	HER/1/2-	Herring	Union, Faroese, Norwegian and international waters of 1 and 2	2601,099	2581,562	0	99,25	19,537
UK	HER/2A4DX	Herring	4, 7d and Union waters of 2a	199,376	23,562	0	11,82	19,938
UK	HER/4CXB7D	Herring	4c, 7d except Blackwater stock	6786,004	4039,171	2533,400	96,85	213,433
UK	HER/7G-K.	Herring	7g, 7h, 7j and 7k	51,050	0,063	0	0,12	5,105

Country ID	Stock Id	Species	Zone name	Final Quota 2018 ( <sup>1</sup> ) (in tonnes)	Catches 2018 (in tonnes)	Special condition ( <sup>2</sup> ) catches 2018 (in tonnes)	% final quota	Transferred quantity (in tonnes)
UK	HKE/*03A.	Hake	3a (special condition to HKE/2AC4-C)	65,800	0	0	0	6,580
UK	HKE/*8ABDE	Hake	8a, 8b, 8d and 8e (special condition to HKE/571214)	1871,240	198,275	0	10,60	187,124
UK	HKE/2AC4-C	Hake	Union waters of 2a and 4	5902,584	5233,715	0	88,67	590,258
UK	HKE/571214	Hake	6 and 7; Union and international waters of 5b; international waters of 12 and 14	8262,851	5157,358	198,275	64,82	826,285
UK	HKE/8ABDE.	Hake	8a, 8b, 8d and 8e	0,680	0	0	0	0,068
UK	JAX/*07D.	Horse mackerel and associated by-catches	7d (special condition to JAX/2A-14)	507,542	507,000	0	99,89	0,542
UK	JAX/*4BC7D	Horse mackerel and associated by-catches	Union waters of 4b, 4c and 7d (special condition to JAX/2A-14)	507,642	0	0	0	50,764
UK	JAX/2A-14	Horse mackerel and associated by-catches	Union waters of 2a, 4a; 6, 7a-c, 7e-k, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 12 and 14	7674,152	3852,256	587,000	57,85	767,415
UK	LEZ/*8ABDE.	Megrims	8a, 8b, 8d and 8e (special condition to LEZ/07.)	50,250	0	0	0	5,025
UK	LEZ/07.	Megrims	7	2721,795	2487,659	0	91,40	234,136
UK	LEZ/2AC4-C	Megrims	Union waters of 2a and 4	2639,368	1524,915	0	57,78	263,937
UK	LEZ/56-14	Megrims	Union and international waters of 5b; 6; international waters of 12 and 14	1899,925	940,595	0	49,51	189,993
UK	MAC/*02AN-	Mackerel	Norwegian waters of 2a (special condition to MAC/2A34.)	206,000	0	0	0	20,600
UK	MAC/*2AN-	Mackerel	Norwegian waters of 2a (special condition to MAC/2CX14-)	15480,000	0	0	0	1548,000
UK	MAC/*3A4BC	Mackerel	3a and 4bc (special condition to MAC/2A34.)	547,393	146,734	0	26,81	54,739

Country ID	Stock Id	Species	Zone name	Final Quota 2018 ( <sup>1</sup> ) (in tonnes)	Catches 2018 (in tonnes)	Special condition ( <sup>2</sup> ) catches 2018 (in tonnes)	% final quota	Transferred quantity (in tonnes)
UK	MAC/*4A-EN	Mackerel	Union waters of 2a; Union and Norwegian waters of 4a (special condition to MAC/2CX14-)	1 286 72,537	104 911,447	0	81,53	1 286 7,254
UK	MAC/*FRO1	Mackerel	Faroese waters (special condition to MAC/2A34-)	210,000	0	0	0	21,000
UK	MAC/*FRO2	Mackerel	Faroese waters (special condition to MAC/2CX14-)	1 579 8,000	0	0	0	1 579,800
UK	MAC/2A34-	Mackerel	3a and 4; Union waters of 2a, 3b, 3c and Subdivisions 22-32	3 180,208	291 7,823	146,734	96,36	115,651
UK	NEP/*07U16	Norway lobster	Functional Unit 16 of ICES Subarea 7 (special condition to NEP/07-)	457,090	432,479	0	94,62	24,611
UK	NEP/03A-	Norway lobster	3a	1,300	0	0	0	0,130
UK	NEP/07-	Norway lobster	7	10 588,315	5 484,596	432,479	55,88	10 58,832
UK	NEP/2AC4-C	Norway lobster	Union waters of 2a and 4	21 596,313	10 730,990	0	49,69	21 59,631
UK	NEP/5BC6-	Norway lobster	6; Union and international waters of 5b	13 539,462	88 74,038	0	65,54	13 53,946
UK	OTH/*07D-	By-catches of boardfish and whiting	7d (special condition to JAX/2A-14)	25,105	0	0	0	2,511
UK	OTH/*2A-14	By-catches of boardfish, had-dock, whiting and mackerel	Union waters of 2a, 4a; 6, 7a-c, 7e-k, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 12 and 14 (special condition to JAX/2A-14)	487,250	0	0	0	48,725
UK	PLE/07A-	Plaice	7a	489,056	64,473	0	13,18	48,906
UK	PLE/2A3AX4	Plaice	4; Union waters of 2a; that part of 3a not covered by the Skagerrak and the Kattegat	27 468,865	9 297,279	252,383	34,77	27 46,887
UK	PLE/7DE-	Plaice	7d and 7e	29 22,110	2 212,489	0	75,72	29 2,211
UK	POK/2C3A4-	Saithe	3a and 4; Union waters of 2a	13 537,370	12 466,169	0	92,09	10 71,201

Country ID	Stock Id	Species	Zone name	Final Quota 2018 ( <sup>1</sup> ) (in tonnes)	Catches 2018 (in tonnes)	Special condition ( <sup>2</sup> ) catches 2018 (in tonnes)	% final quota	Transferred quantity (in tonnes)
UK	POK/56-14	Saithe	6; Union and international waters of 5b, 12 and 14	3605,897	2763,892	0	76,65	360,590
UK	RHG/8X14-	Roughhead grenadier	Union and international waters of VIII, IX, X, XII and XIV (special condition to RNG/8X14-)	0,060	0	0	0	0,006
UK	RNG/*5B67-	Roundnose grenadier	Union and international waters of Vb, VI and VII (special condition to RNG/8X14-)	0,680	0	0	0	0,068
UK	RNG/*8X14-	Roundnose grenadier	Union and international waters of VIII, IX, X, XII and XIV (special condition to RNG/5B67-)	16,580	0	0	0	1,658
UK	RNG/5B67-	Roundnose grenadier	Union and international waters of Vb, VI and VII	167,964	5,952	7,588	8,06	16,796
UK	RNG/8X14-	Roundnose grenadier	Union and international waters of VIII, IX, X, XII and XIV	6,800	0	0	0	0,680
UK	SBR/10-	Red seabream	Union and international waters of X	5,500	0	0	0	0,550
UK	SBR/678-	Red seabream	Union and international waters of VI, VII and VIII	2,000	1,403	0	70,15	0,200
UK	SOL/07D.	Common sole	7d	474,422	392,920	0	82,82	47,442
UK	SOL/07E.	Common sole	7e	888,820	791,239	0	89,02	88,882
UK	SOL/24-C.	Common sole	Union waters of 2a and 4	734,583	431,525	0	58,74	73,458
UK	SOL/7FG.	Common sole	7f and 7g	194,130	171,026	0	88,10	19,413
UK	WHB/*05-F	Blue whiting	Faroese waters (special condition to WHB/1X14)	6597,700	0	0	0	659,770
UK	WHB/1X14	Blue whiting	Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14	74895,267	72884,194	0	97,31	2011,073
UK	WHG/07A.	Whiting	7a	33,681	18,857	0	55,99	3,368



Country ID	Stock Id	Species	Zone name	Final Quota 2018 ( <sup>(1)</sup> ) (in tonnes)	Catches 2018 (in tonnes)	Special condition ( <sup>(2)</sup> ) catches 2018 (in tonnes)	% final quota	Transferred quantity (in tonnes)
<b>UK</b>	WHG/2AC4.	Whiting	4; Union waters of 2a	14987,724	10210,170	435,341	71,03	1498,772
<b>UK</b>	WHG/7X7A-C	Whiting	7b, 7c, 7d, 7e, 7f, 7g, 7h, 7j and 7k	1852,626	876,852	0	47,33	185,263

(<sup>(1)</sup>) Quotas available to a Member State pursuant to the relevant fishing opportunities Regulations after taking into account exchanges of fishing opportunities in accordance with Article 16(8) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council (OJ L 354, 28.12.2013, p. 22), quota transfers from 2017 to 2018 in accordance with Article 4(2) of Council Regulation (EC) No 847/96 (OJ L 115, 9.5.1996, p. 3), with Article 15(9) of Regulation (EU) No 1380/2013 or reallocation and deduction of fishing opportunities in accordance with Articles 37 and 105 of Regulation (EC) No 1224/2009 (OJ L 343, 22.12.2009, p. 1).

(<sup>(2)</sup>) Special condition set out in the Annexes of the relevant fishing opportunities Regulations.

**COMMISSION DELEGATED REGULATION (EU) 2019/1705****of 10 October 2019****amending Council Regulation (EU, Euratom) 2019/1197 as regards the deadlines by which the United Kingdom would have to fulfil the conditions for eligibility for Union funding following the withdrawal of the United Kingdom from the Union**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EU, Euratom) 2019/1197 of 9 July 2019 on measures concerning the implementation and financing of the general budget of the Union in 2019 in relation to the withdrawal of the United Kingdom from the Union <sup>(1)</sup>, and in particular Articles 2(3), 3(3) and 8 thereof,

Whereas:

- (1) On 29 March 2017, the United Kingdom submitted the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union (TEU). The Treaties will cease to apply to the United Kingdom from the date of entry into force of the withdrawal agreement or, failing that, two years after that notification, unless the European Council, in agreement with the United Kingdom, unanimously decides to extend that period.
- (2) Regulation (EU, Euratom) 2019/1197 lays down the conditions under which the United Kingdom and persons and entities established in the United Kingdom would continue to be eligible for Union funding for eligible expenditure incurred in 2019 from the date on which the Treaties cease to apply to and in the United Kingdom, and sets the deadlines by which the United Kingdom would have to fulfil the conditions for such continued eligibility, including a payment schedule for the months after August 2019.
- (3) The deadlines and the payment schedule have been set considering the possibility of the United Kingdom withdrawing from the Union without an agreement on 13 April 2019.
- (4) On 11 April 2019, the European Council adopted Decision (EU) 2019/584 <sup>(2)</sup> further extending the period under Article 50(3) TEU in agreement with the United Kingdom until 31 October 2019.
- (5) It is therefore appropriate to extend the deadlines by which the United Kingdom would have to fulfil the conditions laid down in Regulation (EU, Euratom) 2019/1197 and to amend the payment schedule in order to take into account the extension of the period provided for in Article 50(3) TEU until 31 October 2019.
- (6) Regulation (EU, Euratom) 2019/1197 should therefore be amended accordingly.
- (7) It is also noted that the condition referred to in Article 3(1)(a) of Regulation (EU, Euratom) 2019/1197 is no longer relevant.

<sup>(1)</sup> OJ L 189, 15.7.2019, p. 1.

<sup>(2)</sup> European Council Decision (EU) 2019/584 of 11 April 2019 taken in agreement with the United Kingdom of 11 April 2019 extending the period under Article 50(3) TEU (OJ L 101, 11.4.2019, p. 1).

- (8) To prevent a risk of serious disruption of the implementation and financing of the Union budget in 2019, especially for beneficiaries of Union spending programmes and other actions at the date of the withdrawal of the United Kingdom from the Union, this Regulation should be adopted under the urgency procedure detailed under Article 8 of Regulation (EU, Euratom) 2019/1197 and as provided in Articles 2(3) and 3(3) of that Regulation, and should enter into force as a matter of urgency on the day following that of its publication in the *Official Journal of the European Union*. It should apply from the day following that on which the Treaties cease to apply to and in the United Kingdom, unless a withdrawal agreement concluded with the United Kingdom has entered into force by that date,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EU, Euratom) 2019/1197 is amended as follows:

(1) in Article 2(1), points (a), (b) and (c) are replaced by the following:

- (a) the United Kingdom, within 7 calendar days after the date of withdrawal, has confirmed in writing to the Commission that it will contribute in euros the amount displayed in the line “United Kingdom” and the column “Total own resources” of Table 7 of the part “A. Introduction and financing of the general budget of the Union” of the revenue part of the budget for 2019 set out in the general budget of the European Union for the financial year 2019<sup>(\*)</sup>, as adopted on 12 December 2018, reduced by the amount of own resources made available by the United Kingdom in respect of the financial year 2019 before the date of withdrawal, in accordance with the payment schedule laid down in this Regulation;
- (b) the United Kingdom, within 20 calendar days after the date of withdrawal, has paid on the account determined by the Commission the first payment which corresponds to the instalment referred to in the second subparagraph of this paragraph multiplied by the result of the following: the number of full months between the date of withdrawal and the end of the year 2019 reduced by the number of months between the month of the first payment, excluding that month, and the end of the year 2019;
- (c) the United Kingdom, within 7 calendar days after the date of withdrawal, has confirmed the commitment in writing to the Commission that it will continue to accept the controls and audits which cover the entire period of the programmes and actions in accordance with the applicable rules; and’;

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

- (b) the United Kingdom, within 30 calendar days after the date of withdrawal, has paid on the account determined by the Commission the remaining monthly instalments referred to in the second subparagraph of Article 2(1); and’.

*Article 2*

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

It shall apply from the date following that on which the Treaties cease to apply to and in the United Kingdom pursuant to Article 50(3) TEU.

However, this Regulation shall not apply if a withdrawal agreement concluded with the United Kingdom in accordance with Article 50(2) TEU has entered into force by the date referred to in the second paragraph of this Article.

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

Done at Brussels, 10 October 2019.

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

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<sup>(\*)</sup> Definitive adoption (EU, Euratom) 2019/333 of the European Union’s general budget for the financial year 2019 (OJ L 67, 7.3.2019, p. 1).

**COMMISSION IMPLEMENTING REGULATION (EU) 2019/1706****of 10 October 2019****amending Implementing Regulation (EU) 2017/325 imposing a definitive anti-dumping duty on imports of high tenacity yarns of polyesters originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council**

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 <sup>(1)</sup> ('the basic Regulation'),

Having regard to Commission Implementing Regulation (EU) 2017/325 of 24 February 2017 imposing a definitive anti-dumping duty on imports of high tenacity yarns of polyesters originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council <sup>(2)</sup>, as amended by Implementing Regulation (EU) 2017/2368 <sup>(3)</sup>, and in particular, Article 1(5) thereof,

Whereas:

**A. MEASURES IN FORCE**

- (1) With Implementing Regulation (EU) No 1105/2010 <sup>(4)</sup>, the Council imposed a definitive anti-dumping duty on imports into the Union of high tenacity yarns of polyesters originating in the People's Republic of China ('the product concerned').
- (2) In the original investigation, sampling was applied for investigating the exporting producers in the People's Republic of China ('PRC') in accordance with Article 17 of the basic Regulation.
- (3) The Council imposed individual anti-dumping duty rates ranging from 5,1 % to 9,8 % on imports of the product concerned for the sampled exporting producers from the PRC. For the cooperating exporting producers that were not included in the sample, a duty rate of 5,3 % was imposed. Furthermore, a country-wide duty rate of 9,8 % was imposed on imports of high tenacity yarns of polyesters from all other Chinese companies.
- (4) Following an expiry review based on Article 11(2) of the basic Regulation, the original measures were prolonged for five years by Implementing Regulation (EU) 2017/325 ('the expiry review Regulation').
- (5) Implementing Regulation (EU) 2017/2368 amended Implementing Regulation (EU) 2017/325 to include Article 1 (5) allowing exporting producers to request a new exporting producer treatment.

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

<sup>(2)</sup> OJ L 49, 25.2.2017, p. 6.

<sup>(3)</sup> OJ L 337, 19.12.2017, p. 24.

<sup>(4)</sup> OJ L 315, 1.12.2010, p. 1.

- (6) Article 1(5) of Implementing Regulation (EU) 2017/325, as amended by Implementing Regulation (EU) 2017/2368 states that where any party from the PRC provides sufficient evidence to the Commission that:
- (a) it did not export to the Union the product concerned during the period of the original investigation (1 July 2008 - 30 June 2009);
  - (b) it is not related to an exporter or producer subject to the measures imposed by this Regulation; and
  - (c) it has either actually exported to the Union the product concerned after the original investigation period or has entered into an irrevocable contractual obligation to export a significant quantity to the Union after the end of the period of the original investigation;

then the Annex of Implementing Regulation (EU) 2017/325 can be amended to attribute to that party the duty rate applicable to the cooperating companies not included in the sample, namely the weighted average duty rate of 5,3 %.

#### **B. REQUESTS FOR NEW EXPORTING PRODUCER TREATMENT**

- (7) The company Wuxi Solead Technology Development Co., Ltd, came forward after the publication of Implementing Regulation (EU) 2017/325 and submitted a request to the Commission to be granted new exporting producer treatment and hence be subject to the duty rate applicable to the cooperating companies in the PRC not included in the sample, i.e. 5,3 %.
- (8) In order to determine whether the applicant fulfilled the criteria for being granted new exporting producer treatment, set out above in recital 6, the Commission first sent a questionnaire to the applicant requesting evidence showing that it meets these criteria. After an initial analysis of the questionnaire response, the Commission sent out a letter requesting further information to which the applicant responded.
- (9) The Commission verified all information it deemed necessary for determining whether the applicant meets the criteria. The Commission also informed the Union industry of this new exporting producer treatment request.
- (10) The Union industry did not comment on the request.

#### **C. ANALYSIS OF THE REQUEST**

- (11) With regard to criterion (a), the Commission examined the applicant's business licence, Articles of Association and audited financial statements, and determined that the applicant was founded on 11 February 2015. Therefore, in light of the available information, the Commission established that the applicant did not export the product concerned during the original investigation (1 July 2008 to 30 June 2009). Hence, the applicant complies with criterion (a) as set out in recital 6.
- (12) With regard to the criterion that the applicant is not related to any exporters or producers that are subject to anti-dumping measures imposed by the original Regulation (criterion (b)), the Commission examined the relations of its shareholders and its related export sales company. The Commission established from the information at its disposal that the applicant is not related to any exporter or producer that is subject to the anti-dumping measures. Therefore, the applicant complies with criterion (b) as set out in recital 6.
- (13) With regard to the criterion (c), that the applicant has actually exported to the Union the product concerned or has entered into an irrevocable contractual obligation to export a significant quantity to the Union after the original investigation period, the applicant provided evidence of exports of the product concerned to Croatia after the original investigation period. The Croatian customs authorities also reported the transaction in the database created under Article 14.6 of the basic Regulation. Therefore, the company complies with criterion (c) set out in recital 6.

#### **D. CONCLUSION**

- (14) The Commission concluded that the applicant meets the three criteria to be considered as a new exporting producer. Therefore, its name should be added to the list of cooperating companies not included in the sample in Annex to Implementing Regulation (EU) 2017/325.
- (15) Therefore, Implementing Regulation (EU) 2017/325 should be amended accordingly.

**E. DISCLOSURE**

- (16) The Commission informed the applicant and the Union industry of these findings and gave an opportunity to comment.
- (17) The parties were granted the possibility to submit comments. [No comments were received.]
- (18) This Regulation is in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EU) 2016/1036,

HAS ADOPTED THIS REGULATION:

*Article 1*

The following company shall be added to the list of exporting producers from the People's Republic of China in the Annex of Commission Implementing Regulation (EU) 2017/325:

Company name	City
'Wuxi Solead Technology Development Co., Ltd,	Xinjian Town'

*Article 2*

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

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

Done at Brussels, 10 October 2019.

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

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# DECISIONS

## COUNCIL DECISION (EU) 2019/1707

of 17 June 2019

**on the position to be taken, on behalf of the European Union, in the Trade Committee established under the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part, as regards a recommendation for certain amendments to be made to the Agreement to take account of the accession of Samoa and of future accessions of other Pacific Island States**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(3) and the first subparagraph of Article 207(4), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 30 July 2009, the Union signed the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part <sup>(1)</sup> (the 'Agreement'), which establishes a framework for an Economic Partnership Agreement. The Agreement has been provisionally applied by the Independent State of Papua New Guinea and by the Republic of Fiji since 20 December 2009 and 28 July 2014, respectively.
- (2) Article 80 of the Agreement provides that other Pacific Island States party to the Cotonou Agreement <sup>(2)</sup> or Pacific Islands whose structural characteristics and economic and social situation are comparable to those of the countries which are Parties to the Cotonou Agreement may accede to the Agreement on the basis of the submission of a GATT 1994 Article XXIV compliant market access offer. On 5 February 2018, the Independent State of Samoa (Samoa) submitted to the Contracting Parties an accession request together with a GATT 1994 Article XXIV compliant market access offer for decision.
- (3) During the sixth Trade Committee meeting on 24 October 2018, representatives of the Union and of the Pacific States drew up a list of technical modifications to the Agreement that are necessary in order to take account of the accession of Samoa to the Agreement. The representatives of the Union and of the Pacific States concluded that those modifications would entail listing Samoa as a Contracting Party to the Agreement and adding Samoa's market access offer to Annex II to the Agreement. Similar changes to the Agreement would be necessary each time another Pacific Island State accedes to the Agreement.
- (4) By Decision (EU) 2018/1908 of 6 December 2018 <sup>(3)</sup>, the Council approved Samoa's accession request. The text of Samoa's market access offer was attached to that Decision <sup>(4)</sup>. Samoa acceded to the Agreement on 21 December 2018 and has provisionally applied the Agreement since 31 December 2018.
- (5) Article 68 of the Agreement provides that the Trade Committee is to deal with all matters necessary for the implementation of the Agreement. It is necessary to empower the Trade Committee to decide on any technical modification to the Agreement that might be necessary following the accession of another Pacific Island State.
- (6) The seventh meeting of the Trade Committee is to be held on 24 July 2019, where the Trade Committee will be able, pursuant to Article 78 of the Agreement, to recommend that the Parties introduce amendments to the Agreement in order to take account of the accession of Samoa and of the future accessions of other Pacific Island States to the Agreement.
- (7) The Union should determine the position to be taken as regards the recommendation for such amendments.

<sup>(1)</sup> Council Decision 2009/729/EC of 13 July 2009 on the signature and provisional application of the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part (OJ L 272, 16.10.2009, p. 1).

<sup>(2)</sup> Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, as last amended (OJ L 317, 15.12.2000, p. 3).

<sup>(3)</sup> Council Decision (EU) 2018/1908 of 6 December 2018 on the accession of Samoa to the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part (OJ L 333, 28.12.2018, p. 1).

<sup>(4)</sup> OJ L 333, 28.12.2018, p. 3.

- (8) The position of the Union within the seventh meeting of the Trade Committee should therefore be based on the attached draft Recommendation,

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be taken on behalf of the Union in the Trade Committee at its seventh meeting as regards the recommendation for certain amendments to the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part, to take account of the accession of Samoa and of the future accessions of other Pacific Island States shall be based on the draft Recommendation of the Trade Committee attached to this Decision <sup>(9)</sup>.

*Article 2*

After its adoption, the Recommendation of the Trade Committee shall be published in the *Official Journal of the European Union*.

*Article 3*

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

Done at Luxembourg, 17 June 2019.

*For the Council*  
*The President*  
F. MOGHERINI

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<sup>(9)</sup> The text of Annex II (Customs Duties Applicable on Imports into the Independent State of Samoa) to the Agreement is published in OJ L 333, 28.12.2018, p. 3.



**DRAFT****RECOMMENDATION No 01/2019 OF THE TRADE COMMITTEE SET UP BY THE INTERIM PARTNERSHIP AGREEMENT BETWEEN THE EUROPEAN COMMUNITY, OF THE ONE PART, AND THE PACIFIC STATES, OF THE OTHER PART****of ...****as regards the accession of Samoa and the future accessions of other Pacific Island States**

THE TRADE COMMITTEE,

Having regard to the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part <sup>(1)</sup> (the 'Agreement'), which establishes a framework for an Economic Partnership Agreement, signed in London on 30 July 2009 and in particular Articles 68, 78 and 80 thereof,

Whereas:

- (1) The Independent State of Papua New Guinea and the Republic of Fiji signed the Agreement on 30 July 2009 and 11 December 2009 respectively and have been provisionally applying the Agreement since 20 December 2009 and 28 July 2014 respectively.
- (2) On 5 February 2018, the Independent State of Samoa (Samoa) submitted to the Contracting Parties an accession request together with a GATT 1994 Article XXIV compliant market access offer for decision. Samoa acceded to the Agreement on 21 December 2018 and has been provisionally applying it since 31 December 2018.
- (3) In light of Samoa's accession, the Trade Committee has reviewed the Agreement and recommends to the Contracting Parties the adoption of technical amendments to the Agreement in order to list Samoa as a Contracting Party to the Agreement and to add Samoa's market access offer to Annex II to the Agreement.
- (4) Similar amendments will need to be made to the Agreement each time another Pacific Island State accedes to the Agreement.
- (5) The Trade Committee suggests that it be empowered to decide on any technical modification to the Agreement that might be necessary following the accession of another Pacific Island State,

HAS ADOPTED THIS RECOMMENDATION:

The Trade Committee recommends that the Parties:

1. replace paragraph 1 of Article 70 of the Agreement by the following:

'1. For the purposes of this Agreement the "Contracting Parties" shall be the European Community, referred to as the "EC Party", on the one part, and Papua New Guinea, the Republic of the Fiji Islands and the Independent State of Samoa, referred to as the "Pacific States", on the other part.'

2. add the following paragraph 3 in Article 80 of the Agreement:

'3. The Trade Committee may decide on any technical modification to the Agreement that might be necessary following the accession of another Pacific Island State.'

3. in Annex II to the Agreement, add the text of the agreed market access offer of the Independent State of Samoa, set out in the Annex to this Recommendation.
4. in Annex X to Protocol II to the Agreement, remove the reference to Samoa from the list of 'other ACP States'.

Done at ...,

*For the Trade Committee**On behalf of the Union**On behalf of the Pacific States*

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<sup>(1)</sup> OJ L 272, 16.10.2009, p. 2.

**COUNCIL DECISION (EU) 2019/1708****of 7 October 2019****establishing the position to be taken on behalf of the European Union within the General Council of the World Trade Organization on the adoption of a decision to extend a WTO waiver permitting the United States to provide preferential tariff treatment under the US Caribbean Basin Economic Recovery Act (CBERA)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Marrakesh Agreement establishing the World Trade Organization ('WTO Agreement') entered into force on 1 January 1995.
- (2) Paragraph 2 of Article II of the WTO Agreement provides that the agreements and associated legal instruments included in Annexes 1, 2 and 3 to the WTO Agreement ('Multilateral Trade Agreements') are integral parts of the WTO Agreement and are binding on all Members.
- (3) Pursuant to paragraph 3 of Article IX, in exceptional circumstances, the Ministerial Conference may decide to waive an obligation imposed on a Member by the WTO Agreement or any of the Multilateral Trade Agreements.
- (4) Paragraphs 3 and 4 of Article IX of the WTO Agreement set out the procedures for the granting of waivers concerning the Multilateral Trade Agreements in Annex 1A, 1B or 1C to the WTO Agreement and their annexes.
- (5) Pursuant to paragraph 1 of Article IV of the WTO Agreement, the Ministerial Conference has the authority to take decisions on all matters under any of the Multilateral Trade Agreements.
- (6) Pursuant to paragraph 2 of Article IV of the WTO Agreement, in the intervals between meetings of the Ministerial Conference of the World Trade Organization ('WTO'), the General Council of the WTO conducts its functions.
- (7) Pursuant to paragraph 1 of Article IX of the WTO Agreement, the WTO usually takes the decisions by consensus.
- (8) The United States was granted a waiver of obligations under paragraph 1 of Article I of the General Agreement on Tariffs and Trade 1994 ('GATT 1994') on 15 February 1985, for the period from 1 January 1984 to 30 September 1995. On 15 November 1995, the Members renewed the waiver to 30 September 2005 and again on 29 May 2009 to 31 December 2014. On 5 May 2015, the Members extended the waiver in respect of paragraph 1 of Article I of the GATT 1994 to 31 December 2019, and expanded the waiver to cover paragraphs 1 and 2 of Article XIII of the GATT 1994 to the extent necessary for the United States to provide duty-free treatment for imports of eligible products originating in beneficiary countries designated pursuant to the provisions of the Caribbean Basin Economic Recovery Act ('CBERA').

- (9) Pursuant to paragraphs 3 and 4 of Article IX of the WTO Agreement, the United States submitted a request to the General Council to take a decision to extend the existing WTO waiver to permit the United States to provide duty-free treatment to eligible products originating in Central American and Caribbean countries and territories under CBERA from 1 January 2020 to 30 September 2025.
- (10) The United States justifies the request with the high prevalence of poverty and instability in the Caribbean Basin countries, particularly in Haiti. Benefits under CBERA are intended to expand economic opportunities and contribute towards a more stable and prosperous region.
- (11) The extension of the waiver would not negatively affect either the economy of the Union or the Union's trade relations with the beneficiaries of the waiver. Moreover, the Union is supportive of actions against poverty and for stability.
- (12) It is appropriate to establish the position to be taken on behalf of the Union in the General Council to support the United States request to extend the waiver in accordance with Article 218(9) TFEU, as the extension of the waiver will be binding on Members of the WTO,

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be taken on behalf of the European Union in the General Council of the World Trade Organization shall be to support the extension of a WTO waiver permitting the United States to provide preferential tariff treatment to eligible products originating in Central American and Caribbean countries and territories under the Caribbean Basin Economic Recovery Act from 1 January 2020 to 30 September 2025.

*Article 2*

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

Done at Luxembourg, 7 October 2019.

*For the Council*  
*The President*  
A.-M. HENRIKSSON

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**COUNCIL DECISION (EU) 2019/1709****of 7 October 2019****establishing the position to be taken on behalf of the European Union within the General Council of the World Trade Organization on the adoption of a decision to extend a WTO waiver permitting developing country Members to provide preferential tariff treatment to products of least developed countries**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Marrakesh Agreement establishing the World Trade Organization ('WTO Agreement') entered into force on 1 January 1995.
- (2) Paragraph 2 of Article II of the WTO Agreement provides that the agreements and associated legal instruments included in Annexes 1, 2 and 3 to the WTO Agreement ('Multilateral Trade Agreements') are integral parts of the WTO Agreement and are binding on all Members.
- (3) Pursuant to paragraph 3 of Article IX of the WTO Agreement, in exceptional circumstances, the Ministerial Conference may decide to waive an obligation imposed on a Member by the WTO Agreement or any of the Multilateral Trade Agreements.
- (4) Paragraphs 3 and 4 of Article IX of the WTO Agreement set out the procedures for the granting of waivers concerning the Multilateral Trade Agreements in Annex 1A, 1B or 1C to the WTO Agreement and their annexes.
- (5) Pursuant to paragraph 1 of Article IV of the WTO Agreement, the Ministerial Conference has the authority to take decisions on all matters under any of the Multilateral Trade Agreements.
- (6) Pursuant to paragraph 2 of Article IV of the WTO Agreement, in the intervals between meetings of the Ministerial Conference of the World Trade Organization ('WTO'), the General Council of the WTO conducts its functions. Pursuant to paragraph 1 of Article IX of the WTO Agreement, the WTO usually takes the decisions by consensus.
- (7) On 15 June 1999, WTO Members granted a waiver of obligations under paragraph 1 of Article I of the General Agreement on Tariffs and Trade 1994 ('GATT 1994') to the extent necessary to allow developing country Members to provide preferential tariff treatment to products of least developed countries, designated as such by the United Nations, without being required to extend the same tariff rates to like products of any other Member until 30 June 2009. On 27 May 2009, WTO Members extended the waiver from 1 July 2009 to 30 June 2019.

- (8) Pursuant to paragraphs 3 and 4 of Article IX of the WTO Agreement, Chile, China, India, Thailand and Turkey ('co-sponsors') submitted a request for the General Council to take a decision to extend the existing WTO waiver to permit developing country Members to provide preferential tariff treatment to products of least developed countries from 1 July 2019 to 30 June 2029.
- (9) The co-sponsors justify the request with the particular vulnerability of the least developed countries and the special structural difficulties they face in the global economy, as well as the importance of improving their effective participation in the multilateral trading system by granting them meaningful market access to support the diversification of their production and export base.
- (10) The extension of the waiver would not negatively affect either the economy of the Union or the Union's trade relations with the beneficiaries of the waiver. Moreover, the Union provides duty free and quota-free market access to least developed countries under the Everything But Arms scheme and is supportive of other WTO Members also providing trade preferences for least developed countries.
- (11) It is appropriate to establish the position to be taken on the European Union's behalf in the General Council of the WTO to support the co-sponsors' request to extend the waiver to permit developing country Members to provide preferential tariff treatment to products of least developed countries to 30 June 2029, in accordance with Article 218(9) TFEU, as the extension of the waiver will be binding on Members of the WTO,

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be taken on behalf of the European Union in the General Council of the World Trade Organization shall be to support the extension of a WTO waiver permitting developing country Members to provide preferential tariff treatment to products of least developed countries from 1 July 2019 to 30 June 2029.

*Article 2*

This Decision enters into force on the day of its adoption.

Done at Luxembourg, 7 October 2019.

*For the Council*  
*The President*  
A.-M. HENRIKSSON

**COUNCIL DECISION (EU) 2019/1710****of 7 October 2019****appointing three members and three alternate members, proposed by the Kingdom of Spain, of the Committee of the Regions**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to the proposal of the Spanish Government,

Whereas:

- (1) On 26 January 2015, 5 February 2015 and 23 June 2015, the Council adopted Decisions (EU) 2015/116 <sup>(1)</sup>, (EU) 2015/190 <sup>(2)</sup> and (EU) 2015/994 <sup>(3)</sup> appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020. On 5 October 2015, by Council Decision (EU) 2015/1792 <sup>(4)</sup> Ms Yolanda BARCINA ANGULO was replaced by Ms Miren Uxue BARCOS BERRUEZO as a member, and Ms María Victoria PALAU TÁRREGA was replaced by Ms Elena CEBRIÁN CALVO as an alternate member. On 16 December 2015, by Council Decision (EU) 2015/2397 <sup>(5)</sup> Mr Paulino RIVERO BAUTE was replaced by Mr Fernando CLAVIJO BATLLE as a member, and Mr Javier GONZÁLEZ ORTIZ was replaced by Ms María Luisa de MIGUEL ANASAGASTI as an alternate member. On 11 April 2016, by Council Decision (EU) 2016/572 <sup>(6)</sup> Ms María Sol CALZADO GARCÍA was replaced by Mr Ángel Luis SÁNCHEZ MUÑOZ as an alternate member. On 7 October 2016, by Council Decision (EU) 2016/1817 <sup>(7)</sup> Ms Elena CEBRIÁN CALVO was replaced by Mr Joan CALABUIG RULL as an alternate member. On 25 June 2019, by Council Decision (EU) 2019/1107 <sup>(8)</sup> Ms María Luisa de MIGUEL ANASAGASTI was replaced by Mr Julián ZAFRA DÍAZ as an alternate member.
- (2) Three members' seats on the Committee of the Regions have become vacant following the end of the terms of office of Ms Miren Uxue BARCOS BERRUEZO, Mr Fernando CLAVIJO BATLLE and Mr Juan Vicente HERRERA CAMPO.
- (3) An alternate member's seat on the Committee of the Regions has become vacant following the end of the terms of office of Mr Ángel Luis SÁNCHEZ MUÑOZ.

<sup>(1)</sup> Council Decision (EU) 2015/116 of 26 January 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 20, 27.1.2015, p. 42).

<sup>(2)</sup> Council Decision (EU) 2015/190 of 5 February 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 31, 7.2.2015, p. 25).

<sup>(3)</sup> Council Decision (EU) 2015/994 of 23 June 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 159, 25.6.2015, p. 70).

<sup>(4)</sup> Council Decision (EU) 2015/1792 of 5 October 2015 appointing five Spanish members and five Spanish alternate members of the Committee of the Regions (OJ L 260, 7.10.2015, p. 28).

<sup>(5)</sup> Council Decision (EU) 2015/2397 of 16 December 2015 appointing a Spanish member and a Spanish alternate member of the Committee of the Regions (OJ L 332, 18.12.2015, p. 144).

<sup>(6)</sup> Council Decision (EU) 2016/572 of 11 April 2016 appointing an alternate member, proposed by the Kingdom of Spain of the Committee of the Regions (OJ L 97, 13.4.2016, p. 11).

<sup>(7)</sup> Council Decision (EU) 2016/1817 of 7 October 2016 appointing an alternate member, proposed by the Kingdom of Spain, of the Committee of the Regions (OJ L 278, 14.10.2016, p. 45).

<sup>(8)</sup> Council Decision (EU) 2019/1107 of 25 June 2019 appointing an alternate member, proposed by the Kingdom of Spain, of the Committee of the Regions (OJ L 175, 28.6.2019, p. 37).

- (4) Two alternate members' seats on the Committee of the Regions have become vacant following the end of the mandate on the basis of which Mr Joan CALABUIG RULL (*Delegado del Consell para la Unión Europea y Relaciones Externas*) and Mr Julián José ZAFRA DÍAZ (*Director General de Asuntos Económicos con la Unión Europea del Gobierno de Canarias*) were proposed,

HAS ADOPTED THIS DECISION:

*Article 1*

The following are hereby appointed to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2020:

(a) as members:

- Ms María Victoria CHIVITE NAVASCUÉS, *Presidenta de la Comunidad Foral de Navarra*,
- Mr Francisco IGEA ARISQUETA, *Vicepresidente de la Junta de Castilla y León*,
- Mr Ángel Víctor TORRES PÉREZ, *Presidente del Gobierno de Canarias*;

and

(b) as alternate members:

- Mr Joan CALABUIG RULL, *Secretario Autonómico para la Unión Europea y Relaciones Externas de la Generalidad Valenciana* (change of mandate),
- Mr Manuel Alejandro CARDENETE FLORES, *Viceconsejero de Turismo, Regeneración, Justicia y Administración Local de la Junta de Andalucía*,
- Mr Julián José ZAFRA DÍAZ, *Director General de Asuntos Europeos del Gobierno de Canarias* (change of mandate).

*Article 2*

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

Done at Luxembourg, 7 October 2019.

*For the Council*  
*The President*  
A.-M. HENRIKSSON

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**COUNCIL DECISION (EU) 2019/1711****of 7 October 2019****appointing two members and three alternate members, proposed by the Kingdom of Spain, of the Committee of the Regions**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to the proposal of the Spanish Government,

Whereas:

- (1) On 26 January 2015, 5 February 2015 and 23 June 2015, the Council adopted Decisions (EU) 2015/116 <sup>(1)</sup>, (EU) 2015/190 <sup>(2)</sup> and (EU) 2015/994 <sup>(3)</sup> appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020. On 5 October 2015, by Council Decision (EU) 2015/1792 <sup>(4)</sup>, Mr Ignacio GONZÁLEZ GONZÁLEZ was replaced by Ms Cristina CIFUENTES CUENCAS as a member, and Mr Borja COROMINAS FISAS and Mr Juan Luis SÁNCHEZ DE MUNIÁIN LACASA were replaced by Ms Yolanda IBARROLA DE LA FUENTE and Ms Ana OLLO HUALDE as alternate members. On 9 October 2015, by Council Decision (EU) 2015/1915 <sup>(5)</sup>, Ms Cristina MAZAS PÉREZ-OLEAGA was replaced by Ms Rosa EVA DÍAZ TEZANOS as a member, and Ms Inmaculada VALENCIA BAYÓN was replaced by Mr Juan José SOTA VERDIÓN as an alternate member. On 14 March 2016, by Council Decision (EU) 2016/410 <sup>(6)</sup>, Ms Ana OLLO HUALDE was replaced by Mr Mikel IRUJO AMEZAGA as an alternate member. On 27 March 2017, by Council Decision (EU) 2017/619 <sup>(7)</sup>, Ms Yolanda IBARROLA DE LA FUENTE was replaced by Mr Ignacio Javier GARCÍA GIMENO as an alternate member. On 26 June 2018, by Council Decision (EU) 2018/926 <sup>(8)</sup>, Ms Cristina CIFUENTES CUENCAS was replaced by Mr Ángel GARRIDO GARCÍA as a member.
- (2) Two members' seats on the Committee of the Regions have become vacant following the end of the terms of office of Ms Rosa EVA DÍAZ TEZANOS and Mr Ángel GARRIDO GARCÍA,
- (3) Two alternate members' seats on the Committee of the Regions have become vacant following the end of the terms of office of Mr Ignacio Javier GARCÍA GIMENO and Mr Juan José SOTA VERDIÓN,

<sup>(1)</sup> Council Decision (EU) 2015/116 of 26 January 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 20, 27.1.2015, p. 42).

<sup>(2)</sup> Council Decision (EU) 2015/190 of 5 February 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 31, 7.2.2015, p. 25).

<sup>(3)</sup> Council Decision (EU) 2015/994 of 23 June 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 159, 25.6.2015, p. 70).

<sup>(4)</sup> Council Decision (EU) 2015/1792 of 5 October 2015 appointing five Spanish members and five Spanish alternate members of the Committee of the Regions (OJ L 260, 7.10.2015, p. 28).

<sup>(5)</sup> Council Decision (EU) 2015/1915 of 9 October 2015 appointing two Spanish members and three Spanish alternate members of the Committee of the Regions (OJ L 280, 24.10.2015, p. 26).

<sup>(6)</sup> Council Decision (EU) 2016/410 of 14 March 2016 appointing an alternate member, proposed by the Kingdom of Spain, of the Committee of the Regions (OJ L 74, 19.3.2016, p. 39).

<sup>(7)</sup> Council Decision (EU) 2017/619 of 27 March 2017 appointing an alternate member, proposed by the Kingdom of Spain, of the Committee of the Regions (OJ L 89, 1.4.2017, p. 8).

<sup>(8)</sup> Council Decision (EU) 2018/926 of 26 June 2018 appointing a member, proposed by the Kingdom of Spain, of the Committee of the Regions (OJ L 164, 29.6.2018, p. 48).



- (4) An alternate member's seat on the Committee of the Regions has become vacant following the end of the mandate on the basis of which Mr Mikel IRUJO AMEZAGA (*Delegado del Gobierno de Navarra en Bruselas*) was proposed,

HAS ADOPTED THIS DECISION:

*Article 1*

The following are hereby appointed to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2020:

(a) as members:

- Ms Isabel Natividad DÍAZ AYUSO, *Presidenta de la Comunidad de Madrid*,
- Ms Paula FERNÁNDEZ VIAÑA, *Consejera de Presidencia, Interior, Justicia y Acción Exterior del Gobierno de Cantabria*;

(b) as alternate members:

- Mr Ignacio Jesús AGUADO CRESPO, *Vicepresidente, Consejero de Deportes, Transparencia y Portavoz del Gobierno de la Comunidad de Madrid*,
- Mr Mikel IRUJO AMEZAGA, *Director-General de Acción Exterior del Gobierno de Navarra (change of mandate)*,
- Ms María SÁNCHEZ RUIZ, *Consejera de Economía y Hacienda del Gobierno de Cantabria*.

*Article 2*

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

Done at Luxembourg, 7 October 2019.

*For the Council*  
*The President*  
A.-M. HENRIKSSON

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**COMMISSION DECISION (EU) 2019/1712****of 20 July 2018****on the public loan SA.29198 — (2010/C) (ex 2009/NN) granted by Slovakia for Železničná Spoločnosť Cargo Slovakia, a.s. (ZSSK Cargo)***(notified under document C(2019) 4723)***(Only the Slovak text is authentic)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 108(2) thereof,

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof,

Having called on interested parties to submit their comments pursuant to the provision(s) cited above <sup>(1)</sup>,

Whereas:

**1. PROCEDURE**

- (1) By letter dated 24 February 2010, the Commission informed Slovakia that it had decided to initiate the procedure laid down in Article 108(2) of the Treaty on the Functioning of the European Union ("TFEU") in respect of a public loan to Železničná Spoločnosť Cargo Slovakia, a.s. ('decision to initiate the procedure').
- (2) The Commission decision to initiate the procedure, as further explained therein, followed an earlier complaint from an anonymous competitor of 21 April 2009 and a notification made by Slovakia for reasons of legal certainty on 10 August 2009.
- (3) The decision to initiate the procedure was published in the *Official Journal of the European Union*. The Commission invited interested parties to submit comments on the public loan but received no such comments.
- (4) By letter dated 16 June 2010, Slovakia submitted its comments on the decision to initiate procedure.
- (5) The Commission sent additional requests for information to the Slovak authorities on 8 November 2010, 22 December 2010, 14 June 2011, 6 August 2012 and 25 August 2016. The Slovak authorities provided their replies on 6 December 2012, 20 and 22 January 2011, 11 July 2011, 17 September 2012 and 14 October 2016, respectively. On 20 December 2017, the Slovak authorities provided an additional submission, which was discussed at a meeting of 23 January 2018.

<sup>(1)</sup> OJ C 117, 6.5.2010, p. 13.

## 2. DETAILED DESCRIPTION OF THE MEASURE

### 2.1. Recipient (activities, ownership, market share etc.)

- (6) Železničná Spoločnosť Cargo Slovakia, a.s. ('ZSSK Cargo') was established in 2005 after splitting the incumbent railway operator Železničná spoločnosť, a.s., into three separate railway companies: Železnice Slovenskej Republiky — infrastructure manager, Železničná spoločnosť Slovensko a.s. — passenger traffic and ZSSK Cargo — freight transport. The Slovak Government was and remains the founder and 100 % shareholder of ZSSK Cargo. The Ministry of Transport, Posts and Telecommunications of the Slovak Republic exercises the shareholder rights of the Government.

### 2.2. Description of the loan to ZSSK Cargo

- (7) The loan of EUR 165 969 594,37 that is the subject to present proceedings was authorised by Government Decree No 173 of 4 March 2009, and paid to ZSSK Cargo on 6 April 2009 on the basis of a contract concluded on 31 March 2009 between the Ministry of Transport, Posts and Telecommunications and ZSSK Cargo<sup>(?)</sup>. The loan was granted for a period of 10 years with a grace period of two years before the first payment of instalment reimbursing the principal.
- (8) The loan was non-collateralised. It was aimed at financing salaries and other staff costs, charges for use of railway infrastructure and financial charges in a context of a significant drop of operating revenues and ongoing and planned restructuring measures, which is further described below. Indeed, the loan was granted following a report drawn up in February 2009 on the economic situation of the company and railways of the Slovak Republic (Železnice Slovenskej republiky) describing the financial difficulties of ZSSK Cargo and attached as background document to the Government Decree No 173 of 4 March 2009.
- (9) The variable interest rate on the loan was based on the 6 month Euro Interbank Offered Rate (EURIBOR) increased by the margin of 3,2 % per annum. On 6 April 2009, the agreed annual interest rate amounted to 4,844 % (1,644 % (6 month EURIBOR) + 3,2 % (margin)). According to the Slovak authorities, this rate was established on the basis of the opinion of the Slovak Debt and Liquidity Management Agency ARDAL<sup>(3)</sup>.
- (10) The Slovak authorities extended the initial two year grace period for repayment of the principal of the loan several times in 2011 and 2012 by 18 months in total, having regard to the continued financial situation of ZSSK Cargo and acknowledging its on-going restructuring efforts. Whereas the original repayment period was until 2019, ZSSK Cargo repaid the whole loan with all due interests in advance by November 2015.

### 2.3. Operating and financial performance of ZSSK Cargo

- (11) The provision of railway freight services was opened to completion in Slovakia in 2007, in accordance with Council Directive 91/440/EEC<sup>(4)</sup> which liberalised international rail freight transport as from 1 January 2006 and all other rail freight transport services as from 1 January 2007.
- (12) ZSSK Cargo provided and still provides rail freight traffic on its own or combined with road transport services as well as renting, maintenance and repair of the rolling stock. By 2010, 15 freight transport companies were active in the Slovak Republic. In 2008, ZSSK Cargo transported 44,5 tonnes of goods, which represented 93,7 % market share on the Slovak rail freight market. In the first half of 2009, ZSSK Cargo transported 15,3 million of tonnes representing 93 % share of the Slovak rail freight market.

<sup>(?)</sup> The contract is based on Act No 523/2004 of 23 September 2004, on budget rules of the public administration and on amendments and supplements to certain laws and Act No 278/1993 Coll. on Administration of State Property, as amended.

<sup>(3)</sup> ARDAL has been established as a budgetary organisation linked to the state budget via the budgetary chapter of the Ministry of Finance of the Slovak Republic under Article 14 of the Act No 291/2002 Coll. on State Treasury and on changes and amendments of some acts under the Act No 389/2002 Coll. on State Debt and State Guarantees. The goal and the purpose of the functioning of the Agency is 'providing liquidity and access to market in order to finance the needs of the State in a transparent, prudent and cost-effective manner, and, at the same time, minimise the debt service costs over the time, provided the debt portfolio inherent risks will remain on an acceptable level' (<http://www.ardal.sk/index.php?page=1>).

<sup>(4)</sup> Council Directive 91/440/EEC of 29 July 1991 on the development of the Community's railways (OJ L 237, 24.8.1991, p. 25).

- (13) ZSSK Cargo registered losses for the first three years after its creation in 2005 <sup>(5)</sup>. In 2005 and 2006 ZSSK Cargo registered net losses of respectively SKK 428 million (EUR 11,3 million) <sup>(6)</sup> and SKK 855 million (EUR 24,8 million) <sup>(7)</sup>. In 2007, ZSSK Cargo succeeded in reducing its net loss to SKK 154 million (EUR 4,5 million). In 2008, ZSSK Cargo registered net profit amounting to SKK 83 million (EUR 2,4 million), resulting mainly from the reduction of operating costs by more than SKK 600 million (EUR 17,4 million).

#### 2.4. Financial situation of ZSSK Cargo when the loan was granted

- (14) According to the information provided by the Slovak authorities, in 2008, the EBITDA of ZSSK Cargo (Earnings before Interest, Taxes, Depreciation and Amortization) increased by 6 % in comparison with 2007 reaching EUR 59,8 million. Over 2007 and 2008, other key financial indicators (revenues, equity, total indebtedness) remained either stable or slightly improved. The Debt-to-Equity ratio for instance decreased by 6 % to 43,9 % in 2008. Financial data of ZSSK in March 2009 used for S&P rating allows to conclude that ZSSK was not a firm in difficulty (C rating) and remained investment grade (BB rating).
- (15) The 2008 annual report of ZSSK Cargo however mentions that, in the last quarter of 2008, the impact of the economic crisis fully displayed in the reduced demand for transportation and consequently caused the downturn in performance of ZSSK Cargo. Revenues from transportation of goods fell significantly by more than 30 % in that period. As a consequence, the financial situation of ZSSK Cargo deteriorated at the end of 2008 and thereafter. The company's revenues decreased by 38 % in the first half of 2009 compared with the same period in 2008. Similarly, the result of the company decreased from a net profit of EUR 22 million in the first half of 2008 to a net loss of EUR 47 million in the first half of 2009.
- (16) In that context, the report on the economic situation of the company and railways of the Slovak Republic of February 2009 described the restructuring efforts that ZSSK Cargo had already undertaken in years 2006-2008. The report documented the need for the loan and included also the following additional measures considered necessary to improve the financial situation of ZSSK Cargo: (i) additional costs-cutting measures, (ii) temporary dismissals of employees, and (iii) long-term optimization of the number of employees and further restructuring of ZSSK Cargo's operations. Staff decreases by more than 10 % and other cost restructuring measures led to a reduction of operating costs by SKK 600 million (EUR 17,4 million) in 2007. The restructuring measures had led to significant reduction of losses in 2007 and to a positive result in 2008 despite the first negative effects of the crisis towards the end of the year. Based on these facts, the report concludes that ZSSK Cargo had been on the way to long-term competitiveness and profitability and that the expected financial losses in 2009 were mainly caused by the drastic but temporary decrease in the transport volumes due to the crisis that started the year before.
- (17) Thereafter, on year-to-year performance (table below), net income remained strongly negative in 2010. However, already in 2011 the company already managed to significantly reduce losses with reduced revenues thereafter. In subsequent years staff decreased 44 % by 2016. ZSSK Cargo recovered by 2013 and is now posting modest profits, as shown in the table.

#### Selected financial figures of ZSSK Cargo 2008-2016

	(EUR million)								
	2008	2009	2010	2011	2012	2013	2014	2015	2016
<b>Revenues</b>	458	340	378	371	315	369	296	284	278
<b>Profit</b>	2,7	-126,6	-122,6	-0,3	-23,9	+0,3	-5,5	+0,8	+0,1
<b>Staff headcount</b>	10 448	9 826	9 546	8 054	6 822	6 331	6 103	6 027	5 794

Source: Annual Reports of ZSSK Cargo, supplied by Slovak Republic, also available (from 2011) at (<https://www.zscargo.sk/en/media/annual-reports>)

<sup>(5)</sup> Annual Reports 2005-2008 are published on the website of ZSSK Cargo: <http://www.zscargo.sk/en/public/press/annual-report/>.

<sup>(6)</sup> Exchange rate 1 EUR = 37,88 SKK published in OJ C 336, 31.12.2005, p. 1.

<sup>(7)</sup> Exchange rate 1 EUR = 34,435 SKK, published in OJ C 332, 30.12.2006, p. 1.

## 2.5. Loan quotes from other banks and conditions of other loans from similar rating at the time

- (18) Before the loan was granted in March 2009, three commercial banks indicatively offered to ZSSK Cargo a loan of the same amount (EUR 166 million) and a repayment period (10 years) with interest rate of 6-month EURIBOR plus 295 b.p. ([commercial bank 1] <sup>(\*)</sup>), 285-300 b.p. depending on maturity ([commercial bank 2]) or 425 b.p. ([commercial bank 3]) respectively, without any particular collateral.
- (19) On the day of granting the loan, on 31 March 2009, around 32 companies with similar creditworthiness (BB-rating) as ZSSK Cargo entered into credit default swaps (CDS) contracts with a 10 year maturity period on financial markets. The majority of these contracts had spread rates between 305 and 916 b.p. <sup>(8)</sup>

## 2.6. Grounds for initiating the procedure

- (20) The Commission decided to initiate the procedure since it could not exclude that the public loan for ZSSK Cargo involved State aid within the meaning of Article 107(1) of the TFEU. The Commission considered that the loan might have been granted on terms more favourable than the rates set out in the Reference Rate Communication <sup>(9)</sup>, adopted not long before the decision to initiate proceedings. The Commission also raised doubts as regards the compatibility of the loan with the internal market, in particular, on the following points.
- (21) As regards the question whether the loan was in line with market conditions, the decision to initiate proceedings questioned the rationale of the interest rate based on a 6-month EURIBOR instead of 1-year IBOR set out in the Reference Rate Communication as well as the grace period of two years and its impact on the interest rate. The interest margin (320 b.p.) charged did not seem to take into account the deteriorating financial situation of ZSSK Cargo: as a company without credit history or any available rating and with financial difficulties, the margin for a loan with high collateral should according to the Reference Rate Communication be at least 400 basis points, whereas if the level of collateral is low, the margin should have been 1 000 basis points.
- (22) The decision to initiate the procedure also raised doubts whether the loan, in case it constituted State aid, could be declared compatible with the internal market under Articles 107(3)(b) or (c) of the TFEU in light of the rules laid down in the Temporary Community framework for State aid measures to support access to finance in the current financial and economic crisis <sup>(10)</sup>, Community guidelines on State aid for rescuing and restructuring firms in difficulty <sup>(11)</sup> or the Community guidelines on State aid for railway undertakings <sup>(12)</sup>.

## 3. COMMENTS FROM SLOVAKIA

- (23) The Slovak authorities claim that the loan was granted on market terms by the State as a prudent shareholder and therefore does not contain any State aid element.
- (24) First, the Slovak authorities claim that in the same situation, any reasonable shareholder would have granted the loan to the company. The Slovak authorities argue that it can be expected that the shareholder would have granted the loan under market conditions using the interest rate at the lower limit offered by banks on loans with similar parameters. The shareholder's interest is not to grant a loan for the business of its own company at too high interest, as it could place a disproportionate burden on the company, which could subsequently lead to frustration of the loan purpose that is usually to bridge temporary economic problems or further develop the company's business. In fact, the shareholder primarily wants the company to make profits in the next periods and it is consequently not interested in earning interest on the loan granted to its own company under normal market

<sup>(\*)</sup> Confidential information.

<sup>(8)</sup> Database S&P Capital IQ Platform <https://www.capitaliq.com>. The CDS is a financial swap agreement that the seller of the CDS will compensate the buyer (usually the creditor of the reference loan) in the event of a loan default (by the debtor). In other words, the seller of the CDS insures the buyer against some reference loan defaulting. This instrument is as such very relevant to give an indication of what would be the risk premium/guarantee fee a market operator would require to ensure the risk of default of a loan.

<sup>(9)</sup> Communication from the Commission on the revision of the method for setting the reference and discount rates (OJ C 14, 19.1.2008, p. 6).

<sup>(10)</sup> OJ C 83, 7.4.2009, p. 1.

<sup>(11)</sup> OJ C 244, 1.10.2004, p. 2.

<sup>(12)</sup> OJ C 184, 22.7.2008, p. 13.

conditions, but rather to support the company's business in order to make a profit from which it can subsequently pay out a dividend.

- (25) Second, the Slovak authorities claim that according to the company's financial projections available at the moment of the granting of the loan, ZSSK Cargo would have sufficient free cash flow to repay the loan during the 10 year period. In fact, when deciding to provide the loan the Slovak Republic has carefully considered its amount and conditions of its provision to ZSSK Cargo in view of the current developments in the market and economy, taking also into account assumptions regarding future expectations. In this context, the Slovak Republic had ZSSK Cargo Crisis Management reports at its disposal, in which ZSSK Cargo described in detail the measures to make savings that constituted the basic prerequisite for further functioning of the company so that it does not get into difficulties, as well as the prerequisite for creating an opportunity to repay the loan. When providing the loan, the Slovak Republic was working on the assumption that once the adverse effects of the economic crisis are resolved, the economy will restart, which will also have a positive impact on the sector of rail freight transport, reflecting in an increased volume of the goods transported. The Slovak Republic points out that these expectations were subsequently confirmed and ZSSK Cargo recorded an increase in the number of transports made in the following periods and it again started to achieve good economic results and eventually also managed to repay in 2015 the entire loan along with interests, earlier than set out in the loan contract.
- (26) The Slovak authorities also pointed to the fact that ZSSK Cargo was able to decrease its indebtedness in 2008 with the debt-to-equity ratio decreasing by almost 6 percentage points to 43,9 %. They also claim that ZSSK Cargo was not in difficulties and that the interest rate was calculated by the public Agency for Management of Debt and Liquidity (ARDaL) and in line with the Reference Rate Communication.
- (27) Third, the Slovak authorities argued that they decided on the terms of the loan based on the offers of three commercial banks that had been requested to submit offers for granting a loan in the same amount as well as on other loans previously received by ZSSK Cargo.
- (28) The use of 6-month EURIBOR rate was based on the fact that it would also be used by commercial banks providing loans on the market. The Slovak Republic was therefore interested in granting a loan at interest rate similar to that at which ZSSK Cargo could have borrowed on the market at that time, taking into account the most favourable conditions that could have been obtained on the market. Therefore, as private banks were willing to provide a loan to ZSSK Cargo on similar terms and one of the banks described ZSSK Cargo as a reliable and fair client among its important ones, the Slovak authorities argue that they acted as a private operator and therefore the loan does not constitute a financial advantage and so it did not give rise to a more favourable competitive position of ZSSK Cargo vis-à-vis other competitors.
- (29) Fourth, in relation to the alleged unproven rating of ZSSK Cargo, the Slovak authorities argued that ZSSK Cargo had not been a company without a credit history or a rating at the time of granting the loan. ZSSK Cargo had a relatively good credit history at the time of providing the recoverable financial assistance, and the banks perceived ZSSK Cargo as a reliable client. This was also reflected in the offers by the commercial banks submitted to the Commission. These offers clearly show that the banks were willing to provide ZSSK Cargo with a loan under similar conditions as the Slovak Republic did, and with respect to the credit history and reliability of ZSSK Cargo, none of the banks asked for, or made granting the loan conditional upon, the provision of a collateral by ZSSK Cargo. Therefore, even in the case of ZSSK Cargo, the banks would not require any official credit rating for granting a loan in the normal market, and the banks were able to rate ZSSK Cargo themselves.
- (30) Finally, the Slovak authorities argue that even though in case there are real offers by the banks there is no reason to apply alternative (reference) methods to establish whether the loan was granted on market terms, also applying the Reference Rate Communication shows that the terms of the loan were in line with reference rates:
  - (a) the 6-month EURIBOR rate was amounted to 1,67 % at that time, which together with the margin used (3,2 %) represents the rate of 4,87 %;
  - (b) the margin of 3,2 % corresponds to a margin that would be applied by commercial banks (the average margin according to the indicative offers provided by commercial banks is 3,35 %).

- (31) ZSSK Cargo was not an undertaking with a high rating or a good rating and has not offered any collateral (in such case the margin of 100 basis points (1 %) would be sufficient), but it cannot be said that it was an undertaking without a credit history or with a rating requiring the margin of at least 400 basis points. Since ZSSK Cargo could have been rated as an undertaking with a better than good rating and a low collateral at that time, but with a credit history showing its ability to meet its liabilities, the Slovak authorities argue that it was reasonable to set a margin in line with the methodology specified in the Reference Rate Communication, ranging from 100 up to 220 basis points, which corresponds to the method used by the Slovak Republic in this case, even though the 6-month EURIBOR rate was applied as a calculation basis.
- (32) In this respect, at that time, banks set interest rates using the 6-month EURIBOR rate with a margin of about 3 %, i.e. the interest rates similar to the terms of the loan. The interest rate was set on the basis of the assessment of the market conditions, including the indicative offers submitted by the commercial banks, i.e. reflecting market conditions and on the basis of a comparison with the interest rates at which the state borrowed (1,5 % p.a.), to which a credit margin of 1,7 % p.a. was added taking into account the credit risk of ZSSK Cargo, totalling a margin of 3,2 % p.a. Thus, the interest rate was set in accordance with the market conditions at the time, namely 6-month EURIBOR + margin of 3,2 % p.a.
- (33) In conclusion, the Slovak Republic argues that it proceeded in accordance with the private investor principle in a market economy and thus the loan did not entail any advantage for ZSSK Cargo.

#### 4. ASSESSMENT — EXISTENCE OF STATE AID

- (34) By virtue of Article 107(1) of the TFEU ‘any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Member States, be incompatible with the common market.’
- (35) The qualification of a measure as aid within the meaning of that provision therefore requires the following cumulative conditions to be met: (i) the measure must be imputable to the State and financed through State resources; (ii) it must confer an advantage on its recipient; (iii) that advantage must be selective; and (iv) the measure must distort or threaten to distort competition and affect trade between Member States. The criteria laid down in Article 107(1) of the TFEU are cumulative, therefore, in this case, it is appropriate to confine the assessment to the question whether the loan (selectively) favoured ZSSK.

##### 4.1. Legal framework for the assessment of the presence of an economic advantage over market conditions

- (36) The Court of Justice has considered that the application of the market investor test allowing assessing whether an economic advantage unduly favouring a (public) undertaking is granted depends on whether the State acts as a shareholder or as a public authority. The Member State must establish unequivocally it acted as an investor seeking a return and support with objective and verifiable elements that contention. Those elements must be contemporary to the decision to grant the measure and show that the decision was grounded on economic evaluations similar to those which a market investor would have carried out with a view to determining the profitability of the investment<sup>(13)</sup>. Both the existence and the amount of aid fall to be assessed in the light of the situation prevailing at the time the loan was granted<sup>(14)</sup>.
- (37) The conduct of a market investor with which the intervention of the public investor must be compared need not be the conduct of an ordinary investor laying out capital with a view to realizing a profit in the relatively short term. However, the conduct must at least be that of a private holding company or a private group of undertakings pursuing a structural policy — whether general or sectorial — and guided by prospects of profitability in the longer term<sup>(15)</sup>.

<sup>(13)</sup> Case C-124/10 P *Commission v EDF*, EU:C:2012:318, points 81 to 84.

<sup>(14)</sup> Case T-318/00, *Freistaat Thüringen v Commission*, par. 125, EU:T:2005:363.

<sup>(15)</sup> Case C-305/89, *Italian Republic v Commission*, par. 20, EU:C:1991:142.

- (38) In the present case, the Slovak Republic claims that it acted as a prudent shareholder when granting the loan and has provided the evidence which was available to it and that it took into account before granting the loan (see section 3). It follows that, based on that evidence, the Commission has to examine the presence of a selective economic advantage. In particular, whether, in similar circumstances and based on the information available and examined, a market investor in a situation as close as possible to that of the Slovak Republic — through its competent Ministry of Transport, Posts and Telecommunications — might have provided funding to ZSSK Cargo in the form of a long term loan at the conditions the loan was granted <sup>(16)</sup>.
- (39) This examination requires assessing whether the terms of the loan provided by the Slovak Republic to the benefit of ZSSK Cargo conferred a selective economic advantage to the latter, that means under conditions which ZSSK Cargo would not have obtained on the market. To that effect, the Commission has to take into consideration in particular the financial situation of ZSSK Cargo and foreseeable developments at the moment of granting the loan, the shareholding position of the Slovak Republic and the conditions provided for the loan.
- (40) The relevant test is therefore whether a market operator in the position of the Slovak Republic would have granted the loan under the same terms in March 2009. The relevant operator for the assessment is not a commercial bank with little or no past credit relationship granting a commercial loan but a market investor being the sole shareholder of ZSSK Cargo and granting the loan with a view to allowing its controlled company to meet operating costs after a sharp and unexpected decline in its activity and revenues.
- (41) In that examination, the fact that ZSSK Cargo was able to fully repay the loan four years in advance of the original term already in 2015 and recorded operating profits thereafter does not on its own allow concluding that a market lender acting in lieu of the Ministry of Transport, Posts and Telecommunications would also have granted the loan with reasonable assurance of being repaid. The early repayment only confirms, *ex post*, the reasonableness of the assessment made by the public shareholder/creditor on the basis of the information that was available and examined before the loan was granted and is not decisive to conclude positively that another operator would also have granted the same loan.

#### 4.2. Assessment of the loan to ZSSK Cargo

- (42) Firstly, the evidence provided in the proceedings shows that three commercial banks indicatively offered to ZSSK Cargo a loan of the same amount (EUR 166 million) and repayment period (10 years) with interest rate of 6-month EURIBOR plus 295 b.p. ([commercial bank 1]), 285-300 b.p. ([commercial bank 2]) or 425 b.p. ([commercial bank 3]), respectively without any particular collateral. Therefore, two commercial banks were ready to offer to ZSSK Cargo even lower interest rate margins than the one charged by the Slovak Republic namely 320 b.p. These indicative offers were known to and examined by the Slovak Republic with a view to setting the interest rate of the loan under examination (see recitals 18 and 27). Therefore, the interest rate charged on the public loan was determined with a view to and in line with the remuneration that was adequate for market private lenders.
- (43) The fact that the loan provided for a 2-year grace period for the repayment of the principal of the loan, later extended by additional 18 months, was unlikely to have significant effect on the assessment of the terms of the loan. Since the interests on the outstanding amount were paid on a 6-monthly basis since the beginning of the loan period, the benefit of the postponed repayment of the principal was outweighed by higher interest payments.
- (44) In addition, the indicative offers also show that the use of a 6-month EURIBOR rate was a standard practice by the private banks and thus in line with market conditions. All these banks knew ZSSK Cargo based on loans provided in the previous years and [commercial bank 1] even explicitly described ZSSK Cargo in its offer as a reliable and trustworthy partner. In addition to these offers, ZSSK Cargo had a credit history with these three as well as other commercial banks, contrary to the preliminary position set out in the decision to initiate the procedure.

<sup>(16)</sup> Joined cases C-278/92, C-279/92 and C-280/92, *Kingdom of Spain v Commission*, par. 21. EU:C:1994:325.



- (45) Finally, the benchmarking of the 320 b.p. interest margin charged on the loan against the CDS rates at the time the loan was granted, as described in recital 19, also shows that the interest margin can be considered as falling among actual market rates for companies with the same rating as ZSSK Cargo in March 2009. In other words the CDS-benchmarking does not corroborate the doubts raised in the decision to initiate the procedure. The ensuing conclusion is that the interest rate effectively charged is not shown to have provided ZSSK Cargo with an undue advantage over market conditions.
- (46) Therefore, all available evidence indicates that ZSSK Cargo was likely to obtain financing on similar terms also from private commercial lenders thus dispelling the doubts raised in the decision to initiate the procedure. More even so since such market operators, contrary to the State, were not capable of recovering as shareholders any revenue hypothetically foregone from the loans at the conditions offered, purportedly low on first examination.
- (47) Secondly, according to the evidence collected in the proceedings, at the time the loan was granted, ZSSK Cargo was not an undertaking in difficulty under the two quantified criteria of the 2004 Community guidelines on State aid for rescuing and restructuring firms in difficulty (point (10)). Namely ZSSK Cargo at the time has not lost more than half of its registered capital, of which one quarter in the past 12 months and it was not meeting criteria for domestic insolvency proceedings. Moreover, despite the acute liquidity shortage in 2009, it also seems unlikely that ZSSK Cargo could be considered as being in difficulty under the non-quantified criteria of those guidelines (point 11, e.g. mounting debt, falling or nil asset value, excess capacity).
- (48) Indeed, ZSSK Cargo recorded a small profit in 2008 and the accumulated losses from previous years (amounting as of 31 December 2008 to SKK 1 452 million (EUR 42,2 million)) were still relatively minor compared to the total equity of more than SKK 13 000 million (EUR 377,5 million). Even the significant loss subsequently recorded for the whole year 2009 did not eliminate more than half of its subscribed share capital. In addition, the indebtedness of ZSSK Cargo at the beginning of 2009 was rather modest with a debt-to-equity ratio of 0,44. By way of comparison, under the 2014 Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty (which are not applicable to this case), the ratio for the determination as undertaking in difficulty under specific rules for aid to undertakings in difficulty is 7,5, that is, seventeen times higher.
- (49) The rating of ZSSK Cargo at the time when the loan was granted appears higher than a CCC-rating used for undertakings in difficulty in line with the 2008 Reference Rate Communication on which the decision to initiate the procedure relied to preliminarily indicate that the interest rate effectively charged was unduly low. On the contrary, the available evidence suggests that ZSSK Cargo would have been rated BB, thus having access to finance at lower cost than undertakings in difficulty. Furthermore, the non-negligible difference of 80 b.p. between the 320 b.p. interest margin of the public loan under scrutiny and the 400 b.p. proxy of market margin determined for undertakings rated BB with low collateral under the 2008 Reference Rate Communication is far lower than the 140 b.p. difference between the actual quotes of loan interest rates from commercial banks vis-à-vis ZSSK Cargo produced in the proceedings.
- (50) It follows that, contrary to the preliminary views set out in the decision initiating the formal procedure, the difference in interest rate of the public loan as compared with the proxy of market rate provided in the 2008 Reference Rate Communication cannot be held to indicate that the latter was not granted in line with market conditions.
- (51) Thirdly, the fact that the State held (and still holds) 100 % of ZSSK Cargo's shares needs to be taken into account. The State's economic considerations of the expected profit from the loan are not limited to the expected interest rate payments only, as in case of commercial banks, but necessarily need to take into account the fact that the loan would improve ZSSK Cargo's ability to reach future profits and thus increase — or maintain — the value of the State's shareholding. Indeed, one of the explicit reasons for the financing as indicated in the 2009 Report was to enable ZSSK Cargo to overcome the economic crisis and to restructure with the aim of achieving long-term profitability, which the same report indicated ZSSK Cargo was capable of achieving.

- (52) In effect, the provision of the loan was one among a variety of mutually supporting actions and measures aimed at ensuring a long-term solution to the financial situation of ZSSK Cargo portrayed in recital 16 and which include (i) costs-cutting measures, (ii) temporary dismissals of employees, and (iii) long-term optimization of the number of employees and further restructuring of ZSSK Cargo's operations. A prudent market operator would have also supported the restructuring of its fully controlled company, since there were realistic prospects of its situation improving. Indeed, the February 2009 Report drawn-up and examined by the Slovak authorities before the loan was granted indicates that the State diligently verified the future prospects for development of ZSSK Cargo, including its ability to generate the cash-flows that were necessary to service and repay the loan, like a prudent market investor or lender would have also verified. As a matter of fact, based on the prospects and information available, the public shareholder chose to grant a fully reimbursable loan, albeit with a reasonable grace period, instead of other alternative financial instruments such as (non-reimbursable) equity or debt convertible into equity or other hybrid financing that could have shown anticipation of difficulties of ZSSK to reimburse.
- (53) Like other private shareholders did during the financial and economic crisis started in 2008, the objective and verifiable evidence submitted by the Slovak Republic shows that, by granting the loan under examination, the Ministry of Transport, Posts and Telecommunications wished to act and effectively acted in its capacity of shareholder to maintain a potentially valuable shareholding through the continued operation of ZSSK Cargo in a difficult commercial environment characterised by sheer drops in volumes of freight and supported the continuation of the company allowing it to restructure, which the company eventually did.

#### 4.3. Conclusion

- (54) The conditions of the public loan granted to ZSSK Cargo were in line with market conditions and such loan would have also been granted by a market economy operator. It follows that the loan at issue cannot be deemed to have (selectively) favoured ZSSK Cargo. Since the conditions of Article 107(1) of the TFEU are cumulative, it is therefore not necessary to assess whether the loan involved State resources, distorted or threatened to distort competition, and affect trade between Member States. A fortiori, it is not necessary to assess whether the loan at issue could be declared compatible with the internal market pursuant to Article 107(3)(b) or (c) of the TFEU,

HAS ADOPTED THIS DECISION:

#### *Article 1*

The loan granted by the Slovak Republic to Železničná Spoločnosť Cargo Slovakia, a.s., amounting to EUR 165 969 594,37 does not constitute State aid within the meaning of Article 107(1) of the Treaty on the Functioning of the European Union.

#### *Article 2*

This Decision is addressed to the Slovak Republic.

Done at Brussels, 20 July 2018.

*For the Commission*  
Margrethe VESTAGER  
*Member of the Commission*

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**COMMISSION IMPLEMENTING DECISION (EU) 2019/1713****of 9 October 2019****establishing the format of information to be made available by the Member States for the purposes of reporting on the implementation of Directive (EU) 2015/2193 of the European Parliament and of the Council***(notified under document C(2019) 7133)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive (EU) 2015/2193 of the European Parliament and of the Council of 25 November 2015 on the limitation of emissions of certain pollutants into air from medium combustion plants <sup>(1)</sup>, and in particular Article 11(2) thereof,

Whereas:

- (1) Article 11(2) of Directive (EU) 2015/2193 requires Member States to provide to the Commission by 1 January 2021 a report estimating annual emissions of carbon monoxide (CO) from medium combustion plants.
- (2) In accordance with Article 11(3) (first subparagraph) of Directive (EU) 2015/2193, the Commission should make an electronic reporting tool available to the Member States for reporting purpose.
- (3) In accordance with Article 11(3) (second subparagraph) of Directive (EU) 2015/2193 the reporting technical formats should be specified by the Commission in order to simplify and streamline reporting obligations for the Member States.
- (4) The measures provided for in this Decision are in accordance with the opinion of the committee established by Article 75(1) of Directive 2010/75/EU of the European Parliament and of the Council <sup>(2)</sup> as referred to in Article 15 of Directive (EU) 2015/2193,

HAS ADOPTED THIS DECISION:

*Article 1*

For the purpose of reporting to the Commission an estimate of the total annual emissions of carbon monoxide (CO) in accordance with Article 11(2) of Directive (EU) 2015/2193, Member States shall use the questionnaire set out in the Annex to this Decision.

Member States shall use the electronic reporting tool made available by the Commission in accordance with Article 11(3) (1<sup>st</sup> subparagraph) of Directive (EU) 2015/2193 to report the information set out in the Annex to this Decision.<sup>(1)</sup> OJ L 313, 28.11.2015, p. 1.<sup>(2)</sup> Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17).

*Article 2*

The information set out in the Annex to this Decision shall be submitted for the reporting year 2019 unless otherwise stated in that Annex.

The information set out in the Annex to this Decision shall be submitted by 1 January 2021 at the latest.

This Decision is addressed to the Member States.

Done at Brussels, 9 October 2019.

*For the Commission*  
Karmenu VELLA  
*Member of the Commission*

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## ANNEX

**INFORMATION ON MEDIUM COMBUSTION PLANTS COVERED BY DIRECTIVE (EU) 2015/2193**

*Note.* The obligation to supply the information required by January 2021 predates the need for existing Medium Combustion Plants to be permitted or registered. In view of this, when completing the report Member States will need to rely on data that they have available at that time. In cases where they do not have data available they shall complete the report using their best estimates. For these reasons a distinction is made between new and existing plants and plants above and below 20MWth.

**PART 1****Plant categories**

This table provides the plant categories to be used for providing the information required under parts 2 and 3 <sup>(1)</sup>.

1.1. New or existing	As defined under Article 3(6) and (7) of Directive (EU) 2015/2193
1.2. Capacity classes (rated thermal input) <sup>(1)</sup>	<ul style="list-style-type: none"> <li>— equal to or greater than 1 MWth and less than or equal to 5 MWth</li> <li>— greater than 5 MWth and less than or equal to 20 MWth</li> <li>— greater than 20 MWth</li> </ul>
1.3. Plant types	<ul style="list-style-type: none"> <li>— other than engines and gas turbines</li> <li>— engines</li> <li>— gas turbines</li> </ul>
1.4. Fuel types	<ul style="list-style-type: none"> <li>— solid biomass</li> <li>— other solid fuels</li> <li>— gas oil</li> <li>— liquid fuels other than gas oil</li> <li>— natural gas</li> <li>— gaseous fuels other than natural gas</li> <li>— mixed fuel</li> </ul>

<sup>(1)</sup> For new medium combustion plants, the total rated thermal input may be used.

**PART 2****Metadata**

2.1. Country	Identification of the country submitting the report
2.2. Competent Authority	Identification of the competent authority responsible for the report (department, address, phone number and email)
2.3. Number of plants	Number of plants for each plant category
2.4. Reporting year	Calendar year to which the reporting refers <sup>(1)</sup>

<sup>(1)</sup> Preferably 2019. If not possible, 2018.

<sup>(1)</sup> Example of category: New boilers greater than 5 MWth and less than or equal to 20 MWth combusting liquid fuels other than gas oil.

**PART 3****Emissions, energy input and capacity**

3.1. CO concentrations	Estimated average concentration of carbon monoxide expressed in mg/Nm <sup>3</sup> at the reference oxygen level used to express ELVs of the regulated pollutant and dry air for each plant category
3.2. CO emissions	Estimated emissions of carbon monoxide expressed as the total quantity in tonnes per calendar year discharged by plants for each plant category
3.3. Energy input	Estimated total fuel used by the plants expressed in Tera Joules per year for each plant category
3.4. Total aggregated capacity	Estimated total installed capacity expressed as the sum of the rated thermal input of all the plants for each plant category

**CORRIGENDA****Corrigendum to Council Decision (CFSP) 2019/1672 of 4 October 2019 on a European Union action in support of the United Nations Verification and Inspection Mechanism in Yemen**

*(Official Journal of the European Union L 256 of 7 October 2019)*

On page 12:

*for:* 'Done at Strasbourg, 4 October 2019.'

*read:* 'Done at Luxembourg, 4 October 2019.'

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