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Legislation

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⁽¹⁾ Text with EEA relevance.

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⁽¹⁾ Text with EEA relevance.

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⁽¹⁾ Text with EEA relevance.

I

(Legislative acts)

REGULATIONS

REGULATION (EU) 2021/2282 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 15 December 2021

on health technology assessment and amending Directive 2011/24/EU

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 114 and 168 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinions of the European Economic and Social Committee ⁽¹⁾,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) The development of health technologies is a key driver of economic growth and innovation in the Union and is key to achieving the high level of health protection that health policies need to ensure for the benefit of all. Health technologies constitute an innovative sector of the economy and form part of an overall market for healthcare expenditure that accounts for 10 % of Union gross domestic product. Health technologies encompass medicinal products, medical devices, *in vitro* diagnostic medical devices and medical procedures, as well as measures for disease prevention, diagnosis or treatment.
- (2) Health technology assessment (HTA) is a scientific evidence-based process that allows competent authorities to determine the relative effectiveness of new or existing health technologies. HTA focuses specifically on the added value of a health technology in comparison with other new or existing health technologies.
- (3) HTA is able to contribute to the promotion of innovation, which offers the best outcomes for patients and society as a whole, and is an important tool for ensuring proper application and use of health technologies.
- (4) HTA can cover both clinical and non-clinical aspects of a health technology, depending on the healthcare system. The Union's co-funded joint actions on HTA (EUnetHTA Joint Actions) have identified nine domains by reference to which health technologies are assessed. Of these nine domains, four are clinical and five are non-clinical. The four clinical domains of assessment concern the identification of a health problem and current health technology, the

⁽¹⁾ OJ C 283, 10.8.2018, p. 28 and OJ C 286, 16.7.2021, p. 95.

⁽²⁾ Position of the European Parliament of 14 February 2019 (OJ C 449, 23.12.2020, p. 638) and position of the Council at first reading of 9 November 2021 (OJ C 493, 8.12.2021, p. 1). Position of the European Parliament of 14 December 2021 (not yet published in the Official Journal).

examination of the technical characteristics of the health technology under assessment, its relative safety, and its relative clinical effectiveness. The five non-clinical assessment domains concern cost and economic evaluation of a health technology, and its ethical, organisational, social and legal aspects.

- (5) HTA can improve scientific evidence used to inform clinical decision-making and patient access to health technologies, including where a health technology becomes obsolete. The outcome of HTA is used to inform decisions concerning the allocation of budgetary resources in the field of health, for example in relation to establishing the pricing or reimbursement levels of health technologies. HTA can therefore assist Member States in creating and maintaining sustainable healthcare systems, and stimulate innovation that delivers better outcomes for patients.
- (6) The carrying out of parallel assessments by multiple Member States and divergences between national laws, regulations and administrative provisions on the processes and methodologies of assessment can result in health technology developers being confronted with multiple and divergent requests for data. It can also lead to both duplication and variation in outcomes, resulting from the specific national healthcare context.
- (7) While Member States have carried out some joint assessments within the framework of the EUnetHTA Joint Actions, the voluntary cooperation and production of output has been inefficient, relying on project-based cooperation in the absence of a sustainable model of cooperation. The use of the results of the EUnetHTA Joint Actions, including their joint clinical assessments, at Member State level has remained limited, meaning that the duplication of assessments on the same health technology by HTA authorities and bodies in different Member States within identical or similar timeframes has not been sufficiently addressed. On the other hand, the main outcomes of the EUnetHTA Joint Actions should be considered when implementing this Regulation, in particular scientific output such as methodological and guidance documents as well as information technology (IT) tools to store and exchange information.
- (8) In its conclusions of 1 December 2014 on innovation for the benefit of patients ⁽³⁾, the Council acknowledged the key role that HTA has as a health policy tool to support evidence-based, sustainable and equitable choices in healthcare and health technologies for the benefit of patients. In those conclusions, the Council further called on the Commission to continue to support cooperation in a sustainable manner, and asked for joint work between Member States on HTA to be enhanced and for opportunities for cooperation on exchange of information between competent bodies to be explored. Furthermore, in its conclusions of 7 December 2015 on personalised medicine for patients ⁽⁴⁾, the Council invited Member States and the Commission to strengthen HTA methodologies applicable to personalised medicine, and the Council conclusions of 17 June 2016 on strengthening the balance in the pharmaceutical systems in the European Union and its Member States ⁽⁵⁾ provided further evidence that Member States see clear added value in cooperation on HTA. The joint report of October 2016 of the Commission's Directorate-General for Economic and Financial Affairs and the Economic Policy Committee further called for enhanced European cooperation on HTA. Finally, in its conclusions of 15 June 2021 on Access to medicines and medical devices for a Stronger and Resilient EU ⁽⁶⁾, the Council invited Member States and the Commission to explore the possibility of establishing an EU Real-World data collection and evidence generation action plan, which will promote better collaboration between ongoing national and cross-border initiatives and which could contribute to reducing evidence gaps in HTA and payer decisions.
- (9) The European Parliament, in its resolution of 2 March 2017 on EU options for improving access to medicines ⁽⁷⁾, called on the Commission to propose legislation on a European system for HTA as soon as possible and to harmonise transparent HTA criteria in order to assess the added therapeutic value and relative effectiveness of health technologies compared with the best available alternative, that takes into account the level of innovation and benefit for patients.

⁽³⁾ OJ C 438, 6.12.2014, p. 12.

⁽⁴⁾ OJ C 421, 17.12.2015, p. 2.

⁽⁵⁾ OJ C 269, 23.7.2016, p. 31.

⁽⁶⁾ OJ C 269 I, 7.7.2021, p. 3.

⁽⁷⁾ OJ C 263, 25.7.2018, p. 4.

- (10) In its communication of 28 October 2015 on Upgrading the Single Market: more opportunities for people and business, the Commission declared its intention to introduce an initiative on HTA to increase coordination in order to avoid multiple assessments of a product in different Member States and improve the functioning of the Single Market for health technologies.
- (11) This Regulation aims to achieve a high level of protection of health for patients and users while ensuring the smooth functioning of the internal market as regards medicinal products, medical devices and *in vitro* diagnostic medical devices. At the same time, this Regulation establishes a framework to support Member State cooperation and the measures needed for clinical assessment of health technologies. Both objectives are being pursued simultaneously and, whilst inseparably linked, one is not secondary to the other. As regards Article 114 of the Treaty on the Functioning of the European Union (TFEU), this Regulation sets out the procedures and the rules for carrying out joint work and establishing a framework at Union level. As regards Article 168 TFEU, whilst aiming at providing a high level of health protection, this Regulation allows for cooperation between Member States on certain aspects of HTA.
- (12) Joint work should be produced following the principle of good administrative practice, and it should aim to achieve the highest level of quality, transparency and independence.
- (13) Health technology developers often face the difficulty of submitting the same information, data, analyses and other evidence to different Member States, and also at various points in time. The duplication of submissions and consideration of different timings for submission across Member States can constitute a significant administrative burden for health technology developers, in particular for smaller companies with limited resources, and might contribute to impeding and distorting market access, leading to a lack of business predictability, higher costs and, in the long run, negative effects on innovation. Thus, this Regulation should provide for a mechanism that ensures that any information, data, analyses and other evidence required for the joint clinical assessment should be submitted only once at Union level by the health technology developer.
- (14) In accordance with Article 168(7) TFEU, the Member States are responsible for the definition of their health policy and for the organisation and delivery of health services and medical care. Those responsibilities include the management of health services and medical care and especially the allocation of the resources assigned to them. It is necessary therefore that Union action is limited to those aspects of HTA that relate to the joint clinical assessment of a health technology and to ensure in particular that there are no value judgements in joint clinical assessments in order to respect the responsibilities of Member States pursuant to Article 168(7) TFEU. In that regard, the joint clinical assessments provided for by this Regulation constitute a scientific analysis of the relative effects of the health technology as assessed on the health outcomes against the chosen parameters which are based on the assessment scope. The scientific analysis will further include consideration of the degree of certainty of the relative effects, taking into account the strengths and limitations of the available evidence. The outcome of joint clinical assessments should therefore not affect the discretion of Member States to carry out assessments on the clinical added value of the health technologies concerned or predetermine subsequent decisions on pricing and reimbursement of health technologies, including the fixing of criteria for such pricing and reimbursement decisions, which could depend on both clinical and non-clinical considerations individually, or together, and which remain solely a matter of national competence.
- (15) Member States should be able to perform complementary clinical analyses, which are necessary for their overall national HTA process, on the health technologies for which a joint clinical assessment report is available. In particular, Member States should be able to perform complementary clinical analyses relating, *inter alia*, to patient groups, comparators or health outcomes other than those included in the joint clinical assessment report, or using a different methodology if that methodology would be required in the overall national HTA process of the Member State concerned. If additional information, data, analyses and other evidence is needed for complementary clinical analyses, Member States should be able to ask the health technology developers to submit the necessary information, data, analyses and other evidence. This Regulation should not restrict in any way Member States' rights to perform non-clinical assessments on the same health technology prior to, during the preparation of, or after the publication of a joint clinical assessment report.

- (16) In order to guarantee the highest quality of joint clinical assessments, ensure a wide acceptance and enable pooling of expertise and resources across national HTA authorities and bodies, it is appropriate to follow a stepwise approach, starting with a small number of jointly assessed medicinal products and only at a later stage requiring joint clinical assessments to be carried out for other medicinal products undergoing the centralised marketing authorisation procedure provided for under Regulation (EC) No 726/2004 of the European Parliament and of the Council ⁽⁸⁾ and where those medicinal products are subsequently authorised for a new therapeutic indication.
- (17) Joint clinical assessments should also be carried out on certain medical devices as defined in Regulation (EU) 2017/745 of the European Parliament and of the Council ⁽⁹⁾ which are in the highest risk classes and for which the relevant expert panels referred to in Article 106(1) of that Regulation have provided their opinions or views, as well as on *in vitro* diagnostic medical devices classified as class D pursuant to Regulation (EU) 2017/746 of the European Parliament and of the Council ⁽¹⁰⁾.
- (18) Taking into consideration the complexity of certain medical devices and *in vitro* diagnostic medical devices, and the expertise required to assess them, Member States should be able, where they see an added value, to undertake voluntary cooperation on HTA on medical devices classified as class IIb or III pursuant to Article 51 of Regulation (EU) 2017/745 and *in vitro* diagnostic medical devices classified as class D pursuant to Article 47 of Regulation (EU) 2017/746 which are software and which do not fall within the scope of joint clinical assessments under this Regulation.
- (19) In order to ensure that joint clinical assessments carried out on health technologies remain accurate and relevant, of high quality and based on the best scientific evidence available at any given time, it is appropriate to establish conditions for updating those assessments, in particular where additional data that becomes available subsequent to the initial assessment has the potential to increase the accuracy and quality of the assessment.
- (20) A Member State Coordination Group on Health Technology Assessment (the 'Coordination Group') composed of Member States' representatives, in particular from HTA authorities and bodies, should be established with responsibility for overseeing the carrying out of joint clinical assessments and other joint work within the scope of this Regulation. In order to ensure a Member State-led approach to joint clinical assessments and joint scientific consultations, Member States should designate the members of the Coordination Group. Those members should be designated with the goal of ensuring a high level of competence in the Coordination Group. Members of the Coordination Group should designate HTA authorities and bodies to the subgroups, which provide adequate technical expertise for carrying out joint clinical assessments and joint scientific consultations, taking into account the need to provide expertise on the HTA of medicinal products, medical devices and *in vitro* diagnostic medical devices.
- (21) To reflect the scientific nature of the cooperation and ensure that decisions taken by the Coordination Group meet the objectives of guaranteeing joint work of the highest scientific quality and impartiality, the Coordination Group should use its best endeavours to reach a consensus. If such a consensus cannot be reached, and in order to ensure a smooth decision-making mechanism in the Coordination Group, decisions of a technical and scientific nature should be taken on a simple majority basis where one vote is given to each Member State irrespective of the number of members of the Coordination Group from any given Member State. By way of exception, and given its different nature, decisions on the adoption of the annual work programme, the annual report and the strategic direction for the work of the subgroups should be taken on a qualified majority basis.
- (22) The Commission should not take part in votes on joint clinical assessments or comment on the content of joint clinical assessment reports.

⁽⁸⁾ Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Union procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency (OJ L 136, 30.4.2004, p. 1).

⁽⁹⁾ Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p. 1).

⁽¹⁰⁾ Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on *in vitro* diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (OJ L 117, 5.5.2017, p. 176).

- (23) The Coordination Group should ensure that the scientific joint work as well as the procedures and methodology for the preparation of joint clinical assessment reports and joint scientific consultation outcome documents guarantee the highest quality, are prepared in a timely manner, and reflect the state of the art of medical science at the time of their preparation.
- (24) Methodologies for performing joint clinical assessments and joint scientific consultations should be adapted to include specificities of new health technologies for which some data may not be readily available. This may be the case for, inter alia, orphan medicinal products, vaccines and advanced therapy medicinal products.
- (25) The assessment scope for joint clinical assessments should be inclusive and should reflect all Member States' needs in terms of data and analyses to be submitted by the health technology developer.
- (26) Where joint clinical assessments are used to prepare subsequent administrative decisions at Member State level, they constitute one of several preparatory steps in a multi-step procedure. Member States remain the sole entity responsible for national HTA processes, for the conclusions on the value of a health technology and for the decisions resulting from HTAs. Member States should be able to determine at which step of their HTA process, and by which authority or body, the joint clinical assessment reports should be considered.
- (27) The Coordination Group should make all efforts to endorse the joint clinical assessment report by consensus. Where a consensus cannot be reached, and with a view to ensuring the finalisation of joint clinical assessment reports within the timeframe set, divergent scientific opinions should be included in those reports. To ensure the integrity of the system of joint clinical assessments and the aim for consensus, the inclusion of divergent scientific opinions should be limited to those opinions which are fully justified on scientific grounds, and therefore should be considered as an exceptional measure.
- (28) Member States should remain responsible for drawing conclusions at national level on the clinical added value of a health technology, as such conclusions depend on the specific healthcare context in any given Member State, and on the relevance of individual analyses included in the joint clinical assessment report (for example, several comparators could be included in the joint clinical assessment report, of which only a selection is relevant to a given Member State). The joint clinical assessment report should include a description of the relative effects observed for the health outcomes analysed, including numerical results and confidence intervals, and an analysis of scientific uncertainty and strengths and limitations of the evidence (for example, internal and external validity). The joint clinical assessment report should be factual and should not contain any value judgement, ranking of health outcomes, conclusions on the overall benefit or clinical added value of the assessed health technology, any position on the target population in which the health technology should be used, or any position on the place the health technology should have in the therapeutic, diagnostic or preventive strategy.
- (29) Transparency and public awareness of the process is essential. Where there is confidential data for commercial reasons, the reasons for confidentiality need to be clearly set out and justified and the confidential data well delimited and protected.
- (30) Where Member States conduct HTAs at national or regional level for health technologies that have been assessed at Union level, they should consider the joint clinical assessment reports at that level. In that regard, especially taking into account that different timing can apply for national HTA decisions, Member States should be able to take into account information, data, analyses and other evidence that were not part of the joint clinical assessment at Union level. The HTA conducted at national or regional level on a health technology that has been assessed at Union level should be made available to the Coordination Group.
- (31) In the context of this Regulation, the term 'give due consideration', when applied to a joint clinical assessment report, means that the report should be part of the documentation of authorities or bodies involved in HTA activities at Member State or regional level and should be considered for any HTA at Member State level. If the joint clinical assessment report is available, it should be part of the documentation that supports the national HTA process. However, the content of the joint clinical assessment report is scientific in nature and should not be binding on

those authorities or bodies or on Member States. If a joint clinical assessment report is not available at the time when the national HTA is finalised, this should not delay any subsequent process at Member State level. A joint clinical assessment report should have no external impact on applicants and other parties other than the Member States.

- (32) The obligation on Member States not to request at national level any information, data, analyses or other evidence which has been submitted by health technology developers at Union level reduces, where health technology developers comply with information submission requirements laid down pursuant to this Regulation, the administrative and financial burden on them which would result from being confronted with multiple and divergent requests for information, data, analyses or other evidence at Member State level. That obligation should however not exclude the possibility of Member States asking health technology developers for clarification about the submitted information, data, analyses or other evidence.
- (33) The obligation on Member States not to request at national level the same information, data, analyses or other evidence that has been already submitted by health technology developers at Union level should not encompass requests of information, data, analyses or other evidence within the scope of early access programmes at Member State level. Such early access programmes at Member State level aim to provide patient access to medicinal products in situations of high unmet medical needs before a centralised marketing authorisation has been granted.
- (34) Health technology developers should not submit any information, data, analyses or other evidence at national level that has been already submitted at Union level. This ensures that Member States can only request information, data, analyses and other evidence from health technology developers at Member State level that are not already available at Union level.
- (35) For medicinal products, directly comparative clinical studies which are randomised, blinded and include a control group, the methodology of which conforms to international standards of evidence-based medicine, should be preferentially considered when conducting a joint clinical assessment. That approach should however not *per se* exclude observational studies, including those based on real world data, when such studies are accessible.
- (36) The timeframe for joint clinical assessments for medicinal products should be fixed, as far as possible, by reference to the timeframe applicable to the completion of the centralised marketing authorisation procedure provided for under Regulation (EC) No 726/2004. Such coordination should ensure that joint clinical assessments could effectively facilitate market access and contribute to the timely availability of innovative health technologies for patients. Health technology developers should therefore respect the deadlines established pursuant to this Regulation when submitting the requested information, data, analyses and other evidence.
- (37) The establishment of a timeframe for the joint clinical assessments for medical devices and *in vitro* diagnostic medical devices should take into account the highly decentralised market access pathway for those devices and the availability of appropriate evidence data required to carry out a joint clinical assessment. As the required evidence may only become available after the medical device or the *in vitro* diagnostic medical device has been placed on the market, and in order to allow for their selection for joint clinical assessment at an appropriate time, it should be possible for assessments of such devices to take place after their placing on the market.
- (38) In all cases, the joint work carried out under this Regulation, in particular the joint clinical assessments, should aim to produce high-quality and timely results, and foster greater collaboration between Member States on HTA for medical devices and *in vitro* diagnostic medical devices and should not delay or interfere with the CE marking of medical devices or *in vitro* diagnostic medical devices, or delay their market access. This work should be separate and distinct from the regulatory assessments conducted pursuant to Regulations (EU) 2017/745 and (EU) 2017/746 and should have no impact on decisions taken in accordance with those Regulations.

- (39) In order to facilitate the process of preparing joint clinical assessments, health technology developers should, in appropriate cases, be afforded the opportunity to engage in joint scientific consultations with the Coordination Group in order to obtain guidance on the information, data, analyses and other evidence that are likely to be required from clinical studies. Clinical studies comprise clinical trials of medicinal products, clinical investigations required for the clinical evaluation of medical devices and performance studies required for performance evaluations of *in vitro* diagnostic medical devices. Given the preliminary nature of the consultation, any guidance offered should not be legally binding either on the health technology developers or on HTA authorities and bodies. Such guidance, however, should reflect the state of the art of medical science at the time of the joint scientific consultation, in particular in the interest of patients.
- (40) Where joint scientific consultations are carried out in parallel with the preparation of scientific advice on medicinal products provided for under Regulation (EC) No 726/2004 or in parallel with the consultation on medical devices provided for in Regulation (EU) 2017/745, those parallel processes, including information exchange between the subgroups and the European Medicines Agency or the expert panels on medical devices, should be carried out with a view to ensuring that the generation of evidence fulfils the needs of the respective frameworks, while preserving the separation of their respective remits.
- (41) Joint clinical assessments and joint scientific consultations necessitate the sharing of confidential information between health technology developers and HTA authorities and bodies. In order to ensure the protection of such information, information provided to the Coordination Group in the framework of joint clinical assessments and joint scientific consultations should only be disclosed to a third party after a confidentiality agreement has been concluded. In addition, it is necessary that any information made public about the results of joint scientific consultations is presented in an anonymised format with the removal of any information of a commercially sensitive nature.
- (42) In order to ensure the efficient use of available resources, it is appropriate to provide for a 'horizon scanning' exercise, to allow the early identification of emerging health technologies that are likely to have a major impact on patients, public health and healthcare systems, as well as to inform research. Such horizon scanning could be used to support the Coordination Group in planning its work, in particular in relation to joint clinical assessments and joint scientific consultations, and could also provide information for long term planning purposes at both Union and national levels.
- (43) The Union should continue to support voluntary cooperation on HTA between Member States in areas such as the development and implementation of vaccination programmes and the capacity building of national HTA systems. Such voluntary cooperation should also facilitate synergies with initiatives under the digital single market strategy in relevant digital and data-driven healthcare areas with a view to providing additional real world evidence relevant for HTA. The voluntary cooperation on HTA can also cover areas such as diagnostics used to supplement treatment, surgical procedures, prevention, screening and health promotion programmes, information and communications technology tools and integrated care processes. Different demands are involved in assessing different health technologies, depending on their specific features, meaning that a cohesive approach which can cater for those different health technologies is needed in the field of HTA.
- (44) In order to ensure the inclusiveness and transparency of the joint work, the Coordination Group should engage and consult widely with stakeholder organisations with an interest in Union cooperation on HTA, including patient organisations, healthcare professional organisations, clinical and learned societies, health technology developer associations, consumer organisations and other relevant non-governmental organisations in the field of health. A stakeholder network should be set up to facilitate dialogue between stakeholder organisations and the Coordination Group.
- (45) In order to ensure that joint work is of the highest scientific quality and reflects the state of the art, external experts with relevant in-depth specialised expertise should provide input on joint clinical assessments and joint scientific consultations. Such experts should include clinical experts in the therapeutic area concerned, patients affected by the disease, and other relevant experts on, for example, the type of health technology concerned or issues related to clinical study design. European Reference Networks could also be used as source to identify those experts and access

relevant knowledge in specific therapeutic areas. Patients, clinical experts and other relevant experts should be selected for their subject matter expertise and act in individual capacity rather than representing any particular organisation, institution or Member State. In order to preserve the scientific integrity of the joint clinical assessments and joint scientific consultations, rules should be developed to ensure the independence and impartiality of patients, clinical experts and other relevant experts involved, and avoid conflicts of interest.

- (46) Cooperation in the field of HTA plays an important role throughout the health technology lifecycle from the early developmental stage, through horizon scanning and joint scientific consultation, and later once the health technology is on the market through a joint clinical assessment and its update.
- (47) In order to ensure a uniform and Member State-driven approach to the joint work provided for in this Regulation, the Coordination Group should develop its detailed procedural steps and the timeframe for joint clinical assessments, updates of joint clinical assessments and joint scientific consultations. Where appropriate, and taking into account the results of the work undertaken in the EUnetHTA Joint Actions, the Coordination Group should develop distinct rules for medicinal products, medical devices and *in vitro* diagnostic medical devices.
- (48) The Coordination Group should develop methodological guidance on the joint work provided for in this Regulation, following international standards of evidence-based medicine. The assessment process should rely on relevant, up-to-date and high quality clinical evidence. The Coordination Group should also develop guidance on the appointment of assessors and co-assessors for joint clinical assessments and joint scientific consultations, including on the scientific expertise required to implement the joint work set out in this Regulation.
- (49) In order to ensure a uniform approach to the joint work provided for in this Regulation, implementing powers should be conferred on the Commission to decide that, where certain conditions are met, other medicinal products should be subject to joint clinical assessments at a date prior to that established in this Regulation, to select certain medical devices and *in vitro* diagnostic medical devices to be subject to joint clinical assessments, and to establish detailed procedural rules related to certain aspects of joint clinical assessments and joint scientific consultations, general procedural rules regarding certain aspects of joint clinical assessments, and the format and the templates of submission and report documents. Where appropriate, distinct rules should be developed for medicinal products, medical devices and *in vitro* diagnostic medical devices. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽¹⁾.
- (50) When preparing the implementing acts referred to in this Regulation, it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including with the Coordination Group and at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ⁽²⁾.
- (51) In order to ensure that sufficient resources are available for the joint work provided for under this Regulation, the Union should seek to provide stable and permanent financing for the joint work and voluntary cooperation, and for the framework to support those activities. The financing should cover in particular the costs of producing joint clinical assessment and joint scientific consultation reports. Member States should also have the possibility to second national experts to the Commission in order to support the secretariat of the Coordination Group.
- (52) In order to facilitate the joint work and the exchange of information between Member States on HTA, provision should be made for the establishment of an IT platform that contains appropriate databases and secure channels for communication. The Commission should build on databases and functionalities developed under the EUnetHTA Joint Actions for the exchange of information and evidence, and aim to ensure a link between the IT platform and other data infrastructures relevant for the purposes of HTA, such as registries and databases related to real world data. In developing such an IT platform, the opportunities offered by the future European Health Data Space should be also explored.

⁽¹⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

⁽²⁾ OJ L 123, 12.5.2016, p. 1.

- (53) In order to ensure the smooth establishment and operation of Union-level joint clinical assessments, as well as to safeguard their quality, it is appropriate to start with a small number of joint clinical assessments. As from three years after the date of application of this Regulation, a progressive expansion of the number of joint clinical assessments should take place.
- (54) In order to ensure that the support framework continues to be as efficient and cost-effective as possible, the Commission should report to the European Parliament and to the Council on the application of this Regulation no later than three years after its date of application. The report should focus on reviewing the added value of the joint work for the Member States. In particular, the report should consider whether there is a need to introduce a fee-paying mechanism, which would ensure the independence of the Coordination Group, through which health technology developers would also contribute to the financing of joint scientific consultations. In addition, the report should review the effect of the non-duplication of the request of information, data, analyses and other evidence for joint clinical assessment in terms of reducing the administrative burden for the Member States and health technology developers, facilitating market access for new and innovative products and reducing costs. The report could trigger an assessment on the progress made regarding patient access to innovative health technologies, the sustainability of health systems and the HTA capacity at Member State level.
- (55) No later than two years after the beginning of assessing medicinal products that fall under the scope of this Regulation, Member States should report to the Commission on the application of this Regulation and, in particular, on their assessment of the added value of the joint clinical assessment reports in their national HTA processes and the workload of the Coordination Group.
- (56) In order to adjust the list of information to be submitted by health technology developers, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in view of amending Annexes I and II. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (57) Directive 2011/24/EU of the European Parliament and of the Council ⁽¹³⁾ provides that the Union is to support and facilitate the cooperation and the exchange of scientific information among Member States within a voluntary network connecting national authorities or bodies responsible for HTA designated by the Member States. As those matters are governed by this Regulation, Directive 2011/24/EU should be amended accordingly.
- (58) Since the objective of this Regulation, namely to establish a framework of joint clinical assessments of health technologies that fall under the scope of this Regulation at Union level, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

1. This Regulation establishes:
 - (a) a support framework and procedures for cooperation of Member States on health technologies at Union level;

⁽¹³⁾ Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare (OJ L 88, 4.4.2011, p. 45).

- (b) a mechanism which lays down that any information, data, analyses and other evidence required for the joint clinical assessment of health technologies is to be submitted by the health technology developer only once at Union level;
- (c) common rules and methodologies for the joint clinical assessment of health technologies.

2. This Regulation shall not affect Member States' competence to draw conclusions on the relative effectiveness of health technologies or to take decisions on the use of a health technology in their specific national health context. It shall not interfere with the exclusive national competence of Member States, including those for national pricing and reimbursement decisions, or affect any other competences which concern Member States' management and delivery of health services or medical care or the allocation of resources assigned to them.

Article 2

Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) 'medicinal product' means a medicinal product as defined in Article 1, point (2), of Directive 2001/83/EC of the European Parliament and of the Council ⁽¹⁴⁾;
- (2) 'medical device' means a medical device as defined in Article 2, point (1), of Regulation (EU) 2017/745;
- (3) '*in vitro* diagnostic medical device' means an *in vitro* diagnostic medical device as defined in Article 2, point (2), of Regulation (EU) 2017/746;
- (4) 'health technology' means a health technology as defined in Article 3, point (l), of Directive 2011/24/EU;
- (5) 'health technology assessment' or 'HTA' means a multidisciplinary process that summarises information about the medical, patient and social aspects and the economic and ethical issues related to the use of a health technology in a systematic, transparent, unbiased and robust manner;
- (6) 'joint clinical assessment' of a health technology means the scientific compilation and the description of a comparative analysis of the available clinical evidence on a health technology in comparison with one or more other health technologies or existing procedures, in accordance with an assessment scope agreed pursuant to this Regulation, and based on the scientific aspects of the clinical domains of HTA of the description of the health problem addressed by the health technology and the current use of other health technologies addressing that health problem, the description and technical characterisation of the health technology, the relative clinical effectiveness, and the relative safety of the health technology;
- (7) 'non-clinical assessment' means the part of an HTA based on the non-clinical domains of HTA of the cost and economic evaluation of a health technology, and the ethical, organisational, social and legal aspects related to its use;
- (8) 'collaborative assessment' means a clinical assessment of a medical device or an *in vitro* diagnostic medical device carried out at Union level by a number of interested HTA authorities and bodies participating on a voluntary basis;
- (9) 'assessment scope' means the set of parameters for joint clinical assessment in terms of patient population, intervention, comparators and health outcomes requested jointly by Member States.

Article 3

Member State Coordination Group on Health Technology Assessment

1. The Member State Coordination Group on Health Technology Assessment (the 'Coordination Group') is hereby established.

⁽¹⁴⁾ Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67).

2. Member States shall designate their members of the Coordination Group and inform the Commission thereof and of any subsequent changes. The members of the Coordination Group shall appoint their representatives in the Coordination Group on an *ad hoc* or permanent basis, and inform the Commission of their appointment and any subsequent changes.

3. The members of the Coordination Group shall designate their national or regional authorities and bodies as members of subgroups of the Coordination Group. The members of the Coordination Group may designate more than one member to a subgroup, including the member of the Coordination Group, without prejudice to the rule that each Member State shall have one vote. The members of the subgroup shall appoint their representatives, who shall have the appropriate HTA expertise, in the subgroups on an *ad hoc* or permanent basis and inform the Commission of their appointment and any subsequent changes. Where there is a need for specific knowledge, members of the subgroup may appoint more than one representative.

4. The Coordination Group shall, in principle, act by consensus. Where consensus cannot be reached, the adoption of a decision shall require the support of members representing a simple majority of the Member States. Each Member State shall have one vote. The results of the votes shall be recorded in the minutes of the Coordination Group's meetings. Where a vote takes place, members may ask for divergent opinions to be recorded in the minutes of the meeting in which the vote took place.

5. By way of derogation from paragraph 4 of this Article, where consensus cannot be reached, the Coordination Group shall adopt, by a qualified majority as defined in Article 16(4) TEU and Article 238(3), point (a), TFEU, its annual work programme, its annual report and the strategic direction referred to in paragraph 7, points (b) and (c), of this Article.

6. Meetings of the Coordination Group shall be chaired and co-chaired by two elected members from the Coordination Group, from different Member States, for a limited term to be determined by its rules of procedure. The chair and the co-chair shall be impartial and independent. The Commission shall act as the secretariat of the Coordination Group and support its work in accordance with Article 28.

7. The Coordination Group shall:

- (a) adopt its rules of procedure and update those rules where necessary;
- (b) adopt its annual work programme and annual report pursuant to Article 6;
- (c) provide strategic direction for the work of its subgroups;
- (d) adopt methodological guidance on joint work following international standards of evidence-based medicine;
- (e) adopt detailed procedural steps and the timeframe for the conduct of joint clinical assessments and for updates thereof;
- (f) adopt detailed procedural steps and the timeframe for the conduct of joint scientific consultations, including submissions of requests from health technology developers;
- (g) adopt guidance on the appointment of assessors and co-assessors for joint clinical assessments and joint scientific consultations, including on the scientific expertise required;
- (h) coordinate and approve the work of its subgroups;
- (i) ensure cooperation with relevant Union level bodies established pursuant to Regulations (EC) No 726/2004, (EU) 2017/745 and (EU) 2017/746 to facilitate the generation of additional evidence necessary for its work;
- (j) ensure appropriate involvement of stakeholder organisations and experts in its work;
- (k) establish subgroups, in particular for the following:
 - (i) joint clinical assessments;
 - (ii) joint scientific consultations;
 - (iii) identification of emerging health technologies;
 - (iv) development of methodological and procedural guidance.

8. The Coordination Group and its subgroups may meet in different configurations, in particular for the following categories of health technology: medicinal products, medical devices, *in vitro* diagnostic medical devices and other health technologies.

Article 4

Quality assurance

1. The Coordination Group shall ensure that the joint work carried out pursuant to Articles 7 to 23 is of the highest quality, follows international standards of evidence-based medicine, and is delivered in a timely manner. For that purpose, the Coordination Group shall establish procedures that are systematically reviewed. When developing such procedures, the Coordination Group shall consider the specificities of the health technology to which the joint work relates, including orphan medicinal products, vaccines and advanced therapy medicinal products.
2. The Coordination Group shall establish and regularly review standard operating procedures falling within the scope of Article 3(7), points (d), (e), (f) and (g).
3. The Coordination Group shall regularly review, and where necessary update, methodological and procedural guidance falling within the scope of Article 3(7), points (d), (e), (f) and (g).
4. Where appropriate, and taking into account the methodology already developed by the EUnetHTA Joint Actions, specific methodological and procedural guidance shall be developed for medicinal products, medical devices and *in vitro* diagnostic medical devices.

Article 5

Transparency and conflict of interest

1. The Coordination Group shall carry out its activities in an independent, impartial and transparent manner.
2. The representatives appointed to the Coordination Group and its subgroups, and patients, clinical experts and other relevant experts participating in any joint work, shall not have any financial or other interests in the health technology developers' industrial sector which could affect their independence or impartiality.
3. The representatives appointed to the Coordination Group and its subgroups shall make a declaration of their financial and other interests and update it annually and whenever necessary. They shall disclose any other facts of which they become aware that might in good faith reasonably be expected to involve, or give rise to, a conflict of interest.
4. The representatives who participate in meetings of the Coordination Group and its subgroups shall declare, before each meeting, any interest which could be considered to be prejudicial to their independence or impartiality with respect to the items on the agenda. Where the Commission decides that a declared interest constitutes a conflict of interest, that representative shall not take part in any discussions or decision-making, or obtain any information concerning that item of the agenda. Such declarations of representatives and the decision of the Commission shall be recorded in the summary minutes of the meeting.
5. Patients, clinical experts and other relevant experts shall declare any financial and other interests relevant to the joint work in which they are due to participate. Such declarations and any actions taken as a result shall be recorded in the summary minutes of the meeting and in the outcome documents of the joint work in question.
6. The representatives appointed to the Coordination Group and its subgroups as well as patients, clinical experts and other relevant experts involved in the work of any subgroup shall, even after their duties have ceased, be subject to a requirement of professional secrecy.

7. The Commission shall lay down rules for the implementation of this Article in accordance with Article 25(1), point (a), and in particular rules for the assessment of conflict of interest referred to in paragraphs 3, 4 and 5 of this Article and the action to be taken where a conflict or potential conflict of interest arises.

Article 6

Annual work programme and annual report

1. The Coordination Group shall adopt each year, at the latest by 30 November, an annual work programme and subsequently amend it if necessary.

2. The annual work programme shall set out the joint work to be carried out in the calendar year following its adoption, covering:

- (a) the planned number and type of joint clinical assessments, and the planned number of updates of joint clinical assessments according to Article 14;
- (b) the planned number of joint scientific consultations;
- (c) the planned number of assessments in the area of voluntary cooperation, considering their impact on patients, public health or healthcare systems.

3. In the preparation or amendment of the annual work programme, the Coordination Group shall:

- (a) take into account the reports on emerging health technologies referred to in Article 22;
- (b) take into account the information from the European Medicines Agency that is provided by the Commission pursuant to Article 28 on the status of submitted and upcoming marketing authorisation applications for medicinal products referred to in Article 7; as new regulatory data becomes available, the Commission shall share such information with the Coordination Group so that the annual work programme can be amended;
- (c) take into account information provided by the Medical Device Coordination Group established in Article 103 of Regulation (EU) 2017/745 ('Medical Device Coordination Group') or other sources, and provided by the Commission pursuant to Article 28 of this Regulation on the work of the relevant expert panels referred to in Article 106(1) of Regulation (EU) 2017/745 ('expert panels');
- (d) consult the stakeholder network referred to in Article 29, and take into account its comments;
- (e) take into account the resources available to the Coordination Group for the joint work;
- (f) consult the Commission on the draft annual work programme and take its opinion into account.

4. The Coordination Group shall adopt each year, at the latest by 28 February, its annual report.

5. The annual report shall provide information on the joint work carried out in the calendar year preceding its adoption.

CHAPTER II

JOINT WORK ON HEALTH TECHNOLOGY ASSESSMENT AT UNION LEVEL

SECTION 1

Joint clinical assessments

Article 7

Health technologies subject to joint clinical assessments

1. The following health technologies shall be subject to joint clinical assessments:
 - (a) medicinal products as referred to in Article 3(1) and Article 3(2), point (a), of Regulation (EC) No 726/2004, for which the application for a marketing authorisation is submitted in accordance with that Regulation after the relevant dates set out in paragraph 2 of this Article, and for which that application is in compliance with Article 8(3) of Directive 2001/83/EC;
 - (b) medicinal products authorised in the Union for which a joint clinical assessment report has been published, in cases where an authorisation is granted pursuant to the second subparagraph of Article 6(1) of Directive 2001/83/EC for a variation to an existing marketing authorisation which corresponds to a new therapeutic indication;
 - (c) medical devices classified as class IIb or III pursuant to Article 51 of Regulation (EU) 2017/745 for which the relevant expert panels have provided a scientific opinion in the framework of the clinical evaluation consultation procedure pursuant to Article 54 of that Regulation, and subject to selection pursuant to paragraph 4 of this Article;
 - (d) *in vitro* diagnostic medical devices classified as class D pursuant to Article 47 of Regulation (EU) 2017/746 for which the relevant expert panels have provided their views in the framework of the procedure pursuant to Article 48(6) of that Regulation, and subject to selection pursuant to paragraph 4 of this Article.
2. The dates referred to in paragraph 1, point (a), shall be as follows:
 - (a) 12 January 2025, for medicinal products with new active substances for which the applicant declares in its application for authorisation submitted to the European Medicines Agency that it contains a new active substance for which the therapeutic indication is the treatment of cancer and medicinal products which are regulated as advanced therapy medicinal products pursuant to Regulation (EC) No 1394/2007 of the European Parliament and of the Council ⁽¹⁵⁾;
 - (b) 13 January 2028, for medicinal products which are designated as orphan medicinal products pursuant to Regulation (EC) No 141/2000 of the European Parliament and of the Council ⁽¹⁶⁾;
 - (c) 13 January 2030, for medicinal products referred to in paragraph 1 other than those referred to in points (a) and (b) of this paragraph.
3. By way of derogation from paragraph 2 of this Article, the Commission, upon a recommendation from the Coordination Group, shall adopt a decision by means of an implementing act establishing that medicinal products referred to in that paragraph shall be subject to joint clinical assessment at a date earlier than the dates set out in that paragraph, provided that the medicinal product, in particular according to Article 22, has the potential to address an unmet medical need or a public health emergency or has a significant impact on healthcare systems.

⁽¹⁵⁾ Regulation (EC) No 1394/2007 of the European Parliament and of the Council of 13 November 2007 on advanced therapy medicinal products and amending Directive 2001/83/EC and Regulation (EC) No 726/2004 (OJ L 324, 10.12.2007, p. 121).

⁽¹⁶⁾ Regulation (EC) No 141/2000 of the European Parliament and of the Council of 16 December 1999 on orphan medicinal products (OJ L 18, 22.1.2000, p. 1).

4. After 12 January 2025, the Commission, after seeking a recommendation from the Coordination Group, shall adopt a decision, by means of an implementing act and at least every two years, selecting the medical devices and *in vitro* diagnostic medical devices referred to in paragraph 1, points (c) and (d), for joint clinical assessment based on one or more of the following criteria:

- (a) unmet medical needs;
- (b) first in class;
- (c) potential impact on patients, public health or healthcare systems;
- (d) incorporation of software using artificial intelligence, machine learning technologies or algorithms;
- (e) significant cross-border dimension;
- (f) major Union-wide added value.

5. The implementing acts referred to in paragraphs 3 and 4 of this Article shall be adopted in accordance with the examination procedure referred to in Article 33(2).

Article 8

Initiation of joint clinical assessments

1. The Coordination Group shall carry out joint clinical assessments on health technologies on the basis of its annual work programme.

2. The Coordination Group shall initiate joint clinical assessments of health technologies by designating the subgroup on joint clinical assessments to oversee the conduct of the joint clinical assessment on behalf of the Coordination Group.

3. The joint clinical assessment shall be conducted in accordance with the procedure established by the Coordination Group according to the requirements set out in this Article, in Article 3(7), point (e), and in Articles 4, 9, 10, 11 and 12, as well as the requirements to be established pursuant to Articles 15, 25 and 26.

4. The designated subgroup shall appoint, from among its members, an assessor and a co-assessor from different Member States to conduct the joint clinical assessment. The appointments shall take into account the scientific expertise necessary for the assessment. If the health technology has been the subject of a joint scientific consultation in accordance with Articles 16 to 21, the assessor and the co-assessor shall be different from those appointed pursuant to Article 18(3) for the preparation of the joint scientific consultation outcome document.

5. Notwithstanding paragraph 4, where, in exceptional circumstances, the necessary specific expertise is otherwise not available, the same assessor or co-assessor, or both, involved in the joint scientific consultation may be appointed to conduct the joint clinical assessment. Such an appointment shall be justified and subject to approval by the Coordination Group and shall be documented in the joint clinical assessment report.

6. The designated subgroup shall initiate a scoping process in which it identifies the relevant parameters for the assessment scope. The assessment scope shall be inclusive and reflect Member States' needs in terms of parameters and of the information, data, analysis and other evidence to be submitted by the health technology developer. The assessment scope shall include in particular all relevant parameters for the assessment in terms of:

- (a) the patient population;
- (b) the intervention or interventions;
- (c) the comparator or comparators;
- (d) the health outcomes.

The scoping process shall also take into account information provided by the health technology developer and input received from patients, clinical experts and other relevant experts.

7. The Coordination Group shall inform the Commission of the assessment scope of the joint clinical assessment.

Article 9

Joint clinical assessment reports and the dossier of the health technology developer

1. A joint clinical assessment shall result in a joint clinical assessment report that shall be accompanied by a summary report. Those reports shall not contain any value judgement or conclusions on the overall clinical added value of the assessed health technology and shall be limited to a description of the scientific analysis:
 - (a) of the relative effects of the health technology as assessed on the health outcomes against the chosen parameters which are based on the assessment scope as set out pursuant to Article 8(6);
 - (b) of the degree of certainty of the relative effects, taking into account the strengths and limitations of the available evidence.
2. The reports referred to in paragraph 1 shall be based on a dossier that contains complete and up-to-date information, data, analyses and other evidence submitted by the health technology developer to assess the parameters included in the assessment scope.
3. The dossier shall meet the following requirements:
 - (a) the submitted evidence is complete with regard to the available studies and data that could inform the assessment;
 - (b) the data has been analysed using appropriate methods to answer all research questions of the assessment;
 - (c) the presentation of the data is well structured and transparent, thereby allowing for an appropriate assessment within the limited timeframes available;
 - (d) it includes the underlying documentation in respect of the submitted information, thereby allowing the assessor and co-assessor to verify the accuracy of that information.
4. The dossier for medicinal products shall include the information set out in Annex I. The dossier for medical devices and *in vitro* diagnostic medical devices shall include the information set out in Annex II.
5. The Commission is empowered to adopt delegated acts, in accordance with Article 32, to amend Annex I as regards the information required in the dossier for medicinal products, and to amend Annex II as regards the information required in the dossier for medical devices and *in vitro* diagnostic medical devices.

Article 10

Obligations of health technology developers and consequences of non-compliance

1. The Commission shall inform the health technology developer of the assessment scope and request the submission of the dossier (first request). That request shall include the deadline for submission as well as the dossier template pursuant to Article 26(1), point (a), and refer to the requirements for the dossier in accordance with Article 9(2), (3) and (4). For medicinal products, the deadline for submission shall be at the latest 45 days prior to the envisaged date of the opinion of the Committee for Medicinal Products for Human Use referred to in Article 5(2) of Regulation (EC) No 726/2004.
2. The health technology developer shall submit the dossier to the Commission in accordance with the submission request made pursuant to paragraph 1.

3. The health technology developer shall not submit any information, data, analyses or other evidence at the national level that has been already submitted at Union level. That requirement shall not affect requests for additional information on medicinal products that fall within the scope of early access programmes at Member State level that aim to provide patient access to medicinal products in situations of high unmet medical needs before a centralised marketing authorisation has been granted.

4. Where the Commission confirms the timely submission of the dossier pursuant to paragraph 1 of this Article and that the dossier meets the requirements laid down in Article 9(2), (3) and (4), the Commission shall make the dossier available to the members of the Coordination Group in a timely manner via the IT platform referred to in Article 30 and inform the health technology developer thereof.

5. Where the Commission finds that the dossier fails to meet the requirements laid down in Article 9(2), (3) and (4), it shall request the missing information, data, analyses and other evidence from the health technology developer (second request). In such a case, the health technology developer shall submit the requested information, data, analyses and other evidence in accordance with the timeframe established pursuant to Article 15.

6. Where, after the second request referred to in paragraph 5 of this Article, the Commission deems that a dossier was not submitted in a timely manner by the health technology developer, or attests that it fails to meet the requirements laid down in Article 9(2), (3) and (4), the Coordination Group shall discontinue the joint clinical assessment. If the assessment is discontinued, the Commission shall make a statement on the IT platform referred to in Article 30, justifying the reasons for the discontinuation and shall inform the health technology developer accordingly. In the case of discontinuation of the joint clinical assessment, Article 13(1), point (d), shall not apply.

7. Where the joint clinical assessment has been discontinued and the Coordination Group, pursuant to Article 13(1), point (e), subsequently receives information, data, analyses and other evidence that formed part of the submission request referred to in paragraph 1 of this Article, the Coordination Group may re-initiate a joint clinical assessment in accordance with the procedure set out in this Section at the latest six months after the submission deadline referred to in paragraph 1 of this Article, once the Commission has confirmed that requirements laid down in Article 9(2), (3) and (4) have been fulfilled.

8. Without prejudice to paragraph 7, where a joint clinical assessment has been re-initiated, the Commission may request the health technology developer to submit updates of previously provided information, data, analyses and other evidence.

Article 11

Assessment process for joint clinical assessments

1. On the basis of the dossier submitted by the health technology developer and the assessment scope as set out pursuant to Article 8(6), the assessor, with the assistance of the co-assessor, shall prepare the draft joint clinical assessment and summary reports. The Coordination Group shall endorse the draft reports in accordance with the timeframe set out pursuant to Article 3(7), point (e). Those timeframes shall be:

- (a) for medicinal products, no later than 30 days following the adoption of a Commission decision granting a marketing authorisation;
- (b) for medical devices and *in vitro* diagnostic medical devices, in accordance with the procedures for joint clinical assessments adopted pursuant to Article 3(7), point (e), and Article 15(1), point (b).

2. Where the assessor, with the assistance of the co-assessor, at any time during the preparation of the draft reports, considers that further specifications or clarifications or additional information, data, analyses or other evidence are necessary in order to carry out the assessment, the Commission shall request the health technology developer to provide such information, data, analyses or other evidence. The assessor and the co-assessor may also have recourse to databases

and other sources of clinical information, such as patient registries, where it is deemed necessary. Where new clinical data becomes available during the assessment process, the health technology developer concerned shall proactively inform the Coordination Group.

3. The members of the designated subgroup shall provide their comments on the draft reports.
4. The subgroup shall ensure that patients, clinical experts and other relevant experts are involved in the assessment process by being given the opportunity to provide input on the draft reports. Such input shall be provided within the framework and the timeframe set out pursuant to Article 15(1), point (c), and Article 25(1), point (b), and the procedure adopted by the Coordination Group, and shall be made available in a timely manner to the Coordination Group via the IT platform referred to in Article 30.
5. The draft reports shall be provided to the health technology developer. The health technology developer shall signal any purely technical or factual inaccuracies in accordance with the timeframes established pursuant to Article 15. The health technology developer shall also signal any information it considers to be confidential and justify its commercially sensitive nature. The health technology developer shall not provide any comments on the results of the draft assessment.
6. Following receipt and consideration of comments provided in accordance with this Article, the assessor, with the assistance of the co-assessor, shall prepare revised draft reports, and submit those revised draft reports to the Coordination Group via the IT platform referred to in Article 30.

Article 12

Finalisation of the joint clinical assessments

1. Upon receipt of the revised draft joint clinical assessment and summary reports, the Coordination Group shall review those reports.
2. The Coordination Group shall, within the timeframe set out pursuant to Article 3(7), point (e), and pursuant to Article 15(1), point (c), endeavour to endorse the revised draft reports by consensus. By way of derogation from Article 3(4), where a consensus cannot be reached, divergent scientific opinions, including the scientific grounds on which those opinions are based, shall be incorporated in the reports and the reports shall be deemed endorsed.
3. The Coordination Group shall submit the endorsed reports to the Commission for procedural review pursuant to Article 28, point (d). Where the Commission, within 10 working days of receipt of the endorsed reports, concludes that those reports do not comply with the procedural rules laid down pursuant to this Regulation or that they depart from the requirements adopted by the Coordination Group pursuant to this Regulation, it shall inform the Coordination Group of the reasons for its conclusion and request a review of the reports. The Coordination Group shall review the reports from a procedural point of view, take any necessary corrective actions, and re-endorse the reports in accordance with the procedure laid down in paragraph 2 of this Article.
4. The Commission shall publish, in a timely manner, the procedurally compliant reports endorsed or re-endorsed by the Coordination Group on the publicly accessible webpage of the IT platform referred to in Article 30(1), point (a), and shall inform the health technology developer of the publication.
5. If the Commission concludes that the re-endorsed reports still do not comply with the procedural rules referred to in paragraph 3 of this Article, it shall, in a timely manner, make available those reports and its procedural review on the secure intranet of the IT platform referred to in Article 30(1), point (b), for the consideration of Member States and inform the health technology developer accordingly. The Coordination Group shall include summary reports of those reports as part of its annual report adopted pursuant to Article 6(4) and published on the IT platform as laid down in Article 30(3), point (g).

*Article 13***Member States' rights and obligations**

1. When carrying out a national HTA on a health technology for which joint clinical assessment reports have been published or in respect of which a joint clinical assessment has been initiated, Member States shall:
 - (a) give due consideration to the published joint clinical assessment reports and all other information available on the IT platform referred to in Article 30, including the statement of discontinuation pursuant to Article 10(6), concerning that joint clinical assessment in their HTAs at Member State level; this shall not affect Member States' competence to draw their conclusions on the overall clinical added value of a health technology in the context of their specific healthcare system and to consider the parts of those reports relevant in that context;
 - (b) annex the dossier submitted by the health technology developer in accordance with Article 10(2) to the documentation of the HTA at Member State level;
 - (c) annex the published joint clinical assessment report to the HTA report at Member State level;
 - (d) not request at the national level information, data, analyses or other evidence that has been submitted by the health technology developer at Union level in accordance with Article 10(1) or (5);
 - (e) immediately share through the IT platform referred to in Article 30 any information, data, analyses and other evidence with the Coordination Group that they receive from the health technology developer at Member State level and which form part of the submission request made pursuant to Article 10(1).
2. Member States shall provide the Coordination Group through the IT platform referred to in Article 30 with information on the national HTA in respect of a health technology which has been subject to a joint clinical assessment within 30 days from the date of its completion. In particular, Member States shall provide information on how joint clinical assessment reports have been considered when carrying out a national HTA. The Commission shall, based on information from Member States, summarise the uptake of the joint clinical assessment reports in HTAs at Member State level and publish a report on that overview on the IT platform referred to in Article 30 at the end of each year to facilitate the exchange of information between Member States.

*Article 14***Updates of joint clinical assessments**

1. The Coordination Group shall carry out updates of joint clinical assessments where the initial joint clinical assessment report specified the need for an update when additional evidence for further assessment becomes available.
2. The Coordination Group may carry out updates of joint clinical assessments where requested by one or more of its members and new clinical evidence is available. When preparing the annual work programme the Coordination Group may review and decide on the need for updates of joint clinical assessments.
3. Updates shall be carried out in accordance with the same requirements set out pursuant to this Regulation for a joint clinical assessment and the procedural rules established pursuant to Article 15(1).
4. Without prejudice to paragraphs 1 and 2, Member States may carry out national updates of assessments on health technologies that have been subject to a joint clinical assessment. The members of the Coordination Group shall inform the Coordination Group before such updates are initiated. Where the need for the update concerns more than one Member State, the members concerned may request the Coordination Group to conduct a joint update pursuant to paragraph 2.
5. Once concluded, national updates shall be shared with the members of the Coordination Group via the IT platform referred to in Article 30.

*Article 15***Adoption of detailed procedural rules for joint clinical assessments**

1. The Commission shall adopt, by means of implementing acts, detailed procedural rules for:
 - (a) cooperation, in particular by exchange of information, with the European Medicines Agency on the preparation and update of joint clinical assessments of medicinal products;
 - (b) cooperation, in particular by exchange of information, with the notified bodies and expert panels on the preparation and update of joint clinical assessments of medical devices and *in vitro* diagnostic medical devices;
 - (c) interaction, including timing thereof, with and between the Coordination Group, its subgroups and the health technology developers, patients, clinical experts and other relevant experts during joint clinical assessments and updates.
2. Implementing acts referred to in paragraph 1 of this Article shall be adopted in accordance with the examination procedure referred to in Article 33(2).

SECTION 2

Joint scientific consultations*Article 16***Principles of joint scientific consultations**

1. The Coordination Group shall carry out joint scientific consultations in order to exchange information with health technology developers on their development plans for a given health technology. Those consultations shall facilitate the generation of evidence that meets the likely evidence requirements of a subsequent joint clinical assessment on that health technology. The joint scientific consultation shall include a meeting with the health technology developer and result in an outcome document that outlines the scientific recommendation made. Joint scientific consultations shall in particular concern all relevant clinical study design aspects, or clinical investigation design aspects, including comparators, interventions, health outcomes and patient populations. When carrying out joint scientific consultations on health technologies other than medicinal products, the specificities of those health technologies shall be taken into account.
2. A health technology shall be eligible for joint scientific consultations pursuant to paragraph 1 of this Article where it is likely to be the subject of joint clinical assessment pursuant to Article 7(1) and where the clinical studies and clinical investigations are still in the planning stage.
3. The joint scientific consultation outcome document shall not give rise to any legal effects on Member States, the Coordination Group or the health technology developer. Joint scientific consultations shall not prejudice the joint clinical assessment which may be carried out on the same health technology.
4. Where a Member State carries out a national scientific consultation on a health technology that has been the subject of a joint scientific consultation, in order to complement it or to address context-specific issues related to national HTA system, the member of the Coordination Group concerned shall inform the Coordination Group thereof via the IT platform referred to in Article 30.
5. Joint scientific consultations on medicinal products may take place in parallel with the scientific advice from the European Medicines Agency pursuant to Article 57(1), point (n), of Regulation (EC) No 726/2004. Such parallel consultations shall involve the exchange of information and have synchronised timing, while preserving the separation of the respective remits of the Coordination Group and the European Medicines Agency. Joint scientific consultations on medical devices may take place in parallel with the consultation of the expert panels pursuant to Article 61(2) of Regulation (EU) 2017/745.

*Article 17***Requests for joint scientific consultations**

1. For health technologies referred to in Article 16(2), health technology developers may request a joint scientific consultation.
2. Health technology developers of medicinal products may request that the joint scientific consultation take place in parallel with the process of receiving scientific advice from the European Medicines Agency. In such a case, the health technology developer shall make the request for scientific advice to the European Medicines Agency when submitting the request for the joint scientific consultation. Health technology developers of medical devices may request that the joint scientific consultation take place in parallel with the consultation of an expert panel. In such a case, when submitting the request for the joint scientific consultation, the health technology developer may make the request for a consultation with the expert panel, where appropriate.
3. The Coordination Group shall publish the dates of request periods and state the planned number of joint scientific consultations for each of those request periods on the IT platform referred to in Article 30. At the end of each request period, where the number of eligible requests exceeds the number of planned joint scientific consultations, the Coordination Group shall select the health technologies that are to be subject to joint scientific consultations, ensuring the equal treatment of requests concerning health technologies with similar intended indications. The criteria for selecting from eligible requests for medicinal products and medical devices shall be:
 - (a) unmet medical needs;
 - (b) first in class;
 - (c) potential impact on patients, public health, or healthcare systems;
 - (d) significant cross-border dimension;
 - (e) major Union-wide added value; or
 - (f) Union clinical research priorities.
4. Within 15 working days after the end of each request period, the Coordination Group shall inform the requesting health technology developer whether it will engage in the joint scientific consultation. Where the Coordination Group refuses the request, it shall inform the health technology developer thereof and explain the reasons, having regard to the criteria laid down in paragraph 3.

*Article 18***Preparation of the joint scientific consultations outcome document**

1. Following the acceptance of a request for a joint scientific consultation in accordance with Article 17, the Coordination Group shall initiate the joint scientific consultation by designating a subgroup for the joint scientific consultation. The joint scientific consultation shall be carried out in accordance with the requirements and procedures established pursuant to Article 3(7), point (f), and Articles 20 and 21.
2. The health technology developer shall submit up-to-date documentation containing the information necessary for the joint scientific consultation, in accordance with the requirements set out pursuant to Article 21, point (b), in the timeframe set out pursuant to Article 3(7), point (f).
3. The designated subgroup shall appoint from among its members an assessor and a co-assessor from different Member States to conduct the joint scientific consultation. The appointments shall take into account the scientific expertise necessary for the consultation.

4. The assessor, with the assistance of the co-assessor, shall prepare the draft joint scientific consultation outcome document in accordance with the requirements set out in this Article and in accordance with the guidance documents and procedural rules established pursuant to Article 3(7), points (d) and (f), and Article 20. For medicinal products, in accordance with international standards of evidence-based medicine, directly comparative clinical studies which are randomised, blinded and include a control group shall be advised whenever appropriate.
5. The members of the designated subgroup shall have the opportunity to provide their comments during the preparation of the draft joint scientific consultation outcome document. Members of the designated subgroup may, as appropriate, provide additional recommendations specific to their individual Member State.
6. The designated subgroup shall ensure that patients, clinical experts and other relevant experts are given an opportunity to provide input during the preparation of the draft joint scientific consultation outcome document.
7. The designated subgroup shall organise a face-to-face or virtual meeting for an exchange of views with the health technology developer and patients, clinical experts and other relevant experts.
8. Where the joint scientific consultation is carried out in parallel with the preparation of a scientific advice given by the European Medicines Agency or the consultation of an expert panel, representatives of the European Medicines Agency or of the expert panel, respectively, shall be invited to participate in the meeting, to facilitate coordination as appropriate.
9. Following receipt and consideration of any comments and input provided in accordance with this Article, the assessor, with the assistance of the co-assessor, shall finalise the draft joint scientific consultation outcome document.
10. The assessor, with the assistance of the co-assessor, shall take into account comments received during the preparation of the joint scientific consultation outcome document and submit its final draft, including any recommendations specific to individual Member States, to the Coordination Group.

Article 19

Approval of joint scientific consultation outcome documents

1. The finalised draft joint scientific consultation outcome document shall be subject to the approval of the Coordination Group within the timeframe set out pursuant to Article 3(7), point (f).
2. The Commission shall send the joint scientific consultation outcome document to the requesting health technology developer at the latest 10 working days after it has been finalised.
3. The Coordination Group shall include anonymised, aggregated, non-confidential summary information on the joint scientific consultations, including on comments received during their preparation, in its annual reports and on the publicly accessible webpage of the IT platform referred to in Article 30(1), point (a).

Article 20

Adoption of detailed procedural rules for joint scientific consultations

1. After consulting the Coordination Group, the Commission shall adopt, by means of implementing acts, detailed procedural rules for:
 - (a) submission of requests from health technology developers;
 - (b) the selection and consultation of stakeholder organisations and patients, clinical experts and other relevant experts in joint scientific consultation;

- (c) cooperation, in particular by exchange of information, with the European Medicines Agency on joint scientific consultations on medicinal products where a health technology developer requests the consultation to be carried out in parallel with a process for scientific advice from the European Medicines Agency;
 - (d) cooperation, in particular by exchange of information, with the expert panels on the joint scientific consultations on medical devices where a health technology developer requests the consultation to be carried out in parallel with the consultation of those expert panels.
2. Implementing acts referred to in paragraph 1 of this Article shall be adopted in accordance with the examination procedure referred to in Article 33(2).

Article 21

Format and templates of submission and outcome documents for joint scientific consultations

The Coordination Group shall establish in compliance with the procedural rules referred to in Article 20(1), point (a), the format and templates of:

- (a) requests from health technology developers for joint scientific consultations;
- (b) dossiers of information, data, analyses and other evidence to be submitted by health technology developers for joint scientific consultations;
- (c) joint scientific consultation outcome documents.

SECTION 3

Emerging health technologies

Article 22

Identification of emerging health technologies

1. The Coordination Group shall ensure the preparation of reports on emerging health technologies expected to have a major impact on patients, public health or healthcare systems. Those reports shall in particular address the estimated clinical impact and the potential organisational and financial consequences of emerging health technologies for national healthcare systems.
2. The preparation of the reports referred to in paragraph 1 shall be based on existing scientific reports or initiatives on emerging health technologies and information from relevant sources including:
 - (a) clinical study registers and scientific reports;
 - (b) the European Medicines Agency in relation to upcoming submissions of applications for marketing authorisation for medicinal products referred to in Article 7(1);
 - (c) the Medical Device Coordination Group;
 - (d) health technology developers on the health technologies they are developing;
 - (e) members of the stakeholder network referred to in Article 29.
3. The Coordination Group may consult stakeholder organisations which are not members of the stakeholder network referred to in Article 29 and other relevant experts, as appropriate.

SECTION 4

Voluntary cooperation on health technology assessment

Article 23

Voluntary cooperation

1. The Commission shall support the cooperation and the exchange of scientific information among Member States on:
 - (a) non-clinical assessments on health technologies;
 - (b) collaborative assessments on medical devices and *in vitro* diagnostic medical devices;
 - (c) HTAs on health technologies other than medicinal products, medical devices or *in vitro* diagnostic medical devices;
 - (d) the provision of additional evidence necessary to support HTAs, in particular in relation to health technologies for compassionate use and obsolete health technologies;
 - (e) clinical assessments of health technologies referred to in Article 7 for which a joint clinical assessment is not yet initiated and of health technologies not referred to in that Article, in particular health technologies for which the report on emerging health technologies referred to in Article 22 has concluded that they are expected to have a major impact on patients, public health or healthcare systems.
2. The Coordination Group shall be used to facilitate the cooperation referred to in paragraph 1.
3. The cooperation referred to in paragraph 1, points (b) and (c), of this Article may be carried out using the procedural rules established in accordance with Article 3(7) and Articles 15 and 25 and using the format and templates established in accordance with Article 26.
4. The cooperation referred to in paragraph 1 of this Article shall be included in the annual work programmes of the Coordination Group and the results of the cooperation shall be included in its annual reports and on the IT platform referred to in Article 30.
5. Member States, through their designated member in the Coordination Group, may share national assessment reports on a health technology not referred to in Article 7, in particular on health technologies for which the report on emerging health technologies referred to in Article 22 has concluded that they are expected to have a major impact on patients, public health or healthcare systems, to the Coordination Group through the IT platform referred to in Article 30.
6. Member States may use methodological guidance developed pursuant to Article 3(7), point (d), for the purpose of national assessments.

CHAPTER III

GENERAL RULES FOR JOINT CLINICAL ASSESSMENTS

Article 24

National clinical assessment reports

Where an HTA, or its update, is carried out by a Member State on a health technology referred to in Article 7(1), that Member State, through its designated member in the Coordination Group, shall provide the national assessment report on that health technology to the Coordination Group through the IT platform referred to in Article 30 within 30 days after its completion.

*Article 25***General procedural rules**

1. The Commission shall adopt, after consulting all relevant stakeholders, by means of implementing acts, general procedural rules:
 - (a) ensuring that the members of the Coordination Group, its subgroups, as well as patients, clinical experts and other relevant experts take part in joint clinical assessments in an independent and transparent manner, free from conflict of interest;
 - (b) on the selection and consultation of stakeholder organisations and patients, clinical experts and other relevant experts in joint clinical assessments at Union level.
2. Implementing acts referred to in paragraph 1 of this Article shall be adopted in accordance with the examination procedure referred to in Article 33(2).

*Article 26***Format and templates of submission and report documents**

1. The Commission shall adopt, by means of implementing acts, the format and templates in respect of:
 - (a) dossiers for information, data, analyses and other evidence to be provided by health technology developers for joint clinical assessments;
 - (b) joint clinical assessment reports;
 - (c) summary joint clinical assessment reports.
2. Implementing acts referred to in paragraph 1 of this Article shall be adopted in accordance with the examination procedure referred to in Article 33(2).

CHAPTER IV

SUPPORT FRAMEWORK*Article 27***Union financing**

1. The Union shall ensure the financing of the work of the Coordination Group and its subgroups, and of the activities in support thereof, which involve cooperation with the Commission, the European Medicines Agency, the Medical Device Coordination Group, expert panels and the stakeholder network referred to in Article 29. The Union's financial assistance to the activities under this Regulation shall be implemented in accordance with Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council ⁽¹⁷⁾.
2. The financing referred to in paragraph 1 shall include financing for the participation of Member States' designated members of the Coordination Group and of its subgroups in support of the work on joint clinical assessments and joint scientific consultations, including the development of methodological guidance, and on the identification of emerging health technologies. Assessors and co-assessors shall be entitled to a special allowance compensating them for their work on joint clinical assessments and joint scientific consultations in accordance with internal Commission rules.

⁽¹⁷⁾ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

*Article 28***Commission support for the Coordination Group**

The Commission shall support the work of the Coordination Group and act as its secretariat. In particular, the Commission shall:

- (a) host in its premises the meetings of the Coordination Group and of its subgroups;
- (b) decide on conflict of interest in accordance with the requirements set out in Article 5 and in the general procedural rules to be adopted in accordance with Article 25(1), point (a);
- (c) request the dossier from the health technology developer in accordance with Article 10;
- (d) supervise the procedures for joint clinical assessments and inform the Coordination Group about possible breaches thereof;
- (e) provide administrative, technical and IT support;
- (f) set up and maintain the IT platform pursuant to Article 30;
- (g) publish the information and documents, including the Coordination Group's annual work programmes, annual reports, summary minutes of its meetings, and reports and summary reports of joint clinical assessments, on the IT platform, in accordance with Article 30;
- (h) facilitate the cooperation, in particular through the exchange of information, with the European Medicines Agency on the joint work referred to in this Regulation related to medicinal products, including the sharing of confidential information;
- (i) facilitate the cooperation, in particular through the exchange of information, with expert panels and the Medical Device Coordination Group on the joint work referred to in this Regulation related to medical devices and *in vitro* diagnostic medical devices, including the sharing of confidential information.

*Article 29***Stakeholder network**

1. The Commission shall establish a stakeholder network. The stakeholder network shall support the work of the Coordination Group and its subgroups upon request.

2. The stakeholder network shall be established through an open call for applications addressed to all eligible stakeholder organisations, in particular patient associations, consumer organisations, non-governmental organisations in the field of health, health technology developers and health professionals. The eligibility criteria shall be set out in the open call for applications and shall include:

- (a) proof of current or planned engagement in HTA development;
- (b) professional expertise relevant to the stakeholder network;
- (c) geographical coverage of several Member States;
- (d) communication and dissemination capabilities.

3. Organisations applying to become part of the stakeholder network shall declare their membership and sources of funding. Representatives of stakeholder organisations participating in activities of the stakeholder network shall declare any financial or other interests in the health technology developers' industrial sector which could affect their independence or impartiality.

4. The list of stakeholder organisations included in the stakeholder network, the declarations of those organisations on their membership and sources of funding, and the declarations of interest of representatives of stakeholder organisations shall be made publicly available on the IT platform referred to in Article 30.

5. The Coordination Group shall meet with the stakeholder network at least once each year in order to:
 - (a) update stakeholders on the joint work of the Coordination Group, including its main output;
 - (b) provide for an exchange of information.
6. The Coordination Group may invite members of the stakeholder network to attend its meetings as observers.

Article 30

IT platform

1. The Commission shall set up and maintain an IT platform consisting of:
 - (a) a publicly accessible webpage;
 - (b) a secure intranet for the exchange of information between members of the Coordination Group and its subgroups;
 - (c) a secure system for the exchange of information between the Coordination Group and its subgroups with health technology developers and experts participating in the joint work referred to in this Regulation, as well as with the European Medicines Agency and the Medical Device Coordination Group;
 - (d) a secure system for the exchange of information between members of the stakeholder network.
2. The Commission shall ensure appropriate levels of access to the information contained in the IT platform for Member States, members of the stakeholder network and the general public.
3. The publicly accessible webpage shall contain, in particular:
 - (a) an up-to-date list of the members of the Coordination Group and their appointed representatives, together with their qualifications and areas of expertise and their declarations of conflict of interest after the finalisation of the joint work;
 - (b) an up-to-date list of the members of the subgroups and their appointed representatives, together with their qualifications and areas of expertise and their declarations of conflict of interest after the finalisation of the joint work;
 - (c) the rules of procedure of the Coordination Group;
 - (d) all documentation under Article 9(1), Article 10(2) and (5) and Article 11(1) at the time the joint clinical assessment report is published, under Article 10(7) in the event that the joint clinical assessment was discontinued, and under Articles 15, 25 and 26;
 - (e) the agendas and summary minutes of the Coordination Group's meetings, including the decisions adopted and voting results;
 - (f) the eligibility criteria for stakeholders;
 - (g) the annual work programmes and annual reports;
 - (h) information on planned, on-going, and completed joint clinical assessments, including updates carried out in accordance with Article 14;
 - (i) the joint clinical assessment reports considered procedurally compliant in accordance with Article 12, together with all comments received during their preparation;
 - (j) information on Member States' national clinical assessment reports referred to in Article 13(2), including information provided by Member States on how joint clinical assessment reports were considered at national level, and Article 24;
 - (k) anonymised, aggregated, non-confidential summary information on joint scientific consultations;
 - (l) studies on the identification of emerging health technologies;

- (m) anonymised, aggregated, non-confidential information from the reports on emerging health technologies referred to in Article 22;
- (n) results of the voluntary cooperation between Member States undertaken pursuant to Article 23;
- (o) where a joint clinical assessment is discontinued, the statement pursuant to Article 10(6), including a list of the information, data, analyses or other evidence that were not submitted by the health technology developer;
- (p) the procedural review of the Commission according to Article 12(3);
- (q) standard operating procedures and guidance regarding quality assurance pursuant to Article 4(2) and (3);
- (r) the list of stakeholder organisations included in the stakeholder network, together with the declarations of those organisations on their membership and sources of funding, and the declarations of interests of their representatives, pursuant to Article 29(4).

Article 31

Evaluation and reporting

1. No later than 13 January 2028, the Commission shall present a report to the European Parliament and to the Council on the application of this Regulation. The report shall focus on reviewing:
 - (a) the added value for Member States of the joint work carried out pursuant to Chapter II and, in particular, whether the health technologies subject to joint clinical assessments in accordance with Article 7 and the quality of those joint clinical assessments correspond to the needs of Member States;
 - (b) the non-duplication of the request of information, data, analyses and other evidence for joint clinical assessment in terms of reducing the administrative burden for Member States and health technology developers;
 - (c) the functioning of the support framework set out in this Chapter and, in particular, whether there is a need to introduce a fee-paying mechanism through which health technology developers would also contribute to the financing of the joint scientific consultations.
2. No later than 13 January 2027, Member States shall report to the Commission on the application of this Regulation and, in particular, on the consideration of joint work pursuant to Chapter II in their national HTA processes, including the way joint clinical assessment reports have been considered when carrying out national HTAs pursuant to Article 13(2), and the workload of the Coordination Group. Member States shall also report on whether they have considered methodological guidance developed pursuant to Article 3(7), point (d), for the purpose of national assessments, as referred to in Article 23(6).
3. In the preparation of its report, the Commission shall consult the Coordination Group and use:
 - (a) the information provided by Member States in accordance with paragraph 2;
 - (b) the reports on emerging health technologies prepared in accordance with Article 22;
 - (c) the information provided by Member States in accordance with Articles 13(2) and 14(4).
4. The Commission shall, if appropriate, present a legislative proposal based on that report in order to update this Regulation.

CHAPTER V

FINAL PROVISIONS

Article 32

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 9(5) shall be conferred on the Commission for an indeterminate period of time from 11 January 2022.
3. The delegation of power referred to in Article 9(5) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 9(5) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 33

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
3. Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act and Article 5(4), third subparagraph, of Regulation (EU) No 182/2011 shall apply.

Article 34

Preparation of implementing acts

1. The Commission shall adopt the implementing acts referred to in Articles 15, 20, 25 and 26 at the latest by the date of application of this Regulation.
2. When preparing those implementing acts, the Commission shall take into account the distinctive characteristics of the medicinal product, medical device and *in vitro* diagnostic medical device sectors.

*Article 35***Amendment to Directive 2011/24/EU**

1. Article 15 of Directive 2011/24/EU is deleted.
2. References to the deleted Article shall be construed as references to this Regulation.

*Article 36***Entry into force and date of application**

1. This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.
2. It shall apply from 12 January 2025.

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

Done at Strasbourg, 15 December 2021.

For the European Parliament
The President
D. M. SASSOLI

For the Council
The President
A. LOGAR

ANNEX I

Dossier specifications for medicinal products

The dossier referred to in Article 9(2) of this Regulation shall for medicinal products include the following information:

- (a) the clinical safety and efficacy data included in the submission file to the European Medicines Agency;
 - (b) all up-to-date published and unpublished information, data, analyses and other evidence as well as study reports and study protocols and analysis plans from studies with the medicinal product for which the health technology developer was a sponsor and all available information on ongoing or discontinued studies with the medicinal product for which the health technology developer is a sponsor or otherwise financially involved, and corresponding information about studies by third parties if available, relevant to the assessment scope as set out in accordance with Article 8(6), including the clinical study reports and clinical study protocols if available to the health technology developer;
 - (c) HTA reports on the health technology subject to the joint clinical assessment;
 - (d) information on studies based on registries;
 - (e) if a health technology has been subject to a joint scientific consultation, the explanation from the health technology developer on any deviation from the recommended evidence;
 - (f) the characterisation of the medical condition to be treated, including the target patient population;
 - (g) the characterisation of the medicinal product under assessment;
 - (h) the research question elaborated in the submission dossier, reflecting the assessment scope as set out pursuant to Article 8(6);
 - (i) the description of methods used by the health technology developer in the development of the content of the dossier;
 - (j) the results of information retrieval;
 - (k) the characteristics of included studies;
 - (l) the results on effectiveness and safety of the intervention under assessment and the comparator;
 - (m) the relevant underlying documentation related to points (f) to (l).
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ANNEX II

Dossier specifications for medical devices and *in vitro* diagnostic medical devices

1. The dossier referred to in Article 9(2) of this Regulation shall for medical devices include:
 - (a) the clinical evaluation assessment report;
 - (b) the manufacturer's clinical evaluation documentation submitted to the notified body pursuant to Section 6.1, points (c) and (d), of Annex II to Regulation (EU) 2017/745;
 - (c) the scientific opinion provided by the relevant expert panels in the framework of the clinical evaluation consultation procedure;
 - (d) all up-to-date published and unpublished information, data, analyses and other evidence as well as study reports and clinical study protocols and analysis plans from clinical studies with the medical device for which the health technology developer was a sponsor and all available information on ongoing or discontinued clinical studies with the medical device for which the health technology developer is a sponsor or otherwise financially involved, and corresponding information about clinical studies by third parties if available, relevant to the assessment scope as set out in accordance with Article 8(6), including the clinical study reports and clinical study protocols if available to the health technology developer;
 - (e) HTA reports on the health technology subject to a joint clinical assessment, where appropriate;
 - (f) data from registries concerning the medical device and information on studies based on registries;
 - (g) if a health technology has been subject to a joint scientific consultation, an explanation from the health technology developer on any deviation from the recommended evidence;
 - (h) the characterisation of the medical condition to be treated, including the target patient population;
 - (i) the characterisation of the medical device under assessment, including its instructions for use;
 - (j) the research question elaborated in the submission dossier, reflecting the assessment scope as set out pursuant to Article 8(6);
 - (k) the description of methods used by the health technology developer in the development of the content of the dossier;
 - (l) the results of information retrieval;
 - (m) the characteristics of included studies.
 2. The dossier referred to in Article 9(2) and (3) of this Regulation shall for *in vitro* diagnostic medical devices include:
 - (a) the performance evaluation report of the manufacturer;
 - (b) the manufacturer's performance evaluation documentation, referred to in Section 6.2 of Annex II to Regulation (EU) 2017/746;
 - (c) the scientific opinion provided by the relevant expert panels in the framework of the performance evaluation consultation procedure;
 - (d) the report of the Union reference laboratory.
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II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) 2021/2283

of 20 December 2021

opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products, and repealing Regulation (EU) No 1388/2013

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 31 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The production of certain agricultural and industrial products in the Union is insufficient to meet the specific requirements of the user industries in the Union. Consequently, Union supplies of those products depend on imports from third countries. The most urgent Union requirements for the products concerned should be met immediately on the most favorable terms. Autonomous tariff quotas of the Union ('quotas') at preferential quota duty rates should therefore be opened within the limits of appropriate quota volumes, taking account of the need not to disturb the markets for such products or impede the establishment or development of production in the Union.
- (2) It is necessary to ensure equal and uninterrupted access to the quotas for all importers in the Union and to ensure the uninterrupted application of the quota duty rates laid down for those quotas to all imports of the products concerned into all Member States until the quotas have been exhausted.
- (3) Commission Implementing Regulation (EU) 2015/2447 ⁽¹⁾ provides for a system of quota management which ensures equal and uninterrupted access to the quotas and uninterrupted application of the quota duty rates, and which follows the chronological order of the dates of acceptance of declarations of release for free circulation. The quotas opened by this Regulation should therefore be managed by the Commission and the Member States in accordance with that system.
- (4) The quota volumes are mostly expressed in supplementary units of weight. For certain products for which a quota is opened, the quota volume is set out in another supplementary unit. Where no supplementary unit is specified for those products in the Combined Nomenclature laid down in Annex I to Council Regulation (EEC) No 2658/87 ⁽²⁾ ('the Combined Nomenclature'), there can be uncertainty in respect of the supplementary unit used. For the sake of clarity and in the interests of better quota management, it is therefore necessary to provide that, in order to benefit from those quotas, the exact quantity of the products imported be entered in the declaration for release for free circulation using the supplementary unit of the quota volume set out for those products in this Regulation.

⁽¹⁾ Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).

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

- (5) It is necessary to clarify that any mixtures, preparations or products made up of different components containing products subject to quotas should be excluded from the scope of this Regulation, as only the products as described in this Regulation should be subject to the quotas.
- (6) Council Regulation (EU) No 1388/2013 ⁽³⁾ has been amended many times. In addition, as the coding of the Combined Nomenclature has been updated by Commission Implementing Regulation (EU) 2021/1832 ⁽⁴⁾, a large number of changes to Regulation (EU) No 1388/2013 would be required. Therefore, in the interests of clarity and transparency, that Regulation should be replaced in its entirety.
- (7) In accordance with the principle of proportionality, it is necessary and appropriate for the achievement of the basic objective of promoting trade between Member States and third countries to lay down rules in order to balance the different commercial interests of economic operators in the Union without changing the Union's World Trade Organization schedule. This Regulation does not go beyond what is necessary in order to achieve the objectives pursued in accordance with Article 5(4) of the Treaty on European Union.
- (8) In order to avoid any interruption of the application of the quota scheme and to comply with the guidelines set out in the communication from the Commission of 13 December 2011 concerning autonomous tariff suspensions and quotas, the quotas for the products listed in this Regulation should apply from 1 January 2022. This Regulation should therefore enter into force as a matter of urgency,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the agricultural and industrial products listed in the Annex, autonomous tariff quotas of the Union ('quotas') shall be opened.
2. Within the quotas referred to in paragraph 1 of this Article, the Common Customs Tariff duties referred to in Article 56(2), point (c), of Regulation (EU) No 952/2013 of the European Parliament and of the Council ⁽⁵⁾ are suspended for the quota periods, at the quota duty rates and up to the quota volumes indicated in the Annex to this Regulation.
3. Paragraphs 1 and 2 do not apply to any mixtures, preparations or products made up of different components containing products listed in the Annex.

Article 2

The quotas referred to in Article 1 of this Regulation shall be managed by the Commission in accordance with Articles 49 to 54 of Implementing Regulation (EU) 2015/2447.

Article 3

Where a customs declaration for release for free circulation is lodged for products for which supplementary units have been provided in the Annex, the exact quantity of the products imported shall be entered in that declaration using the supplementary unit set out in the Annex.

⁽³⁾ Council Regulation (EU) No 1388/2013 of 17 December 2013 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products, and repealing Regulation (EU) No 7/2010 (OJ L 354, 28.12.2013, p. 319).

⁽⁴⁾ Commission Implementing Regulation (EU) 2021/1832 of 12 October 2021 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 385, 29.10.2021, p. 1).

⁽⁵⁾ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

Article 4

Regulation (EU) No 1388/2013 is repealed.

Article 5

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 1 January 2022.

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

Done at Brussels, 20 December 2021.

For the Council

The President

A. VIZJAK

ANNEX

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty rate
09.2637	ex 0710 40 00 ex 2005 80 00	20 30	Corn cobs (<i>Zea mays</i> var. <i>saccharata</i>) whether or not cut, with a diameter of 10 mm or more, but not more than 20 mm, for use in the manufacture of products of the food industry for treatment other than simple repacking ⁽¹⁾ ⁽²⁾ ⁽³⁾	1.1.-31.12.	550 tonnes	0 % ⁽³⁾
09.2849	ex 0710 80 69	10	Mushrooms of the species <i>Auricularia polytricha</i> (uncooked or cooked by steaming or boiling), frozen, for the manufacture of prepared meals ⁽¹⁾ ⁽²⁾	1.1.-31.12.	700 tonnes	0 %
09.2664	ex 2008 60 39	30	Sweet cherries containing added spirit, with a sugar content of not more than 9 % by weight, of a diameter of not more than 19,9 mm, with stones, for use in chocolate products ⁽¹⁾	1.1.-31.12.	1 000 tonnes	10 %
09.2740	ex 2309 90 31	87	Soya bean protein concentrate containing by weight: — 60 % (± 10 %) of crude protein, — 5 % (± 3 %) of crude fibre, — 5 % (± 3 %) of crude ash, and — 3 % or more but not more than 6,9 % of starch, for use in the manufacture of animal feed products ⁽¹⁾	1.1.-31.12.	30 000 tonnes	0 %
09.2913	ex 2401 10 35 ex 2401 10 70 ex 2401 10 95 ex 2401 10 95 ex 2401 10 95 ex 2401 20 35 ex 2401 20 70 ex 2401 20 95 ex 2401 20 95 ex 2401 20 95	91 10 11 21 91 91 10 11 21 91	Natural unmanufactured tobacco, whether or not cut in regular size, having a custom value of not less than EUR 450 per 100 kg net weight, for use as binder or wrapper for the manufacture of goods falling within subheading 2402 10 00 ⁽¹⁾	1.1.-31.12.	6 000 tonnes	0 %
09.2586	ex 2710 19 81 ex 2710 19 99	20 40	Catalytically hydroisomerized and dewaxed base oil of hydrogenated, highly isoparaffinic hydrocarbons, containing: — 90 % or more by weight of saturates, and — not more than 0,03 % by weight of sulphur, and with: — a viscosity index of 80 or more, but less than 120, and — a kinematic viscosity of 5,0 cSt at 100 °C or more, but not more than 13,0 cSt at 100 °C	1.1.-30.6.	75 000 tonnes	0 %
09.2828	2712 20 90		Paraffin wax containing by weight less than 0,75 % of oil	1.1.-31.12.	100 000 tonnes	0 %

09.2600	ex 2712 90 39	10	Slack wax (CAS RN 64742-61-6)	1.1.-31.12.	100 000 tonnes	0 %
09.2578	ex 2811 19 80	50	Sulphamidic acid (CAS RN 5329-14-6) with a purity by weight of 95 % or more, whether or not with not more than 5 % addition of the anti-caking agent silicon dioxide (CAS RN 112926-00-8)	1.1.-31.12.	27 000 tonnes	0 %
09.2928	ex 2811 22 00	40	Silica filler in the form of granules, with a purity by weight of 97 % or more of silicon dioxide	1.1.-31.12.	1 700 tonnes	0 %
09.2806	ex 2825 90 40	30	Tungsten trioxide, including blue tungsten oxide (CAS RN 1314-35-8 or CAS RN 39318-18-8)	1.1.-31.12.	12 000 tonnes	0 %
09.2872	ex 2833 29 80	40	Caesium sulphate (CAS RN 10294-54-9) in solid form or as aqueous solution containing by weight 48 % or more but not more than 52 % of caesium sulphate	1.1.-31.12.	400 tonnes	0 %
09.2567	ex 2903 22 00	10	Trichloroethylene (CAS RN 79-01-6) with a purity by weight of 99 % or more	1.1.-31.12.	11 885 000 kilograms	0 %
09.2837	ex 2903 79 30	20	Bromochloromethane (CAS RN 74-97-5)	1.1.-31.12.	600 tonnes	0 %
09.2933	ex 2903 99 80	30	1,3-Dichlorobenzene (CAS RN 541-73-1)	1.1.-31.12.	2 600 tonnes	0 %
09.2700	ex 2905 12 00	10	Propan-1-ol (propyl alcohol) (CAS RN 71-23-8)	1.1.-31.12.	15 000 tonnes	0 %
09.2830	ex 2906 19 00	40	Cyclopropylmethanol (CAS RN 2516-33-8)	1.1.-31.12.	20 tonnes	0 %
09.2851	ex 2907 12 00	10	O-cresol (CAS RN 95-48-7) having a purity of not less than 98,5 % by weight	1.1.-31.12.	20 000 tonnes	0 %
09.2704	ex 2909 49 80	20	2,2,2',2'-Tetrakis(hydroxymethyl)-3,3'-oxydipropan-1-ol (CAS RN 126-58-9)	1.1.-31.12.	500 tonnes	0 %
09.2565	ex 2914 19 90	70	Calcium acetylacetonate (CAS RN 19372-44-2) with a purity by weight of 95 % or more	1.1.-31.12.	400 tonnes	0 %
09.2852	ex 2914 29 00	60	Cyclopropyl methyl ketone (CAS RN 765-43-5)	1.1.-31.12.	300 tonnes	0 %
09.2638	ex 2915 21 00	10	Acetic acid (CAS RN 64-19-7) of a purity by weight of 99 % or more	1.1.-31.12.	1 000 000 tonnes	0 %
09.2679	2915 32 00		Vinyl acetate (CAS RN 108-05-4)	1.1.-31.12.	400 000 tonnes	0 %
09.2728	ex 2915 90 70	85	Ethyl trifluoroacetate (CAS RN 383-63-1)	1.1.-31.12.	400 tonnes	0 %
09.2665	ex 2916 19 95	30	Potassium (E,E)-hexa-2,4-dienoate (CAS RN 24634-61-5)	1.1.-31.12.	8 250 tonnes	0 %
09.2684	ex 2916 39 90	28	2,5-dimethylphenylacetyl chloride (CAS RN 55312-97-5)	1.1.-31.12.	700 tonnes	0 %
09.2599	ex 2917 11 00	40	Diethyl oxalate (CAS RN 95-92-1)	1.1.-31.12.	500 tonnes	0 %

09.2769	ex 2917 13 90	10	Dimethyl sebacate (CAS RN 106-79-6)	1.1.-31.12.	1 000 tonnes	0 %
09.2634	ex 2917 19 80	40	Dodecanedioic acid (CAS RN 693-23-2), of a purity by weight of more than 98,5 %	1.1.-31.12.	8 000 tonnes	0 %
09.2808	ex 2918 22 00	10	O-acetylsalicylic acid (CAS RN 50-78-2)	1.1.-31.12.	120 tonnes	0 %
09.2646	ex 2918 29 00	75	Octadecyl 3-(3,5-di-tert-butyl-4-hydroxyphenyl)propionate (CAS RN 2082-79-3) with: — a sieve passing fraction at a mesh width of 500 µm of more than 99 % by weight, and — a melting point of 49 °C or more, but not more than 54 °C, for use in the manufacture of PVC processing stabilizer-one packs based on powder mixtures (powders or press granulates) (1)	1.1.-31.12.	380 tonnes	0 %
09.2647	ex 2918 29 00	80	Pentaerythritol tetrakis(3-(3,5-di-tert-butyl-4-hydroxyphenyl)propionate) (CAS RN 6683-19-8) with: — a sieve passing fraction at a mesh width of 250 µm of more than 75 % by weight and at a mesh width of 500 µm of more than 99 % by weight, and — a melting point of 110 °C or more, but not more than 125 °C, for use in the manufacture of PVC processing stabilizer-one packs based on powder mixtures (powders or press granulates) (1)	1.1.-31.12.	140 tonnes	0 %
09.2975	ex 2918 30 00	10	Benzophenone-3,3',4,4'-tetracarboxylic dianhydride (CAS RN 2421-28-5)	1.1.-31.12.	1 000 tonnes	0 %
09.2688	ex 2920 29 00	70	Tris (2,4-di-tert-butylphenyl)phosphite (CAS RN 31570-04-4)	1.1.-31.12.	6 000 tonnes	0 %
09.2598	ex 2921 19 99	75	Octadecylamine (CAS RN 124-30-1)	1.1.-31.12.	400 tonnes	0 %
09.2649	ex 2921 29 00	60	Bis(2-dimethylaminoethyl)(methyl)amine (CAS RN 3030-47-5)	1.1.-31.12.	1 700 tonnes	0 %
09.2682	ex 2921 41 00	10	Aniline (CAS RN 62-53-3) with a purity by weight of 99 % or more	1.1.-31.12.	150 000 tonnes	0 %
09.2617	ex 2921 42 00	89	4-Fluoro-N-(1-methylethyl)benzeneamine (CAS RN 70441-63-3)	1.1.-31.12.	500 tonnes	0 %
09.2602	ex 2921 51 19	10	o-phenylenediamine (CAS RN 95-54-5)	1.1.-31.12.	1 800 tonnes	0 %
09.2563	ex 2922 41 00	20	L-Lysine hydrochloride (CAS RN 657-27-2) or an aqueous solution of L-lysine (CAS RN 56-87-1), containing by weight 50 % or more of L-lysine	1.1.-30.6.	122 500 tonnes	0 %
09.2592	ex 2922 50 00	25	L-Threonine (CAS RN 72-19-5)	1.1.-31.12.	166 000 tonnes	0 %
09.2575	ex 2923 90 00	87	3-Chloro-2-hydroxypropyl)trimethylammonium chloride (CAS RN 3327-22-8), in the form of an aqueous solution containing by weight 65 % or more but not more than 71 % 3-chloro-2-hydroxypropyl)trimethylammonium chloride	1.1.-31.12.	19 000 tonnes	0 %

09.2854	ex 2924 19 00	85	3-iodoprop-2-yn-1-yl butylcarbamate (CAS RN 55406-53-6)	1.1.-31.12.	400 tonnes	0 %
09.2874	ex 2924 29 70	87	Paracetamol (INN) (CAS RN 103-90-2)	1.1.-31.12.	20 000 tonnes	0 %
09.2742	ex 2926 10 00	10	Acrylonitrile (CAS RN 107-13-1), for use in the manufacture of goods of chapter 55 and heading 6815 (1)	1.1.-31.12.	60 000 tonnes	0 %
09.2583	ex 2926 10 00	20	Acrylonitrile (CAS RN 107-13-1), for use in the manufacture of goods of headings 2921, 2924, 3906 and 4002 (1)	1.1.-31.12.	40 000 tonnes	0 %
09.2856	ex 2926 90 70	84	2-Nitro-4(trifluoromethyl)benzotrile (CAS RN 778-94-9)	1.1.-31.12.	900 tonnes	0 %
09.2708	ex 2928 00 90	15	Monomethylhydrazine (CAS RN 60-34-4) in the form of an aqueous solution with a content by weight of monomethylhydrazine of 40 (± 5) %	1.1.-31.12.	900 tonnes	0 %
09.2581	ex 2929 10 00	25	1,5-Naphthylene diisocyanate (CAS RN 3173-72-6) with a purity by weight of 90 % or more	1.1.-31.12.	300 tonnes	0 %
09.2685	ex 2929 90 00	30	Nitroguanidine (CAS RN 556-88-7)	1.1.-31.12.	6 500 tonnes	0 %
09.2597	ex 2930 90 98	94	Bis[3-(triethoxysilyl)propyl]disulphide (CAS RN 56706-10-6)	1.1.-31.12.	6 000 tonnes	0 %
09.2596	ex 2930 90 98	96	2-Chloro-4-(methylsulphonyl)-3-((2,2,2-trifluoroethoxy)methyl) benzoic acid (CAS RN 120100-77-8)	1.1.-31.12.	300 tonnes	0 %
09.2580	ex 2931 90 00	75	Hexadecyltrimethoxysilane (CAS RN 16415-12-6) with a purity by weight of at least 95 %, for use in the manufacture of polyethylene (1)	1.1.-31.12.	165 tonnes	0 %
09.2842	2932 12 00		2-Furaldehyde (furfuraldehyde)	1.1.-31.12.	10 000 tonnes	0 %
09.2696	ex 2932 20 90	25	Decan-5-olide (CAS RN 705-86-2)	1.1.-31.12.	6 000 kilograms	0 %
09.2697	ex 2932 20 90	30	Dodecan-5-olide (CAS RN 713-95-1)	1.1.-31.12.	6 000 kilograms	0 %
09.2812	ex 2932 20 90	77	Hexan-6-olide (CAS RN 502-44-3)	1.1.-31.12.	4 000 tonnes	0 %
09.2858	2932 93 00		Piperonal (CAS RN 120-57-0)	1.1.-31.12.	220 tonnes	0 %
09.2673	ex 2933 39 99	43	2,2,6,6-Tetramethylpiperidin-4-ol (CAS RN 2403-88-5)	1.1.-31.12.	1 000 tonnes	0 %
09.2880	ex 2933 59 95	39	Ibrutinib (INN) (CAS RN 936563-96-1)	1.1.-31.12.	5 tonnes	0 %
09.2860	ex 2933 69 80	30	1,3,5-Tris[3-(dimethylamino)propyl]hexahydro-1,3,5-triazine (CAS RN 15875-13-5)	1.1.-31.12.	600 tonnes	0 %
09.2566	ex 2933 99 80	05	1,4,7,10-Tetraazacyclododecane (CAS RN 294-90-6) with a purity by weight of 96 % or more	1.1.-31.12.	60 tonnes	0 %
09.2658	ex 2933 99 80	73	5-(Acetoacetylamino)benzimidazolone (CAS RN 26576-46-5)	1.1.-31.12.	400 tonnes	0 %

09.2593	ex 2934 99 90	67	5-Chlorothiophene-2-carboxylic acid (CAS RN 24065-33-6)	1.1.-31.12.	45 000 kilograms	0 %
09.2675	ex 2935 90 90	79	4-[[[2-Methoxybenzoyl]amino]sulfonyl]benzoyl chloride (CAS RN 816431-72-8)	1.1.-31.12.	1 000 tonnes	0 %
09.2710	ex 2935 90 90	91	2,4,4-trimethylpentan-2-aminium (3R,5S,6E)-7-[2-[(ethylsulfonyl)amino]-4-(4-fluorophenyl)-6-(propan-2-yl)pyrimidin-5-yl]-3,5-dihydroxyhept-6-enoate (CAS RN 917805-85-7)	1.1.-31.12.	5 000 kilograms	0 %
09.2945	ex 2940 00 00	20	D-Xylose (CAS RN 58-86-6)	1.1.-31.12.	400 tonnes	0 %
09.2686	ex 3204 11 00	75	Colourant C.I. Disperse Yellow 54 (CAS RN 7576-65-0) and preparations based thereon with a colourant C.I. Disperse Yellow 54 content of 99 % or more by weight	1.1.-31.12.	250 tonnes	0 %
09.2676	ex 3204 17 00	14	Preparations based on Colourant C.I. Pigment Red 48:2 (CAS RN 7023-61-2) with a content thereof of 60 % or more but less than 85 % by weight	1.1.-31.12.	50 tonnes	0 %
09.2698	ex 3204 17 00	30	Colourant C.I. Pigment Red 4 (CAS RN 2814-77-9) and preparations based thereon with a colourant C.I. Pigment Red 4 content of 60 % or more by weight	1.1.-31.12.	150 tonnes	0 %
09.2659	ex 3802 90 00	19	Soda flux calcinated diatomaceous earth	1.1.-31.12.	35 000 tonnes	0 %
09.2908	ex 3804 00 00	10	Sodium lignosulphonate (CAS RN 8061-51-6)	1.1.-31.12.	40 000 tonnes	0 %
09.2889	3805 10 90		Sulphate turpentine	1.1.-31.12.	25 000 tonnes	0 %
09.2935	ex 3806 10 00	10	Rosin and resin acids obtained from fresh oleoresins	1.1.-31.12.	280 000 tonnes	0 %
09.2832	ex 3808 92 90	40	Preparation containing 38 % or more but not more than 50 % by weight of pyriothione zinc (INN) (CAS RN 13463-41-7) in an aqueous dispersion	1.1.-31.12.	500 tonnes	0 %
09.2876	ex 3811 29 00	55	Additives consisting of reaction products of diphenylamine and branched nonenes containing by weight: — 28 % or more, but not more than 55 % of 4-monononyldiphenylamine, — 45 % or more but not more than 65 % of 4,4'-dinonyldiphenylamine, and — not more than 5 % of 2, 4'-dinonyldiphenylamine and 2, 4'-dinonyldiphenylamine, used for the manufacture of lubricating oils (1)	1.1.-31.12.	900 tonnes	0 %
09.2814	ex 3815 90 90	76	Catalyst consisting of titanium dioxide and tungsten trioxide	1.1.-31.12.	3 000 tonnes	0 %

09.2644	ex 3824 99 92	77	Preparation containing by weight: — 55 % or more but not more than 78 % of dimethyl glutarate (CAS RN 1119-40-0), — 10 % or more but not more than 30 % of dimethyl adipate (CAS RN 627-93-0), and — not more than 35 % of dimethyl succinate (CAS RN 106-65-0)	1.1.-31.12.	10 000 tonnes	0 %
09.2681	ex 3824 99 92	85	Mixture of bis [3-(triethoxysilyl)propyl]sulphides (CAS RN 211519-85-6)	1.1.-31.12.	9 000 tonnes	0 %
09.2650	ex 3824 99 92	87	Acetophenone (CAS RN 98-86-2), with a purity by weight of 60 % or more but not more than 90 %	1.1.-31.12.	2 000 tonnes	0 %
09.2888	ex 3824 99 92	89	Mixture of tertiary alkyl dimethyl amines containing by weight: — 60 % or more but not more than 80 % of dodecyl dimethylamine (CAS RN 112-18-5), and — 20 % or more but not more than 30 % of dimethyl(tetradecyl)amine (CAS RN 112-75-4)	1.1.-30.6.	10 000 tonnes	0 %
09.2829	ex 3824 99 93	43	Solid extract of the residual, insoluble in aliphatic solvents, obtained during the extraction of rosin from wood, having the following characteristics: — a resin acid content not exceeding 30 % by weight, — an acid number not exceeding 110, and — a melting point of 100 °C or more	1.1.-31.12.	1 600 tonnes	0 %
09.2907	ex 3824 99 93	67	Mixture of phytosterols, in the form of powder, containing by weight: — 75 % or more of sterols, — not more than 25 % of stanols, for use in the manufacture of stanols/sterols or stanol/sterol esters ⁽¹⁾	1.1.-31.12.	2 500 tonnes	0 %
09.2568	ex 3824 99 96	91	Mixture, in pellet form, containing by weight: — 49 % or more but not more than 50 % of bis[3-(triethoxysilyl)propyl] polysulphides (CAS RN 211519-85-6), and — 50 % or more but not more than 51 % of carbon black (CAS RN 1333-86-4), of which 75 % by weight or more pass through a sieve with an aperture of 0,60 mm, but not more than 10 % pass through a sieve with an aperture of 0,25 mm (as determined by the ASTM D1511 method)	1.1.-31.12.	1 500 tonnes	0 %
09.2820	ex 3827 90 00	10	Mixtures containing by weight: — 60 % or more but not more than 90 % of 2-chloropropene (CAS RN 557-98-2), — 8 % or more but not more than 14 % of (Z)-1-chloropropene (CAS RN 16136-84-8), — 5 % or more but not more than 23 % of 2-chloropropane (CAS RN 75-29-6),	1.1.-31.12.	6 000 tonnes	0 %

			<ul style="list-style-type: none"> — not more than 6 % of 3-chloropropene (CAS RN 107-05-1), and — not more than 1 % of ethyl chloride (CAS RN 75-00-3) 			
09.2671	ex 3905 99 90	81	<p>Poly(vinyl butyral)(CAS RN 63148-65-2):</p> <ul style="list-style-type: none"> — containing by weight 17,5 % or more, but not more than 20 % of hydroxyl groups, and — with a median particle size (D50) of more than 0,6 mm 	1.1.-31.12.	12 500 tonnes	0 %
09.2846	ex 3907 40 00	25	<p>Polymer blend of polycarbonate and poly(methyl methacrylate) with a polycarbonate content of not less than 98,5 % by weight, in the form of pellets or granules, with a luminous transmittance of not less than 88,5 %, measured using a test sample with a thickness of 4 mm at a wavelength of $\lambda = 400$ nm (according to ISO 13468-2)</p>	1.1.-31.12.	2 000 tonnes	0 %
09.2585	ex 3907 99 80	70	<p>Copolymer of poly(ethylene terephthalate) and cyclohexane dimethanol, containing more than 10 % by weight of cyclohexane dimethanol</p>	1.1.-31.12.	60 000 tonnes	2 %
09.2723	ex 3911 90 19	10	<p>Poly(oxy-1,4-phenylenesulphonyl-1,4-phenyleneoxy-4,4'-biphenylene)</p>	1.1.-31.12.	5 000 tonnes	0 %
09.2816	ex 3912 11 00	20	<p>Cellulose acetate flakes</p>	1.1.-31.12.	75 000 tonnes	0 %
09.2573	ex 3913 10 00	20	<p>Sodium alginate extracted from brown seaweed, with</p> <ul style="list-style-type: none"> — a loss on drying of not more than 15 % by weight (4h at 105 °C), — a water-insoluble fraction of not more than 2 % by weight, calculated on the dry weight 	1.1.-31.12.	2 000 tonnes	0 %
09.2641	ex 3913 90 00	87	<p>Sodium hyaluronate, non sterile, with:</p> <ul style="list-style-type: none"> — a weight average molecular weight (M_w) of not more than 900 000, — an endotoxin level of not more than 0,008 Endotoxin units (EU)/mg, — an ethanol content of not more than 1 % by weight, — an isopropanol content of not more than 0,5 % by weight 	1.1.-31.12.	300 kilograms	0 %
09.2661	ex 3920 51 00	50	<p>Sheets of polymethylmethacrylate conforming to standards:</p> <ul style="list-style-type: none"> — EN 4364 (MIL-P-5425E) and DTD5592A, or — EN 4365 (MIL-P-8184) and DTD5592A 	1.1.-31.12.	100 tonnes	0 %
09.2645	ex 3921 14 00	20	<p>Cellular block of regenerated cellulose, impregnated with water containing magnesium chloride and quaternary ammonium compounds, measuring 100 cm (\pm 10 cm) x 100 cm (\pm 10 cm) x 40 cm (\pm 5 cm)</p>	1.1.-31.12.	1 700 tonnes	0 %
09.2572	ex 5205 26 00 ex 5205 27 00	10 10	<p>Raw white single cotton yarn</p> <ul style="list-style-type: none"> — of combed fibres, — with an average fibre length of 36,5 mm or more, — produced through the compact ring spinning process with pneumatic compression, — with a tear strength of 26,5 cN/tex or more (according to ISO 2062:2009, at a speed of 5 000 mm/min) 	1.1.-31.12.	50 000 tonnes	0 %

09.2576	ex 5208 12 16	20	Unbleached woven fabric in plain weave, with: — a width of not more than 145 cm, — a weight of 120 g/m ² or more, but not more than 130 g/m ² , — 30 or more, but not more than 45 wefts per cm, — a tuck-in selvedge on both sides, where from the inside out, the 15 mm (± 2mm) wide tuck-in selvedge consists of a 6 mm or more but not more than 9 mm wide strip of plain weave and a 6 mm or more but not more than 9 mm wide strip of panama weave	1.1.-31.12.	1 500 000 square meters	0 %
09.2577	ex 5208 12 96	20	Unbleached woven fabric in plain weave, with: — a width of not more than 145 cm, — a weight of more than 130 g/m ² , but not more than 145 g/m ² — 30 or more, but not more than 45 wefts per cm, — a tuck-in selvedge on both sides, where from the inside out, the 15mm (± 2mm wide) tuck-in selvedge consists of a 6 mm or more but not more than 9 mm wide strip of plain weave and a 6 mm or more but not more than 9 mm wide strip of panama weave	1.1.-31.12.	2 300 000 square meters	0 %
09.2848	ex 5505 10 10	10	Waste of synthetic fibres (including noils, yarn waste, and garnetted stock) of nylon or other polyamides (PA6 and PA66)	1.1.-31.12.	10 000 tonnes	0 %
09.2721	ex 5906 99 90	20	Woven and laminated rubberised textile fabric with the following characteristics: — with three layers, — one outer layer consists of acrylic fabric, — the other outer layer consists of polyester fabric, — the middle layer consists of chlorobutyl rubber, — the middle layer has a weight of 452 g/m ² or more but not more than 569 g/m ² , — the textile fabric has a total weight of 952 g/m ² or more but not more than 1 159 g/m ² , and — the textile fabric has a total thickness of 0,8 mm or more but not more than 4 mm, used for the manufacture of the retractable roof of motor vehicles (!)	1.1.-31.12.	375 000 square meters	0 %
09.2866	ex 7019 12 00 ex 7019 12 00	06 26	S glass stratifils (rovings): — composed of continuous glass filaments of 9 µm (± 0,5 µm), — measuring 200 tex or more but not more than 680 tex, — not containing any calcium oxide, and — with a breaking strength of more than 3 550 MPa determined by ASTM D2343-09, for use in the manufacture of aeronautics (!)	1.1.-31.12.	1 000 tonnes	0 %
09.2628	ex 7019 66 00	10	Glass web woven from glass fibre coated in plastic, of a weight of 120 g/m ² (± 10 g/m ²), of a type used in rolling insect screens with fixed frames	1.1.-31.12.	3 000 000 square meters	0 %

09.2799	ex 7202 49 90	10	Ferro-chromium containing 1,5 % or more but not more than 4 % by weight of carbon and not more than 70 % of chromium	1.1.-31.12.	50 000 tonnes	0 %
09.2652	ex 7409 11 00 ex 7410 11 00	30 40	Refined copper foil and strips, electrolytically manufactured, with a thickness of 0,015 mm or more	1.1.-31.12.	1 020 tonnes	0 %
09.2734	ex 7409 19 00	20	Plates or sheets consisting of: — a layer of a silicon nitride ceramic with a thickness of 0,32 mm (\pm 0,1 mm) or more but not more than 1,0 mm (\pm 0,1 mm), — covered on both sides with a foil of refined copper with a thickness of 0,8 mm (\pm 0,1 mm), and — on one side partially covered with a coating of silver	1.1.-31.12.	7 000 000 pieces	0 %
09.2662	ex 7410 21 00	55	Plates: — consisting of at least one layer of fibreglass fabric impregnated with epoxide resin, — covered on one or both sides with copper foil with a thickness of not more than 0,15 mm, — with a dielectric constant (DK) of less than 5,4 at 1 MHz, as measured according to IPC-TM-650 2.5.5.2, — with a loss tangent of less than 0,035 at 1 MHz, as measured according to IPC-TM-650 2.5.5.2, — with a comparative tracking index (CTI) of 600 or more	1.1.-31.12.	80 000 square meters	0 %
09.2835	ex 7604 29 10	30	Aluminium alloy rods with a diameter of 300,1 mm or more, but not more than 533,4 mm	1.1.-31.12.	1 000 tonnes	0 %
09.2736	ex 7607 11 90 ex 7607 11 90 ex 7607 11 90 ex 7607 11 90	75 77 78 79	Aluminium and magnesium alloy strip or foil: — of an alloy conforming to standards 5182-H19 or 5052-H19, — in rolls with an outside diameter of minimum 1 250 mm but not more than 1 350 mm, — of a thickness (tolerance – 0,006 mm) of 0,15 mm, 0,16 mm, 0,18 mm or 0,20 mm, — of a width (tolerance \pm 0,3 mm) of 12,5 mm, 15,0 mm, 16,0 mm, 25,0 mm, 35,0 mm, 50,0 mm or 356 mm, — having a camber tolerance of not more than 0,4 mm/750 mm, — of a flatness measurement: l-unit \pm 4, — having a tensile strength of more than (5182-H19) 365 MPa or (5052-H19) 320 MPa, and — of an elongation A50 of more than (5182-H19) 3 % or (5052-H19) 2,5 %, for use in the manufacture of slats for blinds (!)	1.1.-31.12.	600 tonnes	0 %
09.2722	8104 11 00		Unwrought magnesium, containing at least 99,8 % by weight of magnesium	1.1.-31.12.	120 000 tonnes	0 %
09.2840	ex 8104 30 00	20	Magnesium powder: — of purity by weight of 98 % or more, but not more than 99,5 %, and — with a particle size of 0,2 mm or more but not more than 0,8 mm	1.1.-31.12.	2 000 tonnes	0 %

09.2629	ex 8302 49 00	91	Aluminium telescopic handle for use in the manufacture of luggage (1)	1.1.-31.12.	1 500 000 pieces	0 %
09.2720	ex 8413 91 00	50	Pump head for two cylinder high pressure pump made of forged steel, with: — milled threaded fittings with a diameter of 10 mm or more but not more than 36,8 mm, and — drilled fuel channels with a diameter of 3,5 mm or more but not more than 10 mm, of a kind used in diesel injection systems	1.1.-31.12.	65 000 pieces	0 %
09.2569	ex 8414 90 00	80	Turbocharger wheel housing of cast aluminium alloy or cast iron: — with a heat resistance up to 400 °C, — with a hole of 30 mm or more but not more than 300 mm for the insertion of the compressor wheel, for use in the automotive industry (1)	1.1.-31.12.	4 000 000 pieces	0 %
09.2570	ex 8482 91 90	10	Rollers with a logarithmic profile and a diameter of 25 mm or more but not more than 70 mm or balls with a diameter of 30 mm but not more than 100 mm, — made of 100Cr6 steel or 100CrMnSi6-4 steel (ISO 3290), — with a deviation of 0,5 mm or less as determined with the FBH method for use in wind turbine industry (1)	1.1.-31.12.	600 000 pieces	0 %
09.2738	ex 8482 99 00	30	Brass cages with the following characteristics: — continuously or centrifugally cast, — turned, — containing by weight 35 % or more, but not more than 38 % of zinc, — containing by weight 0,75 % or more, but not more than 1,25 % of lead, — containing by weight 1,0 % or more, but not more than 1,4 % of aluminium, and — with a tensile strength of 415 Pa or more, of a kind used for the manufacture of ball bearings	1.1.-31.12.	50 000 pieces	0 %
09.2763	ex 8501 40 20 ex 8501 40 80	40 30	Electric AC commutator motor, single-phase, with an output of 250 W or more, an input power of 700 W or more but not more than 2 700 W, an external diameter of more than 120 mm (\pm 0,2 mm) but not more than 135 mm (\pm 0,2 mm), a rated speed of more than 30 000 rpm but not more than 50 000 rpm, equipped with air-inducting ventilator, for use in the manufacture of vacuum cleaners (1)	1.1.-31.12.	2 000 000 pieces	0 %
09.2672	ex 8529 90 92 ex 9405 42 31	75 70	Printed circuit board with LED diodes: — whether or not equipped with prisms/lens, and	1.1.-31.12.	115 000 000 pieces	0 %

			— whether or not fitted with connector(s) for the manufacture of backlight units for goods of heading 8528 (1)			
09.2574	ex 8537 10 91	73	Multifunctional device (instrument cluster) with: — curved TFT LCD display (radius 750 mm) with touch-sensitive surfaces, — microprocessors and memory chips, — acoustic module and loudspeaker, — connections for CAN, 3 x LIN bus, LVDS and Ethernet, — for operating various functions (e.g. chassis, lighting) and — for situation-related display of vehicle and navigation data (e.g. speed, odometer, charge level of the drive battery), for use in the manufacture of passenger cars powered solely by an electric motor covered by HS subheading 8703 80 (1)	1.1.-31.12.	66 900 pieces	0 %
09.2003	ex 8543 70 90	63	Voltage controlled frequency generator, consisting of active and passive elements mounted on a printed circuit, contained in a housing with dimensions of not more than 30 mm x 30 mm	1.1.-31.12.	1 400 000 pieces	0 %
09.2910	ex 8708 99 97	75	Aluminium alloy support bracket, with mounting holes, whether or not with fixation nuts, for indirect connection of the gearbox to the car body for use in the manufacture of goods of Chapter 87 (1)	1.1.-31.12.	200 000 pieces	0 %
09.2694	ex 8714 10 90	30	Axle clamps, housings, fork bridges and clamping pieces, of aluminium alloy of a kind used for motor bikes	1.1.-31.12.	1 000 000 pieces	0 %
09.2668	ex 8714 91 10 ex 8714 91 10 ex 8714 91 10	21 31 75	Bicycle frame, constructed from carbon fibres and artificial resin, for use in the manufacture of bicycles (including electric bicycles) (1)	1.1.-31.12.	600 000 pieces	0 %
09.2564	ex 8714 91 10 ex 8714 91 10 ex 8714 91 10	25 35 77	Frame, constructed from aluminium or aluminium and carbon fibres and artificial resin, for the use in the manufacture of bicycles (including electric bicycles) (1)	1.1.-31.12.	9 600 000 pieces	0 %
09.2579	ex 9029 20 31 ex 9029 90 00	40 40	Clustered instrument panel with: — stepping motors, — analog pointers and dials, — or without microprocessor control board, — or without LED indicators or LCD display, — showing at least: — speed, — engine revolutions, — engine temperature,	1.1.-31.12.	160 000 pieces	0 %

			<ul style="list-style-type: none"> — the fuel level, — communicating via CAN-BUS and/or K-LINE protocols, for use in the manufacture of goods of Chapter 87 ⁽¹⁾			
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⁽¹⁾ Suspension of duties is subject to end-use customs supervision in accordance with Article 254 of Regulation (EU) No 952/2013.

⁽²⁾ However, the suspension of tariff duties does not apply where the processing is carried out by retail or catering undertakings.

⁽³⁾ Only the *ad valorem* duty is suspended. The specific duty shall continue to apply.

COMMISSION IMPLEMENTING REGULATION (EU) 2021/2284**of 10 December 2021****laying down implementing technical standards for the application of Regulation (EU) 2019/2033 of the European Parliament and of the Council with regard to supervisory reporting and disclosures of investment firms****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/2033 of the European Parliament and of the Council of 27 November 2019 on the prudential requirements for investment firms and amending Regulations (EU) No 1093/2010, (EU) No 575/2013, (EU) No 600/2014 and (EU) No 806/2014 ⁽¹⁾, and in particular Article 49(2) and Article 54(3) thereof,

Whereas:

- (1) The reporting requirements for investment firms provided in Article 54 of Regulation (EU) 2019/2033 should be tailored to the business of the investment firms and be proportionate to the scale and complexity of different investment firms. Those requirements should in particular take into account that certain investment firms are to be considered to be small and non-interconnected as per the conditions set out in Article 12 of Regulation (EU) 2019/2033.
- (2) According to Article 54(1) of Regulation (EU) 2019/2033, small and non-interconnected investment firms are to report information about the level and composition of their own funds, their own funds requirements, the basis for the calculation of their own funds requirements and the level of activity in respect of the conditions set out in Article 12(1) of Regulation (EU) 2019/2033. Small and non-interconnected firms are thus not required to report the same level of detail of information as other investment firms subject to Regulation (EU) 2019/2033. The reporting templates on K-factor calculation should therefore not be applicable to small and non-interconnected firms. In addition, according to Article 54(2), third subparagraph, of Regulation (EU) 2019/2033, small and non-interconnected firms are exempt from reporting on concentration risk and competent authorities may exempt small and non-interconnected firms from the obligation to report on liquidity requirements.
- (3) All investment firms subject to Regulation (EU) 2019/2033 should report their activity profile and size to enable competent authorities to assess whether those investment firms meet the conditions laid down in Article 12 of Regulation (EU) 2019/2033 to be classified as small and non-interconnected investment firms.
- (4) In order to provide transparency to their investors and the wider markets, Article 46 of Regulation (EU) 2019/2033 requires investment firms other than small and non-interconnected investment firms to publicly disclose the information specified in Part Six of that Regulation. Small and non-interconnected investment firms are not subject to those disclosure requirements, except where they issue Additional Tier 1 instruments in order to provide transparency to the investors in those instruments.
- (5) This Regulation should provide investment firms with templates and tables to convey sufficiently comprehensive and comparable information on the composition and quality of their own funds. More specifically, it is necessary to introduce a quantitative disclosure template on the composition of own funds and a flexible template on the reconciliation of regulatory own funds with the audited financial statements. For the same reason, it is also necessary to lay down a template with information on the most relevant features of own funds instruments issued by the investment firm.

⁽¹⁾ OJ L 314, 5.12.2019, p. 1.

- (6) In order to facilitate the implementation of reporting and disclosure requirements, it is necessary to enhance the consistency between reporting and disclosure templates. The template for the disclosure on composition of own funds should therefore be closely aligned with the related reporting template on the level and composition of own funds. For the same reason, the template for the disclosure on full reconciliation of own funds with the audited financial statements should be flexible in that the breakdown of the template should be based on the breakdown of the balance sheet in the investment firm's audited financial statements. Additionally, the template to disclose information about the main features of regulatory own funds should be a fixed template and its complexity should depend on the complexity of the own funds instruments.
- (7) To ensure that compliance costs for investment firms are not unreasonably increased and that data quality is maintained, reporting and disclosure obligations should be aligned in their substance to the maximum extent possible with each other. It is therefore appropriate to set out, in a single Regulation, standards applicable to both reporting and disclosure requirements.
- (8) This Regulation is based on the draft implementing technical standards submitted to the Commission by the European Banking Authority (EBA) after having consulted the European Securities and Markets Authority.
- (9) The EBA has conducted open public consultations on the draft implementing technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the advice of the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council ⁽²⁾,

HAS ADOPTED THIS REGULATION:

CHAPTER I

SUPERVISORY REPORTING

Article 1

Reporting reference dates

1. The information referred to in Article 54(1) of Regulation shall be reported as this information stands on the following reporting reference dates:
 - (a) quarterly reporting: 31 March, 30 June, 30 September and 31 December;
 - (b) annual reporting: 31 December.
2. The reporting reference dates referred to in paragraph 1 may be adjusted where investment firms are permitted by national law to report their financial information based on their accounting year-end which deviates from the calendar year, so that the quarterly reporting of information is performed every three months of the respective accounting year and the annual reporting at the accounting year-end.

Article 2

Reporting remittance dates

1. The information referred to in Article 54(1) of Regulation (EU) 2019/2033 shall be submitted by close of business of the following remittance dates:
 - (a) quarterly reporting: 12 May, 11 August, 11 November and 11 February;
 - (b) annual reporting: 11 February.

⁽²⁾ Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12).

2. Where the reporting remittance day is a public holiday in the Member State of the competent authority to which the report is to be provided, or a Saturday or a Sunday, the reporting remittance day shall be the following working day.
3. Where investment firms report their information using adjusted reporting reference dates based on their accounting year-end as set out in Article 1(2) of this Regulation, the remittance dates may be adjusted accordingly so that the same remittance period from the adjusted reporting reference date is maintained.
4. Investment firms may submit unaudited figures. Where audited figures deviate from submitted unaudited figures, the revised, audited figures shall be submitted without undue delay. For the purposes of this Article, 'unaudited figures' shall mean figures that have not received an external auditor's opinion whereas audited figures are figures audited by an external auditor expressing an audit opinion.
5. Corrections to the submitted reports shall be submitted to the competent authorities without undue delay.

Article 3

Application of reporting requirements on an individual basis

In order to comply with the reporting requirements of Article 54 of Regulation (EU) 2019/2033 on an individual basis, investment firms shall report the information specified in Articles 5, 6 and 7 of this Regulation with the frequency specified therein.

Article 4

Application of reporting requirements on a consolidated basis

In order to comply with the reporting requirements referred to in Article 54 of Regulation (EU) 2019/2033 on a consolidated basis, investment firms shall report the information specified in Articles 5 and 6 of this Implementing Regulation with the frequency specified therein.

Article 5

Format and frequency of reporting by investment firms other than small and non-interconnected investment firms

1. Investment firms other than small and non-interconnected investment firms shall report the information required by paragraphs 1 and 2 of Article 54 of Regulation (EU) 2019/2033 by using the templates laid down in Annex I to this Regulation in accordance with the instructions set out in Annex II to this Regulation with a quarterly frequency.
2. Investment firms other than small and non-interconnected investment firms that determine the RtM K-factor requirement on the basis of K-NPR in accordance with Article 21(1) of Regulation (EU) 2019/2033 shall report the information specified in templates C 18.00 to C 24.00 of Annex I to Commission Implementing Regulation (EU) 2021/451 ⁽³⁾ in accordance with the instructions set out in Part 2 of Annex II to that Implementing Regulation with a quarterly frequency.
3. Investment firms other than small and non-interconnected investment firms that make use of the derogation laid down in Article 25(4) of Regulation (EU) 2019/2033 shall report the information specified in template C 34.02 of Annex I to Implementing Regulation (EU) 2021/451 in accordance with the instructions set out in Part 2 of Annex II to that Implementing Regulation with a quarterly frequency.

⁽³⁾ Commission Implementing Regulation (EU) 2021/451 of 17 December 2020 laying down implementing technical standards for the application of Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to supervisory reporting of institutions and repealing Implementing Regulation (EU) No 680/2014 (OJ L 97, 19.3.2021, p. 1).

4. Investment firms other than small and non-interconnected investment firms that make use of the derogation laid down in Article 25(5), second subparagraph, of Regulation (EU) 2019/2033 shall report the information specified in template C 25.00 of Annex I to Implementing Regulation (EU) 2021/451 in accordance with the instructions set out in Part 2 of Annex II to that Implementing Regulation with a quarterly frequency.

Article 6

Format and frequency of reporting by small and non-interconnected investment firms

1. Small and non-interconnected investment firms shall report the information specified in the templates of Annex III to this Regulation in accordance with the instructions of Annex IV to this Regulation with an annual frequency. Investment firms that benefit from the exemption referred to in Article 43(1), second subparagraph, of Regulation (EU) 2019/2033 shall be exempted from the duty to submit the information specified in template IF 09.01 of Annex III to this Regulation.

Article 7

Format and frequency of reporting by entities benefitting from the application of Article 8 of Regulation (EU) 2019/2033

By way of derogation from Article 4 of this Regulation, entities referred to in Article 8(3) of Regulation (EU) 2019/2033 that are benefitting from the application of that Article shall report the information set out in the templates of Annex VIII to this Regulation in accordance with the instructions set out in Annex IX to this Regulation with a quarterly frequency.

Article 8

Data precision and information associated with submissions

1. Investment firms shall submit the information referred to in this Regulation in the data exchange formats and representations specified by competent authorities and respecting the data point definition of the data point model and the validation formulae specified in Annex V as well as the following specifications:

- (a) information that is not required or not applicable shall not be included in a data submission;
- (b) numeric values shall be submitted as facts pursuant to the following conventions:
 - (i) data points with the data type 'Monetary' shall be reported using a minimum precision equivalent to thousands of units;
 - (ii) data points with the data type 'Percentage' shall be expressed as per unit with a minimum precision equivalent to four decimals;
 - (iii) data points with the data type 'Integer' shall be reported using no decimals and a precision equivalent to units.

2. Investment firms shall be identified by their Legal Entity Identifier (LEI). Legal entities and counterparties other than investment firms shall be identified by their LEI, where available.

3. Information submitted by investment firms on the basis of this Regulation shall be accompanied with the following information:

- (a) reporting reference date and reference period;
- (b) reporting currency;
- (c) accounting standard;
- (d) Legal Entity Identifier (LEI) of the reporting institution;
- (e) scope of consolidation.

CHAPTER II

PUBLIC DISCLOSURE BY INVESTMENT FIRMS*Article 9***Disclosure principles**

1. Information to be disclosed in accordance with this Regulation shall be subject to the following principles:
 - (a) disclosures shall be subject to the same level of internal verification as that applicable to the management report included in the investment firm's financial report;
 - (b) disclosures shall be clear and shall be presented in a form that is understandable to users of information and communicated through an accessible medium. Important messages shall be highlighted and easy to find. Complex issues shall be explained in simple language. Related information shall be presented together;
 - (c) disclosures shall be meaningful and consistent over time to enable users of information to compare information across disclosure periods;
 - (d) quantitative disclosures shall be accompanied by qualitative explanations and any other supplementary information that may be necessary in order for the users of that information to understand them, noting in particular any significant change in any given disclosure compared to the information contained in previous disclosures.

*Article 10***Disclosure of own funds by investment firms**

Investment firms shall make the disclosures on own funds required by Article 49(1) of Regulation (EU) 2019/2033 by using the templates of Annex VI to this Regulation and in accordance with the relevant instructions set out in Annex VII to this Regulation.

*Article 11***General disclosure provisions**

1. Where disclosing the information referred to in Article 10 of this Regulation, investment firms shall ensure that numeric values are submitted as facts in accordance with the following:
 - (a) quantitative monetary data shall be disclosed using a minimum precision equivalent to thousands of units;
 - (b) quantitative data disclosed as 'Percentage' shall be expressed as per unit with a minimum precision equivalent to four decimals.
2. When disclosing the information referred to in Article 10 of this Regulation, investment firms shall ensure that the data are associated with all of the following information:
 - (a) disclosure reference date and reference period;
 - (b) disclosure currency;
 - (c) name and where relevant, the Legal Entity Identifier (LEI) of the disclosing institution;
 - (d) where relevant, the accounting standard;
 - (e) where relevant, the scope of consolidation.

CHAPTER III

FINAL PROVISIONS

*Article 12***Entry into force**

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

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

Done at Brussels, 10 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

REPORTING FOR INVESTMENT FIRMS OTHER THAN SMALL AND NON-INTERCONNECTED
INVESTMENT FIRMS

INVESTMENT FIRMS TEMPLATES			
Template number	Template code	Name of the template /group of templates	Short name
OWN FUNDS: level, composition, requirements and calculation			
1	I 01.00	Own funds	I1
2,1	I 02.01	Own funds requirements	I2.1
2,2	I 02.02	Capital ratios	I2.2
3	I 03.00	Fixed overheads requirements calculation	I3
4	I 04.00	Total K-Factor requirement calculations	I4
SMALL AND NON-INTERCONNECTED INVESTMENT FIRMS			
5	I 05.00	Level of activity - Thresholds review	I5
K-FACTOR REQUIREMENTS - ADDITIONAL DETAILS			
6,1	I 06.01	Assets under management - AUM additional detail	I6.1
6,2	I 06.02	Average value of total monthly AUM	I6.2
6,3	I 06.03	Client money held - CMH additional detail	I6.3
6,4	I 06.04	Average value of total daily CMH	I6.4
6,5	I 06.05	Assets safeguarded and administered - ASA additional detail	I6.5
6,6	I 06.06	Average value of total daily ASA	I6.6
6,7	I 06.07	Client orders handled - COH additional detail	I6.7
6,8	I 06.08	Average value of total daily COH	I6.8
6,9	I 06.09	K-Net position risk - K-NPR additional detail	I6.9
6,1	I 06.10	Clearing Margin given - CMG additional detail	I6.10
6,11	I 06.11	Trading counterparty default - TCD additional detail	I6.11
6,12	I 06.12	Daily trading flow - DTF additional detail	I6.12
6,13	I 06.13	Average value of total daily DTF	I6.13
CONCENTRATION RISK			
7	I 07.00	K-CON - additional detail	I7
8,1	I 08.01	Level of concentration risk - Client money held	I8.1
8,2	I 08.02	Level of concentration risk - Assets safeguarded and administered	I8.2
8,3	I 08.03	Level of concentration risk -Total own cash deposited	I8.3
8,4	I 08.04	Level of concentration risk - Total earnings	I8.4
8,5	I 08.05	Trading book exposures	I8.5
8,6	I 08.06	Non-trading book and off-balance sheet items	I8.6
LIQUIDITY REQUIREMENTS			
9	I 09.00	Liquidity requirements	I9

I 01.00 - OWN FUNDS COMPOSITION (I1)

Rows	Item	Amount
		0010
0010	OWN FUNDS	
0020	TIER 1 CAPITAL	
0030	COMMON EQUITY TIER 1 CAPITAL	
0040	Fully paid up capital instruments	
0050	Share premium	
0060	Retained earnings	
0070	Previous years retained earnings	
0080	Profit eligible	
0090	Accumulated other comprehensive income	
0100	Other reserves	
0110	Minority interest given recognition in CET1 capital	
0120	Adjustments to CET1 due to prudential filters	
0130	Other funds	
0140	(-)TOTAL DEDUCTIONS FROM COMMON EQUITY TIER 1	
0150	(-) Own CET1 instruments	
0160	(-) Direct holdings of CET1 instruments	
0170	(-) Indirect holdings of CET1 instruments	
0180	(-) Synthetic holdings of CET1 instruments	
0190	(-) Losses for the current financial year	
0200	(-) Goodwill	
0210	(-) Other intangible assets	
0220	(-) Deferred tax assets that rely on future profitability and do not arise from temporary differences net of associated tax liabilities	
0230	(-) Qualifying holding outside the financial sector which exceeds 15% of own funds	
0240	(-) Total qualifying holdings in undertaking other than financial sector entities which exceeds 60% of its own funds	
0250	(-) CET1 instruments of financial sector entites where the investment firm does not have a significant investment	
0260	(-) CET1 instruments of financial sector entities where the investment firm has a significant investment	
0270	(-) Defined benefit pension fund assets	
0280	(-) Other deductions	
0290	CET1: Other capital elements, deductions and adjustments	
0300	ADDITIONAL TIER 1 CAPITAL	
0310	Fully paid up, directly issued capital instruments	
0320	Share premium	
0330	(-) TOTAL DEDUCTIONS FROM ADDITIONAL TIER 1	
0340	(-) Own AT1 instruments	
0350	(-) Direct holdings of AT1 instruments	
0360	(-) Indirect holdings of AT1 instruments	
0370	(-) Synthetic holdings of AT1 instruments	
0380	(-) AT1 instruments of financial sector entities where the investment firm does not have a significant investment	
0390	(-) AT1 instruments of financial sector entities where the investment firm has a significant investment	
0400	(-) Other deductions	
0410	Additional Tier 1: Other capital elements, deductions and adjustments	
0420	TIER 2 CAPITAL	
0430	Fully paid up, directly issued capital instruments	
0440	Share premium	
0450	(-) TOTAL DEDUCTIONS FROM TIER 2	
0460	(-) Own T2 instruments	
0470	(-) Direct holdings of T2 instruments	
0480	(-) Indirect holdings of T2 instruments	
0490	(-) Synthetic holdings of T2 instruments	
0500	(-) T2 instruments of financial sector entities where the investment firm does not have a significant investment	
0510	(-) T2 instruments of financial sector entities where the investment firm has a significant investment	
0520	Tier 2: Other capital elements, deductions and adjustments	

I 02.01 - OWN FUNDS REQUIREMENTS (I2.1)

Rows	Item	Amount
		0010
0010	Own Funds requirement	
0020	Permanent minimum capital requirement	
0030	Fixed overhead requirement	
0040	Total K-Factor Requirement	
	Transitional own funds requirements	
0050	Transitional requirement <i>based on CRR own funds requirements</i>	
0060	Transitional requirement <i>based on fixed overhead requirements</i>	
0070	Transitional requirement <i>for investment firms previously subject only to an initial capital requirement</i>	
0080	Transitional requirement <i>based on initial capital requirement at authorisation</i>	
0090	Transitional requirement for investment firms that are not authorised to provide certain services	
0100	Transitional requirement of at least 250 000 EUR	
	Memorandum items	
0110	Additional own funds requirement	
0120	Additional own funds guidance	
0130	Total own funds requirement	

IF 02.02 - CAPITAL RATIOS (IF2.2)

Rows	Item	Amount
		0010
0010	CET 1 Ratio	
0020	Surplus(+)/Deficit(-) of CET 1 Capital	
0030	Tier 1 Ratio	
0040	Surplus(+)/Deficit(-) of Tier 1 Capital	
0050	Own Funds Ratio	
0060	Surplus(+)/Deficit(-) of Total capital	

I 03.00 - FIXED OVERHEADS REQUIREMENT CALCULATION (I3)

Rows	Item	Amount 0010
0010	Fixed Overhead Requirement	
0020	Annual Fixed Overheads of the previous year after distribution of profits	
0030	Total expenses of the previous year after distribution of profits	
0040	Of which: Fixed expenses incurred on behalf of the investment firms by third parties	
0050	(-)Total deductions	
0060	(-)Staff bonuses and other remuneration	
0070	(-)Employees', directors' and partners' shares in net profits	
0080	(-)Other discretionary payments of profits and variable remuneration	
0090	(-)Shared commission and fees payable	
0100	(-)Fees, brokerage and other charges paid to CCPs that are charged to customers	
0110	(-)Fees to tied agents	
0120	(-)Interest paid to customers on client money where this is at the firm's discretion	
0130	(-)Non-recurring expenses from non-ordinary activities	
0140	(-)Expenditures from taxes	
0150	(-)Losses from trading on own account in financial instruments	
0160	(-)Contract based profit and loss transfer agreements	
0170	(-)Expenditure on raw materials	
0180	(-)Payments into a fund for general banking risk	
0190	(-)Expenses related to items that have already been deducted from own funds	
0200	Projected fixed overheads of the current year	
0210	Variation of fixed overheads (%)	

I 04.00 - TOTAL K-FACTOR REQUIREMENT CALCULATIONS (I4)

Rows	Item	Factor amount 0010	K-factor requirement 0020
0010	TOTAL K-FACTOR REQUIREMENT		
0020	Risk to client		
0030	Assets under management		
0040	Client money held - Segregated		
0050	Client money held - Non - segregated		
0060	Assets safeguarded and administered		
0070	Client orders handled - Cash trades		
0080	Client orders handled - Derivatives Trades		
0090	Risk to market		
0100	K-Net positions risk requirement		
0110	Clearing margin given		
0120	Risk to firm		
0130	Trading counterparty default		
0140	Daily trading flow - Cash trades		
0150	Daily trading flow - Derivative trades		
0160	K-Concentration risk requirement		

I 05.00 - LEVEL OF ACTIVITY - THRESHOLDS REVIEW (15)

		Amount
Rows	Item	0010
0010	(Combined) assets under management	
0020	(Combined) client orders handled - Cash trades	
0030	(Combined) client orders handled - Derivatives	
0040	Assets safeguarded and administered	
0050	Client money held	
0060	Daily trading flow - cash trades and derivative trades	
0070	Net position risk	
0080	Clearing margin given	
0090	Trading counterparty default	
0100	(Combined) on - and off-balance sheet total	
0110	Combined total annual gross revenue	
0120	Total annual gross revenue	
0130	(-) Intragroup part of the annual gross revenue	
0140	Of which: revenue from reception and transmission of orders	
0150	Of which: revenue from execution of orders	
0160	Of which: revenue from dealing on own account	
0170	Of which: revenue from portfolio management	
0180	Of which: revenue from investment advice	
0190	Of which: revenue from underwriting of financial instruments/placing on a firm commitment basis	
0200	Of which: revenue from placing without a firm commitment basis	
0210	Of which: revenue from operation of an MTF	
0220	Of which: revenue from operation of an OTF	
0230	Of which: revenue from safekeeping and administration of financial instruments	
0240	Of which: revenue from granting credits or loans to investors	
0250	Of which: revenue from advice to undertakings on capital structure, industrial strategy and related matters and advice and services relating to mergers and the purchase of undertakings	
0260	Of which: revenue from foreign exchange services	
0270	Of which: investment research and financial analysis	
0280	Of which: revenue from services related to underwriting	
0290	Of which: investment services and ancillary activities related with the underlying of derivatives	

I 06.00 K-Factor - additional details (I 06)

I 06.01 Assets under management - AUM additional details

		Factor amount		
		Month t	Month t-1	Month t-2
		0010	0020	0030
0010	Total AUM (average amounts)			
0020	Of which: AUM - Discretionary portfolio management			
0030	Of which: AUM formally delegated to another entity			
0040	AUM - Ongoing non-discretionary advice			

I 06.02 Monthly assets under management

		End-of-month values													
		Month t-3	Month t-4	Month t-5	Month t-6	Month t-7	Month t-8	Month t-9	Month t-10	Month t-11	Month t-12	Month t-13	Month t-14	Month t-15	Month t-16
		0010	0020	0030	0040	0050	0060	0070	0080	0090	0100	0110	0120	0130	0140
0010	Total monthly assets under management														
0020	Monthly assets under management - discretionary portfolio management														
0030	of which: assets formally delegated to another entity														
0040	Monthly assets under management - Ongoing non-discretionary advice														

I 06.03 Client money held - CMH additional details

		Factor amount		
		Month t	Month t-1	Month t-2
		0010	0020	0030
0010	CMH - Segregated (average amounts)			
0020	CMH - Non-segregated (average amounts)			

I 06.04 Average value of total daily client money held

		Monthly averages of total daily client money held values							
		Month t-3	Month t-4	Month t-5	Month t-6	Month t-7	Month t-8	Month t-9	Month t-10
		0010	0020	0030	0040	0050	0060	0070	0080
0010	Total daily client money held - Segregated								
0020	Total daily client money held - Non-segregated								

I 06.05 Assets safeguarded and administered - ASA additional details

		Factor amount		
		Month t	Month t-1	Month t-2
		0010	0020	0030
0010	Total ASA (average amounts)			
0020	Of which: Fair value of financial instruments (Level 2)			
0030	Of which: Fair value of financial instruments (Level 3)			
0040	Of which: assets formally delegated to another financial entity			
0050	Of which: assets of another financial entity that has formally delegated to the investment firm			

I 06.06 Average value of total daily assets safeguarded and administered

		Monthly averages of total daily ASA values							
		Month t-3	Month t-4	Month t-5	Month t-6	Month t-7	Month t-8	Month t-9	Month t-10
		0010	0020	0030	0040	0050	0060	0070	0080
0010	Assets safeguarded and administered								
0020	Of which: Fair value of financial instruments (Level 2)								
0030	Of which: Fair value of financial instruments (Level 3)								
0040	Of which: assets formally delegated to another financial entity								
0050	Of which: assets of another financial entity that has formally delegated to the investment firm								

I 06.07 Client orders handled - COH additional details

		Factor amount		
		Month t	Month t-1	Month t-2
		0010	0020	0030
0010	COH - Cash trades (average amounts)			
0020	<i>Of which: Execution of client orders</i>			
0030	<i>Of which: Reception and transmission of client orders</i>			
0040	COH - Derivative (average amounts)			
0050	<i>Of which: Execution of client orders</i>			
0060	<i>Of which: Reception and transmission of client orders</i>			

I 06.08 Average value of total daily client orders handled

		Monthly averages of total daily client orders handled values				
		Month t-3	Month t-4	Month t-5	Month t-6	Month t-7
		0010	0020	0030	0040	0050
0010	Total daily client orders handled - Cash value					
0020	<i>Of which: Execution of client orders</i>					
0030	<i>Of which: Reception and transmission of client orders</i>					
0040	Total daily client orders handled - Derivatives					
0050	<i>Of which: Execution of client orders</i>					
0060	<i>Of which: Reception and transmission of client orders</i>					

I 06.09 K-Net position risk - K-NPR additional detail

		K - factor requirement / amount
		0010
0010	Total standardised approach	
0020	Position risk	
0030	Equity instruments	
0040	Debt instruments	
0050	Of which: securitisations	
0055	Particular approach for position risk in CIUs	
0060	Foreign exchange risk	
0070	Commodities risk	
0080	Internal model approach	

I 06.10 Clearing Margin given - CMG additional detail

Clearing member			Contribution to the total margin required on a daily basis on the day of		
Name	Code	Type of code	the highest amount of total margin	the second highest amount of total margin	the third highest amount of total margin
0010	0020	0030	0040	0050	0060

I 06.11 Trading counterparty default - TCD additional details

		K - factor requirement	Exposure value	Replacement cost (RC)	Potential future exposure (PFE)	Collateral (C)
		0010	0020	0030	0040	0050
Breakdown by method for determining the exposure value						
0010	Application of IFR: K-TCD					
0020	Alternative approaches: Exposure value determined in accordance with CRR					
0030	SA-CCR					
0040	Simplified SA-CCR					
0050	Original exposure method					
0060	Alternative approaches: Full application of CRR framework					
0070	Memorandum item: CVA component					
0080	of which: calculated in accordance with CRR framework					
Breakdown by type of counterparty						
0090	Central governments, central banks and public sector entities					
0100	Credit institutions and investment firms					
0110	Other counterparties					

I 06.12 Daily trading flow - DTF additional details

		Factor amount		
		Month t	Month t-1	Month t-2
		0010	0020	0030
0010	Total DTF - cash trades (average amounts)			
0020	Total DTF - derivative trades (average amounts)			

I 06.13 Average value of total daily trading flows

		Monthly averages of total daily trading flow values							
		Month t-3	Month t-4	Month t-5	Month t-6	Month t-7	Month t-8	Month t-9	Month t-10
		0010	0020	0030	0040	0050	0060	0070	0080
0010	Daily trading flow - cash trades								
0020	Daily trading flow - derivative trades								

I 07.00 - K-CON - additional detail (I7)

Counterparty ID					Trading Book Exposures exceeding the limits set in Article 37(1) of IFR					
Code	Type of code	Name	Group/ Individual	Counterparty Type	Exposure Value (EV)	Exposure Value (as % of Own Funds)	Own Funds Requirement of total exposure (OFR)	Exposure Value Excess (EVE)	Duration of the Excess (in days)	K-CON Own Funds Requirement for the Excess (OFRE)
0010	0020	0030	0040	0050	0060	0070	0080	0090	0100	0110

I 08.05 Trading book exposures

Counterparty				Top 5 trading book exposures
Code	Type of code	Name	Group/Individual	Percentage of exposure to this counterparty with respect to firm's own funds (trading book positions only)
0010	0020	0030	0040	0050

I 08.06 Non-trading book and off-balance sheet items

Counterparty				Top 5 total exposures (including non-trading book and off-balance sheet items)
Code	Type of code	Name	Group/Individual	Percentage of exposure with respect to firm's own funds (including off-balance sheet assets and non-trading book items)
0010	0020	0030	0040	0050

I 09.00 - LIQUIDITY REQUIREMENTS (I9)

Rows	Item	Amount 0010
0010	Liquidity Requirement	
0020	Client guarantees	
0030	Total liquid assets	
0040	Unencumbered short term deposits	
0050	Total eligible receivables due within 30 days	
0060	Level 1 assets	
0070	Coins and banknotes	
0080	Withdrawable central bank reserves	
0090	Central bank assets	
0100	Central government assets	
0110	Regional government/local authorities assets	
0120	Public Sector Entity assets	
0130	Recognisable domestic and foreign currency central government and central bank assets	
0140	Credit institution (protected by Member State government, promotional lender) assets	
0150	Multilateral development bank and international organisations assets	
0160	Extremely high quality covered bonds	
0170	Level 2A assets	
0180	Regional government/local authorities or Public Sector Entities assets (Member State, RW20 %)	
0190	Central bank or central/regional government or local authorities or Public Sector Entities assets (Third Country, RW20 %)	
0200	High quality covered bonds (CQS2)	
0210	High quality covered bonds (Third Country, CQS1)	
0220	Corporate debt securities (CQS1)	
0230	Level 2B assets	
0240	Asset-backed securities	
0250	Corporate debt securities	
0260	Shares (major stock index)	
0270	Restricted-use central bank committed liquidity facilities	
0280	High quality covered bonds (RW35 %)	
0290	Qualifying CIU shares/units	
0300	Total other eligible financial instruments	

ANNEX II

**REPORTING FOR INVESTMENT FIRMS OTHER THAN SMALL AND NON-INTERCONNECTED
INVESTMENT FIRMS**

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PART I: GENERAL INSTRUCTIONS

1. Structure and conventions
 - 1.1 Structure
 1. Overall, the framework consists of the following blocks of information:
 - (a) Own funds;
 - (b) Own funds requirements calculations;
 - (c) Fixed overheads requirements calculation;
 - (d) Level of activity in respect of the conditions set out in Article 12(1) of Regulation (EU) 2019/2033;
 - (e) K-factor requirements calculations;
 - (f) Concentration risk requirements;
 - (g) Liquidity requirements.
 2. For each template legal references are provided. Further detailed information regarding more general aspects of the reporting of each block of templates, instructions concerning specific positions as well as validation rules are included in this part of this Regulation.
 - 1.2 Numbering convention
 3. The document follows the labelling convention set in points 4 to 7, when referring to the columns, rows and cells of the templates. Those numerical codes are extensively used in the validation rules.
 4. The following general notation is followed in the instructions: {Template; Row; Column}.
 5. In the case of validations inside a template, in which only data points of that template are used, notations do not refer to a template: {Row; Column}.
 6. In the case of templates with only one column, only rows are referred to. {Template; Row}
 7. An asterisk sign is used to express that the validation is done for the rows or columns specified before.
 - 1.3 Sign convention
 8. Any amount that increases the own funds or own funds requirements, or the liquidity requirements, shall be reported as a positive figure. On the contrary, any amount that reduces the total own funds or own funds requirements shall be reported as a negative figure. Where there is a negative sign (-) preceding the label of an item no positive figure is expected to be reported of that item.
 - 1.4 Prudential consolidation
 9. Unless an exemption has been granted, Regulation (EU) 2019/2033 and Directive (EU) 2019/2034 apply to investment firms on an individual and on a consolidated basis, which includes reporting requirements in Part Seven of Regulation (EU) 2019/2033. Article 4(1), point (11), of Regulation (EU) 2019/2033 defines a consolidated situation as the result of applying the requirements of Regulation (EU) 2019/2033 to an investment firm group as if the entities of the group formed together a single investment firm. Following the application of Article 7 of Regulation (EU) 2019/2033, investment firms groups shall fulfil the reporting requirements in all templates based on their scope of prudential consolidation (which may be different from their accounting consolidation scope).

PART II: TEMPLATE RELATED INSTRUCTIONS**1. OWN FUNDS: LEVEL, COMPOSITION, REQUIREMENTS AND CALCULATION**

1.1 General Remarks

10. The own funds' overview section contains information about the own funds that an investment firm holds and its own funds requirements. It consists of two templates:

(a) I 01.00 template contains the compositions of the own funds that an investment firm holds: Common Equity Tier 1 capital (CET1), Additional Tier 1 capital (AT1) and Tier 2 capital (T2).

(b) I 02.01 and I 02.02 templates contain the total own funds requirement, the permanent minimum capital requirement, the fixed overheads requirement and total K-Factor requirement, any additional own funds requirement and guidance and the transitional own funds requirement and capital ratios.

(c) I 03.00 includes information with regard to the calculation of the fixed overheads requirement.

(d) I 04.00 template contains the K-factors requirements and the factor amount.

11. The items in these templates are gross of transitional adjustments. This means that the figures (except where the transitional own funds requirement is specifically stated) are calculated in accordance with the final provisions (i. e. as if there were no transitional provisions).

1.2. I 01.00 – OWN FUNDS COMPOSITION (I 1)

1.2.1. Instructions concerning specific positions

Row	Legal references and instructions
0010	<p>OWN FUNDS</p> <p>Article 9(1) of Regulation (EU) 2019/2033.</p> <p>The own funds of an investment firm shall consist of the sum of its Tier 1 capital and Tier 2 capital.</p>
0020	<p>TIER 1 CAPITAL</p> <p>The Tier 1 capital is the sum of Common Equity Tier 1 capital and Additional Tier 1 capital.</p>
0030	<p>COMMON EQUITY TIER 1 CAPITAL</p> <p>Article 9(1) of Regulation (EU) 2019/2033.</p> <p>Article 50 of Regulation (EU) No 575/2013.</p>
0040	<p>Fully paid up capital instruments</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033.</p> <p>Article 26(1), point (a), and Articles 27 to 31 of Regulation (EU) No 575/2013.</p> <p>Capital instruments of mutual, cooperative societies or similar institutions (Articles 27 and 29 of Regulation (EU) No 575/2013) shall be included.</p> <p>The share premium related to the instruments shall not be included.</p> <p>Capital instruments subscribed by public authorities in emergency situations shall be included if all conditions of Article 31 of Regulation (EU) No 575/2013 are fulfilled.</p>

0050	<p>Share premium</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 26(1), point (b), of Regulation (EU) No 575/2013.</p> <p>Share premium has the same meaning as under the applicable accounting standard. The amount to be reported in this item shall be the part related to the "Paid up capital instruments".</p>
0060	<p>Retained earnings</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 26(1), point (c), of Regulation (EU) No 575/2013.</p> <p>Retained earnings includes the previous year retained earnings plus the eligible interim or year-end profits. The total sum of rows 0070 and 0080 shall be reported.</p>
0070	<p>Previous years retained earnings</p> <p>Article 4(1), point (123) and Article 26(1), point (c), of Regulation (EU) No 575/2013. Article 4(1), point (123), of Regulation (EU) No 575/2013 defines retained earnings as "Profit and losses brought forward as a result of the final application of profit or loss under the applicable accounting framework".</p>
0080	<p>Profit eligible</p> <p>Article 4(1), point (121), and Article 26(2) of Regulation (EU) No 575/2013. Article 26(2) of Regulation (EU) No 575/2013 allows including as retained earnings interim or year-end profits, with the prior consent of the competent authorities, if some conditions are met.</p>
0090	<p>Accumulated other comprehensive income</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 26(1), point (d), of Regulation (EU) No 575/2013.</p>
0100	<p>Other reserves</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 4(1), point (117), and Article 26(1), point (e), of Regulation (EU) No 575/2013. The amount to be reported shall be net of any tax charge foreseeable at the moment of the calculation.</p>
0110	<p>Minority interest given recognition in CET1 capital</p> <p>Articles 84(1), 85(1) and 87(1) of Regulation (EU) No 575/2013. Sum of all the amounts of minority interests of subsidiaries that is included in consolidated CET1.</p>
0120	<p>Adjustments to CET1 due to prudential filters</p> <p>Article 9(1) point (i), of Regulation (EU) 2019/2033. Articles 32 to 35 of Regulation (EU) No 575/2013.</p>

0130	<p>Other funds Article 9(4) of Regulation (EU) 2019/2033.</p>
0140	<p>(-)TOTAL DEDUCTIONS FROM COMMON EQUITY TIER 1 The total sum of rows 0150 and 0190-0280 shall be reported.</p>
0150	<p>(-) Own CET1 instruments Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 36(1), point (f), and Article 42 of Regulation (EU) No 575/2013. Own CET1 held by the reporting institution or group at the reporting date. Subject to exceptions in Article 42 of Regulation (EU) No 575/2013. Holdings on shares included as "Capital instruments not eligible" shall not be reported in this row. The amount to be reported shall include the share premium related to the own shares.</p>
0160	<p>(-) Direct holdings of CET1 instruments Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 36(1), point (f), and Article 42 of Regulation (EU) No 575/2013 Common Equity Tier 1 instruments held by the investment firm.</p>
0170	<p>(-) Indirect holdings of CET1 instruments Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 36(1), point (f), and Article 42 of Regulation (EU) No 575/2013. Common Equity Tier 1 instruments held by the investment firm.</p>
0180	<p>(-) Synthetic holdings of CET1 instruments Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 4(1), point (114), Article 36(1), point (f), and Article 42 of Regulation (EU) No 575/2013.</p>
0190	<p>(-) Losses for the current financial year Article 36(1), point (a), of Regulation (EU) No 575/2013.</p>
0200	<p>(-) Goodwill Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 4(1), point (113), Article 36(1), point (b), and Article 37 of Regulation (EU) No 575/2013.</p>
0210	<p>(-) Other intangible assets Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 4(1), point (115), Article 36(1), point (b), and Article 37, point (a), of Regulation (EU) No 575/2013. Other intangible assets are the intangibles assets under the applicable accounting standard, minus the goodwill, also pursuant to the applicable accounting standard.</p>

0220	<p>(-) Deferred tax assets that rely on future profitability and do not arise from temporary differences net of associated tax liabilities</p> <p>Article 9(2), point (a), of Regulation (EU) 2019/2033. Article 36(1), point (c), of Regulation (EU) No 575/2013.</p>
0230	<p>(-) Qualifying holding outside the financial sector which exceeds 15 % of own funds</p> <p>Article 10(1), point (a), of Regulation (EU) 2019/2033.</p>
0240	<p>(-) Total qualifying holdings in undertaking other than financial sector entities which exceeds 60 % of its own funds</p> <p>Article 10(1), point (b), of Regulation (EU) 2019/2033.</p>
0250	<p>(-) CET1 instruments of financial sector entities where the investment firm does not have a significant investment</p> <p>Article 9(2), point (c), of Regulation (EU) 2019/2033. Article 36(1), point (h), of Regulation (EU) No 575/2013.</p>
0260	<p>(-) CET1 instruments of financial sector entities where the investment firm has a significant investment</p> <p>Article 9(2), point (d), of Regulation (EU) 2019/2033. Article 36(1), point (i), of Regulation (EU) No 575/2013.</p>
0270	<p>(-) Defined benefit pension fund assets</p> <p>Article 9(2), point (b), of Regulation (EU) 2019/2033. Article 36(1), point (e), of Regulation (EU) No 575/2013.</p>
0280	<p>(-) Other deductions</p> <p>The sum of all other deductions in accordance with Article 36(1) of Regulation (EU) No 575/2013 that are not included in any of the rows 0150 to 0270 above.</p>
0290	<p>CET1: Other capital elements, deductions and adjustments</p> <p>This row shall include the sum of the following items, where applicable:</p> <ul style="list-style-type: none"> — Transitional adjustments due to grandfathered CET1 Capital instruments (Article 483, paragraphs 1, 2 and 3 and Articles 484 to 487 of Regulation (EU) No 575/2013). — Transitional adjustments due to additional minority interests (Articles 479 and 480 of Regulation (EU) No 575/2013). — Other transitional adjustments to CET1 Capital (Articles 469 to 478 and 481 of Regulation (EU) No 575/2013): adjustments to the deductions from CET1 due to transitional provisions — Other CET1 capital elements or deductions from a CET1 element that cannot be assigned to one of the rows 0040 to 0280. <p>This row shall not be used to include capital items or deductions which are not covered by Regulation (EU) 2019/2033 or Regulation (EU) No 575/2013 into the calculation of the solvency ratios</p>

0300	<p>ADDITIONAL TIER 1 CAPITAL</p> <p>Article 9(1) of Regulation (EU) 2019/2033. Article 61 of Regulation (EU) No 575/2013. The total sum of rows 0310 – 0330 and 0410 shall be reported.</p>
0310	<p>Fully paid up, directly issued capital instruments</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 51, point (a), and Articles 52, 53 and 54 of Regulation (EU) No 575/2013. The amount to be reported shall not include the share premium related to the instruments</p>
0320	<p>Share premium</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 51, point (b), of Regulation (EU) No 575/2013. Share premium has the same meaning as under the applicable accounting standard. The amount to be reported in this item shall be the part related to the "Paid up capital instruments".</p>
0330	<p>(-) TOTAL DEDUCTIONS FROM ADDITIONAL TIER 1</p> <p>Article 56 of Regulation (EU) No 575/2013. The total sum of rows 0340 and 0380 – 0400 shall be reported.</p>
0340	<p>(-) Own AT1 instruments</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 52(1), point (b), Article 56, point (a), and Article 57 of Regulation (EU) No 575/2013. Own AT1 instruments held by the investment firm at the reporting date. Subject to exceptions in Article 57 of Regulation (EU) No 575/2013. The amount to be reported shall include the share premium related to the own shares.</p>
0350	<p>(-) Direct holdings of AT1 instruments</p> <p>Article 9(2), point (c), of Regulation (EU) 2019/2033. Article 56, point (a), of Regulation (EU) No 575/2013.</p>
0360	<p>(-) Indirect holdings of AT1 instruments</p> <p>Article 9(2), point (c), of Regulation (EU) 2019/2033. Article 56, point (a), of Regulation (EU) No 575/2013.</p>
0370	<p>(-) Synthetic holdings of AT1 instruments</p> <p>Article 9(2), point (c), of Regulation (EU) 2019/2033. Article 56, point (a), of Regulation (EU) No 575/2013.</p>
0380	<p>(-) AT1 instruments of financial sector entities where the investment firm does not have a significant investment</p> <p>Article 9(2), point (c), of Regulation (EU) 2019/2033. Article 56, point (c), of Regulation (EU) No 575/2013.</p>

0390	<p>(-) AT1 instruments of financial sector entities where the investment firm has a significant investment</p> <p>Article 9(2), point (c), of Regulation (EU) 2019/2033.</p> <p>Article 56, point (d), of Regulation (EU) No 575/2013.</p>
0400	<p>(-) Other deductions</p> <p>The sum of all other deductions in accordance with Article 56 of Regulation (EU) No 575/2013 that are not included in any of the rows 0340 to 0390 above.</p>
0410	<p>Additional Tier 1: Other capital elements, deductions and adjustments</p> <p>This row shall include the sum of the following items, where applicable:</p> <ul style="list-style-type: none"> — Transitional adjustments due to grandfathered AT1 capital instruments (Article 483, paragraphs 4 and 5, Articles 484 to 487, Articles 489 and 491 of Regulation (EU) No 575/2013). — Instruments issued by subsidiaries that are given recognition in AT1 capital (Articles 83, 85 and 86 of Regulation (EU) No 575/2013): Sum of all the amounts of qualifying Tier 1 capital of subsidiaries that is included in consolidated AT1, also including capital issued by a special purpose entity (Article 83 of Regulation (EU) No 575/2013). — Transitional adjustments due to additional recognition in AT1 Capital of instruments issued by subsidiaries (Article 480 of Regulation (EU) No 575/2013) adjustments to the qualifying Tier 1 capital included in consolidated AT1 capital due to transitional provisions. — Other transitional adjustments to AT1 Capital (Articles 472, 473a, 474, 475, 478 and 481 of Regulation (EU) No 575/2013): adjustments to deductions due to transitional provisions. — Excess of deduction from AT1 items over AT1 Capital, deducted from CET1 in accordance with Article 36(1), point (j), of Regulation (EU) No 575/2013: Additional Tier 1 cannot be negative, but it is possible that the deductions from AT1 items exceed the amount of available AT1 items. Where this happens, this item represents the amount needed to increase the amount reported in row 0300 to zero and equals the inverse of the excess of deductions from AT1 items over AT1 capital included, among other deductions, in row 0280. — Other AT1 capital elements or deductions from an AT1 element that cannot be assigned to one of the rows 0310 to 0400. <p>This row shall not be used to include capital items or deductions which are not covered by Regulation (EU) 2019/2033 or Regulation (EU) No 575/2013 into the calculation of the solvency ratios.</p>
0420	<p>TIER 2 CAPITAL</p> <p>Article 9(1) of Regulation (EU) 2019/2033.</p> <p>Article 71 of Regulation (EU) No 575/2013.</p> <p>The total sum of rows 0430 to 0450 and 0520 shall be reported.</p>
0430	<p>Fully paid up, directly issued capital instruments</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033.</p> <p>Article 62, point (a), and Articles 63 and 65 of Regulation (EU) No 575/2013.</p> <p>The amount to be reported shall not include the share premium related to the instruments.</p>

0440	<p>Share premium</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033.</p> <p>Article 62, point (b), and Article 65 of Regulation (EU) No 575/2013.</p> <p>Share premium has the same meaning as under the applicable accounting standard.</p> <p>The amount to be reported in this item shall be the part related to the "Paid up capital instruments".</p>
0450	<p>(-) TOTAL DEDUCTIONS FROM TIER 2</p> <p>Article 66 of Regulation (EU) No 575/2013.</p>
0460	<p>(-) Own T2 instruments</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033.</p> <p>Article 63, point (b)(i), Article 66, point (a), and Article 67 of Regulation (EU) No 575/2013.</p> <p>Own T2 instruments held by the reporting institution or group at the reporting date. Subject to exceptions in Article 67 of Regulation (EU) No 575/2013.</p> <p>Holdings on shares included as "Capital instruments not eligible" shall not be reported in this row.</p> <p>The amount to be reported shall include the share premium related to the own shares.</p>
0470	<p>(-) Direct holdings of T2 instruments</p> <p>Article 63 point (b), Article 66, point (a), and Article 67 of Regulation (EU) No 575/2013.</p>
0480	<p>(-) Indirect holdings of T2 instruments</p> <p>Article 4(1), point (114), Article 63, point (b), Article 66, point (a), and Article 67 of Regulation (EU) No 575/2013.</p>
0490	<p>(-) Synthetic holdings of T2 instruments</p> <p>Article 4(1), point (126), Article 63, point (b), Article 66, point (a) and Article 67 of Regulation (EU) No 575/2013.</p>
0500	<p>(-) T2 instruments of financial sector entities where the investment firm does not have a significant investment</p> <p>Article 9(2), point (c), of Regulation (EU) 2019/2033.</p> <p>Article 66, point (c), of Regulation (EU) No 575/2013.</p>
0510	<p>(-) T2 instruments of financial sector entities where the investment firm has a significant investment</p> <p>Article 4(1), point (27), Article 66, point (d), and Articles 68, 69 and 79 of Regulation (EU) No 575/2013.</p> <p>Holdings by the institution of T2 instruments of financial sector entities (as defined in Article 4(1), point (27), of Regulation (EU) No 575/2013 where the investment firm has a significant investment shall be completely deducted.</p>

0520	<p>Tier 2: Other capital elements, deductions and adjustments</p> <p>This row shall include the sum of the following items, where applicable:</p> <ul style="list-style-type: none"> — Transitional adjustments due to grandfathered T2 capital instruments (Article 483, paragraphs 6 and 7, Articles 484, 486, 488, 490 and 491 of Regulation (EU) No 575/2013). — Instruments issued by subsidiaries that are given recognition in T2 capital (Articles 83, 87 and 88 of Regulation (EU) No 575/2013): Sum of all the amounts of qualifying own funds of subsidiaries that is included in consolidated T2, also including qualifying Tier 2 capital issued by a special purpose entity (Article 83 of Regulation (EU) No 575/2013). — Transitional adjustments due to additional recognition in T2 capital of instruments issued by subsidiaries (Article 480 of Regulation (EU) No 575/2013): Adjustments to the qualifying own funds included in consolidated T2 capital due to transitional provisions. — Other transitional adjustments to T2 Capital (Articles 472, 473a, 476, 477, 478 and 481 of Regulation (EU) No 575/2013): Adjustments to the deductions from Tier 2 due to transitional provisions. — Excess of deduction from T2 items over T2 capital, deducted from AT1 in accordance with Article 56 of Regulation (EU) No 575/2013, point (e): Tier 2 cannot be negative, but it is possible that the deductions from T2 items exceed the amount of available T2 items. Where this happens, this item represents the amount needed to increase the amount reported in row 0420 to zero. — Other T2 capital elements or deductions from a T2 element that cannot be assigned to one of the rows 0430 to 0510. <p>This row shall not be used to include capital items or deductions which are not covered by Regulation (EU) 2019/2033 or Regulation (EU) No 575/2013 into the calculation of the solvency ratios.</p>
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1.3. 1 02.01 – OWN FUND REQUIREMENTS (I 2.1)

1.3.1. Instructions concerning specific positions

Row	Legal references and instructions
0010	<p>Own fund requirement</p> <p>Article 11(1) of Regulation (EU) 2019/2033.</p> <p>The amount shall be the amount without application of Article 57(3), (4) or (6) of Regulation (EU) 2019/2033.</p> <p>The amount to be reported in this row shall be the maximum amount reported in rows 0020, 0030 and 0040.</p>
0020	<p>Permanent minimum capital requirement</p> <p>Article 14 of Regulation (EU) 2019/2033</p> <p>The amount shall be the amount without application of Article 57(3), (4) or (6) of Regulation (EU) 2019/2033.</p>
0030	<p>Fixed overhead requirement</p> <p>Article 13 of Regulation (EU) 2019/2033.</p> <p>The amount shall be the amount without application of Article 57(3), (4) or (6) of Regulation (EU) 2019/2033.</p>

0040	<p>Total K-Factor Requirement</p> <p>Article 15 of Regulation (EU) 2019/2033.</p> <p>The amount shall be the amount without application of Article 57(3), (4) or (6) of Regulation (EU) 2019/2033.</p>
0050 – 0100	<p>Transitional own funds requirements</p>
0050	<p>Transitional requirement based on Regulation (EU) No 575/2013 own funds requirements</p> <p>Article 57(3), point (a), of Regulation (EU) 2019/2033.</p>
0060	<p>Transitional requirement based on fixed overhead requirement</p> <p>Article 57(3), point (b), of Regulation (EU) 2019/2033.</p>
0070	<p>Transitional requirement for investment firms previously subject only to an initial capital requirement</p> <p>Article 57(4), point (a), of Regulation (EU) 2019/2033.</p>
0080	<p>Transitional requirement based on initial capital requirement at authorisation</p> <p>Article 57(4), point (b), of Regulation (EU) 2019/2033.</p>
0090	<p>Transitional requirement for investment firms that are not authorised to provide certain services</p> <p>Article 57(4), point (c), of Regulation (EU) 2019/2033.</p>
0100	<p>Transitional requirement of at least 250 000 EUR</p> <p>Article 57(6) of Regulation (EU) 2019/2033.</p>
0110 – 0130	<p>Memorandum items</p>
0110	<p>Additional own funds requirement</p> <p>Article 40 Directive (EU) 2019/2034.</p> <p>Additional own funds required following the SREP.</p>
0120	<p>Additional own funds guidance</p> <p>Article 41 of Directive (EU) 2019/2034.</p> <p>Additional own funds required as additional own funds guidance.</p>
0130	<p>Total own funds requirement</p> <p>The total own funds requirement of an investment firm shall consist of the sum of its own funds requirements applicable at the reference date, the additional own funds requirement as reported in row 0110 and the additional own funds guidance as reported in row 0120.</p>

1.4. I 02.02 – CAPITAL RATIOS (I 2.2)

1.4.1. Instructions concerning specific positions

Row	Legal references and instructions
0010	<p>CET 1 Ratio</p> <p>Article 9(1), point (a), and Article 11(1) of Regulation (EU) 2019/2033. Article 9(4) of Regulation (EU) 2019/2033. This item is expressed as a percentage.</p>
0020	<p>Surplus(+)/Deficit(-) of CET 1 Capital</p> <p>This item shows the surplus or deficit of CET1 Capital relating to the requirement set in Article 9(1) of Regulation (EU) 2019/2033. The transitional provisions of Article 57(3) and (4) of Regulation (EU) 2019/2033 shall not be considered for this item.</p>
0030	<p>Tier 1 Ratio</p> <p>Article 9(1), point (b), and Article 11(1) of Regulation (EU) 2019/2033. This item is expressed as a percentage.</p>
0040	<p>Surplus(+)/Deficit(-) of Tier 1 Capital</p> <p>This item shows the surplus or deficit of Tier 1 Capital relating to the requirement set in Article 9(1) of Regulation (EU) 2019/2033. The transitional provisions of Article 57(3) and (4) of Regulation (EU) 2019/2033 shall not be considered for this item.</p>
0050	<p>Own Funds Ratio</p> <p>Article 9(1), point (c), and Article 11(1) of Regulation (EU) 2019/2033. This item is expressed as a percentage.</p>
0060	<p>Surplus(+)/Deficit(-) of Total capital</p> <p>This item shows the surplus or deficit of own funds relating to the requirement set in Article 9(1) of Regulation (EU) 2019/2033. The transitional provisions of Article 57(3) and (4) of Regulation (EU) 2019/2033 shall not be considered for this item.</p>

1.5. I 03.00 – FIXED OVERHEADS REQUIREMENT CALCULATION (I 3)

1.5.1. Instructions concerning specific positions

Row	Legal references and instructions
0010	<p>Fixed Overhead Requirement</p> <p>Article 13(1) of Regulation (EU) 2019/2033. The amount reported shall be at least 25 % of the annual fixed overheads of the previous year (row 0020). In the cases where there is a material change, the amount reported shall be the fixed overheads requirement imposed by the competent authority in accordance with Article 13(2) of Regulation (EU) 2019/2033. In the cases specified in Article 13(3) of Regulation (EU) 2019/2033, the amount to be reported shall be the projected fixed overheads of the current year (row 0210).</p>

0020	<p>Annual fixed overheads of the previous year after distribution of profits</p> <p>Article 13(1) of Regulation (EU) 2019/2033.</p> <p>Investment firms shall report the fixed overheads of the previous year after the distribution of profits.</p>
0030	<p>Total expenses of the previous year after the distribution of profits</p> <p>Article 13(1) of Regulation (EU) 2019/2033.</p> <p>The amount to be reported shall be after the distribution of profits.</p>
0040	<p>Of which: Fixed expenses incurred on behalf of the investment firms by third parties</p> <p>Where third parties, including tied agents, incurred fixed expenses, on behalf of the investment firms, that are not already included within the total expenses in the annual financial statement referred to in paragraph 1, those fixed expenses shall be added to the total expenses of the investment firm. Where a breakdown of the third party's expenses is available, an investment firm shall add to the figure representing the total expenses only the share of those fixed expenses applicable to the investment firm. Where such a breakdown is not available, an investment firm shall add to the figure representing the total expenses only its share of the third party's expenses as it results from the business plan of the investment firm.</p>
0050	<p>(-)Total deductions</p> <p>In addition to the items for deduction referred to in Article 13(4) of Regulation (EU) 2019/2033, the following items shall also be deducted from the total expenses, where they are included under total expenses in accordance with the relevant accounting framework:</p> <ul style="list-style-type: none"> (a) fees, brokerage and other charges paid to central counterparties, exchanges and other trading venues and intermediate brokers for the purposes of executing, registering or clearing transactions, only where they are directly passed on and charged to customers. Those shall not include fees and other charges necessary to maintain membership or otherwise meet loss-sharing financial obligations to central counterparties, exchanges and other trading venues; (b) interest paid to customers on client money, where there is no obligation of any kind to pay such interest; (c) expenditures from taxes where they fall due in relation to the annual profits of the investment firm; (d) losses from trading on own account in financial instruments; (e) payments related to contract-based profit and loss transfer agreements according to which the investment firm is obliged to transfer, following the preparation of its annual financial statements, its annual result to the parent undertaking; (f) payments into a fund for general banking risk in accordance with Article 26(1)(f) of Regulation (EU) No 575/2013; (g) expenses related to items that have already been deducted from own funds in accordance with Article 36(1) of Regulation (EU) No 575/2013.
0060	<p>(-)Staff bonuses and other remuneration</p> <p>Article 13(4), point (a), of Regulation (EU) 2019/2033.</p> <p>Staff bonuses and other remuneration shall be considered to depend on the net profit of the investment firm in the respective year where both of the following conditions are met:</p>

	<p>(h) the staff bonuses or other remuneration to be deducted have already been paid to employees in the year preceding the year of payment, or the payment of the staff bonuses or other remuneration to employees will have no impact on the firm's capital position in the year of payment;</p> <p>(i) with respect to the current year and future years, the firm is not obliged to award or allocate further bonuses or other payments in the form of remuneration unless it makes a net profit in that year.</p>
0070	<p>(-)Employees', directors' and partners' shares in net profits Article 13(4), point (b), of Regulation (EU) 2019/2033. Employees', directors' and partners' shares in profits shall be calculated on the basis of the net profits.</p>
0080	<p>(-)Other discretionary payments of profits and variable remuneration Article 13(4), point (c), of Regulation (EU) 2019/2033.</p>
0090	<p>(-)Shared commission and fees payable Article 13(4), point (d), of Regulation (EU) 2019/2033.</p>
0100	<p>(-)Fees, brokerage and other charges paid to CCPs that are charged to customers Fees, brokerage and other charges paid to central counterparties, exchanges and other trading venues and intermediate brokers for the purposes of executing, registering or clearing transactions, only where they are directly passed on and charged to customers. Those shall not include fees and other charges necessary to maintain membership or otherwise meet loss-sharing financial obligations to central counterparties, exchanges and other trading venues;</p>
0110	<p>(-)Fees to tied agents Article 13(4), point (e), of Regulation (EU) 2019/2033.</p>
0120	<p>(-)Interest paid to customers on client money where this is at the firm's discretion Interest paid to customers on client money, where there is no obligation of any kind to pay such interest;</p>
0130	<p>(-)Non-recurring expenses from non-ordinary activities Article 13(4), point (f), of Regulation (EU) 2019/2033.</p>
0140	<p>(-)Expenditures from taxes Expenditures from taxes where they fall due in relation to the annual profits of the investment firm.</p>
0150	<p>(-)Losses from trading on own account in financial instruments Losses due to trading on own account in financial instruments.</p>

0160	(-)Contract based profit and loss transfer agreements Payments related to contract-based profit and loss transfer agreements according to which the investment firm is obliged to transfer, following the preparation of its annual financial statements, its annual result to the parent undertaking.
0170	(-)Expenditure on raw materials Commodity and emission allowance dealers may deduct expenditure on raw materials in connection with an investment firm trading in derivatives of the underlying commodity.
0180	(-)Payments into a fund for general banking risk payments into a fund for general banking risk in accordance with Article 26(1)(f), of Regulation (EU) No 575/2013.
0190	(-)Expenses related to items that have already been deducted from own funds Expenses related to items that have already been deducted from own funds in accordance with Article 36(1) of Regulation (EU) No 575/2013
0200	Projected fixed overheads of the current year The projection of the fixed overheads for the current year after the distribution of profits.
0210	Variation of fixed overheads (%) The amount shall be reported as the absolute value of: [(Projected fixed overheads of the current year) – (Annual fixed overheads of the previous year)]/(Annual fixed overheads of the previous year).

1.6. I 04.00 – TOTAL K-FACTOR REQUIREMENT CALCULATIONS (I 4)

1.6.1. Instructions concerning specific positions

Row	Legal references and instructions
0010	TOTAL K-FACTOR REQUIREMENT Article 15(1) of Regulation (EU) 2019/2033.
0020	Risk to client Article 16 of Regulation (EU) 2019/2033. The amount reported shall be the sum of rows 0030-0080.
0030	Assets under management Article 15(2) and Article 17 of Regulation (EU) 2019/2033. Assets under management shall contain the discretionary portfolio management and non-discretionary advisory arrangements.
0040	Client money held – Segregated Article 15(2) and Article 18 of Regulation (EU) 2019/2033.
0050	Client money held – Non – segregated Article 15(2) and Article 18 of Regulation (EU) 2019/2033.

0060	<p>Assets safeguarded and administered</p> <p>Article 15(2) and Article 19 of Regulation (EU) 2019/2033.</p>
0070	<p>Client orders handled – Cash trades</p> <p>Article 15(2) and article 20(1) and Article 20(2), point (a), of Regulation (EU) 2019/2033.</p>
0080	<p>Client orders handled – Derivatives Trades</p> <p>Article 15(2) and Article 20(1) and Article 20(2), point (b), of Regulation (EU) 2019/2033.</p>
0090	<p>Risk to market</p> <p>Article 21(1) of Regulation (EU) 2019/2033.</p> <p>The amount reported shall be the sum of rows 0100 – 0110.</p>
0100	<p>K-Net positions risk requirement</p> <p>Article 22 of Regulation (EU) 2019/2033.</p>
0110	<p>Clearing margin given</p> <p>Article 23(2) of Regulation (EU) 2019/2033.</p>
0120	<p>Risk to firm</p> <p>Article 24 of Regulation (EU) 2019/2033.</p> <p>The amount reported shall be the sum of rows 0130 – 0160.</p>
0130	<p>Trading counterparty default</p> <p>Article 26 and Article 24 of Regulation (EU) 2019/2033.</p>
0140	<p>Daily trading flow – Cash trades</p> <p>For the purposes of K-factor requirement calculation, investment firms shall report by applying the coefficient of Article 15(2) of Regulation (EU) 2019/2033.</p> <p>In the event of stressed market conditions, in accordance with Article 15(5), point (c), of Regulation (EU) 2019/2033, investment firms shall apply an adjusted coefficient as specified in Article 1(1), point (a), of the RTS to specify adjustments to the K-DTF coefficients.</p> <p>The daily trading flow factor shall be calculated in accordance with Article 33(2), point (a), of Regulation (EU) 2019/2033.</p>
0150	<p>Daily trading flow – Derivative trades</p> <p>For the purposes of the K-factor requirement calculation, investment firms shall report by applying the coefficient of Article 15(2) of Regulation (EU) 2019/2033.</p> <p>In the event of stressed market conditions, in accordance with Article 15(5), point (c), of Regulation (EU) 2019/2033, investment firms shall apply an adjusted coefficient as specified in Article 1(1), point (b), of the RTS to specify adjustments to the K-DTF coefficients.</p> <p>The daily trading flow factor shall be calculated in accordance with Article 33(2), point (b) of Regulation (EU) 2019/2033.</p>
0160	<p>K-Concentration risk requirement</p> <p>Article 37(2), Article 39 and Article 24 of Regulation (EU) 2019/2033.</p>

Columns	Legal references and instructions
0010	<p>Factor amount</p> <p>Investment firms shall report the amount, which corresponds to each of the factors, before multiplying each factor by the corresponding coefficient.</p>
0020	<p>K-Factor requirement</p> <p>Shall be calculated in accordance with Article 16, 21 and 24 of Regulation (EU) 2019/2033.</p>

2. SMALL AND NON-INTERCONNECTED INVESTMENT FIRMS

2.1 I 05.00 – LEVEL OF ACTIVITY – THRESHOLD REVIEW (I 5)

2.1.1. Instructions concerning specific positions

Row	Legal references and instructions
0010	<p>(Combined) assets under management</p> <p>Article 12(1), point (a), of Regulation (EU) 2019/2033.</p> <p>Where the reporting investment firm is part of a group, the value reported shall be determined on a combined basis for all investment firms that are part of a group pursuant to Article 12(2) of Regulation (EU) 2019/2033.</p> <p>Investment firms shall include discretionary and non-discretionary assets under management.</p> <p>The amount reported shall be the amount that would be used for calculation of K-factors before application of relevant coefficients.</p>
0020	<p>(Combined) client orders handled – Cash trades</p> <p>Article 12(1), point (b)(i), of Regulation (EU) 2019/2033.</p> <p>Where the reporting investment firm is part of a group, the value reported shall be determined on a combined basis for all investment firms that are part of a group pursuant to Article 12(2) of Regulation (EU) 2019/2033.</p> <p>The amount reported shall be the amount that would be used for calculation of K-factors before application of relevant coefficients.</p>
0030	<p>(Combined) client orders handled – Derivatives</p> <p>Article 12(1), point (b)(ii), of Regulation (EU) 2019/2033.</p> <p>Where the reporting investment firm is part of a group, the value reported shall be determined on a combined basis for all investment firms that are part of a group pursuant to Article 12(2) of Regulation (EU) 2019/2033.</p> <p>The amount reported shall be the amount that would be used for calculation of K-factors before application of relevant coefficients.</p>
0040	<p>Assets safeguarded and administered</p> <p>Article 12(1), point (c), of Regulation (EU) 2019/2033.</p> <p>The amount reported shall be the amount that would be used for calculation of K-factors before application of relevant coefficients.</p>

0050	<p>Client money held</p> <p>Article 12(1), point (d), of Regulation (EU) 2019/2033.</p> <p>The amount reported shall be the amount that would be used for calculation of K-factors before application of relevant coefficients.</p>
0060	<p>Daily trading flow – cash trades and derivative trades</p> <p>Article 12(1), point (e), of Regulation (EU) 2019/2033.</p> <p>The amount reported shall be the amount that would be used for calculation of K-factors before application of relevant coefficients.</p>
0070	<p>Net position risk</p> <p>Article 12(1), point (f), of Regulation (EU) 2019/2033.</p> <p>The amount reported shall be the amount that would be used for calculation of K-factors before application of relevant coefficients.</p>
0080	<p>Clearing margin given</p> <p>Article 12(1), point (f), of Regulation (EU) 2019/2033.</p> <p>The amount reported shall be the amount that would be used for calculation of K-factors before application of relevant coefficients.</p>
0090	<p>Trading counterparty default</p> <p>Article 12(1), point (g), of Regulation (EU) 2019/2033.</p> <p>The amount reported shall be the amount that would be used for calculation of K-factors before application of relevant coefficients.</p>
0100	<p>(Combined) on – and off-balance sheet total</p> <p>Article 12(1), point (h), of Regulation (EU) 2019/2033.</p> <p>Where the reporting investment firm is part of a group, the value reported shall be determined on a combined basis for all investment firms that are part of a group pursuant to Article 12(2) of Regulation (EU) 2019/2033.</p>
0110	<p>Combined total annual gross revenue</p> <p>Article 12(1), point (i), of Regulation (EU) 2019/2033.</p> <p>Where the reporting investment firm is part of a group, the value reported shall be determined on a combined basis for all investment firms that are part of a group pursuant to Article 12(2) of Regulation (EU) 2019/2033.</p>
0120	<p>Total annual gross revenue</p> <p>The value of total annual gross revenue excluding the gross revenues generated within the group pursuant to Article 12(2) of Regulation (EU) 2019/2033.</p>
0130	<p>(-) Intragroup part of the annual gross revenue</p> <p>The value of the gross revenues generated within the investment firm group pursuant to Article 12(2) of Regulation (EU) 2019/2033.</p>
0140	<p>Of which: revenue from reception and transmission of orders</p> <p>Article 54(1), point (d), of Regulation (EU) 2019/2033.</p> <p>Article 4(1), point (2), of Directive 2014/65/EU.</p>

0150	<p>Of which: revenue from execution of orders on behalf of clients</p> <p>Article 54(1), point (d), of Regulation (EU) 2019/2033. Article 4(1), point (2), of Directive 2014/65/EU.</p>
0160	<p>Of which: revenue from dealing on own account</p> <p>Article 54(1), point (d), of Regulation (EU) 2019/2033. Article 4(1), point (2), of Directive 2014/65/EU.</p>
0170	<p>Of which: revenue from portfolio management</p> <p>Article 54(1), point (d), of Regulation (EU) 2019/2033. Article 4(1), point (2), of Directive 2014/65/EU.</p>
0180	<p>Of which: revenue from investment advice</p> <p>Article 54(1), point (d), of Regulation (EU) 2019/2033. Article 4(1), point (2), of Directive 2014/65/EU.</p>
0190	<p>Of which: revenue from underwriting of financial instruments/placing on a firm commitment basis</p> <p>Article 54(1), point (d), of Regulation (EU) 2019/2033. Article 4(1), point (2), of Directive 2014/65/EU.</p>
0200	<p>Of which: revenue from placing without a firm commitment basis</p> <p>Article 54(1), point (d), of Regulation (EU) 2019/2033 Article 4(1), point (2), of Directive 2014/65/EU.</p>
0210	<p>Of which: revenue from operation of an MTF</p> <p>Article 54(1), point (d), of Regulation (EU) 2019/2033. Article 4(1), point (2), of Directive 2014/65/EU.</p>
0220	<p>Of which: revenue from operation of an OTF</p> <p>Article 54(1), point (d), of Regulation (EU) 2019/2033. Article 4(1), point (2), of Directive 2014/65/EU.</p>
0230	<p>Of which: revenue from safekeeping and administration of financial instruments</p> <p>Article 54(1), point (d), of Regulation (EU) 2019/2033. Article 4(1), point (3), of Directive 2014/65/EU.</p>
0240	<p>Of which: revenue from granting credits or loans to investors</p> <p>Article 54(1), point (d), of Regulation (EU) 2019/2033. Article 4(1), point (3), of Directive 2014/65/EU.</p>
0250	<p>Of which: revenue from advice to undertakings on capital structure, industrial strategy and related matters and advice and services relating to mergers and the purchase of undertakings</p> <p>Article 54(1), point (d), of Regulation (EU) 2019/2033.</p>

	Article 4(1), point (3), of Directive 2014/65/EU.
0260	Of which: revenue from foreign exchange services Article 54(1), point (d), of Regulation (EU) 2019/2033. Article 4(1), point (3), of Directive 2014/65/EU.
0270	Of which: investment research and financial analysis Article 54(1), point (d), of Regulation (EU) 2019/2033. Article 4(1), point (3), of Directive 2014/65/EU.
0280	Of which: revenue from services related to underwriting Article 54(1), point (d), of Regulation (EU) 2019/2033. Article 4(1), point (3), of Directive 2014/65/EU.
0290	Of which: investment services and ancillary activities related with the underlying of derivatives Article 54(1), point (d), of Regulation (EU) 2019/2033. Article 4(1), point (3), of Directive 2014/65/EU.

3. K-FACTOR REQUIREMENTS – ADDITIONAL DETAILS

3.1. General remarks

12. In I 06.00 each of the K-factors AUM, ASA, CMH, COH and DTF have two designated tables.
13. The first table contains in columns information related to “Factor amount” for each month of the reporting quarter. Factor amount is the value that is used for the calculation of each K-factor before applying the coefficient from Table 1 of Article 15(2) of Regulation (EU) 2019/2033.
14. The second table contains detailed information necessary to calculate the Factor amount.

In case of AUM, this corresponds to the value of assets under management as of the last day of the month as specified in Article 17 of Regulation (EU) 2019/2033.

In the case of CMH, ASA, COH and DTF, the value reported shall correspond to the average of the daily value of the relevant indicator over the month.

3.2. I 06.01 – ASSETS UNDER MANAGEMENT – ADDITIONAL DETAILS (I 6.1)

3.2.1. Instructions concerning specific positions

Row	Legal references and instructions
0010	Total AUM (average amounts) Article 4(1), point (27), of Regulation (EU) 2019/2033. Total AUM value as an arithmetic mean in accordance with Article 17(1), first subparagraph, of Regulation (EU) 2019/2033. The value reported shall be the sum of rows 0020 and 0040.

0020	Of which: AUM – Discretionary portfolio management Total amount of assets in relation to which the investment firm performs the service of portfolio management as defined in Article 4(1), point (8), of Directive 2014/65/EU and calculated in accordance with Article 17(1) of Regulation (EU) 2019/2033.
0030	Of which: AUM formally delegated to another entity Article 17(2) of Regulation (EU) 2019/2033.
0040	AUM – Ongoing non-discretionary advice Total amount of assets in relation to which the investment firm performs the service of investment advice as defined in Article 4(1), point (4), of Directive 2014/65/EU on an ongoing and non-discretionary basis.
Columns	Legal references and instructions
0010	Factor amount – Month t AUM for the end of the third month (i.e. the most recent) of the quarter the report refers to.
0020	Factor amount – Month t-1 AUM for the second month of the quarter the report refers to.
0030	Factor amount – Month t-2 AUM for the first month of the quarter the report refers to.

3.3. I 06.02 – MONTHLY ASSETS UNDER MANAGEMENT (I 6.2)

3.3.1. Instructions concerning specific positions

Row	Legal references and instructions
0010	Total monthly assets under management Article 4(1), point (27), of Regulation (EU) 2019/2033. The total monthly assets under management as of the last business day of the relevant month as referred to in Article 17(1) of Regulation (EU) 2019/2033. The amount reported in this row shall be the sum of rows 0020 and 0040.
0020	Monthly assets under management – discretionary portfolio management The amount reported shall be the monthly assets in relation to which the investment firm performs the service of portfolio management as defined in Article 4(1), point (8), of Directive 2014/65/EU as of the last business day of the relevant month as referred to in Article 17(1) of Regulation (EU) 2019/2033.
0030	Of which: assets formally delegated to another entity Article 17(2) of Regulation (EU) 2019/2033. Monthly assets which management was formally delegated to another entity reported as of the last business day of the relevant month.

0040	<p>Monthly assets under management – Ongoing non-discretionary advice</p> <p>Total amount of assets in relation to which the investment firm performs the service of investment advice as defined in Article 4(1), point (4), of Directive 2014/65/EU on an ongoing and non-discretionary basis reported as of the last business day of the relevant month.</p>
Columns	Legal references and instructions
0010-0140	<p>End-of-month values</p> <p>Values as of the last business day of the relevant month as referred to in Article 17(1) of Regulation (EU) 2019/2033 shall be reported.</p>

3.4. I 06.03 – CLIENT MONEY HELD- ADDITIONAL DETAIL (I 6.3)

3.4.1. Instructions concerning specific positions

Row	Legal references and instructions
0010	<p>CMH – Segregated (average amounts)</p> <p>Article 4(1), points (28) and (49), of Regulation (EU) 2019/2033 and Article 1 of the RTS on the definition of segregated account (Article 15(5), point (b), of Regulation (EU) 2019/2033).</p> <p>The value reported shall be the arithmetic mean of the daily values of CMH where client money is held in segregated accounts in accordance with Article 18(1), first subparagraph of Regulation (EU) 2019/2033.</p>
0020	<p>CMH – Non-segregated (average amounts)</p> <p>Article 4(1), points (28) and (49), of Regulation (EU) 2019/2033.</p> <p>The value reported shall be the arithmetic mean of the daily values of CMH where client money is not held in segregated accounts in accordance with Article 18(1), first subparagraph of Regulation (EU) 2019/2033.</p>
Columns	Legal references and instructions
0010	<p>Factor amount – Month t</p> <p>CMH for the end of the third month (i.e. the most recent) of the quarter the report refers to.</p> <p>This amount is calculated as the arithmetic mean of daily amounts within the time period specified in Article 18(1) of Regulation (EU) 2019/2033.</p>
0020	<p>Factor amount – Month t-1</p> <p>CMH for the end of the second month of the quarter the report refers to.</p> <p>This amount is calculated as the arithmetic mean of daily amounts within the time period specified in Article 18(1) of Regulation (EU) 2019/2033.</p>

0030	<p>Factor amount – Month t-2</p> <p>CMH for the end of the first month of the quarter the report refers to.</p> <p>This amount is calculated as the arithmetic mean of daily amounts within the time period specified in Article 18(1) of Regulation (EU) 2019/2033.</p>
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3.5. I 06.04 – AVERAGE VALUE OF TOTAL DAILY CLIENT MONEY HELD (I 6.4)

3.5.1. Instructions concerning specific positions

Row	Legal references and instructions
0010	<p>Total daily client money held – Segregated</p> <p>Article 4(1), points (28) and (49), of Regulation (EU) 2019/2033 and the RTS on the definition of segregated account (Article 15(5), point (b), of Regulation (EU) 2019/2033).</p> <p>The value reported shall be the monthly average of the total daily client money held where client money is held in segregated accounts in accordance with Article 18(1) of Regulation (EU) 2019/2033.</p>
0020	<p>Total daily client money held – Non-segregated</p> <p>Article 4(1), points (28) and (49), of Regulation (EU) 2019/2033</p> <p>The value reported shall be the monthly average of the total daily client money held where client money is not held in segregated accounts in accordance with Article 18(1) of Regulation (EU) 2019/2033.</p>
Columns	Legal references and instructions
0010-0080	<p>Monthly averages of total daily client money held values</p> <p>Investment firms shall report in each month, the monthly average value of total daily client money held measured at the end of each business day as per Article 18(1) of Regulation (EU) 2019/2033.</p>

3.6. I 06.05 – ASSETS SAFEGUARDED AND ADMINISTERED – ADDITIONAL DETAIL (I 6.5)

3.6.1. Instructions concerning specific positions

Row	Legal references and instructions
0010	<p>Total ASA (average amounts)</p> <p>Article 4(1), point (29), of Regulation (EU) 2019/2033.</p> <p>Article 5(1) of the RTS to specify the methods for measuring the K-factors (Article 15(5), point (a), of Regulation (EU) 2019/2033).</p> <p>Total ASA value as a rolling average of the value of the total daily assets safeguarded and administered, measured at the end of each business day for the previous nine months, excluding the three most recent months in accordance with Article 19(1), first subparagraph of Regulation (EU) 2019/2033.</p>

0020	<p>Of which: Fair value of financial instruments (Level 2) Article 5(1), point (a), of the RTS to specify the methods for measuring the K-factors (Article 15(5), point (a), of Regulation (EU) 2019/2033). Level 2 financial instruments valued pursuant to IFRS 13.81.</p>
0030	<p>Of which: Fair value of financial instruments (Level 3) Article 5(1), point (a), of the RTS to specify the methods for measuring the K-factors (Article 15(5), point (a), of Regulation (EU) 2019/2033). Valuation based on unobservable inputs using the best information available IFRS 13.86.</p>
0040	<p>Of which: assets formally delegated to another financial entity Article 19(2) of Regulation (EU) 2019/2033. Value of assets which safeguarding and administration was formally delegated to another financial entity as an arithmetic mean in accordance with Article 19(1), first subparagraph of Regulation (EU) 2019/2033.</p>
0050	<p>Of which: assets of another financial entity that has formally delegated to the investment firm Article 19(2) of Regulation (EU) 2019/2033. Value of assets of another financial entity that has formally delegated safeguarding and administration to the investment firm as an arithmetic mean in accordance with Article 19(1), first subparagraph of Regulation (EU) 2019/2033.</p>
Columns	Legal references and instructions
0010	<p>Factor amount – Month t ASA for the end of the third month (i.e. the most recent) of the quarter the report refers to.</p>
0020	<p>Factor amount – Month t-1 ASA for the end of the second month of the quarter the report refers to.</p>
0030	<p>Factor amount – Month t-2 ASA for the end of the first month of the quarter the report refers to.</p>

3.7. I 06.06 – AVERAGE VALUE OF TOTAL DAILY ASSETS SAFEGUARDED AND ADMINISTERED (I 6.6)

3.7.1. Instructions concerning specific positions

Row	Legal references and instructions
0010	<p>Assets safeguarded and administered Article 4(1), point (29), of Regulation (EU) 2019/2033. Article 5(1) of the RTS to specify the methods for measuring the K-factors (Article 15(5), point (a), of Regulation (EU) 2019/2033).</p>

Row	Legal references and instructions
	The value reported shall be the monthly average of the total daily assets safeguarded and administered in accordance with Article 19(1) of Regulation (EU) 2019/2033.
0020	<p>Of which: Fair value of financial instruments (Level 2)</p> <p>Article 5(2) of the RTS to specify the methods for measuring the K-factors (Article 15(5), point (a), of Regulation (EU) 2019/2033.</p> <p>Level 2 financial instruments valued pursuant to IFRS 13.81.</p>
0030	<p>Of which: Fair value of financial instruments (Level 3)</p> <p>Article 5(1), point (a), of the RTS to specify the methods for measuring the K-factors (Article 15(5), point (a), of Regulation (EU) 2019/2033.</p> <p>Valuation based on unobservable inputs using the best information available IFRS 13.86.</p>
0040	<p>Of which: assets formally delegated to another financial entity</p> <p>Article 19(2) of Regulation (EU) 2019/2033.</p> <p>The value reported shall be the monthly average of the total daily assets which safeguarding and administration was formally delegated to another financial entity in accordance with Article 19(1) of Regulation (EU) 2019/2033.</p>
0050	<p>Of which: assets of another financial entity that has formally delegated to the investment firm</p> <p>Article 19(2) of Regulation (EU) 2019/2033.</p> <p>The value reported shall be the monthly average of the total daily assets of another financial entity that has formally delegated safeguarding and administration to the investment firm in accordance with Article 19(1) of Regulation (EU) 2019/2033.</p>
Columns	Legal references and instructions
0010-0080	<p>Monthly averages of total daily assets safeguarded and administered values</p> <p>Investment firms shall report in each month, the daily average value of total daily assets safeguarded and administered measured at the end of each business day as per Article 19(1) of Regulation (EU) 2019/2033.</p>

3.8. I 06.07 – CLIENT ORDERS HANDLED – ADDITIONAL DETAILS (I 6.7)

3.8.1. Instructions concerning specific positions

Row	Legal references and instructions
0010	<p>COH – Cash trades (average amounts)</p> <p>Value of COH – cash trades as defined in Article 4(1), point (30), of Regulation (EU) 2019/2033 and measured pursuant to Article 20(1) of Regulation (EU) 2019/2033.</p>

Row	Legal references and instructions
	Investment firms shall report the arithmetic mean amount of COH – cash trades for the previous six months, excluding the three most recent months according with Article 20(1), first subparagraph of Regulation (EU) 2019/2033 and shall be measured pursuant to Article 20(2), point (a), of Regulation (EU) 2019/2033.
0020	<p>Of which: Execution of client orders</p> <p>COH for cash trades in relation to which the investment firm perform the service of execution of client orders in client's name as defined in Article 4(1), point (5), of Directive 2014/65/EU.</p> <p>The arithmetic mean amount of COH value for the previous six months, excluding the three most recent months according with Article 20(1), first subparagraph of Regulation (EU) 2019/2033 shall be reported.</p>
0030	<p>Of which: Reception and transmission of client orders</p> <p>COH for cash trades in relation to which the investment firm perform the service of reception and transmission of client orders.</p> <p>The arithmetic mean amount of COH value for the previous six months, excluding the three most recent months according with Article 20(1), first subparagraph of Regulation (EU) 2019/2033 shall be reported.</p>
0040	<p>COH – Derivatives (average amounts)</p> <p>Article 4(1), point (30), of Regulation (EU) 2019/2033.</p> <p>Investment firms shall report the arithmetic mean amount of COH – derivatives for the previous six months, excluding the three most recent months according with Article 20(1), first subparagraph of Regulation (EU) 2019/2033 and shall be measured pursuant to Article 20(2), point (b), of Regulation (EU) 2019/2033.</p>
0050	<p>Of which: Execution of client orders</p> <p>COH for derivative trades in relation to which the investment firm perform the service of execution of client orders in client's name as defined in Article 4(1), point (5), of Directive 2014/65/EU.</p> <p>The arithmetic mean amount of COH value for the previous six months, excluding the three most recent months, pursuant to Article 20(1), first subparagraph of Regulation (EU) 2019/2033 shall be reported.</p>
0060	<p>Of which: Reception and transmission of client orders</p> <p>COH for derivative trades in relation to which the investment firm perform the service of reception and transmission of client orders.</p> <p>The arithmetic mean amount of COH value for the previous six months, excluding the three most recent months pursuant to Article 20(1), first subparagraph, of Regulation (EU) 2019/2033 shall be reported.</p>
Columns	Legal references and instructions
0010	<p>Factor amount – Month t</p> <p>Value of COH as of the end of the third month (i.e. the most recent) of the quarter the report refers to.</p>

0020	Factor amount – Month t-1 Value of COH as of the end of the second month of the quarter the report refers to.
0030	Factor amount – Month t-2 Value of COH as of the end of the first month of the quarter the report refers to.

3.9. I 06.08 – AVERAGE VALUE OF TOTAL DAILY CLIENT ORDERS HANDLED (I 6.8)

3.9.1. Instructions concerning specific positions

Row	Legal references and instructions
0010	Total daily client orders handled – Cash trades Article 4(1), point (30), of Regulation (EU) 2019/2033. The average value of the total daily client orders handled (cash trades) of the relevant month as referred to in Article 20(1) of Regulation (EU) 2019/2033 and shall be measured pursuant to Article 20(2), point (a), of Regulation (EU) 2019/2033.
0020	Of which: Execution of client orders The average value of the total daily client orders handled for cash trades in relation to which the investment firm perform the service of execution of client orders in client's name as defined in Article 4(1), point (5), of Directive 2014/65/EU.
0030	Of which: Reception and transmission of client orders The average value of the total daily client orders handled for cash trades in relation to which the investment firm perform the service of reception and transmission of client orders.
0040	Total daily client orders handled – Derivatives Article 4(1), point (30), of Regulation (EU) 2019/2033. The average value of the total daily client orders handled (derivatives) of the relevant month as referred to in Article 20(1) of Regulation (EU) 2019/2033 and shall be measured pursuant to Article 20(2), point (b), of Regulation (EU) 2019/2033.
0050	Of which: Execution of client orders The average value of the total daily client orders handled for derivative trades in relation to which the investment firm perform the service of execution of client orders in client's name as defined in Article 4(1), point (5), of Directive 2014/65/EU.
0060	Of which: Reception and transmission of client orders The average value of the total daily client orders handled for derivative trades in relation to which the investment firm perform the service of reception and transmission of client orders.
Columns	Legal references and instructions
0010-0050	Monthly averages of total daily client orders handled values Investment firms shall report each month the monthly average value of the total daily client orders handled as per Article 20(1).

3.10. I 06.09 – K-NET POSITION RISK – ADDITIONAL DETAILS (I 6.9)

3.10.1. Instructions concerning specific positions

Row	Legal references and instructions
0010	<p>Total standardised approach</p> <p>Article 22 (a) of Regulation (EU) 2019/2033.</p> <p>Positions in for which an own funds requirement is determined in accordance with Chapters 2, 3 or 4 of Title IV of Part Three of Regulation (EU) No 575/2013.</p>
0020	<p>Position risk</p> <p>Article 22 (a) and 21(3) of Regulation (EU) 2019/2033.</p> <p>Trading book positions in for which an own funds requirement for position risk is determined in accordance with Chapter 2 of Title IV of Part Three of Regulation (EU) No 575/2013.</p>
0030	<p>Equity instruments</p> <p>Articles 22(a) and 21(3) of Regulation (EU) 2019/2033.</p> <p>Trading book positions in equity instruments for which an own funds requirement is determined in accordance with Section 3 of Chapter 2 of Title IV of Part Three of Regulation (EU) No 575/2013.</p>
0040	<p>Debt instruments</p> <p>Articles 22(a) and 21(3) of Regulation (EU) 2019/2033.</p> <p>Trading book positions in debt instruments for which an own funds requirement is determined in accordance with Section 2 of Chapter 2 of Title IV of Part Three of Regulation (EU) No 575/2013.</p>
0050	<p>Of which: securitisations</p> <p>Articles 22 (a) and 21(3) of Regulation (EU) 2019/2033.</p> <p>Positions in securitisation instruments as referred to in Article 337 of Regulation (EU) No 575/2013 and positions in the correlation trading portfolio as referred to in Article 338 of Regulation (EU) No 575/2013.</p>
0055	<p>Particular approach for position risk in CIUs</p> <p>Article 22 (a) and 21(3) of Regulation (EU) 2019/2033.</p> <p>Total risk exposure amount for positions in CIUs if capital requirements are calculated in accordance with Article 348(1) of Regulation (EU) No 575/2013 either immediately or as a consequence of the cap defined in Article 350(3), point (c), of Regulation (EU) No 575/2013. Regulation (EU) No 575/2013 does not explicitly assign those positions to either the interest rate risk or the equity risk.</p> <p>If the particular approach in accordance with the first sentence of Article 348(1) of Regulation (EU) No 575/2013 is applied, the amount to be reported is 32 % of the net position of the CIU exposure in question.</p> <p>If the particular approach in accordance with the second sentence of Article 348(1) of Regulation (EU) No 575/2013 is applied, the amount to be reported is the lower of 32 % of the net position of the relevant CIU exposure and the difference between 40 % of this net position and the own funds requirements that arise from the foreign exchange risk associated with this CIU exposure.</p>

0060	<p>Foreign exchange risk</p> <p>Article 22(a) and Article 21 paragraphs (3) and (4), of Regulation (EU) 2019/2033.</p> <p>Positions subject to foreign exchange risk for which an own funds requirement is determined in accordance with Chapter 3 of Title IV of Part Three of Regulation (EU) No 575/2013.</p>
0070	<p>Commodities risk</p> <p>Article 22(a) and Article 21 paragraphs (3) and (4), of Regulation (EU) 2019/2033.</p> <p>Positions subject to commodities risk for which an own funds requirement is determined in accordance with Chapter 4 of Title IV of Part Three of Regulation (EU) No 575/2013.</p>
0080	<p>Internal model approach</p> <p>Article 57(2) and Article 21, paragraphs (3) and (4) of Regulation (EU) 2019/2033.</p> <p>Trading book positions and positions in the non-trading book that are subject to foreign exchange or commodities risk for which the own funds requirement is determined in accordance with Chapter 5 of Title IV of Part Three of Regulation (EU) No 575/2013.</p>

3.11. I 06.10 – CLEARING MARGIN GIVEN – ADDITIONAL DETAIL (I 6.10)

15. In this template, firms dealing on own account shall report all clearing members of qualifying central counterparties under whose responsibility the execution and settlement of transactions of the firm takes place.

3.11.1. Instructions concerning specific positions

Column	Legal references and instructions
0010 – 0030	Clearing member
0010	<p>Name</p> <p>Investment firms shall report the name of any clearing member of qualifying central counterparties under whose responsibility the execution and settlement of transactions of the firm dealing on its own account takes place.</p>
0020	<p>Code</p> <p>The code as part of a row identifier must be unique for each reported entity. For investment firms the code shall be the LEI code. For other entities the code shall be the LEI code, or if not available, a national code. The code shall be unique and used consistently across the templates and across time. The code shall always have a value.</p>
0030	<p>Type of code</p> <p>The type of code reported in column 0020 shall be identified as a ‘LEI code type’ or ‘National code type’.</p>

0040 – 0060	<p>Contribution to the total margin required on a daily basis</p> <p>Investment firms shall report information for the three days of the preceding three months where the highest, second highest and third highest amount of total margin required on a daily basis, as referred to in Article 23(2) of Regulation (EU) 2019/2033, was calculated.</p> <p>The investment firm shall include all clearing members in the template that were used on at least one of those days.</p> <p>The contribution to the total margin required on a daily basis shall be reported as the amount before the multiplication with the factor of 1.3 referred to in Article 23(2) of Regulation (EU) 2019/2033.</p>
0040	Contribution to the total margin required on a daily basis – on the day of the highest amount of total margin required
0050	Contribution to the total margin required on a daily basis – on the day of the second highest amount of total margin required
0060	Contribution to the total margin required on a daily basis – on the day of the third highest amount of total margin required

3.12. I 06.11 – TRADING COUNTERPARTY DEFAULT- TCD ADDITIONAL DETAILS (I 6.11)

3.12.1. Instructions concerning specific positions

Row	Legal references and instructions
0010 – 0080	Breakdown by method for determining the exposure value
0010	<p>Application Regulation (EU) 2019/2033: K-TCD</p> <p>Article 26 of Regulation (EU) 2019/2033.</p> <p>Exposures for which the own funds requirement is calculated as K-TCD in accordance with Article 26 of Regulation (EU) 2019/2033.</p>
0020	<p>Alternative approaches: Exposure value determined in accordance with Regulation (EU) No 575/2013</p> <p>Article 25(4), first subparagraph of Regulation (EU) 2019/2033.</p> <p>Exposures for which the exposure value is determined in accordance with Regulation (EU) No 575/2013 and the related own funds requirements of which are calculated by multiplying the exposure value by the risk factor set out in Table 2 in Article 26 of Regulation (EU) 2019/2033.</p>
0030	<p>SA-CCR</p> <p>Article 274 of Regulation (EU) No 575/2013.</p>
0040	<p>Simplified SA-CCR</p> <p>Article 281 of Regulation (EU) No 575/2013.</p>
0050	<p>Original exposure method</p> <p>Article 282 of Regulation (EU) No 575/2013</p>
0060	<p>Alternative approaches: Full application of Regulation (EU) No 575/2013 framework</p> <p>Article 25(4), second subparagraph, of Regulation (EU) 2019/2033.</p>

	Exposures for which the exposure value and the own funds requirements are determined in accordance with Regulation (EU) No 575/2013.
0070	<p>Memorandum item: CVA component</p> <p>Articles 25(5) and 26 of Regulation (EU) 2019/2033.</p> <p>Where an institution applies the approach of Article 26 of Regulation (EU) 2019/2033 or applies the derogation of Article 26(5), first subparagraph, of Regulation of (EU) 2019/2033, the CVA component shall be determined as the difference between the relevant amount after the application of the CVA factor multiplier and the relevant amount before the application of the CVA factor multiplier.</p> <p>Where an institutions applies the derogation of the Article 25(5), second subparagraph of Regulation (EU) 2019/2033, the CVA component shall be determined in accordance with Part Three, Title VI, of Regulation (EU) No 575/2013.</p>
0080	<p>of which: calculated in accordance with Regulation (EU) No 575/2013 framework</p> <p>Article 25(5), second subparagraph of Regulation (EU) 2019/2033.</p>
0090 – 0110	<p>Breakdown by type of counterparty</p> <p>The counterparty breakdown shall be based on the types of counterparties referred to in Table 2 in Article 26 of Regulation (EU) 2019/2033.</p>
0090	Central governments, central banks and public sector entities
0100	Credit institutions and investment firms
0110	Other counterparties
Column	Legal references and instructions
0010	<p>K – factor requirement</p> <p>The own funds requirement shall be reported as calculated in accordance with Article 26 of Regulation (EU) 2019/2033 or the applicable provisions of Regulation (EU) No 575/2013.</p>
0020	<p>Exposure value</p> <p>The exposure value as calculated in accordance with Article 27 of Regulation (EU) 2019/2033 or the applicable provisions of Regulation (EU) No 575/2013.</p>
0030	<p>Replacement cost (RC)</p> <p>Article 28 of Regulation (EU) 2019/2033.</p>
0040	<p>Potential future exposure (PFE)</p> <p>Article 29 of Regulation (EU) 2019/2033.</p>
0050	<p>Collateral (C)</p> <p>Article 30(2) and (3) of Regulation (EU) 2019/2033.</p> <p>The value reported shall be the value of the collateral as used for the calculation of the exposure value and therefore, where applicable, the value after the application of the volatility adjustment and the currency mismatch volatility adjustment of Articles 30(1) and (3) of Regulation (EU) 2019/2033.</p>

3.13. I 06.12– DAILY TRADING FLOW- ADDITIONAL DETAILS (I 6.12)

3.13.1. Instructions concerning specific positions

Row	Legal references and instructions
0010	<p>Total DTF – cash trades (average amounts)</p> <p>Investment firms shall report the arithmetic mean amount of DTF – cash trades for the remaining six months according with Article 33(1), first subparagraph of Regulation (EU) 2019/2033 and shall be measured pursuant to Article 33(2), point (a), of Regulation (EU) 2019/2033.</p> <p>The amount reported in this cell shall take into account Article 33(3) of Regulation (EU) 2019/2033.</p>
0020	<p>Total DTF – derivative trades (average amounts)</p> <p>Article 33(2), point (b), of Regulation (EU) 2019/2033.</p> <p>Investment firms shall report the arithmetic mean amount of DTF – derivative trades for the remaining six months according with Article 33(1), first subparagraph, of Regulation (EU) 2019/2033 and shall be measured pursuant to Article 33(2), point (b), of Regulation (EU) 2019/2033.</p> <p>The amount reported in this cell shall take into account Article 33(3) of Regulation (EU) 2019/2033.</p>
Columns	Legal references and instructions
0010	<p>Average factor amount – Month t</p> <p>Value of DTF as of the end of the third month (i.e. the most recent) of the quarter the report refers to.</p>
0020	<p>Average factor amount – Month t-1</p> <p>Value of DTF as of the end of the second month of the quarter the report refers to.</p>
0030	<p>Average factor amount – Month t-2</p> <p>Value of DTF as of the end of the first month of the quarter the report refers to.</p>

3.14. I 06.13– AVERAGE VALUE OF TOTAL DAILY TRADING FLOWS (I 6.13)

3.14.1 Instructions concerning specific positions

Row	Legal references and instructions
0010	<p>Daily trading flow – cash trades</p> <p>The average value of the total daily trading flow (cash value) of the relevant month as referred to in Article 33(1) of Regulation (EU) 2019/2033 and shall be measured pursuant to Article 33(2), point (a), of Regulation (EU) 2019/2033.</p>
0020	<p>Daily trading flow – derivative trades</p> <p>The average value of the total daily trading flow (derivative trades) of the relevant month as referred to in Article 33(1) of Regulation (EU) 2019/2033 and shall be measured pursuant to Article 33(2), point (b), of Regulation (EU) 2019/2033.</p>

Columns	Legal references and instructions
0010-0080	<p>Monthly averages of total daily trading flow values</p> <p>Investment firms shall report in each relevant month column, the monthly average value of the total daily trading flow measured throughout each business day as per Article 33(1) of Regulation (EU) 2019/2033.</p>

4. CONCENTRATION RISK REPORTING

4.1. General Remarks

16. Concentration risk reporting contains information about the concentration risks an investment firm is exposed to through its trading book positions due to the default of counterparties. This leads in to the calculation of K-CON, an additional own funds requirement due to the exposures the investment firm has on its balance sheet. This is in line with the definition of ‘concentration risk’ in Article 4(1), point (31), of Regulation (EU) 2019/2033 where: ‘concentration risk’ or ‘CON’ means the exposures in the trading book of an investment firm to a client or a group of connected clients the value of which exceeds the limits in Article 37(1).

17. Concentration risk reporting also includes information about the following:

- i. Client money
- ii. Client assets
- iii. Firm’s own cash
- iv. Earnings from clients
- v. Trading book positions
- vi. Exposures calculated taking into account assets and off-balance sheet items not recorded in the trading book.

18. Although the wording in Article 54(2) of Regulation (EU) 2019/2033 also refers to ‘concentration risk’, the definition of this included in Article 4(1), point (31), of Regulation (EU) 2019/2033 and the limits set out Article 37(1) of Regulation (EU) 2019/2033 are not compatible with the items described in Article 54(2), points (b) to (e), of Regulation (EU) 2019/2033. For this reason, the reporting required focuses on the five largest positions, if available, in respect of each of items (i) to (vi) of paragraph 19 that are held at, or are attributable to, a particular institution, client or other entity. This reporting allows competent authorities to better understand the risks that investment firms might face from these.

19. Concentration risk reporting consists of the I 07.00 and I 08.00 templates and, in accordance with Article 54(2) of Regulation (EU) 2019/2033, firms that meet the conditions for qualifying as a small and non-interconnected investment firm set out in Article 12(1) of Regulation (EU) 2019/2033 are not required to report information in this regard.

4.2. I 07.00 – K-CON ADDITIONAL DETAILS (I7)

4.2.1. Instructions concerning specific positions

Columns	Legal references and instructions
0010-0060	<p>Counterparty ID</p> <p>The investment firm shall report the identification of the counterparties or group of connected clients to which they have an exposure that exceeds the limits set out in Article 37(1) of Regulation (EU) 2019/2033.</p>
0010	<p>Code</p> <p>The code as part of a row identifier must be unique for each reported entity. For investment firms and insurance undertakings the code shall be the LEI code. For other entities the code shall be the LEI code, or if not available, a national code. The code shall be unique and used consistently across the templates and across time. The code shall always have a value.</p>

0020	<p>Type of code</p> <p>The investment firms shall identify the type of code reported in column 0010 as a 'LEI code type' or 'National code type.'</p> <p>The type of code shall always be reported.</p>
0030	<p>Name</p> <p>The name shall correspond to the name of the parent company whenever a group of connected clients is reported. In any other case, the name shall correspond to the individual counterparty.</p>
0040	<p>Group/individual</p> <p>The investment firm shall report "1" for the reporting of exposures to individual clients or "2" for the reporting of exposures to groups of connected clients.</p>
0050	<p>Counterparty type</p> <p>The investment firm shall report for each exposure if this is associated to:</p> <ol style="list-style-type: none"> 1. a credit institution or a group of connected clients that includes a credit institution; 2. an investment firm or a group of connected clients that includes an investment firm; 3. Other than credit institutions or investment firms or group of connected clients that include an investment firm or an institution
0060-0110	<p>Trading Book Exposures exceeding the limits set in Article 37(1) of Regulation (EU) 2019/2033</p> <p>The investment firm shall report information on each exposure exceeding the limits set out in Article 37(1) of Regulation (EU) 2019/2033 in accordance with Article 36 and 39 of Regulation (EU) 2019/2033.</p>
0060	<p>Exposure Value (EV)</p> <p>Article 36 of Regulation (EU) 2019/2033.</p>
0070	<p>Exposure Value (as % of Own Funds)</p> <p>Exposure calculated in accordance with Article 36 of Regulation (EU) 2019/2033 and expressed as a percentage of the firm's own funds.</p>
0080	<p>Own Funds Requirement of total exposure (OFR)</p> <p>Own funds requirement of total exposure to the individual counterparty or group of connected clients, calculated as the total amount of K-TCD and of the specific risk requirement for K-NPR for the relevant exposure.</p>
0090	<p>Exposure Value Excess (EVE)</p> <p>Amount calculated in accordance with Article 37(2), second subparagraph, of Regulation (EU) 2019/2033 for the relevant exposure.</p>
0100	<p>Duration of the Excess (in days)</p> <p>Number of days passed since the exposure excess has first occurred.</p>

0110	<p>K-CON Own Funds Requirement for the Excess (OFRE)</p> <p>Amount calculated in accordance with Article 39(2) of Regulation (EU) 2019/2033 for the relevant exposure.</p>
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4.3. I 08.01 – LEVEL OF CONCENTRATION RISK – CLIENT MONEY HELD (I 8.1)

4.3.1. Instructions concerning specific columns

Columns	Legal references and instructions
0010-0060	<p>Total CMH</p> <p>Article 54(2), point (b), of Regulation (EU) 2019/2033.</p> <p>The investment firm shall report the identification of the five, if available, counterparties or group of connected counterparties where the largest amounts of client money are held.</p>
0010	<p>Code</p> <p>The code as part of a row identifier must be unique for each reported entity. For investment firms and insurance undertakings the code shall be the LEI code. For other entities the code shall be the LEI code, or if not available, a national code. The code shall be unique and used consistently across the templates and across time. The code shall always have a value.</p>
0020	<p>Type of code</p> <p>The investment firms shall identify the type of code reported in column 0010 as a 'LEI code type' or 'National code type'.</p>
0030	<p>Name</p> <p>The name shall correspond to the name of the parent company whenever a group of connected counterparties is reported. In any other case, the name shall correspond to the individual counterparty.</p>
0040	<p>Group/individual</p> <p>The firm shall report "1" for the reporting of exposures to individual clients or "2" for the reporting of exposures to groups of connected clients.</p>
0050	<p>Total CMH at reporting date</p> <p>The firm shall report the total amount of client money at reporting date.</p>
0060	<p>Percentage of client money held at this institution</p> <p>The firm shall report the amount of client money held at reporting date with each of the counterparties or groups of connected counterparties for which reporting is made, expressed as a percentage of the total (reported in column 0050).</p>

4.4. I 08.02 – LEVEL OF CONCENTRATION RISK – ASSETS SAFEGUARDED AND ADMINISTERED (I 8.2)

4.4.1. Instructions concerning specific columns

Columns	Legal references and instructions
0010-0060	<p>Total ASA</p> <p>Article 54(2), point (c), of Regulation (EU) 2019/2033.</p> <p>The firm shall report the identification of the five, if available, counterparties or group of connected counterparties where the largest amounts of client securities are deposited.</p>
0010	<p>Code</p> <p>The code as part of a row identifier must be unique for each reported entity. For investment firms and insurance undertakings the code shall be the LEI code. For other entities the code shall be the LEI code, or if not available, a national code. The code shall be unique and used consistently across the templates and across time. The code shall always have a value.</p>
0020	<p>Type of code</p> <p>The investment firms shall identify the type of code reported in column 0010 as a 'LEI code type' or 'National code type'.</p>
0030	<p>Name</p> <p>The name shall correspond to the name of the parent company whenever a group of connected counterparties is reported. In any other case, the name shall correspond to the individual counterparty.</p>
0040	<p>Group/individual</p> <p>The firm shall report "1" for the reporting of exposures to individual clients or "2" for the reporting of exposures to groups of connected clients.</p>
0050	<p>Total ASA at reporting date</p> <p>The firm shall report the total amount of client securities deposited at each institution at reporting date.</p>
0060	<p>Percentage of client securities deposited at this institution</p> <p>The firm shall report the amount of client securities deposited at reporting date with each of the counterparties or groups of connected counterparties for which reporting is made, expressed as a percentage of the total (reported in column 0050).</p>

4.5. I 08.03 – LEVEL OF CONCENTRATION RISK -TOTAL OWN CASH DEPOSITED (I 8.3)

4.5.1. Instructions concerning specific columns

Columns	Legal references and instructions
0010-0060	<p>Total Own Cash Deposited</p> <p>Article 54(2), points (d) and (f), of Regulation (EU) 2019/2033.</p> <p>The firm shall report the identification of the five, if available, counterparties or group of connected counterparties where the largest amounts of firm's own cash are deposited.</p>

0010	<p>Code</p> <p>The code as part of a row identifier must be unique for each reported entity. For investment firms and insurance undertakings the code shall be the LEI code. For other entities the code shall be the LEI code, or if not available, a national code. The code shall be unique and used consistently across the templates and across time. The code shall always have a value.</p>
0020	<p>Type of code</p> <p>The investment firms shall identify the type of code reported in column 0010 as a 'LEI code type' or 'National code type'.</p>
0030	<p>Name</p> <p>The name shall correspond to the name of the parent company whenever a group of connected counterparties is reported. In any other case, the name shall correspond to the individual counterparty.</p>
0040	<p>Group/individual</p> <p>The firm shall report "1" for the reporting of exposures to individual clients or "2" for the reporting of exposures to groups of connected clients.</p>
0050	<p>Amount of firm's cash deposits at the institution</p> <p>The firm shall report the total amount of own cash held at each institution at the reference date.</p>
0060	<p>Percentage of firm's own cash deposits at the institution</p> <p>The firm shall report the amount of own cash deposited at reporting date with each of the counterparties or groups of connected counterparties for which reporting is made, expressed as a percentage of the total own cash of the investment firm.</p>

4.6. I 08.04 – LEVEL OF CONCENTRATION RISK – TOTAL EARNINGS (I 8.4)

4.6.1. Instructions concerning specific columns

Columns	Legal references and instructions
0010-0080	<p>Total Earnings</p> <p>Article 54(2), points (e) and (f), of Regulation (EU) 2019/2033.</p> <p>The firm shall report the identification of the five, if available, clients or group of connected clients from whom the largest amounts of firm's earnings are derived.</p>
0010	<p>Code</p> <p>The code as part of a row identifier must be unique for each reported entity. For investment firms and insurance undertakings the code shall be the LEI code. For other entities the code shall be the LEI code, or if not available, a national code. The code shall be unique and used consistently across the templates and across time. The code shall always have a value.</p>
0020	<p>Type of code</p> <p>The investment firms shall identify the type of code reported in column 0010 as a 'LEI code type' or 'National code type'.</p>

0030	<p>Name</p> <p>The name shall correspond to the name of the parent company whenever a group of connected clients is reported. In any other case, the name shall correspond to the individual client.</p>
0040	<p>Group/individual</p> <p>The firm shall report "1" for the reporting of exposures to individual clients or "2" for the reporting of exposures to groups of connected clients.</p>
0050	<p>Total earnings from this client</p> <p>The firm shall report the total earnings per client or group of connected clients generated since the beginning of the accounting year. The earnings shall be broken down by interest and dividend income on one hand and fee and commission income and other income on the other hand.</p>
0060 – 0090	<p>Interest and dividend income</p>
0060	<p>Interest and dividend income – Amount generated from positions in the trading book</p> <p>Trading book as defined in Article 4(1), point (54), of Regulation (EU) 2019/2033.</p>
0070	<p>Interest and dividend income – Amount generated from positions in the non-trading book</p>
0080	<p>Interest and dividend income – of which: amount generated from off-balance sheet items</p>
0090	<p>Percentage of interest and dividend income from this client</p> <p>The firm shall report the interest and dividend income generated from each of the clients or groups of connected clients, expressed as a percentage of the total interest and dividend income of the investment firm.</p>
0100 – 0110	<p>Fee and commission and other income</p>
0100	<p>Fee and commission and other income – Amount</p>
0110	<p>Percentage of fee and commission and other income from this client</p> <p>The firm shall report the fee and commission and other income generated from each of the clients or groups of connected clients, expressed as a percentage of the total fee and commission and other income of the investment firm.</p>

4.7. I 08.05 – TRADING BOOK EXPOSURES (I 8.5)

4.7.1. Instructions concerning specific columns

Columns	Legal references and instructions
0010-0050	<p>Trading book exposures</p> <p>Article 54(2), point (a), of Regulation (EU) 2019/2033.</p> <p>The firm shall report information in relation to the five, if available, largest trading book exposures.</p>

0010	<p>Code</p> <p>The code as part of a row identifier must be unique for each reported entity. For investment firms and insurance undertakings the code shall be the LEI code. For other entities the code shall be the LEI code, or if not available, a national code. The code shall be unique and used consistently across the templates and across time. The code shall always have a value.</p>
0020	<p>Type of code</p> <p>The investment firms shall identify the type of code reported in column 0010 as a 'LEI code type' or 'National code type'.</p>
0030	<p>Name</p> <p>The name shall correspond to the name of the parent company whenever a group of connected counterparties is reported. In any other case, the name shall correspond to the individual counterparty.</p>
0040	<p>Group/individual</p> <p>The firm shall report "1" for the reporting of exposures to individual clients or "2" for the reporting of exposures to groups of connected clients.</p>
0050	<p>Percentage of exposure to this counterparty with respect to firm's own funds (trading book positions only)</p> <p>The firm shall report the trading book exposures at reporting date to each of the counterparties or groups of connected counterparties for which reporting is made expressed as a percentage of own funds.</p>

4.8. I 08.06 – NON-TRADING BOOK AND OFF-BALANCE SHEET ITEMS (I 8.6)

4.8.1. Instructions concerning specific columns

Columns	Legal references and instructions
0010-0050	<p>Non-trading book and off-balance sheet items</p> <p>Article 54(2), point (f), of Regulation (EU) 2019/2033.</p> <p>The firm shall report information in relation to the five, if available, largest exposures calculated including assets not recorded in the trading book.</p>
0010	<p>Code</p> <p>The code as part of a row identifier must be unique for each reported entity. For investment firms and insurance undertakings the code shall be the LEI code. For other entities the code shall be the LEI code, or if not available, a national code. The code shall be unique and used consistently across the templates and across time. The code shall always have a value.</p>
0020	<p>Type of code</p> <p>The investment firms shall identify the type of code reported in column 0010 as a 'LEI code type' or 'National code type'.</p>

0030	<p>Name</p> <p>The name shall correspond to the name of the parent company whenever a group of connected counterparties is reported. In any other case, the name shall correspond to the individual counterparty.</p>
0040	<p>Group/individual</p> <p>The firm shall report "1" for the reporting of exposures to individual clients or "2" for the reporting of exposures to groups of connected clients.</p>
0050	<p>Percentage of exposure with respect to firm's own funds (including off balance sheet assets and non-trading book items)</p> <p>The firm shall report exposures, calculated taking into account assets and off-balance sheet items not recorded in the trading book in addition to trading book positions, at reporting date to each of the counterparties or groups of connected counterparties for which reporting is made expressed as a percentage of eligible capital.</p>

5. LIQUIDITY REQUIREMENTS

5.1 I 09.00 – LIQUIDITY REQUIREMENTS (I 9)

5.1.1. Instructions concerning specific positions

Row	Legal references and instructions
0010	<p>Liquidity Requirement</p> <p>Article 43(1) of Regulation (EU) 2019/2033.</p>
0020	<p>Client guarantees</p> <p>Article 45 of Regulation (EU) 2019/2033.</p> <p>The value reported shall be the 1,6 % of the total amount of guarantees provided to the clients pursuant to Article 45 of Regulation (EU) 2019/2033.</p>
0030	<p>Total liquid assets</p> <p>Article 43(1), point (a), and Article 43(2) of Regulation (EU) 2019/2033.</p> <p>Total liquid assets shall be reported after application of relevant haircuts.</p> <p>This row is sum of rows 0040, 0050, 0060, 0170, 0230, 0290 and 0300.</p>
0040	<p>Unencumbered short term deposits</p> <p>Article 43(1), point (d), and Article 43(2) of Regulation (EU) 2019/2033.</p>
0050	<p>Total eligible receivables due within 30 days</p> <p>Article 43(3) of Regulation (EU) 2019/2033 and Article 43(2) of Regulation (EU) 2019/2033.</p>
0060	<p>Level 1 assets</p> <p>Article 10 of Delegated Regulation (EU) 2015/61 and Article 43(2) of Regulation (EU) 2019/2033.</p> <p>Total liquid assets shall be reported after application of relevant haircuts.</p> <p>Sum of rows 0070 – 0160.</p>

0070	<p>Coins and banknotes</p> <p>Article 10(1), point (a), of Delegated Regulation (EU) 2015/61.</p> <p>Total amount of cash arising from coins and banknotes.</p>
0080	<p>Withdrawable central bank reserves</p> <p>Article 10(1), point (b) (iii), of Delegated Regulation (EU) 2015/61.</p>
0090	<p>Central bank assets</p> <p>Article 10(1), point (b)(i) and (ii), of Delegated Regulation (EU) 2015/61.</p>
0100	<p>Central government assets</p> <p>Article 10(1), point (c)(i) and (ii), of Delegated Regulation (EU) 2015/61.</p>
0110	<p>Regional government/local authorities assets</p> <p>Article 10(1), point (c)(iii) and (iv), of Delegated Regulation (EU) 2015/61.</p>
0120	<p>Public Sector Entity assets</p> <p>Article 10(1), point (c)(v), of Delegated Regulation (EU) 2015/61.</p>
0130	<p>Recognisable domestic and foreign currency central government and central bank assets</p> <p>Article 10(1), point (d), of Delegated Regulation (EU) 2015/61.</p>
0140	<p>Credit institution (protected by Member State government, promotional lender) assets</p> <p>Article 10(1), point (e)(i) and (ii), of Delegated Regulation (EU) 2015/61.</p>
0150	<p>Multilateral development bank and international organisations assets</p> <p>Article 10(1), point (g), of Delegated Regulation (EU) 2015/61.</p>
0160	<p>Extremely high quality covered bonds</p> <p>Article 10(1), point (f), of Delegated Regulation (EU) 2015/61.</p>
0170	<p>Level 2A assets</p> <p>Article 11 of Delegated Regulation (EU) 2015/61 and Article 43(2) of Regulation (EU) 2019/2033.</p>
0180	<p>Regional government/local authorities or Public Sector Entities assets (Member State, RW20 %)</p> <p>Article 11(1), point (a), of Delegated Regulation (EU) 2015/61.</p>
0190	<p>Central bank or central/regional government or local authorities or Public Sector Entities assets (Third Country, RW20 %)</p> <p>Article 11(1), point (b), of Delegated Regulation (EU) 2015/61.</p>
0200	<p>High quality covered bonds (CQS2)</p> <p>Article 11(1), point (c), of Delegated Regulation (EU) 2015/61.</p>

0210	High quality covered bonds (Third Country, CQS1) Article 11(1), point (d), of Delegated Regulation (EU) 2015/61.
0220	Corporate debt securities (CQS1) Article 11(1), point (e), of Delegated Regulation (EU) 2015/61.
0230	Level 2B assets Article 12 of Delegated Regulation (EU) 2015/61 and Article 43(2) of Regulation (EU) 2019/2033.
0240	Asset-backed securities Article 12(1), point (a), and Article 13(2), point (g), of Delegated Regulation (EU) 2015/61.
0250	Corporate debt securities Article 12(1), point (b), of Delegated Regulation (EU) 2015/61.
0260	Shares (major stock index) Article 12(1), point (c), of Delegated Regulation (EU) 2015/61.
0270	Restricted-use central bank committed liquidity facilities Article 12(1), point (d), of Delegated Regulation (EU) 2015/61.
0280	High quality covered bonds (RW35 %) Article 15(2), point (f), of Delegated Regulation (EU) 2015/61.
0290	Qualifying CIU shares/units Article 15 of Delegated Regulation (EU) 2015/61. Article 43(1), point (b), of Regulation (EU) 2019/2033.
0300	Total other eligible financial instruments Article 43(1), point (c), of Regulation (EU) 2019/2033.

ANNEX III

REPORTING FOR SMALL AND NON-INTERCONNECTED INVESTMENT FIRMS

INVESTMENT FIRMS TEMPLATES			
Template number	Template code	Name of the template /group of templates	Short name
		OWN FUNDS: level, composition, requirements and calculation	
1	I 01.01	Own funds	I1.1
2,3	I 02.03	Own funds requirements	I2.3
2,4	I 02.04	Capital ratios	I2.4
3,1	I 03.01	Fixed overheads requirements calculation	I3.1
		SMALL AND NON-INTERCONNECTED INVESTMENT FIRMS	
5	I 05.00	Level of activity - Thresholds review	I5.0
		LIQUIDITY REQUIREMENTS	
9,1	I 09.01	Liquidity requirements	I9.1

I 01.01 - OWN FUNDS COMPOSITION (I1.1)

Rows	Item	Amount
		0010
0010	OWN FUNDS	
0020	TIER 1 CAPITAL	
0030	COMMON EQUITY TIER 1 CAPITAL	
0040	Fully paid up capital instruments	
0050	Share premium	
0060	Retained earnings	
0070	Previous years retained earnings	
0080	Profit eligible	
0090	Accumulated other comprehensive income	
0100	Other reserves	
0110	Minority interest given recognition in CET1 capital	
0120	Adjustments to CET1 due to prudential filters	
0130	Other funds	
0140	(-)TOTAL DEDUCTIONS FROM COMMON EQUITY TIER 1	
0190	(-) Losses for the current financial year	
0200	(-) Goodwill	
0210	(-) Other intangible assets	
0220	(-) Deferred tax assets that rely on future profitability and do not arise from temporary differences net of associated tax liabilities	

0230	(-) Qualifying holding outside the financial sector which exceeds 15% of own funds	
0240	(-) Total qualifying holdings in undertaking other than financial sector entities which exceeds 60% of its own funds	
0285	(-) Other deductions	
0290	CET1: Other capital elements, deductions and adjustments	
0300	ADDITIONAL TIER 1 CAPITAL	
0310	Fully paid up, directly issued capital instruments	
0320	Share premium	
0330	(-) TOTAL DEDUCTIONS FROM ADDITIONAL TIER 1	
0410	Additional Tier 1: Other capital elements, deductions and adjustments	
0420	TIER 2 CAPITAL	
0430	Fully paid up, directly issued capital instruments	
0440	Share premium	
0450	(-) TOTAL DEDUCTIONS FROM TIER 2	
0520	Tier 2: Other capital elements, deductions and adjustments	

I 02.03 - OWN FUNDS REQUIREMENTS (I2.3)

Rows	Item	Amount
		0010
0010	Own Fund requirement	
0020	Permanent minimum capital requirement	
0030	Fixed overhead requirement	
	Transitional own funds requirements	
0050	Transitional requirement <i>based on CRR own funds requirements</i>	
0060	Transitional requirement <i>based on fixed overhead requirements</i>	
0070	Transitional requirement <i>for investment firms previously subject only to an initial capital requirement</i>	
0080	Transitional requirement <i>based on initial capital requirement at authorisation</i>	
0090	Transitional requirement for investment firms that are not authorised to provide certain services	
	Memorandum items	
0110	Additional own funds requirement	
0120	Total own funds requirement	

I 02.04 - CAPITAL RATIOS (I2.4)

		Amount
Rows	Item	0010
0010	CET 1 Ratio	
0020	Surplus(+)/Deficit(-) of CET 1 Capital	
0030	Tier 1 Ratio	
0040	Surplus(+)/Deficit(-) of Tier 1 Capital	
0050	Own Funds Ratio	
0060	Surplus(+)/Deficit(-) of Total capital	

I 03.01 - FIXED OVERHEADS REQUIREMENT CALCULATION (I3.1)

		Amount
Rows	Item	0010
0010	Fixed Overhead Requirement	
0020	Annual Fixed Overheads of the previous year after distribution of profits	
0030	Total expenses of the previous year after distribution of profits	
0040	Of which: Fixed expenses incurred on behalf of the investment firms by third parties	
0050	(-)Total deductions	
0060	(-)Staff bonuses and other remuneration	
0070	(-)Employees', directors' and partners' shares in net profits	
0080	(-)Other discretionary payments of profits and variable remuneration	
0090	(-)Shared commission and fees payable	
0100	(-)Fees, brokerage and other charges paid to CCPs that are charged to customers	
0110	(-)Fees to tied agents	
0130	(-)Non-recurring expenses from non-ordinary activities	
0140	(-)Expenditures from taxes	
0150	(-)Losses from trading on own account in financial instruments	
0160	(-)Contract based profit and loss transfer agreements	
0170	(-)Expenditure on raw materials	
0180	(-)Payments into a fund for general banking risk	
0190	(-)Expenses related to items that have already been deducted from own funds	
0200	Projected fixed overheads of the current year	
0210	Variation of fixed overheads (%)	

I 05.00 - LEVEL OF ACTIVITY - THRESHOLDS REVIEW (15)

		Amount
Rows	Item	0010
0010	(Combined) assets under management	
0020	(Combined) client orders handled - Cash trades	
0030	(Combined) client orders handled - Derivatives	
0040	Assets safeguarded and administered	
0050	Client money held	
0060	Daily trading flow - cash trades and derivative trades	
0070	Net position risk	
0080	Clearing margin given	
0090	Trading counterparty default	
0100	(Combined) on - and off-balance sheet total	
0110	Combined total annual gross revenue	
0120	Total annual gross revenue	
0130	(-) Intragroup part of the annual gross revenue	
0140	Of which: revenue from reception and transmission of orders	
0150	Of which: revenue from execution of orders	
0160	Of which: revenue from dealing on own account	
0170	Of which: revenue from portfolio management	
0180	Of which: revenue from investment advice	
0190	Of which: revenue from underwriting of financial instruments/placing on a firm commitment basis	
0200	Of which: revenue from placing without a firm commitment basis	
0210	Of which: revenue from operation of an MTF	
0220	Of which: revenue from operation of an OTF	
0230	Of which: revenue from safekeeping and administration of financial instruments	
0240	Of which: revenue from granting credits or loans to investors	
0250	Of which: revenue from advice to undertakings on capital structure, industrial strategy and related matters and advice and services relating to mergers and the purchase of undertakings	
0260	Of which: revenue from foreign exchange services	
0270	Of which: investment research and financial analysis	
0280	Of which: revenue from services related to underwriting	
0290	Of which: investment services and ancillary activities related with the underlying of derivatives	

I 09.01 - LIQUIDITY REQUIREMENTS (I9.1)

		Amount
Rows	Item	0010
0010	Liquidity Requirement	
0020	Client guarantees	
0030	Total liquid assets	

ANNEX IV

REPORTING FOR SMALL AND NON-INTERCONNECTED INVESTMENT FIRMS

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PART I: GENERAL INSTRUCTIONS

1. Structure and conventions
- 1.1 Structure
1. Overall, the framework consists of the following blocks of information:
 - (a) Own funds;
 - (b) Own funds requirements calculations;
 - (c) Fixed overheads requirements calculation;
 - (d) Level of activity in respect of the conditions set out in Article 12(1) of Regulation (EU) 2019/2033;
 - (e) Liquidity requirements.
2. For each template, legal references are provided. Further detailed information regarding more general aspects of the reporting of each block of templates, instructions concerning specific positions as well as validation rules are included in this part of this Regulation.

- 1.2 Numbering convention
3. The document follows the labelling convention set in points 4 to 7, when referring to the columns, rows and cells of the templates. Those numerical codes are extensively used in the validation rules.
4. The following general notation is followed in the instructions: {Template; Row; Column}.
5. In the case of validations inside a template, in which only data points of that template are used, notations do not refer to a template: {Row; Column}.
6. In the case of templates with only one column, only rows are referred to. {Template; Row}
7. An asterisk sign is used to express that the validation is done for the rows or columns specified before.
- 1.3 Sign convention
8. Any amount that increases the own funds or own funds requirements, or the liquidity requirements, shall be reported as a positive figure. On the contrary, any amount that reduces the total own funds or own funds requirements shall be reported as a negative figure. Where there is a negative sign (-) preceding the label of an item no positive figure is expected to be reported of that item.
- 1.4 Prudential consolidation
9. Unless an exemption has been granted, Regulation (EU) 2019/2033 and Directive (EU) 2019/2034 apply to investment firms on an individual and on a consolidated basis, which includes reporting requirements in Part Seven of Regulation (EU) 2019/2033. Point (11) of Article 4(1) of Regulation (EU) 2019/2033 defines a consolidated situation as the result of applying the requirements of Regulation (EU) 2019/2033 to an investment firm group as if the entities of the group formed together a single investment firm. Following the application of Article 7 of the Regulation (EU) 2019/2033, investment firms groups shall fulfil the reporting requirements in all templates based on their scope of prudential consolidation (which may be different from their accounting consolidation scope).

PART II: TEMPLATE RELATED INSTRUCTIONS

1. OWN FUNDS: LEVEL, COMPOSITION, REQUIREMENTS AND CALCULATION

- 1.1 General Remarks
10. Own funds overview section contains information about the own funds that an investment firm holds and its own funds requirements. It consists of two templates:
- (a) I 01.01 template contains the compositions of the own funds that an investment firm holds: Common Equity Tier 1 capital (CET1), Additional Tier 1 capital (AT1) and Tier 2 capital (T2).
- (b) I 02.03 and I 02.04 templates contain the total own funds requirement, the permanent minimum capital requirement, the fixed overheads requirement, any additional own funds requirement and guidance and the transitional own funds requirement and capital ratios.
- (c) I 03.01 includes information with regard to the calculation of the Fixed overheads requirement.
11. The items in these templates are gross of transitional adjustments. This means that the figures (except where the transitional own funds requirement is specifically stated) are calculated according to the final provisions (i.e. as if there were no transitional provisions).
- 1.2. I 01.01 – OWN FUNDS COMPOSITION (I 1.1)
- 1.2.1. Instructions concerning specific positions

Row	Legal references and instructions
0010	<p>OWN FUNDS</p> <p>Article 9(1) Regulation (EU) 2019/2033.</p> <p>The own funds of an investment firm shall consist of the sum of its Tier 1 capital and Tier 2 capital.</p> <p>The total sum of rows (0020 and 0380) shall be reported.</p>
0020	<p>TIER 1 CAPITAL</p> <p>The Tier 1 capital is the sum of Common Equity Tier 1 Capital and Additional Tier 1 capital.</p>
0030	<p>COMMON EQUITY TIER 1 CAPITAL</p> <p>Article 9(1) of Regulation (EU) 2019/2033.</p> <p>Article 50 of Regulation (EU) No 575/2013.</p> <p>The total sum of rows (0040 to 0060, 0090 to 0140 and 0290) shall be reported.</p>
0040	<p>Fully paid up capital instruments</p> <p>Article 9(1), point (i) of Regulation (EU) 2019/2033.</p> <p>Article 26(1), point (a) and Articles 27 to 31 of Regulation (EU) No 575/2013.</p> <p>Capital instruments of mutual, cooperative societies or similar institutions (Articles 27 and 29 of Regulation (EU) No 575/2013) shall be included.</p> <p>The share premium related to the instruments shall not be included.</p> <p>Capital instruments subscribed by public authorities in emergency situations shall be included if all conditions of Article 31 of Regulation (EU) No 575/2013 are fulfilled.</p>
0050	<p>Share premium</p> <p>Article 9(1), point (i) of Regulation (EU) 2019/2033.</p> <p>Article 26(1), point (b) of Regulation (EU) No 575/2013.</p> <p>Share premium has the same meaning as under the applicable accounting standard.</p> <p>The amount to be reported in this item shall be the part related to the "Paid up capital instruments".</p>
0060	<p>Retained earnings</p> <p>Article 9(1), point (i) of Regulation (EU) 2019/2033.</p> <p>Article 26(1), point (c) of Regulation (EU) No 575/2013.</p> <p>Retained earnings includes the previous year retained earnings plus the eligible interim or year-end profits.</p> <p>The total sum of rows 0070 and 0080 shall be reported.</p>
0070	<p>Previous years retained earnings</p> <p>Article 4(1), point (123) and Article 26(1) point (c) of Regulation (EU) No 575/2013</p> <p>Article 4(1), point (123) of Regulation (EU) No 575/2013 defines retained earnings as "Profit and losses brought forward as a result of the final application of profit or loss under the applicable accounting framework".</p>

0080	<p>Profit eligible</p> <p>Article 4(1), point (121), Article 26(2) and Article 36(1), point (a) of Regulation (EU) No 575/2013.</p> <p>Article 26(2) of Regulation (EU) No 575/2013 allows including as retained earnings interim or year-end profits, with the prior consent of the competent authorities, if some conditions are met.</p>
0090	<p>Accumulated other comprehensive income</p> <p>Article 9(1), point (i) of Regulation (EU) 2019/2033.</p> <p>Article 26(1), point (d) of Regulation (EU) No 575/2013.</p>
0100	<p>Other reserves</p> <p>Article 9(1), point (i) of Regulation (EU) 2019/2033.</p> <p>Article 4(1), point (117) and Article 26(1) point (e) of Regulation (EU) No 575/2013.</p> <p>The amount to be reported shall be net of any tax charge foreseeable at the moment of the calculation.</p>
0110	<p>Minority interest given recognition in CET1 capital</p> <p>Articles 84(1), 85(1) and 87(1) of Regulation (EU) No 575/2013.</p> <p>Sum of all the amounts of minority interests of subsidiaries that is included in consolidated CET1.</p>
0120	<p>Adjustments to CET1 due to prudential filters</p> <p>Article 9(1), point (i) of Regulation (EU) 2019/2033.</p> <p>Articles 32 to 35 of Regulation (EU) No 575/2013.</p>
0130	<p>Other funds</p> <p>Article 9(4) of Regulation (EU) 2019/2033.</p>
0140	<p>(-)TOTAL DEDUCTIONS FROM COMMON EQUITY TIER 1</p> <p>The total sum of rows 0190 to 0285 shall be reported.</p>
0190	<p>(-) Losses for the current financial year</p> <p>Article 36(1), point (a) of Regulation (EU) No 575/2013.</p>
0200	<p>(-) Goodwill</p> <p>Article 9(1), point (i) of Regulation (EU) 2019/2033.</p> <p>Article 4(1), point (113), Article 36(1), point (b) and Article 37 of Regulation (EU) No 575/2013.</p>
0210	<p>(-) Other intangible assets</p> <p>Article 9(1), point (i) of Regulation (EU) 2019/2033.</p> <p>Article 4(1), point (115), Article 36(1), point (b) and Article 37 point (a) of Regulation (EU) No 575/2013.</p> <p>Other intangible assets are the intangibles assets under the applicable accounting standard, minus the goodwill, also according to the applicable accounting standard.</p>
0220	<p>(-) Deferred tax assets that rely on future profitability and do not arise from temporary differences net of associated tax liabilities</p> <p>Article 9(2), point (a) of Regulation (EU) 2019/2033.</p>

	Article 36(1), point (c) of Regulation (EU) No 575/2013.
0230	(-) Qualifying holding outside the financial sector which exceeds 15 % of own funds Article 10(1), point (a) of Regulation (EU) 2019/2033.
0240	(-) Total qualifying holdings in undertaking other than financial sector entities which exceeds 60 % of its own funds Article 10(1), point (b) of Regulation (EU) 2019/2033.
0285	(-) Other deductions The sum of all other deductions in accordance with Article 36(1) of Regulation (EU) No 575/2013 that are not included in any of the rows 0160 to 0240 above
0290	CET1: Other capital elements, deductions and adjustments This row shall include the sum of the following items, where applicable: — Transitional adjustments due to grandfathered CET1 Capital instruments (Article 483, paragraphs 1, 2 and 3 and Articles 484 to 487 of Regulation (EU) No 575/2013) — Transitional adjustments due to additional minority interests (Articles 479 and 480 of Regulation (EU) No 575/2013). — Other transitional adjustments to CET1 Capital (Articles 469 to 478 and 481 of Regulation (EU) No 575/2013): adjustments to the deductions from CET1 due to transitional provisions. — Other CET1 capital elements or deductions from a CET1 element that cannot be assigned to one of the rows 0040 to 0285. This row shall not be used to include capital items or deductions which are not covered by the Regulation (EU) 2019/2033 or Regulation (EU) No 575/2013 into the calculation of the solvency ratios.
0300	ADDITIONAL TIER 1 CAPITAL Article 9(1) Regulation (EU) 2019/2033. Article 61 Regulation (EU) No 575/2013. The total sum of rows 0310 to 0410 shall be reported.
0310	Fully paid up, directly issued capital instruments Article 9(1), point (i) of Regulation (EU) 2019/2033. Article 51, point (a) and Articles 52, 53 and 54 of Regulation (EU) No 575/2013. The amount to be reported shall not include the share premium related to the instruments.
0320	Share premium Article 9(1), point (i) of Regulation (EU) 2019/2033. Article 51, point (b) of Regulation (EU) No 575/2013. Share premium has the same meaning as under the applicable accounting standard. The amount to be reported in this item shall be the part related to the "Fully paid up, directly issued capital instruments".
0330	(-) TOTAL DEDUCTIONS FROM ADDITIONAL TIER 1 Article 56 of Regulation (EU) No 575/2013.

0410	<p>Additional Tier 1: Other capital elements, deductions and adjustments</p> <p>This row shall include the sum of the following items, where applicable:</p> <ul style="list-style-type: none"> — Transitional adjustments due to grandfathered AT1 Capital instruments (Article 483, paragraphs 4 and 5, Articles 484 to 487, Articles 489 and 491 of Regulation (EU) No 575/2013) — Instruments issued by subsidiaries that are given recognition in AT1 Capital (Articles 83, 85 and 86 of Regulation (EU) No 575/2013): Sum of all the amounts of qualifying T1 capital of subsidiaries that is included in consolidated AT1, also including capital issued by a special purpose entity (Article 83 of Regulation (EU) No 575/2013) — Transitional adjustments due to additional recognition in AT1 Capital of instruments issued by subsidiaries (Article 480 of Regulation (EU) No 575/2013): adjustments to the qualifying T1 capital included in consolidated AT1 capital due to transitional provisions — Other transitional adjustments to AT1 Capital (Articles 472, 473a, 474, 475, 478 and 481 of Regulation (EU) No 575/2013): adjustments to deductions due to transitional provisions — Excess of deduction from AT1 items over AT1 Capital, deducted from CET1 in accordance with point (j) of Article 36(1) of Regulation (EU) No 575/2013: Additional Tier 1 cannot be negative, but it is possible that the deductions from AT1 items exceed the amount of available AT1 items. Where this happens, this item represents the amount needed to increase the amount reported in row 0300 to zero and equals the inverse of the excess of deductions from AT1 items over AT1 Capital included, among other deductions, in row 0285. — Other AT1 capital elements or deductions from an AT1 element that cannot be assigned to one of the rows 0310 to 0330. <p>This row shall not be used to include capital items or deductions which are not covered by the Regulation (EU) 2019/2033 or Regulation (EU) No 575/2013 into the calculation of the solvency ratios</p>
0420	<p>TIER 2 CAPITAL</p> <p>Article 9(1) of Regulation (EU) 2019/2033. Article 71 of Regulation (EU) No 575/2013. The total sum of rows 0430 to 0520 shall be reported.</p>
0430	<p>Fully paid up, directly issued capital instruments</p> <p>Article 9(1), point (i) of Regulation (EU) 2019/2033. Article 62, point (a), Articles 63 and 65 of Regulation (EU) No 575/2013. The amount to be reported shall not include the share premium related to the instruments.</p>
0440	<p>Share premium</p> <p>Article 9(1), point (i) of Regulation (EU) 2019/2033. Article 62, point (b) and Article 65 of Regulation (EU) No 575/2013. Share premium has the same meaning as under the applicable accounting standard. The amount to be reported in this item shall be the part related to the "Fully paid up, directly issued capital instruments".</p>
0450	<p>(-) TOTAL DEDUCTIONS FROM TIER 2</p> <p>Article 66 of Regulation (EU) No 575/2013.</p>

0520	<p>Tier 2: Other capital elements, deductions and adjustments</p> <p>This row shall include the sum of the following items, where applicable:</p> <ul style="list-style-type: none"> — Transitional adjustments due to grandfathered T2 Capital instruments (Article 483, paragraphs 6 and 7 of, Articles 484, 486, 488, 490 and 491 of Regulation (EU) No 575/2013) — Instruments issued by subsidiaries that are given recognition in T2 Capital (Articles 83, 87 and 88 Regulation (EU) No 575/2013): Sum of all the amounts of qualifying own funds of subsidiaries that is included in consolidated T2, also including qualifying Tier 2 capital issued by a special purpose entity (Article 83 of Regulation (EU) No 575/2013) — Transitional adjustments due to additional recognition in T2 Capital of instruments issued by subsidiaries (Article 480 of Regulation (EU) No 575/2013): Adjustments to the qualifying own funds included in consolidated T2 capital due to transitional provisions. — Other transitional adjustments to T2 Capital (Articles 472, 473a, 476, 477, 478 and 481 of Regulation (EU) No 575/2013): Adjustments to the deductions from Tier 2 due to transitional provisions — Excess of deduction from T2 items over T2 Capital, deducted from AT1 in accordance with Article 56, point (e) of Regulation (EU) No 575/2013: Tier 2 cannot be negative, but it is possible that the deductions from T2 items exceed the amount of available T2 items. Where this happens, this item represents the amount needed to increase the amount reported in row 0420 to zero. — Other T2 capital elements or deductions from a T2 element that cannot be assigned to one of the rows 0430 to 0450. <p>This row shall not be used to include capital items or deductions which are not covered by the Regulation (EU) 2019/2033 or Regulation (EU) No 575/2013 into the calculation of the solvency ratios.</p>
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1.3 I 02.03 – OWN FUND REQUIREMENTS (I 2.3)

1.3.1. Instructions concerning specific positions

Row	Legal references and instructions
0010	<p>Own fund requirement</p> <p>Article 11(1) and (2) of Regulation (EU) 2019/2033.</p> <p>This item shall be maximum of rows 0020 and 0030.</p>
0020	<p>Permanent minimum capital requirement</p> <p>Article 14 of Regulation (EU) 2019/2033.</p>
0030	<p>Fixed overhead requirement</p> <p>Article 13 of Regulation (EU) 2019/2033.</p>
0050 – 0090	<p>Transitional own funds requirements</p>
0050	<p>Transitional requirement based on Regulation (EU) No 575/2013 own funds requirements</p> <p>Article 57(3), point (a) of Regulation (EU) 2019/2033.</p>
0060	<p>Transitional requirement based on fixed overhead requirements</p> <p>Article 57(3), point (b) of Regulation (EU) 2019/2033.</p>
0070	<p>Transitional requirement for investment firms previously subject only to an initial capital requirement</p> <p>Article 57(4), point (a) of Regulation (EU) 2019/2033</p>

0080	Transitional requirement based on initial capital requirement at authorisation Article 57(4), point (b) of Regulation (EU) 2019/2033.
0090	Transitional requirement for investment firms that are not authorised to provide certain services Article 57(4), point (c) of Regulation (EU) 2019/2033.
0110 – 0130	Memorandum items
0110	Additional own funds requirement Article 40 of Directive (EU) 2019/2034. Additional own funds required following the SREP.
0120	Total own funds requirement The total own funds requirement of an investment firm shall consist of the sum of its own funds requirements applicable at the reference date, the additional own funds requirement as reported in row 0110 and the additional own funds guidance as reported in row 0120.

1.4. I 02.04 – CAPITAL RATIOS (I 2.4)

1.4.1. Instructions concerning specific positions

Row	Legal references and instructions
0010	CET 1 Ratio Article 9(1), point (a) and Article 11(1) and (2) of Regulation (EU) 2019/2033. This item is expressed as a percentage.
0020	Surplus(+)/Deficit(-) of CET 1 Capital This item shows the surplus or deficit of CET1 Capital relating to the requirement set in Article 9(1) Regulation (EU) 2019/2033. The transitional provisions of Article 57(3) and (4) Regulation (EU) 2019/2033 shall not be considered for this item.
0030	Tier 1 Ratio Article 9(1), point (b) and Article 11(1) and (2) of Regulation (EU) 2019/2033. This item is expressed as a percentage.
0040	Surplus(+)/Deficit(-) of Tier 1 Capital This item shows the surplus or deficit of Tier 1 Capital relating to the requirement set in Article 9(1) of Regulation (EU) 2019/2033. The transitional provisions of Article 57(3) and (4) of Regulation (EU) 2019/2033 shall not be considered for this item.
0050	Own Funds Ratio Article 9(1), point (c), Article 11(1) and (2) of Regulation (EU) 2019/2033. This item is expressed as a percentage.

0060	<p>Surplus(+)/Deficit(-) of Total capital</p> <p>This item shows the surplus or deficit of own funds relating to the requirement set in Article 9(1) of Regulation (EU) 2019/2033.</p> <p>The transitional provisions of Article 57(3) and (4) of Regulation (EU) 2019/2033 shall not be considered for this item.</p>
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1.5. I 03.01 – FIXED OVERHEADS REQUIREMENT CALCULATION (I 3.1)

1.5.1. Instructions concerning specific positions

Row	Legal references and instructions
0010	<p>Fixed Overhead Requirement</p> <p>Article 13(1) of Regulation (EU) 2019/2033.</p> <p>The amount reported shall be at least 25 % of the annual fixed overheads of the previous year (row 0020).</p> <p>In the cases where there is a material change as mentioned in Article 13(2) of Regulation (EU) 2019/2033, the amount reported shall be the fixed overheads requirement imposed by the competent authority in accordance with that Article.</p> <p>In the cases specified in Article 13(3) of Regulation (EU) 2019/2033, the amount to be reported shall be the projected fixed overheads of the current year (row 0200).</p>
0020	<p>Annual fixed overheads of the previous year after distribution of profits</p> <p>Article 13(1) Regulation (EU) 2019/2033.</p> <p>Investment firms shall report the fixed overheads of the previous year after the distribution of profits.</p>
0030	<p>Total expenses of the previous year after distribution of profits</p> <p>Article 13(1) of Regulation (EU) 2019/2033.</p> <p>The amount to be reported shall be after the distribution of profits.</p>
0040	<p>Of which: Fixed expenses incurred on behalf of the investment firms by third parties</p> <p>Article 13 of Regulation (EU) 2019/2033.</p>
0050	<p>(-) Total deductions</p> <p>In addition to the items for deduction referred to in Article 13, point (4) of Regulation (EU) 2019/2033 the following items shall also be deducted from the total expenses, where they are included under total expenses in accordance with the relevant accounting framework:</p> <ul style="list-style-type: none"> (a) fees, brokerage and other charges paid to central counterparties, exchanges and other trading venues and intermediate brokers for the purposes of executing, registering or clearing transactions, only where they are directly passed on and charged to customers. These shall not include fees and other charges necessary to maintain membership or otherwise meet loss-sharing financial obligations to central counterparties, exchanges and other trading venues; (b) interest paid to customers on client money, where there is no obligation of any kind to pay such interest; (c) expenditures from taxes where they fall due in relation to the annual profits of the investment firm; (d) losses from trading on own account in financial instruments;

	<p>(e) payments related to contract-based profit and loss transfer agreements according to which the investment firm is obliged to transfer, following the preparation of its annual financial statements, its annual result to the parent undertaking;</p> <p>(f) payments into a fund for general banking risk in accordance with Article 26(1)(f) of Regulation (EU) No 575/2013;</p> <p>(g) expenses related to items that have already been deducted from own funds in accordance with Article 36(1) Regulation (EU) No 575/2013.</p>
0060	<p>(-) Staff bonuses and other remuneration</p> <p>Article 13(4), point (a) of Regulation (EU) 2019/2033.</p> <p>Staff bonuses and other remuneration shall be considered to depend on the net profit of the investment firm in the respective year where both of the following conditions are met:</p> <p>(h) the staff bonuses or other remuneration to be deducted have already been paid to employees in the year preceding the year of payment, or the payment of the staff bonuses or other remuneration to employees will have no impact on the firm's capital position in the year of payment;</p> <p>(i) with respect to the current year and future years, the firm is not obliged to award or allocate further bonuses or other payments in the form of remuneration unless it makes a net profit in that year.</p>
0070	<p>(-) Employees', directors' and partners' shares in net profits</p> <p>Article 13(4), point (b) of Regulation (EU) 2019/2033.</p> <p>Employees', directors' and partners' shares in profits shall be calculated on the basis of the net profits.</p>
0080	<p>(-) Other discretionary payments of profits and variable remuneration</p> <p>Article 13(4), point (c) of Regulation (EU) 2019/2033.</p>
0090	<p>(-) Shared commission and fees payable</p> <p>Article 13(4), point (d) of Regulation (EU) 2019/2033.</p>
0100	<p>(-) Fees, brokerage and other charges paid to CCPs that are charged to customers</p> <p>Fees, brokerage and other charges paid to central counterparties, exchanges and other trading venues and intermediate brokers for the purposes of executing, registering or clearing transactions, only where they are directly passed on and charged to customers. These shall not include fees and other charges necessary to maintain membership or otherwise meet loss-sharing financial obligations to central counterparties, exchanges and other trading venues.</p>
0110	<p>(-) Fees to tied agents</p> <p>Article 13(4), point (e) of Regulation (EU) 2019/2033.</p>
0130	<p>(-) Non-recurring expenses from non-ordinary activities</p> <p>Article 13(4), point (f) of Regulation (EU) 2019/2033.</p>
0140	<p>(-) Expenditures from taxes</p> <p>Expenditures from taxes where they fall due in relation to the annual profits of the investment firm.</p>
0150	<p>(-) Losses from trading on own account in financial instruments</p> <p>Self-explanatory.</p>

0160	<p>(-) Contract based profit and loss transfer agreements</p> <p>Payments related to contract-based profit and loss transfer agreements according to which the investment firm is obliged to transfer, following the preparation of its annual financial statements, its annual result to the parent undertaking.</p>
0170	<p>(-) Expenditure on raw materials</p> <p>Commodity and emission allowance dealers may deduct expenditure on raw materials in connection with an investment firm trading in derivatives of the underlying commodity.</p>
0180	<p>(-) Payments into a fund for general banking risk</p> <p>Payments into a fund for general banking risk in accordance with Article 26(1)(f) of Regulation (EU) No 575/2013.</p>
0190	<p>(-) Expenses related to items that have already been deducted from own funds</p> <p>Expenses related to items that have already been deducted from own funds in accordance with Article 36(1) of Regulation (EU) No 575/2013.</p>
0200	<p>Projected fixed overheads of the current year</p> <p>The projection of the fixed overheads for the current year after the distribution of profits.</p>
0210	<p>Variation of fixed overheads (%)</p> <p>The amount shall be reported as the absolute value of:</p> $\frac{[(\text{Annual fixed overheads of the current year}) - (\text{Projected fixed overheads of the previous year})]}{(\text{Annual fixed overheads of the previous year})}$

2. SMALL AND NON-INTERCONNECTED INVESTMENT FIRMS

2.1. I 05.00 – LEVEL OF ACTIVITY – THRESHOLD REVIEW (I 5)

2.1.1. Instructions concerning specific positions

Row	Legal references and instructions
0010	<p>(Combined) assets under management</p> <p>Article 12(1), point (a) of Regulation (EU) 2019/2033.</p> <p>Where the reporting investment firm is part of a group, the value reported shall be determined on a combined basis for all investment firms that are part of a group pursuant Article 12(2) of Regulation (EU) 2019/2033.</p> <p>Investment firms shall include discretionary and non-discretionary assets under management.</p> <p>The amount reported shall be the amount that would be used for calculation of K-factors before application of relevant coefficients.</p>
0020	<p>(Combined) client orders handled – Cash trades</p> <p>Article 12(1), point (b) (i) of Regulation (EU) 2019/2033.</p> <p>Where the reporting investment firm is part of a group, the value reported shall be determined on a combined basis for all investment firms that are part of a group pursuant Article 12(2) of Regulation (EU) 2019/2033.</p> <p>The amount reported shall be the amount that would be used for calculation of K-factors before application of relevant coefficients.</p>

0030	<p>(Combined) client orders handled – Derivatives</p> <p>Article 12(1), point (b) (i) of Regulation (EU) 2019/2033.</p> <p>Where the reporting investment firm is part of a group, the value reported shall be determined on a combined basis for all investment firms that are part of a group pursuant Article 12(2) Regulation (EU) 2019/2033.</p> <p>The amount reported shall be the amount that would be used for calculation of K-factors before application of relevant coefficients.</p>
0040	<p>Assets safeguarded and administered</p> <p>Article 12(1), point (c) of Regulation (EU) 2019/2033.</p> <p>The amount reported shall be the amount that would be used for calculation of K-factors before application of relevant coefficients.</p>
0050	<p>Client money held</p> <p>Article 12(1), point (d) of Regulation (EU) 2019/2033.</p> <p>The amount reported shall be the amount that would be used for calculation of K-factors before application of relevant coefficients.</p>
0060	<p>Daily trading flow – cash trades and derivative trades</p> <p>Article 12(1), point (e) of Regulation (EU) 2019/2033.</p> <p>The amount reported shall be the amount that would be used for calculation of K-factors before application of relevant coefficients.</p>
0070	<p>Net position risk</p> <p>Article 12(1), point (f) of Regulation (EU) 2019/2033.</p> <p>The amount reported shall be the amount that would be used for calculation of K-factors before application of relevant coefficients.</p>
0080	<p>Clearing margin given</p> <p>Article 12(1), point (f) of Regulation (EU) 2019/2033.</p> <p>The amount reported shall be the amount that would be used for calculation of K-factors before application of relevant coefficients.</p>
0090	<p>Trading counterparty default</p> <p>Article 12(1), point (g) of Regulation (EU) 2019/2033.</p> <p>The amount reported shall be the amount that would be used for calculation of K-factors before application of relevant coefficients.</p>
0100	<p>(Combined) on – and off-balance sheet total</p> <p>Article 12(1), point (h) of Regulation (EU) 2019/2033.</p> <p>Where the reporting investment firm is part of a group, the value reported shall be determined on a combined basis for all investment firms that are part of a group pursuant Article 12(2) of Regulation (EU) 2019/2033.</p>
0110	<p>Combined total annual gross revenue</p> <p>Article 12(1), point (i) of Regulation (EU) 2019/2033.</p> <p>Where the reporting investment firm is part of a group, the value reported shall be determined on a combined basis for all investment firms that are part of a group pursuant Article 12(2) of Regulation (EU) 2019/2033.</p> <p>The value reported shall be (row 0120 + row 0130).</p>

0120	<p>Total annual gross revenue</p> <p>The value of total annual gross revenue excluding the gross revenues generated within the group pursuant Article 12(2) of Regulation (EU) 2019/2033.</p>
0130	<p>(-) Intragroup part of the annual gross revenue</p> <p>The value of the gross revenues generated within the investment firm group pursuant Article 12(2) of Regulation (EU) 2019/2033.</p>
0140	<p>Of which:revenue from reception and transmission of orders</p> <p>Article 54(1), point (d) of Regulation (EU) 2019/2033. Article 4(1), point (2) of Directive 2014/65/EU.</p>
0150	<p>Of which:revenue from execution of orders on behalf of clients</p> <p>Article 54(1), point (d) of Regulation (EU) 2019/2033. Article 4(1), point (2) of Directive 2014/65/EU.</p>
0160	<p>Of which:revenue from dealing on own account</p> <p>Article 54(1), point (d) of Regulation (EU) 2019/2033. Article 4(1), point (2) of Directive 2014/65/EU.</p>
0170	<p>Of which:revenue from portfolio management</p> <p>Article 54(1), point (d) of Regulation (EU) 2019/2033. Article 4(1), point (2) of Directive 2014/65/EU.</p>
0180	<p>Of which: revenue from investment advice</p> <p>Article 54(1), point (d) of Regulation (EU) 2019/2033. Article 4(1), point (2) of Directive 2014/65/EU.</p>
0190	<p>Of which: revenue from underwriting of financial instruments/placing on a firm commitment basis</p> <p>Article 54(1), point (d) of Regulation (EU) 2019/2033. Article 4(1), point (2) of Directive 2014/65/EU.</p>
0200	<p>Of which: revenue from placing without a firm commitment basis</p> <p>Article 54(1), point (d) of Regulation (EU) 2019/2033. Article 4(1), point (2) of Directive 2014/65/EU.</p>
0210	<p>Of which: revenue from operation of an MTF</p> <p>Article 54(1), point (d) of Regulation (EU) 2019/2033. Article 4(1), point (2) of Directive 2014/65/EU.</p>
0220	<p>Of which: revenue from operation of an OTF</p> <p>Article 54(1), point (d) of Regulation (EU) 2019/2033. Article 4(1), point (2) of Directive 2014/65/EU.</p>
0230	<p>Of which: revenue from safekeeping and administration of financial instruments</p> <p>Article 54(1), point (d) of Regulation (EU) 2019/2033.</p>

	Article 4(1), point (3) of Directive 2014/65/EU.
0240	Of which: revenue from granting credits or loans to investors Article 54(1), point (d) of Regulation (EU) 2019/2033. Article 4(1), point (3) of Directive 2014/65/EU.
0250	Of which: revenue from advice to undertakings on capital structure, industrial strategy and related matters and advice and services relating to mergers and the purchase of undertakings Article 54(1), point (d) of Regulation (EU) 2019/2033. Article 4(1), point (3) of Directive 2014/65/EU.
0260	Of which: revenue from foreign exchange services Article 54(1), point (d) of Regulation (EU) 2019/2033. Article 4(1), point (3) of Directive 2014/65/EU.
0270	Of which: investment research and financial analysis Article 54(1), point (d) of Regulation (EU) 2019/2033. Article 4(1), point (3) of Directive 2014/65/EU.
0280	Of which: revenue from services related to underwriting Article 54(1), point (d) of Regulation (EU) 2019/2033. Article 4(1), point (3) of Directive 2014/65/EU.
0290	Of which: investment services and ancillary activities related with the underlying of derivatives Article 54(1), point (d) of Regulation (EU) 2019/2033. Article 4(1), point (3) of Directive 2014/65/EU.

3. LIQUIDITY REQUIREMENTS

3.1 I 09.01 – LIQUIDITY REQUIREMENTS (I 9.1)

3.1.1. Instructions concerning specific positions

Row	Legal references and instructions
0010	Liquidity Requirement Article 43(1) of Regulation (EU) 2019/2033.
0020	Client guarantees Article 45 of Regulation (EU) 2019/2033. The value reported shall be the 1,6 % of the total amount of guarantees provided to the clients pursuant Article 45 of Regulation (EU) 2019/2033.
0030	Total liquid assets Point (a) of Article 43(1) and Article 43(2) of Regulation (EU) 2019/2033. Total liquid assets shall be reported after application of relevant haircuts.

ANNEX V

Part I: Single Data Point Model

All data items set out in the Annexes to this Regulation shall be transformed into a single data point model, which is the basis for uniform IT systems of institutions and competent authorities.

The single data point model shall meet the following criteria:

- (a) it provides a structured representation of all data items set out in Annex I, III and VIII;
- (b) it identifies all the business concepts set out in Annexes I to IV and VIII to IX;
- (c) it provides a data dictionary identifying table labels, ordinate labels, axis labels, domain labels, dimension labels and member labels;
- (d) it provides metrics, which define the property or amount of data points;
- (e) it provides data point definitions that are expressed as a composition of characteristics that univocally identify the concept;
- (f) it contains all the relevant technical specifications necessary for developing IT reporting solutions producing uniform supervisory data.

Part II: Validation rules

The data items set out in the Annexes to this Regulation shall be subject to validation rules ensuring data quality and consistency.

The validation rules shall meet the following criteria:

- (a) they define the logical relationships between relevant data points;
 - (b) they include filters and preconditions that define a set of data to which a validation rule applies;
 - (c) they check the consistency of the reported data;
 - (d) they check the accuracy of the reported data;
 - (e) they set default values, which shall be applied where the relevant information has not been reported.
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ANNEX VI
DISCLOSURE ON OWN FUNDS TEMPLATES

INVESTMENT FIRMS DISCLOSURE			
Template number	Template code	Name	Legislative reference
		OWN FUNDS	
1	I CC1	COMPOSITION OF REGULATORY OWN FUNDS	Art 49(1)(c)
2	I CC2	OWN FUNDS RECONCILIATION WITH AUDITED FINANCIAL STATEMENTS	Art 49(1)(a)
3	I CCA	OWN FUNDS MAIN FEATURES	Art 49(1)(b)

Template EU IF CCI.01 - Composition of regulatory own funds (investment firms other than small and non-interconnected)

		(a)	(b)
		Amounts	Source based on reference numbers/letters of the balance sheet in the audited financial statements
Common Equity Tier 1 (CET1) capital: instruments and reserves			
1	OWN FUNDS		
2	TIER 1 CAPITAL		
3	COMMON EQUITY TIER 1 CAPITAL		
4	Fully paid up capital instruments		
5	Share premium		
6	Retained earnings		
7	Accumulated other comprehensive income		
8	Other reserves		
9	Minority interest given recognition in CET1 capital		
10	Adjustments to CET1 due to prudential filters		
11	Other funds		
12	(-)TOTAL DEDUCTIONS FROM COMMON EQUITY TIER 1		
13	(-) Own CET1 instruments		
14	(-) Direct holdings of CET1 instruments		
15	(-) Indirect holdings of CET1 instruments		
16	(-) Synthetic holdings of CET1 instruments		
17	(-) Losses for the current financial year		
18	(-) Goodwill		
19	(-) Other intangible assets		
20	(-) Deferred tax assets that rely on future profitability and do not arise from temporary differences net of associated tax liabilities		
21	(-) Qualifying holding outside the financial sector which exceeds 15% of own funds		
22	(-) Total qualifying holdings in undertaking other than financial sector entities which exceeds 60% of its own funds		
23	(-) CET1 instruments of financial sector entities where the institution does not have a significant investment		
24	(-) CET1 instruments of financial sector entities where the institution has a significant investment		
25	(-)Defined benefit pension fund assets		

26	(-) Other deductions		
27	CET1: Other capital elements, deductions and adjustments		
28	ADDITIONAL TIER 1 CAPITAL		
29	Fully paid up, directly issued capital instruments		
30	Share premium		
31	(-) TOTAL DEDUCTIONS FROM ADDITIONAL TIER 1		
32	(-) Own AT1 instruments		
33	(-) Direct holdings of AT1 instruments		
34	(-) Indirect holdings of AT1 instruments		
35	(-) Synthetic holdings of AT1 instruments		
36	(-) AT1 instruments of financial sector entities where the institution does not have a significant investment		
37	(-) AT1 instruments of financial sector entities where the institution has a significant investment		
38	(-) Other deductions		
39	Additional Tier 1: Other capital elements, deductions and adjustments		
40	TIER 2 CAPITAL		
41	Fully paid up, directly issued capital instruments		
42	Share premium		
43	(-) TOTAL DEDUCTIONS FROM TIER 2		
44	(-) Own T2 instruments		
45	(-) Direct holdings of T2 instruments		
46	(-) Indirect holdings of T2 instruments		
47	(-) Synthetic holdings of T2 instruments		
48	(-) T2 instruments of financial sector entities where the institution does not have a significant investment		
49	(-) T2 instruments of financial sector entities where the institution has a significant investment		
50	Tier 2: Other capital elements, deductions and adjustments		

Template EU IF CCI.02 - Composition of regulatory own funds (Small and non-interconnected investment firms)

		(a)	(b)
		Amounts	Source based on reference numbers/letters of the balance sheet in the audited financial statements
Common Equity Tier 1 (CET1) capital: instruments and reserves			
1	OWN FUNDS		
2	TIER 1 CAPITAL		
3	COMMON EQUITY TIER 1 CAPITAL		
4	Fully paid up capital instruments		
5	Share premium		
6	Retained earnings		
7	Accumulated other comprehensive income		
8	Other reserves		
9	Adjustments to CET1 due to prudential filters		
10	Other funds		
11	(-)TOTAL DEDUCTIONS FROM COMMON EQUITY TIER 1		
12	(-) Losses for the current financial year		
13	(-) Goodwill		
14	(-) Other intangible assets		
15	(-) Deferred tax assets that rely on future profitability and do not arise from temporary differences net of associated tax liabilities		
16	(-) Qualifying holding outside the financial sector which exceeds 15% of own funds		
17	(-) Total qualifying holdings in undertaking other than financial sector entities which exceeds 60% of its own funds		
18	(-) Other deductions		
19	CET1: Other capital elements, deductions and adjustments		
20	ADDITIONAL TIER 1 CAPITAL		
21	Fully paid up, directly issued capital instruments		
22	Share premium		
23	(-) TOTAL DEDUCTIONS FROM ADDITIONAL TIER 1		
24	Additional Tier 1: Other capital elements, deductions and adjustments		

25	TIER 2 CAPITAL		
26	Fully paid up, directly issued capital instruments		
27	Share premium		
28	(-) TOTAL DEDUCTIONS FROM TIER 2		
29	Tier 2: Other capital elements, deductions and adjustments		

Template EU IF CC1.03 - Composition of regulatory own funds (Group capital test)

		(a)	(b)
		Amounts	Source based on reference numbers/letters of the balance sheet in the audited financial statements
Common Equity Tier 1 (CET1) capital: instruments and reserves			
1	OWN FUNDS		
2	TIER 1 CAPITAL		
3	COMMON EQUITY TIER 1 CAPITAL		
4	Fully paid up capital instruments		
5	Share premium		
6	Retained earnings		
7	Previous years retained earnings		
8	Profit or loss eligible		
9	Accumulated other comprehensive income		
10	Other reserves		
11	Adjustments to CET1 due to prudential filters		
12	Other funds		
13	(-)TOTAL DEDUCTIONS FROM COMMON EQUITY TIER 1		
14	(-) Own CET1 instruments		
15	(-) Losses for the current financial year		
16	(-) Goodwill		
17	(-) Other intangible assets		

18	(-) Deferred tax assets that rely on future profitability and do not arise from temporary differences net of associated tax liabilities		
19	(-) Qualifying holding outside the financial sector which exceeds 15% of own funds		
20	(-) Total qualifying holdings in undertaking other than financial sector entities which exceeds 60% of its own funds		
21	(-) CET1 instruments of financial sector entities where the institution does not have a significant investment		
22	(-) Defined benefit pension fund assets		
23	(-) Other deductions		
24	CET1: Other capital elements, deductions and adjustments		
25	ADDITIONAL TIER 1 CAPITAL		
26	Fully paid up, directly issued capital instruments		
27	Share premium		
28	(-) TOTAL DEDUCTIONS FROM ADDITIONAL TIER 1		
29	(-) Own AT1 instruments		
30	(-) AT1 instruments of financial sector entities where the institution does not have a significant investment		
31	(-) Other deductions		
32	Additional Tier 1: Other capital elements, deductions and adjustments		
33	TIER 2 CAPITAL		
34	Fully paid up, directly issued capital instruments		
35	Share premium		
36	(-) TOTAL DEDUCTIONS FROM TIER 2		
37	(-) Own T2 instruments		
38	(-) T2 instruments of financial sector entities where the institution does not have a significant investment		
39	Tier 2: Other capital elements, deductions and adjustments		

Template EU ICC2: Own funds: reconciliation of regulatory own funds to balance sheet in the audited financial statements

Flexible template.

Rows have to be reported in line with the balance sheet included in the audited financial statements of the investment firm.

Columns shall be kept fixed, unless the investment firm has the same accounting and regulatory scope of consolidation, in which case the volumes have to be entered in column (a) only.

		a	b	c
		Balance sheet as in published/ audited financial statements	Under regulatory scope of consolidation	Cross reference to EU IF CC1
		As at period end	As at period end	
Assets - Breakdown by asset classes according to the balance sheet in the published/audited financial statements				
1				
2				
3				
4				
5				
xxx	Total Assets			
Liabilities - Breakdown by liability classes according to the balance sheet in the published/audited financial statements				
1				
2				
3				
4				
xxx	Total Liabilities			
Shareholders' Equity				
1				
2				
3				
xxx	Total Shareholders' equity			

Template EU I CCA: Own funds: main features of own instruments issued by the firm

		a
		<i>Free text</i>
1	Issuer	
2	Unique identifier (e.g. CUSIP, ISIN or Bloomberg identifier for private placement)	
3	Public or private placement	
4	Governing law(s) of the instrument	
5	Instrument type (types to be specified by each jurisdiction)	
6	Amount recognised in regulatory capital (Currency in million, as of most recent reporting date)	
7	Nominal amount of instrument	
8	Issue price	
9	Redemption price	
10	Accounting classification	
11	Original date of issuance	
12	Perpetual or dated	
13	Original maturity date	
14	Issuer call subject to prior supervisory approval	
15	Optional call date, contingent call dates and redemption amount	
16	Subsequent call dates, if applicable	
	<i>Coupons / dividends</i>	
17	Fixed or floating dividend/coupon	
18	Coupon rate and any related index	
19	Existence of a dividend stopper	
20	Fully discretionary, partially discretionary or mandatory (in terms of timing)	
21	Fully discretionary, partially discretionary or mandatory (in terms of amount)	
22	Existence of step up or other incentive to redeem	
23	Noncumulative or cumulative	
24	Convertible or non-convertible	
25	If convertible, conversion trigger(s)	
26	If convertible, fully or partially	
27	If convertible, conversion rate	
28	If convertible, mandatory or optional conversion	
29	If convertible, specify instrument type convertible into	
30	If convertible, specify issuer of instrument it converts into	
31	Write-down features	
32	If write-down, write-down trigger(s)	
33	If write-down, full or partial	
34	If write-down, permanent or temporary	
35	If temporary write-down, description of write-up mechanism	
36	Non-compliant transitioned features	
37	If yes, specify non-compliant features	
38	Link to the full term and conditions of the instrument (signposting)	

(1) Insert 'N/A' if the question is not applicable

ANNEX VII

INSTRUCTIONS FOR OWN FUNDS DISCLOSURE TEMPLATES

Template EU I CC1.01, EU I CC1.02 and EU I CC1.03 – Composition of regulatory own funds

1. Investment firms shall apply the instructions provided in this Annex in order to complete template EU I CC1 as presented in Annex VI according to Article 49(1), points (a), and (c), of Regulation (EU) 2019/2033.
2. Investment firms shall complete column (b) to explain the source of every major input, which is to be cross-referenced to the corresponding rows in Template EU I CC2.
3. Investment firms shall include in the narrative accompanying the template a description of all restrictions applied to the calculation of own funds in accordance with Article 49(1) point (c), of Regulation (EU) 2019/2033 and the instruments and deductions to which those restrictions apply. They shall also explain the main changes in the amounts disclosed compared with previous disclosure periods.
4. This template is fixed, and investment firms shall disclose it with exactly the same format provided in Annex VI.
5. Investment firms other than small and non-interconnected shall disclose the information on composition of own funds in accordance with Template EU I CC1.01 in Annex VI. Small and non-interconnected investment firms with Additional Tier 1 instruments issuances shall disclose the information on composition of own funds in accordance with Template EU I CC1.02 also in Annex VI.

Template EU I CC1.01 – Composition of regulatory own funds (Investment firms other than small and non-interconnected)

Legal references and instructions	
Row	Legal references and instructions
1	<p>Own funds</p> <p>Article 9(1) of Regulation (EU) 2019/2033.</p> <p>The own funds of an investment firm shall consist of the sum of its Common equity Tier 1 Capital, Additional Tier 1 Capital and Tier 2 Capital.</p> <p>This row is the sum of rows 2 and 40.</p>
2	<p>Tier 1 capital</p> <p>The Tier 1 capital is the sum of Common Equity Tier 1 Capital and Additional Tier 1 capital.</p> <p>This row is the sum of rows 3 and 28.</p>
3	<p>Common Equity Tier 1 capital</p> <p>Article 9(1) of Regulation (EU) 2019/2033.</p> <p>Article 50 of Regulation (EU) No 575/2013.</p> <p>The total sum of rows 4 to 12 and 27 shall be disclosed.</p>
4	<p>Fully paid up capital instruments</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033.</p> <p>Article 26(1), point (a), and Articles 27 to 31 of Regulation (EU) No 575/2013</p> <p>Capital instruments of mutual, cooperative societies or similar institutions Articles 27 and 29 of Regulation (EU) No 575/2013 shall be included.</p> <p>The share premium related to the instruments shall not be included.</p>

	Capital instruments subscribed by public authorities in emergency situations shall be included if all conditions of Article 31 of Regulation (EU) No 575/2013 are fulfilled.
5	<p>Share premium</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 26(1), point (b), of Regulation (EU) No 575/2013. Share premium has the same meaning as under the applicable accounting standard. The amount to be disclosed in this item shall be the part related to the "Paid up capital instruments".</p>
6	<p>Retained earnings</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 26(1), point (c), of Regulation (EU) No 575/2013. Retained earnings shall include the previous year retained earnings plus the eligible interim or year-end profits</p>
7	<p>Accumulated other comprehensive income</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 26(1), point (d), of Regulation (EU) No 575/2013.</p>
8	<p>Other reserves</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 4(1), point (117), and Article 26(1), point (e) of Regulation (EU) No 575/2013. The amount to be disclosed shall be net of any tax charge foreseeable at the moment of the calculation.</p>
9	<p>Minority interest given recognition in CET1 capital</p> <p>Sum of all the amounts of minority interests of subsidiaries included in consolidated CET1.</p>
10	<p>Adjustments to CET1 due to prudential filters</p> <p>Article 9(1) point (i), of Regulation (EU) 2019/2033. Articles 32 to 35 of Regulation (EU) No 575/2013.</p>
11	<p>Other funds</p> <p>Article 9(4) of Regulation (EU) 2019/2033.</p>
12	<p>(-)TOTAL DEDUCTIONS FROM COMMON EQUITY TIER 1</p> <p>The total sum of row 13 and rows 17 to 26 shall be disclosed.</p>
13	<p>(-) Own CET1 instruments</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 36(1), point (f), and Article 42 of Regulation (EU) No 575/2013. Own CET1 held by the reporting institution or group at the reporting date. Subject to exceptions in Article 42 of Regulation (EU) No 575/2013. Holdings on shares included as "Capital instruments not eligible" shall not be disclosed in this row.</p>

	The amount to be disclosed shall include the share premium related to the own shares.
14	<p>(-) Direct holdings of CET1 instruments</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 36(1), point (f), and Article 42 of Regulation (EU) No 575/2013. Common Equity Tier 1 instruments held by the investment firm.</p>
15	<p>(-) Indirect holdings of CET1 instruments</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 36(1), point (f), and Article 42 of Regulation (EU) No 575/2013. Common Equity Tier 1 instruments held by the investment firm.</p>
16	<p>(-) Synthetic holdings of CET1 instruments</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 4(1), Point (114), Article 36(1), point (f), and Article 42 of Regulation (EU) No 575/2013.</p>
17	<p>(-) Losses for the current financial year</p> <p>Article 36(1) point (a), of Regulation (EU) No 575/2013.</p>
18	<p>(-) Goodwill</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 4(1), point (113), Article 36(1), point (b), and Article 37 of Regulation (EU) No 575/2013.</p>
19	<p>(-) Other intangible assets</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 4(1), point (115), Article 36(1), point (b), and Article 37 point (a), of Regulation (EU) No 575/2013. Other intangible assets shall include intangibles assets under the applicable accounting standard, minus the goodwill, also according to the applicable accounting standard.</p>
20	<p>(-) Deferred tax assets that rely on future profitability and do not arise from temporary differences net of associated tax liabilities</p> <p>Article 9(2), point (a), of Regulation (EU) 2019/2033. Article 36(1), point (c), of Regulation (EU) No 575/2013.</p>
21	<p>(-) Qualifying holding outside the financial sector which exceeds 15 % of own funds</p> <p>Article 10(1), point (a), of Regulation (EU) 2019/2033.</p>
22	<p>(-) Total qualifying holdings in undertaking other than financial sector entities which exceeds 60 % of its own funds</p> <p>Article 10(1), point (b), of Regulation (EU) 2019/2033.</p>

23	<p>(-) CET1 instruments of financial sector entities where the institution does not have a significant investment</p> <p>Article 9(2), point (c), of Regulation (EU) 2019/2033. Article 36(1), point (h), of Regulation (EU) No 575/2013.</p>
24	<p>(-) CET1 instruments of financial sector entities where the institution has a significant investment</p> <p>Article 9(2), point (d), of Regulation (EU) 2019/2033. Article 36(1), point (i), of Regulation (EU) No 575/2013.</p>
25	<p>(-) Defined benefit pension fund assets</p> <p>Article 9(2), point (b), of Regulation (EU) 2019/2033. Article 36(1), point (e), of Regulation (EU) No 575/2013.</p>
26	<p>(-) Other deductions</p> <p>The sum of any other deductions listed in Article 36(1) of Regulation (EU) No 575/2013.</p>
27	<p>CET1: Other capital elements, deductions and adjustments</p> <p>This row shall include the sum of the following items, where applicable:</p> <ul style="list-style-type: none"> — Transitional adjustments due to grandfathered CET1 Capital instruments (Article 483, paragraphs 1, 2 and 3 and Articles 484 to 487 of Regulation (EU) No 575/2013). — Transitional adjustments due to additional minority interests (Articles 479 and 480 of Regulation (EU) No 575/2013). — Other transitional adjustments to CET1 Capital (Articles 469 to 478 and 481 of Regulation (EU) No 575/2013): adjustments to the deductions from CET1 due to transitional provisions. — Other CET1 capital elements or deductions from a CET1 element that cannot be assigned to one of the rows 4 to 26. <p>This row shall not be used to include capital items or deductions which are not covered by Regulation (EU) 2019/2033 or Regulation (EU) No 575/2013 in the calculation of the solvency ratios.</p>
28	<p>ADDITIONAL TIER 1 CAPITAL</p> <p>Article 9, point (1), of Regulation (EU) 2019/2033. Article 61 of Regulation (EU) No 575/2013. The total sum of rows 29 to 31 and 39 shall be disclosed.</p>
29	<p>Fully paid up, directly issued capital instruments</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 51, point (a), of and Articles 52, 53, and 54 of Regulation (EU) No 575/2013. The amount to be disclosed shall not include the share premium related to the instruments.</p>
30	<p>Share premium</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 51, point (b), of Regulation (EU) No 575/2013. Share premium has the same meaning as under the applicable accounting standard.</p>

	The amount to be disclosed in this item shall be the part related to the "Paid up capital instruments".
31	<p>(-) TOTAL DEDUCTIONS FROM ADDITIONAL TIER 1</p> <p>Article 56 of Regulation (EU) No 575/2013.</p> <p>The total sum of rows 32 and 36 to 38 shall be disclosed.</p>
32	<p>(-) Own AT1 instruments</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033.</p> <p>Article 52(1), point (b), Article 56, point (a), and Article 57 of Regulation (EU) No 575/2013.</p> <p>Own AT1 instruments held by the investment firm at the reporting date. Subject to exceptions in Article 57 of Regulation (EU) No 575/2013.</p> <p>The amount to be disclosed shall include the share premium related to the own shares.</p>
33	<p>(-) Direct holdings of AT1 instruments</p> <p>Article 9(2), point (c), of Regulation (EU) 2019/2033.</p> <p>Article 56, point (a), of Regulation (EU) No 575/2013.</p>
34	<p>(-) Indirect holdings of AT1 instruments</p> <p>Article 9(2), point (c), of Regulation (EU) 2019/2033.</p> <p>Article 56, point (a), of Regulation (EU) No 575/2013.</p>
35	<p>(-) Synthetic holdings of AT1 instruments</p> <p>Article 9(2), point (c), of Regulation (EU) 2019/2033.</p> <p>Article 56, point (a), of Regulation (EU) No 575/2013.</p>
36	<p>(-) AT1 instruments of financial sector entities where the institution does not have a significant investment</p> <p>Article 9(2), point (c), of Regulation (EU) 2019/2033.</p> <p>Article 56, point (c), of Regulation (EU) No 575/2013.</p>
37	<p>(-) AT1 instruments of financial sector entities where the institution has a significant investment</p> <p>Article 9(2), point (c), of Regulation (EU) 2019/2033.</p> <p>Article 56, point (d), of Regulation (EU) No 575/2013.</p>
38	<p>(-) Other deductions</p> <p>The sum of all other deductions in accordance with Article 56 of Regulation (EU) No 575/2013 that are not included in any of the rows above.</p>
39	<p>Additional Tier 1: Other capital elements, deductions and adjustments</p> <p>This row shall include the sum of the following items, where applicable:</p> <ul style="list-style-type: none"> — Transitional adjustments due to grandfathered AT1 Capital instruments (Article 483, paragraphs 4 and 5, Articles 484 to 487, Articles 489 and 491 of Regulation (EU) No 575/2013).

	<ul style="list-style-type: none"> — Instruments issued by subsidiaries that are given recognition in AT1 Capital (Articles 83, 85 and 86 of Regulation (EU) No 575/2013): Sum of all the amounts of qualifying T1 capital of subsidiaries that is included in consolidated AT1, also including capital issued by a special purpose entity (Article 83 of Regulation (EU) No 575/2013). — Transitional adjustments due to additional recognition in AT1 Capital of instruments issued by subsidiaries (Article 480 of Regulation (EU) No 575/2013) adjustments to the qualifying T1 capital included in consolidated AT1 capital due to transitional provisions. — Other transitional adjustments to AT1 Capital (Articles 472, 473a, 474, 475, 478 and 481 of Regulation (EU) No 575/2013): adjustments to deductions due to transitional provisions. — Excess of deduction from AT1 items over AT1 Capital, deducted from CET1 in accordance with Article 36(1), point (j), of Regulation (EU) No 575/2013: Additional Tier 1 cannot be negative, but it is possible that the deductions from AT1 items exceed the amount of available AT1 items. Where this happens, this item represents the amount needed to increase the amount reported in row 28 to zero and equals the inverse of the excess of deductions from AT1 items over AT1 Capital included, among other deductions, in row 38. — Other AT1 capital elements or deductions from AT1 element that cannot be assigned to one of the rows 29 to 38. <p>This row shall not be used to include capital items or deductions which are not covered by the Regulation (EU) 2019/2033 or Regulation (EU) No 575/2013 in the calculation of the solvency ratios.</p>
40	<p>TIER 2 CAPITAL</p> <p>Article 9(2) of Regulation (EU) 2019/2033.</p> <p>Article 71 of Regulation (EU) No 575/2013.</p> <p>The total sum of rows 41 to 43 and 50 shall be disclosed.</p>
41	<p>Fully paid up, directly issued capital instruments</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033.</p> <p>Article 62, point (a), Articles 63 and 65 of Regulation (EU) No 575/2013.</p> <p>The amount to be disclosed shall not include the share premium related to the instruments.</p>
42	<p>Share premium</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033.</p> <p>Article 62, point (b), and Article 65 of Regulation (EU) No 575/2013.</p> <p>Share premium has the same meaning as under the applicable accounting standard.</p> <p>The amount to be disclosed in this item shall be the part related to the "Paid up capital instruments".</p>
43	<p>(-) TOTAL DEDUCTIONS FROM TIER 2</p> <p>Article 66 of Regulation (EU) No 575/2013.</p>
44	<p>(-) Own T2 instruments</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033.</p> <p>Article 63, point (b)(i), Article 66 point (a), and Article 67 of Regulation (EU) No 575/2013.</p> <p>Own T2 instruments held by the reporting institution or group at the reporting date. Subject to exceptions in Article 67 of Regulation (EU) No 575/2013.</p>

	<p>Holdings on shares included as "Capital instruments not eligible" shall not be disclosed in this row.</p> <p>The amount to be disclosed shall include the share premium related to the own shares.</p>
45	<p>(-) Direct holdings of T2 instruments</p> <p>Article 63, point (b), Article 66 point (a), and Article 67 of Regulation (EU) No 575/2013.</p>
46	<p>(-) Indirect holdings of T2 instruments</p> <p>Article 4(1), point (114), Article 63 of point (b), Article 66, point (a), and Article 67 of Regulation (EU) No 575/2013.</p>
47	<p>(-) Synthetic holdings of T2 instruments</p> <p>Article 4(1), point (126), Article 63, point (b), Article 66, point (a), and Article 67 of Regulation (EU) No 575/2013.</p>
48	<p>(-) T2 instruments of financial sector entities where the institution does not have a significant investment</p> <p>Article 9(2), point (c), of Regulation (EU) 2019/2033.</p> <p>Article 66, point (c), of Regulation (EU) No 575/2013.</p>
49	<p>(-) T2 instruments of financial sector entities where the institution has a significant investment</p> <p>Article 4(1), point (27), Article 66, point (d), Articles 68, 69 and Article 79 of Regulation (EU) No 575/2013.</p> <p>Holdings by the institution of T2 instruments of financial sector entities (as defined in Article 4(1), point (27), of Regulation (EU) No 575/2013) where the investment firm has a significant investment shall be completely deducted.</p>
50	<p>Tier 2: Other capital elements, deductions and adjustments</p> <p>This row shall include the sum of the following items, where applicable:</p> <ul style="list-style-type: none"> — Transitional adjustments due to grandfathered T2 Capital instruments (Article 483, paragraphs 6 and 7, Articles 484, 486, 488, 490 and 491 of Regulation (EU) No 575/2013). — Instruments issued by subsidiaries that are given recognition in T2 Capital (Articles 83, 87 and 88 of Regulation (EU) No 575/2013): Sum of all the amounts of qualifying own funds of subsidiaries that is included in consolidated T2, also including qualifying Tier 2 capital issued by a special purpose entity (Article 83 of Regulation (EU) No 575/2013). — Transitional adjustments due to additional recognition in T2 Capital of instruments issued by subsidiaries (Article 480 of Regulation (EU) No 575/2013): Adjustments to the qualifying own funds included in consolidated T2 capital due to transitional provisions. — Other transitional adjustments to T2 Capital (Articles 472, 473a, 476, 477, 478 and 481 of Regulation (EU) No 575/2013): Adjustments to the deductions from Tier 2 due to transitional provisions. — Excess of deduction from T2 items over T2 Capital, deducted from AT1 in accordance with Article 56 of Regulation (EU) No 575/2013, point (e): Tier 2 cannot be negative, but it is possible that the deductions from T2 items exceed the amount of available T2 items. Where this happens, this item represents the amount needed to increase the amount reported in row 40 to zero.

	<p>— Other T2 capital elements or deductions from a T2 element that cannot be assigned to one of the rows 41 to 49.</p> <p>This row shall not be used to include capital items or deductions which are not covered by Regulation (EU) 2019/2033 or Regulation (EU) No 575/2013 in the calculation of the solvency ratios.</p>
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Template EU I CC1.02 – Composition of regulatory own funds (Small and non-interconnected investment firms)

Legal references and instructions	
Row	Legal references and instructions
1	<p>Own funds</p> <p>Article 9(1) of Regulation (EU) 2019/2033.</p> <p>The own funds of an investment firm shall consist of the sum of its Common equity Tier 1 Capital, Additional Tier 1 Capital and Tier 2 Capital.</p> <p>The total sum of rows 2 and 25 shall be disclosed.</p>
2	<p>Tier 1 capital</p> <p>The Tier 1 capital is the sum of Common Equity Tier 1 Capital and Additional Tier 1 capital.</p> <p>The total sum of rows 3 and 20 shall be disclosed.</p>
3	<p>Common Equity Tier 1 capital</p> <p>Article 9(1) of Regulation (EU) 2019/2033.</p> <p>Article 50 of Regulation (EU) No 575/2013.</p> <p>The total sum of rows 4 to 11 and 19 shall be disclosed.</p>
4	<p>Fully paid up capital instruments</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033.</p> <p>Article 26(1), point (a), and Articles 27 to 31 of Regulation (EU) No 575/2013.</p> <p>Capital instruments of mutual, cooperative societies or similar institutions (Articles 27 and 29 of Regulation (EU) No 575/2013) shall be included.</p> <p>The share premium related to the instruments shall not be included.</p> <p>Capital instruments subscribed by public authorities in emergency situations shall be included if all conditions of Article 31 of Regulation (EU) No 575/2013 are fulfilled.</p>
5	<p>Share premium</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033.</p> <p>Article 26(1), point (b), of Regulation (EU) No 575/2013.</p> <p>Share premium has the same meaning as under the applicable accounting standard.</p> <p>The amount to be disclosed in this item shall be the part related to the "Paid up capital instruments".</p>

6	<p>Retained earnings</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 26(1), point (c), of Regulation (EU) No 575/2013.</p> <p>Retained earnings includes the previous year retained earnings plus the eligible interim or year-end profits.</p>
7	<p>Accumulated other comprehensive income</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 26(1), point (d), of Regulation (EU) No 575/2013.</p>
8	<p>Other reserves</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 4(1), point (117), and Article 26(1), point (e), of Regulation (EU) No 575/2013.</p> <p>The amount to be disclosed shall be net of any tax charge foreseeable at the moment of the calculation.</p>
9	<p>Adjustments to CET1 due to prudential filters</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Articles 32 to 35 of Regulation (EU) No 575/2013.</p>
10	<p>Other funds</p> <p>Article 9(4) of Regulation (EU) 2019/2033.</p>
11	<p>(-)TOTAL DEDUCTIONS FROM COMMON EQUITY TIER 1</p> <p>The total sum of rows 12 to 18 shall be disclosed.</p>
12	<p>(-) Losses for the current financial year</p> <p>Article 36(1) point (a), of Regulation (EU) No 575/2013.</p>
13	<p>(-) Goodwill</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 4(1), point (113), Article 36(1), point (b), and Article 37 of Regulation (EU) No 575/2013.</p>
14	<p>(-) Other intangible assets</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 4(1), point (115), Article 36(1), point (b), and Article 37, point (a), of Regulation (EU) No 575/2013.</p> <p>Other intangible assets are the intangibles assets under the applicable accounting standard, minus the goodwill, also according to the applicable accounting standard.</p>
15	<p>(-) Deferred tax assets that rely on future profitability and do not arise from temporary differences net of associated tax liabilities</p> <p>Article 9(2), point (a), of Regulation (EU) 2019/2033. Article 36(1), point (c), of Regulation (EU) No 575/2013.</p>
16	<p>(-) Qualifying holding outside the financial sector which exceeds 15 % of own funds</p> <p>Article 10(1), point (a), of Regulation (EU) 2019/2033.</p>

17	<p>(-) Total qualifying holdings in undertaking other than financial sector entities which exceeds 60 % of its own funds</p> <p>Article 10(1), point (a), of Regulation (EU) 2019/2033.</p>
18	<p>(-) Other deductions</p> <p>The sum of any other deductions listed in Article 36(1) of Regulation (EU) No 575/2013.</p>
19	<p>CET1: Other capital elements, deductions and adjustments</p> <p>This row shall include the sum of the following items, where applicable:</p> <ul style="list-style-type: none"> — Transitional adjustments due to grandfathered CET1 Capital instruments (Article 483, paragraphs 1, 2 and 3 and Articles 484 to 487 of Regulation (EU) No 575/2013). — Transitional adjustments due to additional minority interests (Articles 479 and 480 of Regulation (EU) No 575/2013). — Other transitional adjustments to CET1 Capital (Articles 469 to 478 and 481 of Regulation (EU) No 575/2013): adjustments to the deductions from CET1 due to transitional provisions. — Other CET1 capital elements or deductions from a CET1 element that cannot be assigned to one of the rows 4 to 18. <p>This row shall not be used to include capital items or deductions which are not covered by Regulation (EU) 2019/2033 or Regulation (EU) No 575/2013 in the calculation of the solvency ratios.</p>
20	<p>ADDITIONAL TIER 1 CAPITAL</p> <p>Article 9(1) of Regulation (EU) 2019/2033.</p> <p>Article 61 of Regulation (EU) No 575/2013.</p> <p>The total sum of rows 21 to 24 shall be disclosed.</p>
21	<p>Fully paid up, directly issued capital</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033.</p> <p>Article 51, point (a), and Articles 52, 53 and 54 of Regulation (EU) No 575/2013.</p> <p>The amount to be disclosed shall not include the share premium related to the instruments.</p>
22	<p>Share premium</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033.</p> <p>Article 51, point (b), of Regulation (EU) No 575/2013.</p> <p>Share premium has the same meaning as under the applicable accounting standard.</p> <p>The amount to be disclosed in this item shall be the part related to the "Paid up capital instruments".</p>
23	<p>(-) TOTAL DEDUCTIONS FROM ADDITIONAL TIER 1</p> <p>Article 56 of Regulation (EU) No 575/2013.</p>
24	<p>Additional Tier 1: Other capital elements, deductions and adjustments</p> <p>This row shall include the sum of the following items, where applicable:</p>

	<ul style="list-style-type: none"> — Transitional adjustments due to grandfathered AT1 Capital instruments (Article 483, paragraphs 4 and 5, Articles 484 to 487, Articles 489 and 491 of Regulation (EU) No 575/2013). — Instruments issued by subsidiaries that are given recognition in AT1 Capital (Articles 83, 85 and 86 of Regulation (EU) No 575/2013): Sum of all the amounts of qualifying T1 capital of subsidiaries that is included in consolidated AT1, also including capital issued by a special purpose entity (Article 83 of Regulation (EU) No 575/2013). — Transitional adjustments due to additional recognition in AT1 Capital of instruments issued by subsidiaries (Article 480 of Regulation (EU) No 575/2013) adjustments to the qualifying T1 capital included in consolidated AT1 capital due to transitional provisions — Other transitional adjustments to AT1 Capital (Articles 472, 473a, 474, 475, 478 and 481 of Regulation (EU) No 575/2013): adjustments to deductions due to transitional provisions. — Excess of deduction from AT1 items over AT1 Capital, deducted from CET1 in accordance with Article 36(1), point (j), of Regulation (EU) No 575/2013: Additional Tier 1 cannot be negative, but it is possible that the deductions from AT1 items exceed the amount of available AT1 items. Where this happens, this item represents the amount needed to increase the amount reported in row 20 to zero and equals the inverse of the excess of deductions from AT1 items over AT1 Capital included, among other deductions, in row 18. — Other AT1 capital elements or deductions from an AT1 element that cannot be assigned to one of the rows 21 to 23. <p>This row shall not be used to include capital items or deductions which are not covered by Regulation (EU) 2019/2033 or Regulation (EU) No 575/2013 in the calculation of the solvency ratios.</p>
25	<p>TIER 2 CAPITAL</p> <p>Article 9(1) of Regulation (EU) 2019/2033.</p> <p>Article 71 of Regulation (EU) No 575/2013.</p> <p>The total sum of rows 26 to 29 shall be disclosed.</p>
26	<p>Fully paid up, directly issued capital instruments</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033.</p> <p>Article 62, point (a), Articles 63 and 65 of Regulation (EU) No 575/2013.</p> <p>The amount to be disclosed shall not include the share premium related to the instruments.</p>
27	<p>Share premium</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033.</p> <p>Article 62, point (b) and Article 65 of Regulation (EU) No 575/2013.</p> <p>Share premium has the same meaning as under the applicable accounting standard.</p> <p>The amount to be disclosed in this item shall be the part related to the "Paid up capital instruments".</p>
29	<p>(-) TOTAL DEDUCTIONS FROM TIER 2</p> <p>Article 66 of Regulation (EU) No 575/2013.</p>
30	<p>Tier 2: Other capital elements, deductions and adjustments</p> <p>This row shall include the sum of the following items, where applicable:</p>

	<ul style="list-style-type: none"> — Transitional adjustments due to grandfathered T2 Capital instruments (Article 483, paragraphs 6 and 7 of, Articles 484, 486, 488, 490 and 491 of Regulation (EU) No 575/2013). — Instruments issued by subsidiaries that are given recognition in T2 Capital (Articles 83, 87 and 88 of Regulation (EU) No 575/2013): Sum of all the amounts of qualifying own funds of subsidiaries that is included in consolidated T2, also including qualifying Tier 2 capital issued by a special purpose entity (Article 83 of Regulation (EU) No 575/2013). — Transitional adjustments due to additional recognition in T2 Capital of instruments issued by subsidiaries (Article 480 of Regulation (EU) No 575/2013): Adjustments to the qualifying own funds included in consolidated T2 capital due to transitional provisions. — Other transitional adjustments to T2 Capital (Articles 472, 473a, 476, 477, 478 and 481 of Regulation (EU) No 575/2013): Adjustments to the deductions from Tier 2 due to transitional provisions. — Excess of deduction from T2 items over T2 Capital, deducted from AT1 in accordance with Article 56, point (e), of Regulation (EU) No 575/2013: Tier 2 cannot be negative, but it is possible that the deductions from T2 items exceed the amount of available T2 items. Where this happens, this item represents the amount needed to increase the amount reported in row 25 to zero. — Other T2 capital elements or deductions from a T2 element that cannot be assigned to one of the rows 26 to 28. <p>This row shall not be used to include capital items or deductions which are not covered by Regulation (EU) 2019/2033 or Regulation (EU) No 575/2013 in the calculation of the solvency ratios.</p>
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Template EU I CC1.03 – Composition of regulatory own funds (Group capital test)

6. Entities referred to in Article 8(3) of Regulation (EU) 2019/2033 that are benefitting from the application of that same Article shall disclose the information on composition of own funds in accordance with template EU I CC1.03 and with the following instructions.

Row	Legal references and instructions
1	<p>OWN FUNDS</p> <p>Article 9(1) of Regulation (EU) 2019/2033.</p> <p>The own funds of an investment firm shall consist of the sum of its Tier 1 capital and Tier 2 capital.</p>
2	<p>TIER 1 CAPITAL</p> <p>The Tier 1 capital is the sum of Common Equity Tier 1 Capital and Additional Tier 1 capital</p>
3	<p>COMMON EQUITY TIER 1 CAPITAL</p> <p>Article 9(1) of Regulation (EU) 2019/2033.</p> <p>Article 50 of Regulation (EU) No 575/2013.</p>
4	<p>Paid up capital instruments</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033</p> <p>Article 26(1), point (a), and Articles 27 to 31 of Regulation (EU) No 575/2013</p> <p>Capital instruments of mutual, cooperative societies or similar institutions (Articles 27 and 29 of Regulation (EU) No 575/2013) shall be included.</p> <p>The share premium related to the instruments shall not be included.</p>

	<p>Capital instruments subscribed by public authorities in emergency situations shall be included if all conditions of Article 31 of Regulation (EU) No 575/2013 are fulfilled.</p>
5	<p>Share premium</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 26(1), point (b), of Regulation (EU) No 575/2013. Share premium has the same meaning as under the applicable accounting standard. The amount to be disclosed in this item shall be the part related to the "Paid up capital instruments".</p>
6	<p>Retained earnings</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 26(1), point (c), of Regulation (EU) No 575/2013. Retained earnings includes the previous year retained earnings plus the eligible interim or year-end profits</p>
7	<p>Previous years retained earnings</p> <p>Article 4(1), point (123), and Article 26(1), point (c), of Regulation (EU) No 575/2013. Article 4(1), point (123), of Regulation (EU) No 575/2013 defines retained earnings as "Profit and losses brought forward as a result of the final application of profit or loss under the applicable accounting framework".</p>
8	<p>Profit or loss eligible</p> <p>Article 4(1), point (121), Article 26(2) and Article 36(1), point (a), of Regulation (EU) No 575/2013. Article 26(2) of Regulation (EU) No 575/2013 allows including as retained earnings interim or year-end profits, with the prior consent of the competent authorities, if some conditions are met. On the other hand, losses shall be deducted from CET1, as stated in Article 36(1), point (a), of Regulation (EU) No 575/2013.</p>
9	<p>Accumulated other comprehensive income</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 26(1), point (d), of Regulation (EU) No 575/2013.</p>
10	<p>Other reserves</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033 Article 4(1), point (117), and Article 26(1), point (e), of Regulation (EU) No 575/2013. The amount to be disclosed shall be net of any tax charge foreseeable at the moment of the calculation.</p>
11	<p>Adjustments to CET1 due to prudential filters</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Articles 32 to 35 of Regulation (EU) No 575/2013.</p>

12	<p>Other funds Article 9(4) of Regulation (EU) 2019/2033.</p>
13	<p>(-)TOTAL DEDUCTIONS FROM COMMON EQUITY TIER 1 The total sum of rows 14 – 23 shall be disclosed.</p>
14	<p>(-) Own CET1 instruments Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 36(1), point (f), of and Article 42 of Regulation (EU) No 575/2013. Own CET1 held by the reporting institution or group at the reporting date. Subject to exceptions in Article 42 of Regulation (EU) No 575/2013. Holdings on shares included as "Capital instruments not eligible" shall not be reported in this row. The amount to be disclosed shall include the share premium related to the own shares.</p>
15	<p>(-) Losses for the current financial year Article 36(1), point (a), of Regulation (EU) No 575/2013.</p>
16	<p>(-) Goodwill Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 4(1), point (113), Article 36(1), point (b), and Article 37 of Regulation (EU) No 575/2013.</p>
17	<p>(-) Other intangible assets Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 4(1), point (115), Article 36(1), point (b), and Article 37, point (a), of Regulation (EU) No 575/2013. Other intangible assets are the intangibles assets under the applicable accounting standard, minus the goodwill, also pursuant the applicable accounting standard.</p>
18	<p>(-) Deferred tax assets that rely on future profitability and do not arise from temporary differences net of associated tax liabilities Article 9(2), point (a), of Regulation (EU) 2019/2033. Article 36(1), point (c), of Regulation (EU) No 575/2013.</p>
19	<p>(-) Qualifying holding outside the financial sector which exceeds 15 % of own funds Article 10(1), point (a), of Regulation (EU) 2019/2033.</p>
20	<p>(-)Total qualifying holdings in undertaking other than financial sector entities which exceeds 60 % of its own funds Article 10(1), point (b), of Regulation (EU) 2019/2033.</p>
21	<p>(-) CET1 instruments of financial sector entities where the institution does not have a significant investment Article 9(2), point (c), of Regulation (EU) 2019/2033. Article 36(1), point (h), of Regulation (EU) No 575/2013.</p>

22	<p>(-)Defined benefit pension fund assets Article 9(2), point (b) of Regulation (EU) 2019/2033. Article 36(1), point (e), of Regulation (EU) No 575/2013.</p>
23	<p>(-) Other deductions The sum of any other deductions listed in Article 36(1) of Regulation (EU) No 575/2013.</p>
24	<p>CET1: Other capital elements, deductions and adjustments This row shall include the sum of the following items, where applicable:</p> <ul style="list-style-type: none"> — Transitional adjustments due to grandfathered CET1 Capital instruments (Article 483, paragraphs 1, 2 and 3 and Articles 484 to 487 of Regulation (EU) No 575/2013). — Other transitional adjustments to CET1 Capital (Articles 469 to 478 and 481 of Regulation (EU) No 575/2013): adjustments to the deductions from CET1 due to transitional provisions. — Other CET1 capital elements or deductions from a CET1 element that cannot be assigned to one of the rows 4 to 23. <p>This row shall not be used to include capital items or deductions which are not covered by Regulation (EU) 2019/2033 or Regulation (EU) No 575/2013 in the calculation of the solvency ratios.</p>
25	<p>ADDITIONAL TIER 1 CAPITAL Article 9(1) of Regulation (EU) 2019/2033. Article 61 of Regulation (EU) No 575/2013. The total sum of rows 26 to 28 and 32 shall be disclosed.</p>
26	<p>Paid up capital instruments Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 51, point (a), and Articles 52, 53 and 54 of Regulation (EU) No 575/2013. The amount to be disclosed shall not include the share premium related to the instruments.</p>
27	<p>Share premium Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 51, point (b), of Regulation (EU) No 575/2013. Share premium has the same meaning as under the applicable accounting standard. The amount to be disclosed in this item shall be the part related to the "Paid up capital instruments".</p>
28	<p>(-) TOTAL DEDUCTIONS FROM ADDITIONAL TIER 1 Article 56 of Regulation (EU) No 575/2013. The total sum of rows 29 – 31 shall be disclosed.</p>
29	<p>(-) Own AT1 instruments Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 52(1), point (b), Article 56, point (a), and Article 57 of Regulation (EU) No 575/2013.</p>

	<p>Own AT1 instruments held by the investment firm at the reporting date. Subject to exceptions in Article 57 Regulation (EU) No 575/2013.</p> <p>The amount to be disclosed shall include the share premium related to the own shares.</p>
30	<p>(-) AT1 instruments of financial sector entities where the institution does not have a significant investment</p> <p>Article 9(2), point (c), of Regulation (EU) 2019/2033.</p> <p>Article 56, point (c), of Regulation (EU) No 575/2013.</p>
31	<p>(-) Other deductions</p> <p>The sum of all other deductions in accordance with Article 56 of Regulation (EU) No 575/2013, with the exception of the deductions in accordance with Article 56 of Regulation (EU) No 575/2013, point (d), that are not included in any of the rows 0340 or 0380 above.</p>
32	<p>Additional Tier 1: Other capital elements, deductions and adjustments</p> <p>This row shall include the sum of the following items, where applicable:</p> <ul style="list-style-type: none"> — Transitional adjustments due to grandfathered AT1 Capital instruments (Article 483, paragraphs 4 and 5, Articles 484 to 487, Articles 489 and 491 of Regulation (EU) No 575/2013). — Other transitional adjustments to AT1 Capital (Articles 472, 473a, 474, 475, 478 and 481 of Regulation (EU) No 575/2013): adjustments to deductions due to transitional provisions. — Excess of deduction from AT1 items over AT1 Capital, deducted from CET1 in accordance with Article 36(1), point (j), of Regulation (EU) No 575/2013: Additional Tier 1 cannot be negative, but it is possible that the deductions from AT1 items exceed the amount of available AT1 items. Where this happens, this item represents the amount needed to increase the amount reported in row 0300 to zero and equals the inverse of the excess of deductions from AT1 items over AT1 Capital included, among other deductions, in row 23. — Other AT1 capital elements or deductions from AT1 element that cannot be assigned to one of the rows 26 to 31. <p>This row shall not be used to include capital items or deductions which are not covered by Regulation (EU) 2019/2033 or Regulation (EU) No 575/2013 in the calculation of the solvency ratios.</p>
33	<p>TIER 2 CAPITAL</p> <p>Article 9(1) of Regulation (EU) 2019/2033.</p> <p>Article 71 of Regulation (EU) No 575/2013.</p> <p>The total sum of rows 34 to 36 and 39 shall be disclosed.</p>
34	<p>Fully paid up, directly issued capital instruments</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033.</p> <p>Article 62, point (a), Articles 63 and 65 of Regulation (EU) No 575/2013.</p> <p>The amount to be disclosed shall not include the share premium related to the instruments.</p>

35	<p>Share premium</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033.</p> <p>Article 62, point (b), and Article 65 of Regulation (EU) No 575/2013.</p> <p>Share premium has the same meaning as under the applicable accounting standard.</p> <p>The amount to be disclosed in this item shall be the part related to the "Paid up capital instruments".</p>
36	<p>(-) TOTAL DEDUCTIONS FROM TIER 2</p> <p>Article 66 of Regulation (EU) No 575/2013.</p>
37	<p>(-) Own T2 instruments</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033.</p> <p>Article 63, point (b)(i), Article 66, point (a), and Article 67 of Regulation (EU) No 575/2013.</p> <p>Own T2 instruments held by the reporting institution or group at the reporting date. Subject to exceptions in Article 67 of Regulation (EU) No 575/2013.</p> <p>Holdings on shares included as "Capital instruments not eligible" shall not be disclosed in this row.</p> <p>The amount to be disclosed shall include the share premium related to the own shares.</p>
38	<p>(-) T2 instruments of financial sector entities where the institution does not have a significant investment</p> <p>Article 9(2), point (c), of Regulation (EU) 2019/2033.</p> <p>Article 66, point (c), of Regulation (EU) No 575/2013.</p>
39	<p>Tier 2: Other capital elements, deductions and adjustments</p> <p>This row shall include the sum of the following items, where applicable:</p> <ul style="list-style-type: none"> — Transitional adjustments due to grandfathered T2 Capital instruments (Article 483, paragraphs 6 and 7, Articles 484, 486, 488, 490 and 491 of Regulation (EU) No 575/2013). — Other transitional adjustments to T2 Capital (Articles 472, 473a, 476, 477, 478 and 481 of Regulation (EU) No 575/2013): Adjustments to the deductions from Tier 2 due to transitional provisions. — Excess of deduction from T2 items over T2 Capital, deducted from AT1 in accordance with Article 56, point (e), of Regulation (EU) No 575/2013: Tier 2 cannot be negative, but it is possible that the deductions from T2 items exceed the amount of available T2 items. Where this happens, this item represents the amount needed to increase the amount reported in row 33 to zero. — Other T2 capital elements or deductions from a T2 element that cannot be assigned to one of the rows 34 to 38. <p>This row shall not be used to include capital items or deductions which are not covered by Regulation (EU) 2019/2033 or Regulation (EU) No 575/2013 in the calculation of the solvency ratios.</p>

Template EU I CC2 – Reconciliation of regulatory own funds to balance sheet in the audited financial statements

7. Investment firms shall apply the instructions provided in this Annex in order to complete template EU I CC2 as presented in Annex VI, in accordance with Article 49(1) point (a), of Regulation (EU) 2019/2033.

8. Investment firms shall disclose the balance sheet included in their published financial statements. Financial statements shall be the audited financial statements for the year-end disclosures.
9. The rows of the template are flexible and shall be disclosed by investment firms in line with their financial statements. Own funds items in the audited financial statements shall include all items that are components of or are deducted from regulatory own funds, including equity, liabilities such as debt, or other balance sheet lines that affect regulatory own funds such as intangible assets, goodwill, deferred tax assets. Investment firms shall expand the own funds items of the balance sheet as necessary in order to ensure that all of the components included in the composition of own funds disclosure template (template EU I CC1) appear separately. Investment firms shall only expand elements of the balance sheet up to the level of granularity that is necessary for deriving the components required by template EU I CC1. Disclosure shall be proportionate to the complexity of the investment firm's balance sheet.
10. The columns are fixed and shall be disclosed as follows:
 - a. Column a: Investment firms shall include the figures reported in the balance sheet included in their audited financial statements according to the accounting scope of consolidation.
 - b. Column b: Investment firms shall report the figures corresponding to the regulatory scope of consolidation.
 - c. Column c: Investment firms shall include the cross-reference between the own funds item in template EU I CC2 and the relevant items in the own funds disclosure template EU I CC1. The reference in column c of template EU I CC2 will be linked to the reference included in column b of template EU I CC1.
11. In the following cases where investment firms' scope of accounting consolidation and its scope of regulatory consolidation are exactly the same, only column (a) shall be filled and this fact shall be clearly disclosed:
 - d. Where investment firms comply with the obligations laid down in Part Six of Regulation (EU) 2019/2033 on the prudential requirements of investment firms on a consolidated basis but the scope of consolidation and the method for consolidation used for the balance sheet in the financial statements are identical to the scope of consolidation and the method for consolidation defined pursuant to Part One, Title II, Chapter 2 of Regulation (EU) 2019/2033, and investment firms clearly state the absence of differences between the respective scopes and methods for consolidation in accompanying narrative to the template.
 - e. Where investment firms meet the obligations laid down in Part Six of Regulation (EU) 2019/2033 on an individual basis.

Table EU I CCA – Main features of own instruments issued by the firm.

12. Investment firms shall apply the instructions provided in this Annex in order to complete table EU I CCA as presented in Annex VI, according to Article 49(1) point (b), of Regulation (EU) 2019/2033.
13. Investment firms shall complete table EU I CCA for the following categories: Common Equity Tier 1 instruments, Additional Tier 1 instruments and Tier 2 instruments.
14. The tables shall comprise separate columns with the features of each regulatory own fund instruments. In cases where different instruments of a same category have identical features, investment firms may complete only one column disclosing these identical features and identify the issuances to which the identical features refer.

Instructions for completing the own funds instruments issued by the firm main features table	
Row number	Explanation
1	Issuer Identifies issuer legal entity. <i>Free text</i>

2	<p>Unique identifier (e.g. CUSIP, ISIN or Bloomberg identifier for private placement) Unique identifier (e.g. CUSIP, ISIN or Bloomberg identifier for private placement). <i>Free text</i></p>
3	<p>Public or private placement Specifies if the instrument has been publicly or privately placed. <i>Select from menu: [Public] [Private]</i></p>
4	<p>Governing law(s) of the instrument Specifies the governing law(s) of the instrument. <i>Free text</i></p>
5	<p>Instrument type (types to be specified by each jurisdiction) Specifies instrument type, varying by jurisdiction. <i>For CET1 instruments, select name of the instrument in the CET1 list published by the EBA. For other instruments, select from: menu options to be provided to investment firms by each jurisdiction – legal references of Regulation (EU) 2019/2033 articles for each type of instrument to be inserted.</i></p>
6	<p>Amount recognised in regulatory capital (Currency in million, as of most recent reporting date) Specifies the amount recognised in regulatory own funds (total amount of the instrument recognised before transitional provisions for the relevant level of the disclosure – currency used for the reporting obligations). <i>Free text – specify in particular if some parts of the instruments are in different tiers of the regulatory own funds and if the amount recognised in regulatory own funds is different from the amount issued.</i></p>
7	<p>Nominal amount of instrument Nominal amount of instrument (in currency of issuance and currency used for the reporting obligations). <i>Free text</i></p>
8	<p>Issue price Issue price of instrument. <i>Free text</i></p>
9	<p>Redemption price Redemption price of instrument. <i>Free text</i></p>
10	<p>Accounting classification Specifies accounting classification. <i>Select from menu: [Shareholders' equity] [Liability – amortised cost] [Liability – fair value option] [Non-controlling interest in consolidated subsidiary]</i></p>
11	<p>Original date of issuance Specifies date of issuance. <i>Free text</i></p>

12	<p>Perpetual or dated</p> <p>Specifies whether dated or perpetual.</p> <p><i>Select from menu: [Perpetual] [Dated]</i></p>
13	<p>Original maturity date</p> <p>For dated instrument, specifies original maturity date (day, month and year). For perpetual instrument put 'no maturity'.</p> <p><i>Free text</i></p>
14	<p>Issuer call subject to prior supervisory approval</p> <p>Specifies whether there is an issuer call option (all types of call options).</p> <p><i>Select from menu: [Yes] [No]</i></p>
15	<p>Optional call date, contingent call dates and redemption amount</p> <p>For instrument with issuer call option, specifies first date of call if the instrument has a call option on a specific date (day, month and year) and, in addition, specifies whether the instrument has a tax and/or regulatory event call. Also specifies the redemption price. Helps to assess permanence.</p> <p><i>Free text</i></p>
16	<p>Subsequent call dates, if applicable</p> <p>Specifies the existence and frequency of subsequent call dates, if applicable. Helps to assess permanence.</p> <p><i>Free text</i></p>
17	<p>Fixed or floating dividend/coupon</p> <p>Specifies whether the coupon/dividend is: either fixed over the life of the instrument, or floating over the life of the instrument, or currently fixed but will move to a floating rate in the future, or currently floating but will move to a fixed rate in the future.</p> <p><i>Select from menu: [Fixed], [Floating] [Fixed to floating], [Floating to fixed]</i></p>
18	<p>Coupon rate and any related index</p> <p>Specifies the coupon rate of the instrument and any related index that the coupon/dividend rate references.</p> <p><i>Free text</i></p>
19	<p>Existence of a dividend stopper</p> <p>Specifies whether the non-payment of a coupon or dividend on the instrument prohibits the payment of dividends on common shares (i.e. whether there is a dividend stopper).</p> <p><i>Select from menu: [yes], [no]</i></p>
20	<p>Fully discretionary, partially discretionary or mandatory (in terms of timing)</p> <p>Specifies whether the issuer has full discretion, partial discretion or no discretion over whether a coupon/dividend is paid. If the institution has full discretion to cancel coupon/dividend payments under all circumstances it must select 'fully discretionary' (including when there is a dividend stopper that does not have the effect of preventing the institution from cancelling payments on the instrument). If there are conditions that must be met before payment can be cancelled (e.g. own funds below a certain threshold), the institution must select 'partially discretionary'. If the institution is unable to cancel the payment outside of insolvency, the institution must select 'mandatory'.</p>

	<p><i>Select from menu: [Fully discretionary] [Partially discretionary] [Mandatory]</i></p> <p><i>Free text (specify the reasons for discretion, existence of dividend pushers, dividend stoppers, ACSM – Alternative Coupon Satisfaction Mechanism)</i></p>
21	<p>Fully discretionary, partially discretionary or mandatory (in terms of amount)</p> <p>Specifies whether the issuer has full discretion, partial discretion or no discretion over the amount of the coupon/dividend.</p> <p><i>Select from menu: [Fully discretionary] [Partially discretionary] [Mandatory]</i></p>
22	<p>Existence of step up or other incentive to redeem</p> <p>Specifies whether there is a step-up or other incentive to redeem.</p> <p><i>Select from menu: [Yes] [No]</i></p>
23	<p>Non-cumulative or cumulative</p> <p>Specifies whether dividends/coupons are cumulative or noncumulative.</p> <p><i>Select from menu: [Noncumulative] [Cumulative] [ACSM]</i></p>
24	<p>Convertible or non-convertible</p> <p>Specifies whether instrument is convertible or not.</p> <p><i>Select from menu: [Convertible] [Nonconvertible]</i></p>
25	<p>If convertible, conversion trigger(s)</p> <p>Specifies the conditions under which the instrument will convert, including point of non-viability. Where one or more authorities have the ability to trigger conversion, the authorities shall be listed. For each of the authorities it shall be stated whether it is the terms of the contract of the instrument that provide the legal basis for the authority to trigger conversion (a contractual approach) or whether the legal basis is provided by statutory means (a statutory approach).</p> <p><i>Free text</i></p>
26	<p>If convertible, fully or partially</p> <p>Specifies whether the instrument will always convert fully, may convert fully or partially, or will always convert partially.</p> <p><i>Select from menu: [Always Fully] [Fully or Partially] [Always partially]</i></p>
27	<p>If convertible, conversion rate</p> <p>Specifies rate of conversion into the more loss-absorbing instrument.</p> <p><i>Free text</i></p>
28	<p>If convertible, mandatory or optional conversion</p> <p>For convertible instruments, specifies whether conversion is mandatory or optional.</p> <p><i>Select from menu: [Mandatory] [Optional] [NA] and [at the option of the holders] [at the option of the issuer] [at the option of both the holders and the issuer]</i></p>

29	<p>If convertible, specify instrument type convertible into</p> <p>For convertible instruments, specifies instrument type convertible into.</p> <p><i>Select from menu: [Common Equity Tier 1] [Additional Tier 1] [Tier 2] [Other]</i></p>
30	<p>If convertible, specify issuer of instrument it converts into</p> <p>If convertible, specify issuer of instrument it converts into.</p> <p><i>Free text</i></p>
31	<p>Write-down features</p> <p>Specifies whether there is a write down feature.</p> <p><i>Select from menu: [Yes] [No]</i></p>
32	<p>If write-down, write-down trigger(s)</p> <p>Specifies the triggers at which write-down occurs, including point of non-viability. Where one or more authorities have the ability to trigger write-down, the authorities shall be listed. For each of the authorities it shall be stated whether it is the terms of the contract of the instrument that provide the legal basis for the authority to trigger write-down (a contractual approach) or whether the legal basis is provided by statutory means (a statutory approach).</p> <p><i>Free text</i></p>
33	<p>If write-down, full or partial</p> <p>Specifies whether the instrument will always be written down fully, may be written down partially, or will always be written down partially. Helps assess the level of loss absorbency at write-down.</p> <p><i>Select from menu: [Always Fully] [Fully or Partially] [Always partially]</i></p>
34	<p>If write-down, permanent or temporary</p> <p>For write down instrument, specifies whether write down is permanent or temporary.</p> <p><i>Select from menu: [Permanent] [Temporary] [NA]</i></p>
35	<p>If temporary write-down, description of write-up mechanism</p> <p>Describes the write-up mechanism.</p> <p><i>Free text</i></p>
36	<p>Non-compliant transitioned features</p> <p>Specification if there are non-compliant features.</p> <p>Select from [yes] or [no].</p>
37	<p>If yes, specify non-compliant features</p> <p>If there are non-compliant features, institution shall specify which ones.</p> <p><i>Free text</i></p>
38	<p>Link to the full term and conditions of the instrument (signposting)</p> <p>Investment firms shall include the hyperlink that gives access to the prospectus of the issuance, including all the terms and conditions of the instrument.</p>

ANNEX VIII

REPORTING ON GROUP CAPITAL TEST

INVESTMENT FIRMS TEMPLATES			
Template number	Template code	Name of the template /group of templates	Short name
		GROUP CAPITAL TEST	
11,1	I 11.01	OWN FUNDS COMPOSITION - GROUP CAPITAL TEST	I11.1
11,2	I 11.02	OWN FUND INSTRUMENTS - GROUP CAPITAL TEST	I11.2
11,3	I 11.03	INFORMATION ON SUBSIDIARIES UNDERTAKINGS	I11.3

I 11.01 - OWN FUNDS COMPOSITION - GROUP CAPITAL TEST (I11.1)

Rows	Item	Amount
		0010
0010	OWN FUNDS	
0020	TIER 1 CAPITAL	
0030	COMMON EQUITY TIER 1 CAPITAL	
0040	Fully paid up capital instruments	
0050	Share premium	
0060	Retained earnings	
0070	Previous years retained earnings	
0080	Profit eligible	
0090	Accumulated other comprehensive income	
0100	Other reserves	
0120	Adjustments to CET1 due to prudential filters	
0130	Other funds	
0145	(-)TOTAL DEDUCTIONS FROM COMMON EQUITY TIER 1	
0150	(-) Own CET1 instruments	
0190	(-) Losses for the current financial year	
0200	(-) Goodwill	
0210	(-) Other intangible assets	
0220	(-) Deferred tax assets that rely on future profitability and do not arise from temporary differences net of associated tax liabilities	
0230	(-) Qualifying holding outside the financial sector which exceeds 15% of own funds	
0240	(-) Total qualifying holdings in undertaking other than financial sector entities which exceeds 60% of its own funds	
0250	(-) CET1 instruments of financial sector entities where the investment firm does not have a significant investment	
0270	(-) Defined benefit pension fund assets	
0280	(-) Other deductions	
0295	CET1: Other capital elements, deductions and adjustments	
0300	ADDITIONAL TIER 1 CAPITAL	
0310	Fully paid up, directly issued capital instruments	

0320	Share premium	
0335	(-) TOTAL DEDUCTIONS FROM ADDITIONAL TIER 1	
0340	(-) Own AT1 instruments	
0380	(-) AT1 instruments of financial sector entities where the investment firm does not have a significant investment	
0400	(-) Other deductions	
0415	Additional Tier 1: Other capital elements, deductions and adjustments	
0420	TIER 2 CAPITAL	
0430	Fully paid up, directly issued capital instruments	
0440	Share premium	
0455	(-) TOTAL DEDUCTIONS FROM TIER 2	
0460	(-) Own T2 instruments	
0500	(-) T2 instruments of financial sector entities where the parent does not have a significant investment	
0525	Tier 2: Other capital elements, deductions and adjustments	

I 11.02 - OWN FUND INSTRUMENTS - GROUP CAPITAL TEST (I11.2)

		Amount
Rows	Item	0010
0010	CET1 instruments of financial sector entities in the investment firm group where the parent undertaking has a significant investment in those entities	
0020	AT1 instruments of financial sector entities in the investment firm group where the parent undertaking has a significant investment in those entities	
0030	T2 instruments of financial sector entities in the investment firm group where the parent undertaking has a significant investment in those entities	
0040	Holdings of financial sector entities in the investment firm group to the extent that they do not constitute own funds for the group entity the parent is invested in	
0050	Subordinated claims of financial sector entities in the investment firm group	
0060	Contingent liabilities in favour of entities in the investment firm group	
0070	Total own fund requirements for the subsidiary undertakings	

I 11.03: INFORMATION ON SUBSIDIARIES UNDERTAKINGS (I11.3)

Code	Type of code	Name of the undertaking	Parent / subsidiary	Country	Investments by the parent undertaking					Contingent liabilities of the parent in favour of the entity	Total own fund requirements	K-factor requirement														Fixed overhead requirements	
					CET1	AT1	T2	Holdings	Subordinated claims			Permanent minimum capital	Assets under management	Client money held - Segregated	Client money held - Non-segregated	Assets safeguarded and administered	Client orders handled - Cash trades	Client orders handled - Derivatives Trades	K-Net positions risk requirement	Clearing margin given	Trading counterparty default	Daily trading flow - Cash trades	Daily trading flow - Derivative trades	K-C concentration risk requirement			
																									0060		0070
0010	0020	0030	0040	0050	0060	0070	0080	0090	0100	0110	0120	0130	0140	0150	0160	0170	0180	0190	0200	0210	0220	0230	0240	0250	0260	0270	

ANNEX IX

REPORTING ON GROUP CAPITAL TEST

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PART I: GENERAL INSTRUCTIONS

1. Structure and conventions
 - 1.1 Structure
 1. Overall, group capital test reporting consists of 2 templates:
 - (a) Own funds composition
 - (b) Own fund instruments.
 2. For each template, legal references are provided. Further detailed information regarding more general aspects of the reporting of each block of templates, instructions concerning specific positions as well as validation rules are included in this part of this Regulation.
 - 1.2 Numbering convention
 3. The document follows the labelling convention set in points 4 to 7, when referring to the columns, rows and cells of the templates. Those numerical codes are extensively used in the validation rules.
 4. The following general notation is followed in the instructions: {Template; Row; Column}.
 5. In the case of validations inside a template, in which only data points of that template are used, notations do not refer to a template: {Row; Column}.
 6. In the case of templates with only one column, only rows are referred to. {Template; Row}
 7. An asterisk sign is used to express that the validation is done for the rows or columns specified before.
 - 1.3 Sign convention
 8. Any amount that increases the own funds or own funds requirements, or the liquidity requirements, shall be reported as a positive figure. On the contrary, any amount that reduces the total own funds or own funds requirements shall be reported as a negative figure. Where there is a negative sign (-) preceding the label of an item no positive figure is expected to be reported of that item.

PART II: TEMPLATE RELATED INSTRUCTIONS**1. OWN FUNDS: LEVEL, COMPOSITION, REQUIREMENTS AND CALCULATION**

1.1 General Remarks

10. Own funds overview section contains information about the own funds that an investment firm holds and its own funds requirements. It consists of two templates:

- (a) Template I 11.01 contains the compositions of the own funds that an investment firm holds: Common Equity Tier 1 capital (CET1), Additional Tier 1 capital (AT1) and Tier 2 capital (T2).
- (b) Template I 11.02 contains information on the 'own fund requirements' in the context of the group capital test, i.e. intragroup holdings, contingent liabilities and total own funds requirements of the subsidiaries.
- (c) Template I 11.03 contains the relevant information on capital requirements, contingent liabilities, subordinated claims and holdings of financial sector entities at subsidiary level, broken down entity-by-entity.

11. The items in these templates are gross of transitional adjustments. This means that the figures (except where the transitional own funds requirement is specifically stated) are calculated according to the final provisions (i.e. as if there were no transitional provisions).

1.2. I 11.01 – OWN FUNDS COMPOSITION – GROUP CAPITAL TEST (I11.1)

1.2.1. Instructions concerning specific positions

Row	Legal references and instructions
0010	<p>OWN FUNDS</p> <p>Article 9(1) of Regulation (EU) 2019/2033.</p> <p>The own funds of an investment firm shall consist of the sum of its Tier 1 capital and Tier 2 capital.</p>
0020	<p>TIER 1 CAPITAL</p> <p>The Tier 1 capital is the sum of Common Equity Tier 1 Capital and Additional Tier 1 capital.</p>
0030	<p>COMMON EQUITY TIER 1 CAPITAL</p> <p>Article 9(1) of Regulation (EU) 2019/2033.</p> <p>Article 50 of Regulation (EU) No 575/2013.</p>
0040	<p>Fully paid up capital instruments</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033.</p> <p>Article 26(1), point (a), and Articles 27 to 31 of Regulation (EU) No 575/2013.</p> <p>Capital instruments of mutual, cooperative societies or similar institutions (Articles 27 and 29 of Regulation (EU) No 575/2013) shall be included.</p> <p>The share premium related to the instruments shall not be included.</p> <p>Capital instruments subscribed by public authorities in emergency situations shall be included if all conditions of Article 31 of Regulation (EU) No 575/2013 are fulfilled.</p>

0050	<p>Share premium</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 26(1), point (b), of Regulation (EU) No 575/2013. Share premium has the same meaning as under the applicable accounting standard. The amount to be reported in this item shall be the part related to the "Paid up capital instruments".</p>
0060	<p>Retained earnings</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 26(1), point (c), of Regulation (EU) No 575/2013. Retained earnings includes the previous year retained earnings plus the eligible interim or year-end profits. The sum of rows 0070 and 0080 shall be reported.</p>
0070	<p>Previous years retained earnings</p> <p>Article 4(1), point (123), and Article 26(1), point (c), of Regulation (EU) No 575/2013. Article 4(1), point (123), of Regulation (EU) No 575/2013 defines retained earnings as "Profit and losses brought forward as a result of the final application of profit or loss under the applicable accounting framework".</p>
0080	<p>Profit eligible</p> <p>Article 4(1), point (121), Article 26(2) and Article 36(1), point (a), of Regulation (EU) No 575/2013. Article 26(2) of Regulation (EU) No 575/2013 allows including as retained earnings interim or year-end profits, with the prior consent of the competent authorities, if some conditions are met.</p>
0090	<p>Accumulated other comprehensive income</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 26(1), point (d), of Regulation (EU) No 575/2013.</p>
0100	<p>Other reserves</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 4(1), point (117), and Article 26(1), point (e), of Regulation (EU) No 575/2013. The amount to be reported shall be net of any tax charge foreseeable at the moment of the calculation.</p>
0120	<p>Adjustments to CET1 due to prudential filters</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Articles 32 to 35 of Regulation (EU) No 575/2013.</p>
0130	<p>Other funds</p> <p>Article 9(4) of Regulation (EU) 2019/2033.</p>
0145	<p>(-)TOTAL DEDUCTIONS FROM COMMON EQUITY TIER 1</p> <p>Article 8(2), point (a), of Regulation (EU) 2019/2033, Article 36(1) of Regulation (EU) No 575/2013 with the exception of point (i) of that paragraph.</p>

	The sum of rows 0150 and 0190-0280 shall be reported.
0150	<p>(-) Own CET1 instruments</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 36(1), point (f), and Article 42 of Regulation (EU) No 575/2013.</p> <p>Own CET1 held by the reporting institution or group at the reporting date. Subject to exceptions in Article 42 of Regulation (EU) No 575/2013.</p> <p>Holdings on shares included as "Capital instruments not eligible" shall not be reported in this row.</p> <p>The amount to be reported shall include the share premium related to the own shares.</p>
0190	<p>(-) Losses for the current financial year</p> <p>Article 36(1), point (a), of Regulation (EU) No 575/2013.</p>
0200	<p>(-) Goodwill</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 4(1), point (113), Article 36(1), point (b), and Article 37 of Regulation (EU) No 575/2013.</p>
0210	<p>(-) Other intangible assets</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 4(1), point (115), Article 36(1), point (b), and Article 37, point (a), of Regulation (EU) No 575/2013.</p> <p>Other intangible assets are the intangibles assets under the applicable accounting standard, minus the goodwill, also pursuant the applicable accounting standard.</p>
0220	<p>(-) Deferred tax assets that rely on future profitability and do not arise from temporary differences net of associated tax liabilities</p> <p>Article 9(2), point (a), of Regulation (EU) 2019/2033. Article 36(1), point (c), of Regulation (EU) No 575/2013.</p>
0230	<p>(-) Qualifying holding outside the financial sector which exceeds 15 % of own funds</p> <p>Article 10(1), point (a), of Regulation (EU) 2019/2033.</p>
0240	<p>(-) Total qualifying holdings in undertaking other than financial sector entities which exceeds 60 % of its own funds</p> <p>Article 10(1), point (b), of Regulation (EU) 2019/2033.</p>
0250	<p>(-) CET1 instruments of financial sector entities where the parent does not have a significant investment</p> <p>Article 9(2), point (c), of Regulation (EU) 2019/2033. Article 36(1), point (h), of Regulation (EU) No 575/2013.</p>

	<p>Union parent in this row means Union parent investment firms, Union parent investment holding companies, Union parent mixed financial holding or any other parent undertaking that is an investment firms, financial institution, ancillary services undertaking or tied agent</p>
0270	<p>(-)Defined benefit pension fund assets Article 9(2), point (b), of Regulation (EU) 2019/2033. Article 36(1), point (e), of Regulation (EU) No 575/2013.</p>
0280	<p>(-) Other deductions The sum of all other deductions in accordance with Article 36(1) of Regulation (EU) No 575/2013, with the exception of deductions in accordance with Article 36(1), point (i), of Regulation (EU) No 575/2013, that are not included in any of the rows 0150 to 0270 above.</p>
0295	<p>CET1: Other capital elements, deductions and adjustments This row shall include the sum of the following items, where applicable:</p> <ul style="list-style-type: none"> — Transitional adjustments due to grandfathered CET1 Capital instruments (Article 483, paragraphs 1, 2 and 3 and Articles 484 to 487 of Regulation (EU) No 575/2013). — Other transitional adjustments to CET1 Capital (Articles 469 to 478 and 481 of Regulation (EU) No 575/2013): adjustments to the deductions from CET1 due to transitional provisions. — Other CET1 capital elements or deductions from a CET1 element that cannot be assigned to one of the rows 0040 to 0280. <p>This row shall not be used to include capital items or deductions which are not covered by Regulation (EU) 2019/2033 or Regulation (EU) No 575/2013 in the calculation of the solvency ratios.</p>
0300	<p>ADDITIONAL TIER 1 CAPITAL Article 9(1) of Regulation (EU) 2019/2033. Article 61 of Regulation (EU) No 575/2013.</p>
0310	<p>Fully paid up, directly issued capital instruments Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 51, point (a), and Articles 52, 53 and 54 of Regulation (EU) No 575/2013. The amount to be reported shall not include the share premium related to the instruments.</p>
0320	<p>Share premium Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 51, point (b), of Regulation (EU) No 575/2013. Share premium has the same meaning as under the applicable accounting standard. The amount to be reported in this item shall be the part related to the "Paid up capital instruments".</p>

0335	<p>(-) TOTAL DEDUCTIONS FROM ADDITIONAL TIER 1</p> <p>Article 56 of Regulation (EU) No 575/2013, with the exception of point (d) of that article.</p> <p>The total sum of rows 0340, 0380 and 0400 shall be reported.</p>
0340	<p>(-) Own AT1 instruments</p> <p>Article 9(1), point (i), of Regulation (EU) 2019/2033.</p> <p>Article 52(1), point (b), Article 56, point (a), and Article 57 of Regulation (EU) No 575/2013.</p> <p>Own AT1 instruments held by the investment firm at the reporting date. Subject to exceptions in Article 57 of Regulation (EU) No 575/2013.</p> <p>The amount to be reported shall include the share premium related to the own shares.</p>
0380	<p>(-) AT1 instruments of financial sector entities where the parent does not have a significant investment</p> <p>Article 9(2), point (c), of Regulation (EU) 2019/2033.</p> <p>Article 56, point (c), of Regulation (EU) No 575/2013.</p> <p>Union parent in this row means Union parent investment firms, Union parent investment holding companies, Union parent mixed financial holdings or any other parent undertaking that is an investment firms, financial institution, ancillary services undertaking or tied agent.</p>
0400	<p>(-) Other deductions</p> <p>The sum of all other deductions in accordance with Article 56 of Regulation (EU) No 575/2013, with the exception of the deductions in accordance with Article 56, point (d), of Regulation (EU) No 575/2013, that are not included in any of the rows 0340 or 0380 above.</p>
0415	<p>Additional Tier 1: Other capital elements, deductions and adjustments</p> <p>This row shall include the sum of the following items, where applicable:</p> <ul style="list-style-type: none"> — Transitional adjustments due to grandfathered AT1 Capital instruments (Article 483, paragraphs 4 and 5, Articles 484 to 487, Articles 489 and 491 of Regulation (EU) No 575/2013). — Other transitional adjustments to AT1 Capital (Articles 472, 473a, 474, 475, 478 and 481 of Regulation (EU) No 575/2013): adjustments to deductions due to transitional provisions. — Excess of deduction from AT1 items over AT1 Capital, deducted from CET1 in accordance with Article 36(1), point (j), of Regulation (EU) No 575/2013: Additional Tier 1 cannot be negative, but it is possible that the deductions from AT1 items exceed the amount of available AT1 items. Where this happens, this item represents the amount needed to increase the amount reported in row 0300 to zero and equals the inverse of the excess of deductions from AT1 items over AT1 Capital included, among other deductions, in row 0280. — Other AT1 capital elements or deductions from a AT1 element that cannot be assigned to one of the rows 0310 to 0400.

	<p>This row shall not be used to include capital items or deductions which are not covered by Regulation (EU) 2019/2033 or Regulation (EU) No 575/2013 in the calculation of the solvency ratios.</p>
0420	<p>TIER 2 CAPITAL Article 9(1) of Regulation (EU) 2019/2033. Article 71 of Regulation (EU) No 575/2013. The total sum of rows 0430 to 0455 and 0525 shall be reported.</p>
0430	<p>Fully paid up, directly issued capital instruments Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 62, point (a), Articles 63 and 65 of Regulation (EU) No 575/2013. The amount to be reported shall not include the share premium related to the instruments.</p>
0440	<p>Share premium Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 62, point (b), and Article 65 of Regulation (EU) No 575/2013. Share premium has the same meaning as under the applicable accounting standard. The amount to be reported in this item shall be the part related to the "Paid up capital instruments".</p>
0455	<p>(-) TOTAL DEDUCTIONS FROM TIER 2 Article 66 of Regulation (EU) No 575/2013, with the exception of point (d) of that article.</p>
0460	<p>(-) Own T2 instruments Article 9(1), point (i), of Regulation (EU) 2019/2033. Article 63, point (b)(i), Article 66, point (a), and Article 67 of Regulation (EU) No 575/2013. Own T2 instruments held by the reporting institution or group at the reporting date. Subject to exceptions in Article 67 of Regulation (EU) No 575/2013. Holdings on shares included as "Capital instruments not eligible" shall not be reported in this row. The amount to be reported shall include the share premium related to the own shares.</p>
0500	<p>(-) T2 instruments of financial sector entities where the parent does not have a significant investment Article 9(2), point (c), of Regulation (EU) 2019/2033. Article 66, point (c), of Regulation (EU) No 575/2013. Union parent in this row means Union parent investment firms, Union parent investment holding companies, Union parent mixed financial holdings or any other parent undertaking that is an investment firms, financial institution, ancillary services undertaking or tied agent.</p>

0525	<p>Tier 2: Other capital elements, deductions and adjustments</p> <p>This row shall include the sum of the following items, where applicable:</p> <ul style="list-style-type: none"> — Transitional adjustments due to grandfathered T2 Capital instruments (Article 483, paragraphs 6 and 7, Articles 484, 486, 488, 490 and 491 of Regulation (EU) No 575/2013) — Other transitional adjustments to T2 Capital (Articles 472, 473a, 476, 477, 478 and 481 of Regulation (EU) No 575/2013): Adjustments to the deductions from Tier 2 due to transitional provisions — Excess of deduction from T2 items over T2 Capital, deducted from AT1 in accordance with Article 56, point (e), of Regulation (EU) No 575/2013: Tier 2 cannot be negative, but it is possible that the deductions from T2 items exceed the amount of available T2 items. Where this happens, this item represents the amount needed to increase the amount reported in row 0420 to zero — Other T2 capital elements or deductions from a T2 element that cannot be assigned to one of the rows 0430 to 0500. <p>This row shall not be used to include capital items or deductions which are not covered by Regulation (EU) 2019/2033 or Regulation (EU) No 575/2013 into the calculation of the solvency ratios.</p>
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1.3 I 11.02 OWN FUNDS REQUIREMENTS – GROUP CAPITAL TEST (I11.2)

1.3.1. Instructions concerning specific positions

Row	Legal references and instructions
0010	<p>CET1 instruments of financial sector entities in the investment firm group where the parent undertaking has a significant investment in those entities</p> <p>Article 8(3), point (a), of Regulation (EU) 2019/2033 in conjunction with Article 36(1), point (i), of Regulation (EU) No 575/2013.</p>
0020	<p>AT1 instruments of financial sector entities in the investment firm group where the parent undertaking has a significant investment in those entities</p> <p>Article 8(3), point (a), of Regulation (EU) 2019/2033 in conjunction with of Article 56, point (d), of Regulation (EU) No 575/2013.</p>
0030	<p>T2 instruments of financial sector entities in the investment firm group where the parent undertaking has a significant investment in those entities</p> <p>Article 8(3), point (a), in conjunction with Article 66, point (d), of Regulation (EU) No 575/2013.</p>
0040	<p>Holdings of financial sector entities in the investment firm group to the extent that they do not constitute own funds for the group entity the parent is invested in</p> <p>Article 8(3), point (a), of Regulation (EU) 2019/2033.</p> <p>This row shall include holdings of the parent to the extent that they do not constitute own funds for the group entity the parent is invested in.</p>

0050	Subordinated claims of financial sector entities in the investment firm group Article 8(3), point (a), of Regulation (EU) 2019/2033. This row shall include subordinated claims of the parent to the extent that they do not constitute own funds for the group entity the parent is invested in.
0060	Contingent liabilities in favour of entities in the investment firm group Article 8(3), point (b), of Regulation (EU) 2019/2033.
0070	Total own fund requirements for the subsidiary undertakings In case of application of Article 8(4) of Regulation (EU) 2019/2033.

1.4 IF 11.03 INFORMATION ON SUBSIDIARIES UNDERTAKINGS (IF11.3)

10. All entities included in the scope of the group capital test shall be reported in this template. This shall also include the parent undertaking of the group itself.

1.4.1. Instructions concerning specific positions

Columns	Legal references and instructions
0010	Code The code as part of a row identifier must be unique for each reported entity. For investment firms and insurance undertakings the code shall be the LEI code. For other entities the code shall be the LEI code, or if not available, a national code. The code shall be unique and used consistently across the templates and across time. The code shall always have a value.
0020	Type of code The reporting entity shall identify the type of code reported in column 0010 as a 'LEI code type' or 'Nationalcode type'. The type of code shall always be reported.
0030	Name of the undertaking Name of the undertaking within the scope of consolidation.
0040	Parent/subsidiary Indicates whether the entity reported in the row is the parent of the group or a subsidiary
0050	Country The country where the subsidiary is located shall be reported.
0060 – 0100	Investments by the parent undertaking Article 8(3), point (a), of Regulation (EU) 2019/2033. In this section, the investments of the parent undertaking in the group entities shall be reported.

0060	<p>CET1</p> <p>Article 8(3), point (a), of Regulation (EU) 2019/2033 in conjunction with Article 36(1), point (i), of Regulation (EU) No 575/2013.</p>
0070	<p>AT1</p> <p>Article 8(3), point (a), of Regulation (EU) 2019/2033 in conjunction with Article 56, point (d), of Regulation (EU) No 575/2013.</p>
0080	<p>T2</p> <p>Article 8(3), point (a), of Regulation (EU) 2019/2033 in conjunction with Article 66, point (d), of Regulation (EU) No 575/2013.</p>
0090	<p>Holdings</p> <p>Article 8(3), point (a), of Regulation (EU) 2019/2033.</p> <p>This column shall include holdings of the parent to the extent that they do not constitute own funds for the group entity the parent is invested in.</p>
0100	<p>Subordinated claims</p> <p>Article 8(3), point (a), of Regulation (EU) 2019/2033.</p> <p>This column shall include subordinated claims of the parent to the extent that they do not constitute own funds for the group entity the parent is invested in.</p>
0110	<p>Contingent liabilities of the parent in favour of the entity</p> <p>Article 8(3), point (b), of Regulation (EU) 2019/2033.</p>
0120	<p>Total own fund requirements for the subsidiary undertakings</p> <p>Article 8(4) of Regulation (EU) 2019/2033.</p>
0130	<p>Permanent minimum capital</p> <p>Article 14 of Regulation (EU) 2019/2033.</p>
0140	<p>K-factor requirement</p> <p>Article 15 of Regulation (EU) 2019/2033.</p>
0150	<p>Assets under management</p> <p>Article 15(2) and Article 17 of Regulation (EU) 2019/2033.</p>
0160	<p>Client money held – Segregated</p> <p>Article 15(2) and Article 18 of Regulation (EU) 2019/2033.</p>
0170	<p>Client money held – Non – segregated</p> <p>Article 15(2) and Article 18 of Regulation (EU) 2019/2033.</p>
0180	<p>Assets safeguarded and administered</p> <p>Article 15(2) and Article 19 of Regulation (EU) 2019/2033.</p>
0190	<p>Client orders handled – Cash trades</p> <p>Article 15(2) and article 20(1) and article 20(2), point (a), of Regulation (EU) 2019/2033.</p>

0200	Client orders handled – Derivatives Trades Article 15(2) and article 20(1) and article 20(2), point (b), of Regulation (EU) 2019/2033.
0210	K-Net positions risk requirement Article 22 of Regulation (EU) 2019/2033.
0220	Clearing margin given Article 23(2) of Regulation (EU) 2019/2033.
0230	Trading counterparty default Article 26 and Article 24 of Regulation (EU) 2019/2033.
0240	Daily trading flow – Cash trades For the purposes of K-factor requirement calculation, investment firms shall report by applying the coefficient of Article 15(2) of Regulation (EU) 2019/2033. In the event of stressed market conditions, in accordance with Article 15(5), point (c), of Regulation (EU) 2019/2033, investment firms shall apply an adjusted coefficient as specified in that point. Daily trading flow factor shall be calculated in accordance with Article 33(2), point (a), of Regulation (EU) 2019/2033.
0250	Daily trading flow – Derivative trades For the purposes of K-factor requirement calculation, investment firms shall report by applying the coefficient of Article 15(2) of Regulation (EU) 2019/2033. In the event of stressed market conditions, in accordance with Article 15(5), point (c), of Regulation (EU) 2019/2033, investment firms shall apply an adjusted coefficient as specified in that point. Daily trading flow factor shall be calculated in accordance with Article 33(2), point (b), of Regulation (EU) 2019/2033.
0260	K-Concentration risk requirement Article 37(2), 39 and Article 24 of Regulation (EU) 2019/2033.
0270	Fixed overhead requirements Article 13 of Regulation (EU) 2019/2033.

COMMISSION IMPLEMENTING REGULATION (EU) 2021/2285
of 14 December 2021

amending Implementing Regulation (EU) 2019/2072 as regards the listing of pests, prohibitions and requirements for the introduction into, and movement within, the Union of plants, plant products and other objects, and repealing Decisions 98/109/EC and 2002/757/EC and Implementing Regulations (EU) 2020/885 and (EU) 2020/1292

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⁽¹⁾, and in particular Article 5(2), Article 32(2), Article 37(2), Article 37(4), Article 40(2), Article 41(2), Article 53(2), Article 54(2), Article 72(1), Article 73, Article 79(2) and Article 80(2) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2019/2072⁽²⁾ establishes a list of Union quarantine pests, protected zone quarantine pests and Union regulated non-quarantine pests ('RNQPs'). It further sets out requirements for the introduction into, or movement within, the Union of certain plants, plant products and other objects in order to prevent the entry, establishment and spread of those pests in the Union territory.
- (2) Implementing Regulation (EU) 2019/2072 should be amended in order to take into account available scientific and technical information from pest risk assessments, pest risk categorisations and pest risk analyses carried out by the European Food Safety Authority ('the Authority'), the European and Mediterranean Plant Protection Organisation ('EPPO') and the Member States. Such amendments are also necessary in view of interceptions of pests at the Union border and outbreaks in the Union territory, as well as further analysis carried out by the respective Commission working groups.
- (3) A number of pests listed in Annex II to Implementing Regulation (EU) 2019/2072 have been reassessed by the Authority to update their phytosanitary status in accordance with the most recent technical and scientific developments ('the reassessment'). In the case of groups of regulated pests, that reassessment examined the respective pests with regard to their presence in the Union territory only, thus not as regards the entire European continent.
- (4) As a result of that reassessment, the species and genera satisfying the criteria of Article 3 and Section 1 of Annex I to Regulation (EU) 2016/2031 of the groups *Acleris* spp.⁽³⁾, *Choristoneura* spp.⁽⁴⁾, *Cicadellidae* known to be vectors of *Xylella fastidiosa* (Wells *et al.*)⁽⁵⁾, *Margarodidae*⁽⁶⁾, *Premnotrypes* spp.⁽⁷⁾, Palm lethal yellowing

⁽¹⁾ OJ L 317, 23.11.2016, p. 4.

⁽²⁾ Commission Implementing Regulation (EU) 2019/2072 of 28 November 2019 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants, and repealing Commission Regulation (EC) No 690/2008 and amending Commission Implementing Regulation (EU) 2018/2019 (OJ L 319, 10.12.2019, p. 1).

⁽³⁾ Scientific Opinion on the pest categorisation of non-EU *Acleris* spp. EFSA Journal 2019;17(10):5856, 37 pp. <https://doi.org/10.2903/j.efsa.2019.5856>.

⁽⁴⁾ Scientific Opinion on the pest categorisation of non-EU *Choristoneura* spp. EFSA Journal 2019;17(5):5671, 31 pp. <https://doi.org/10.2903/j.efsa.2019.5671>.

⁽⁵⁾ Scientific Opinion on the pest categorisation of non-EU *Cicadomorpha* vectors of *Xylella* spp. EFSA Journal 2019;17(6):5736, 53 pp. <https://doi.org/10.2903/j.efsa.2019.5736>.

⁽⁶⁾ Pest categorisation of non-EU *Margarodidae*. EFSA Journal 2019;17(4):5672, 42 pp. <https://doi.org/10.2903/j.efsa.2019.5672>.

⁽⁷⁾ Scientific Opinion on the pest categorisation of the Andean Potato Weevil (APW) complex (Coleoptera: *Curculionidae*). EFSA Journal 2020;18(7):6176, 38 pp. <https://doi.org/10.2903/j.efsa.2020.6176>.

phytoplasmas⁽⁸⁾, *Tephritidae*⁽⁹⁾, viruses, viroids and phytoplasmas of potatoes⁽¹⁰⁾, viruses, viroids and phytoplasmas of *Cydonia* Mill., *Fragaria* L., *Malus* Mill., *Prunus* L., *Pyrus* L., *Ribes* L., *Rubus* L. and *Vitis* L.⁽¹¹⁾, should be specified in Annex II to Implementing Regulation (EU) 2019/2072.

- (5) Based on the reassessment of the group of *Tephritidae*, specific species and genera have been identified that are not present or have limited presence in the Union territory and should be listed as Union quarantine pests. Several genera should be listed as Union quarantine pests, in order to allow protective measures against them, pending the availability of methods to identify them at species level, notably at larval stages. Consequently, the respective special requirements set out in Annex VII to Implementing Regulation (EU) 2019/2072 should be amended accordingly.
- (6) Based on the reassessment, the non-European isolates of potato viruses A, M, V and Y, Arracacha virus B, oca strain and Papaya leaf crumple virus no longer fulfil the conditions of Article 3 and Section 1 of Annex I to Regulation (EU) 2016/2031 in respect to their potential impact and no longer qualify as Union quarantine pests. They should therefore be removed from the list of Union quarantine pests in Annex II to Implementing Regulation (EU) 2019/2072.
- (7) Based on the reassessment, Citrus chlorotic spot virus has been found to fulfil the conditions of Article 3 and Section 1 of Annex I to Regulation (EU) 2016/2031 in respect of the Union territory, and therefore it should be included in the list of Union quarantine pests in Annex II to Implementing Regulation (EU) 2019/2072.
- (8) The names of the pests *Amauromyza maculosa* (Malloch), *Anomala orientalis* (Waterhouse), *Cicadellidae* known to be vectors of *Xylella fastidiosa* (Wells *et al.*), *Heliothis zea* (Boddie), *Phoma andina* (Turkensteen), *Rhizoecus hibisci* Kawai and Takagi, *Scolytidae* spp. and Witches' broom disease of lime should be respectively replaced by *Nemorimyza maculosa* (Malloch)⁽¹²⁾, *Exomala orientalis* (Waterhouse)⁽¹³⁾, *Cicadomorpha*, known to be vectors of *Xylella fastidiosa* (Wells *et al.*)⁽¹⁴⁾, *Helicoverpa zea* (Boddie)⁽¹⁵⁾, *Stagonosporopsis andigena* (Turkensteen) Aveskamp, Gruyter & Verkley⁽¹⁶⁾, *Ripersiella hibisci* Kawai and Takagi⁽¹⁷⁾, *Scolytinae* spp.⁽¹⁸⁾ and *Candidatus* *Phytoplasma aurantifolia*-reference strain⁽¹⁹⁾, in order to reflect the latest developments of the international nomenclature identified in the respective scientific opinions of the Authority.

⁽⁸⁾ Scientific Opinion on pest categorisation of Palm lethal yellowing phytoplasmas. EFSA Journal 2017;15(10):5028, 27 pp. <https://doi.org/10.2903/j.efsa.2017.5028>.

⁽⁹⁾ Pest categorisation of non-EU Tephritidae. EFSA Journal 2020;18(1):5931, 62 pp. <https://doi.org/10.2903/j.efsa.2020.5931>

⁽¹⁰⁾ Several EFSA scientific opinions (2019, 2020)

⁽¹¹⁾ Several EFSA scientific opinions (2019, 2020)

⁽¹²⁾ Scientific Opinion on the pest categorisation of *Nemorimyza maculosa*. EFSA Journal 2020;18(3):6036, 29 pp. <https://doi.org/10.2903/j.efsa.2020.6036>.

⁽¹³⁾ Scientific Opinion on the pest categorisation of *Exomala orientalis*. EFSA Journal 2020;18(4):6103, 29 pp. <https://doi.org/10.2903/j.efsa.2020.6103>.

⁽¹⁴⁾ Scientific Opinion on the pest categorisation of non-EU *Cicadomorpha* vectors of *Xylella* spp. EFSA Journal 2019;17(6):5736, 53 pp. <https://doi.org/10.2903/j.efsa.2019.5736>.

⁽¹⁵⁾ Scientific Opinion on the pest categorisation of *Helicoverpa zea*. EFSA Journal 2020;18(7):6177, 31 pp. <https://doi.org/10.2903/j.efsa.2020.6177>.

⁽¹⁶⁾ Scientific Opinion on the pest categorisation of *Stagonosporopsis andigena*. EFSA Journal 2018;16(10):5441, 25 pp. <https://doi.org/10.2903/j.efsa.2018.5441>.

⁽¹⁷⁾ Scientific Opinion on the pest categorisation of *Ripersiella hibisci*. EFSA Journal 2020;18(6):6178, 28 pp. <https://doi.org/10.2903/j.efsa.2020.6178>.

⁽¹⁸⁾ Scientific Opinion on the list of non-EU *Scolytinae* of coniferous hosts. EFSA Journal 2020;18(1):5933, 56 pp. <https://doi.org/10.2903/j.efsa.2020.5933>;
Scientific Opinion on the pest categorisation of non-EU *Scolytinae* of coniferous hosts. EFSA Journal 2020;18(1):5934, 39 pp. <https://doi.org/10.2903/j.efsa.2020.5934>.

⁽¹⁹⁾ Scientific Opinion on pest categorisation of Witches' broom disease of lime (*Citrus aurantifolia*) phytoplasma. EFSA Journal 2017;15(10):5027, 22 pp. <https://doi.org/10.2903/j.efsa.2017.5027>.

- (9) Strawberry witches' broom disease was reported as a disease affecting *Fragaria* L. The phytoplasma being the causal agent of the disease was not identified via molecular identification tools in the past. Based on a recent scientific opinion of the Authority ⁽²⁰⁾ the phytoplasma previously known and listed as Strawberry witches' broom phytoplasma in Part A of Annex II to Implementing Regulation (EU) 2019/2072, should be removed and be replaced by an entry on *Candidatus* Phytoplasma hispanicum.
- (10) Furthermore, given the absence of *Candidatus* Phytoplasma australiense Davis *et al.* in the Union territory, and taking into account the relevant opinion of the Authority, it is technically justified to list the pest concerned as a Union quarantine pest in Annex II to Implementing Regulation (EU) 2019/2072. Accordingly, that pest should be removed from the list of RNQPs contained in Part J of Annex IV to Implementing Regulation (EU) 2019/2072 in relation to fruit propagating material and fruit plants intended for fruit production of *Fragaria* L.
- (11) Consequently, the special requirements set out in Annex VII to Implementing Regulation (EU) 2019/2072 concerning Strawberry witches' broom phytoplasma, should be replaced by special requirements concerning *Candidatus* Phytoplasma australiense Davis *et al.* (reference strain), *Candidatus* Phytoplasma fraxini (reference strain) Griffiths *et al.*, and *Candidatus* Phytoplasma hispanicum (reference strain) Davis *et al.*, as those pests have been identified by the Authority to have an impact on *Fragaria* L.
- (12) The pest *Anoplophora glabripennis* (Motschulsky) is listed in Part A of Annex II to Implementing Regulation (EU) 2019/2072. However, Italy has informed that in certain parts of its territory, eradication of this pest is no longer feasible and has requested a containment regime. Consequently, this pest should be listed as a pest known to occur in the Union territory and therefore moved to Part B of Annex II to Implementing Regulation (EU) 2019/2072.
- (13) Spain performed a pest risk analysis for the ambrosia beetle *Euwallacea* sp. and its associated fungi *Fusarium ambrosium* and *Fusarium euwallaceae* in 2015 ⁽²¹⁾, and EPPO also produced a pest risk analysis report, based on Spain's pest risk analysis on *Euwallacea fornicatus sensu lato* and *Fusarium euwallaceae* in 2017 ⁽²²⁾. According to those analyses, those pests fulfil the conditions provided for in Article 3 and Section 1 of Annex I to Regulation (EU) 2016/2031 in respect of the Union territory. *Euwallacea fornicatus sensu lato* is already regulated as a Union quarantine pest in Part A of Annex II to Implementing Regulation (EU) 2019/2072 under the group *Scolytidae* spp. (non-European). This pest should now be specifically listed in Part A of Annex II to Implementing Regulation (EU) 2019/2072, as special requirements in relation to this pest should be stipulated. The symbionts *Fusarium ambrosium* and *Fusarium euwallaceae* should be regulated under the scientific names *Neocosmospora ambrosia* and *Neocosmospora euwallaceae*, following taxonomic changes.
- (14) EPPO performed several risk analyses on the pests *Apriona germari* (Hope), *Apriona rugicollis* Chevrolat, *Apriona cinerea* Chevrolat ⁽²³⁾, *Ceratotheripoides claratris* (Shumsher) ⁽²⁴⁾, *Massicus raddei* (Blessig) ⁽²⁵⁾, *Meloidogyne enterolobii* Yang & Eisenback ⁽²⁶⁾, *Prodiplosis longifila* Gagné ⁽²⁷⁾, and *Trirachys sartus* Solsky ⁽²⁸⁾. According to those analyses, those pests fulfil the conditions provided for in Article 3 and Section 1 of Annex I to Regulation (EU) 2016/2031 in respect of the Union territory and therefore should be listed in Part A of Annex II to Implementing Regulation (EU) 2019/2072 as Union quarantine pests.

⁽²⁰⁾ Scientific Opinion on the list of non-EU phytoplasmas of *Cydonia* Mill., *Fragaria* L., *Malus* Mill., *Prunus* L., *Pyrus* L., *Ribes* L., *Rubus* L. and *Vitis* L. EFSA Journal 2020;18(1):5930, 25 pp. <https://doi.org/10.2903/j.efsa.2020.5930>;

Scientific Opinion on the pest categorisation of the non-EU phytoplasmas of *Cydonia* Mill., *Fragaria* L., *Malus* Mill., *Prunus* L., *Pyrus* L., *Ribes* L., *Rubus* L. and *Vitis* L. EFSA Journal 2020;18(1):5929, 97 pp. <https://doi.org/10.2903/j.efsa.2020.5929>.

⁽²¹⁾ Pest Risk Analysis for the Ambrosia* beetle *Euwallacea* sp. including all the species within the genus *Euwallacea* that are morphologically similar to *E.fornicatus*, *Associated fungi: *Fusarium* sp. (E.g: *F. ambrosium*, *Fusarium euwallaceae*) or other possible symbionts. Spain, (2015).

⁽²²⁾ Report of a Pest Risk Analysis for *Euwallacea fornicatus sensu lato* and *Fusarium euwallaceae* EPPO (2017).

⁽²³⁾ EPPO (2013) Pest risk analysis for *Apriona germari*, *A. japonica*, *A. cinerea*.

⁽²⁴⁾ EPPO (2017) Pest risk analysis for *Ceratotheripoides brunneus* and *C. claratris*.

⁽²⁵⁾ EPPO (2018) Pest risk analysis for *Massicus raddei*.

⁽²⁶⁾ EPPO (2010) Pest risk analysis for *Meloidogyne enterolobii*.

⁽²⁷⁾ EPPO (2017) Pest risk analysis for *Prodiplosis longifila*.

⁽²⁸⁾ EPPO (2000) Pest risk analysis for *Aeolesthes sarta*.

- (15) On the basis of a methodology developed by EPPO ⁽²⁹⁾, it has been concluded that *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto fulfils the criteria for RNQPs as set out in Section 4 of Annex I to Regulation (EU) 2016/2031. It is therefore justified to include that pest in Parts D and M of Annex IV to Implementing Regulation (EU) 2019/2072, listing RNQPs in relation to propagating material of ornamental plants, and fruit propagating material and fruit plants intended for fruit production of *Actinidia* Lindl., respectively. Moreover, and in order to prevent the presence of that pest on the respective plants for planting, specific measures should be laid down in Parts C and K of Annex V to Implementing Regulation (EU) 2019/2072.
- (16) Commission Implementing Regulation (EU) 2020/885 ⁽³⁰⁾ establishes measures to prevent the introduction into and the spread within the Union of *Pseudomonas syringae* pv. *actinidiae*.
- (17) For reasons of legal clarity, Implementing Regulation (EU) 2020/885 should be repealed, as its provisions will be taken over by Implementing Regulation (EU) 2019/2072.
- (18) Based on the methodology developed by EPPO, it has been concluded that *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld fulfils the criteria for RNQPs as set out in Section 4 of Annex I to Regulation (EU) 2016/2031. It is therefore justified to include that pest in Parts D, E and J of Annex IV to Implementing Regulation (EU) 2019/2072 listing RNQPs in relation to propagating material of ornamental plants, forest reproductive material, other than seeds, and fruit propagating material and fruit plants intended for fruit production, respectively. Moreover, and in order to prevent the presence of that pest on the relevant plants for planting, specific measures should be laid down in Parts C and D of Annex V to Implementing Regulation (EU) 2019/2072.
- (19) Based on the methodology developed by EPPO, it has been concluded that Citrus bark cracking viroid ('CBCVd') fulfils the criteria of RNQPs as set out in Section 4 of Annex I to Regulation (EU) 2016/2031. It is therefore justified to include that pest in Part L of Annex IV to Implementing Regulation (EU) 2019/2072 listing RNQPs in relation to plants for planting of *Humulus lupulus* L. In order to prevent the presence of that pest on the respective plants for planting, specific measures should be laid down in Part J of Annex V to Implementing Regulation (EU) 2019/2072.
- (20) Based on the risk management measures against *Candidatus* Phytoplasma pyri implemented by the Member States since the entry into force of Implementing Regulation (EU) 2019/2072, and following exchanges with Member States on the proportionality of these measures, the risk management measures for this pest should be revised. Updated measures to prevent the presence of *Candidatus* Phytoplasma pyri on specific plants for planting should be laid down in Part C of Annex V to Implementing Regulation (EU) 2019/2072.
- (21) In Part E of Annex V to Implementing Regulation (EU) 2019/2072, the name of *Bruchus pisorum* (L.) should be changed into *Bruchus pisorum* (Linnaeus) and *Bruchus rufimanus* L. should be changed into *Bruchus rufimanus* Boheman to take into account the rules of the International Code of Zoological Nomenclature.
- (22) Seed potato tubers can currently be produced from plants growing in areas known to be free from *Candidatus* Liberibacter solanacearum Liefting *et al.* Therefore, measures concerning lots of seed potatoes with regard to that pest in Part F of Annex V to Implementing Regulation (EU) 2019/2072 should be amended to take into account this fact and allow for less stringent requirements for seed potatoes produced in those areas.
- (23) On the basis of scientific and technical knowledge, and following a pest risk assessment carried out by the Authority ⁽³¹⁾ and the pest risk management document published by EPPO ⁽³²⁾, the introduction into the Union of isolated bark of *Acer macrophyllum* Pursh, *Aesculus californica* (Spach) Nutt., *Lithocarpus densiflorus* (Hook. & Arn.) Rehd., *Quercus* L. and *Taxus brevifolia* Nutt. originating from Canada, the United Kingdom, the United States, and

⁽²⁹⁾ A methodology for preparing a list of recommended regulated non-quarantine pests (RNQPs). EPPO Bulletin (2017) 47(3), 551-558.

⁽³⁰⁾ Commission Implementing Regulation (EU) 2020/885 of 26 June 2020 as regards measures to prevent the introduction into and the spread within the Union of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto (OJ L 205, 29.6.2020, p. 9).

⁽³¹⁾ Scientific Opinion on the Pest Risk Analysis on *Phytophthora ramorum* prepared by the FP6 project RAPRA. EFSA Journal 2011;9(6):2186. [108 pp.] doi:10.2903/j.efsa.2011.2186.

⁽³²⁾ EPPO (2013) Pest risk management for *Phytophthora kernoviae* and *Phytophthora ramorum*.

Vietnam, should be prohibited due to the unacceptable risk it poses as regards the Union quarantine pest *Phytophthora ramorum* (non-EU isolates) Werres, De Cock & Man in 't Veld. Those plant products should therefore be listed in Annex VI to Implementing Regulation (EU) 2019/2072 in respect of those third countries, and consequential changes should be made to Annexes VII and XI to that Regulation, without prejudice to the application of Union law to and in the United Kingdom in respect of Northern Ireland in accordance with Article 5(4) of the Protocol on Ireland/Northern Ireland to the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community in conjunction with Annex 2 to that Protocol.

- (24) On the basis of scientific and technical knowledge, and following a pest risk assessment carried out by the Authority and the pest risk management record published by EPPO, it is appropriate to include special requirements for the introduction into, and movement within, the Union territory of certain plants, plant products and other objects, due to their likelihood of hosting the Union quarantine pest *Phytophthora ramorum* (non-EU isolates) Werres, De Cock & Man in 't Veld. Therefore, the relevant plants and plant products should be listed in Annex VII to Implementing Regulation (EU) 2019/2072.
- (25) Commission Decision 2002/757/EC ⁽³³⁾ establishes emergency measures to prevent the introduction into and the spread within the Union of *Phytophthora ramorum* Werres, De Cock & Man in 't Veld.
- (26) For reasons of legal clarity, Decision 2002/757/EC should be repealed, as its provisions will be taken over by Implementing Regulation (EU) 2019/2072.
- (27) Annex VII to Implementing Regulation (EU) 2019/2072 provides among other for a requirement for the registration of places where plants for planting are produced and the need for inspection. Experience has shown that this practice contributes to the phytosanitary protection of the Union territory. For this reason, such a requirement should be set out for the introduction into the Union of all plants for planting from all third countries.
- (28) On the basis of scientific and technical knowledge provided in the respective pest risk analysis carried out by EPPO, it is necessary to set out special requirements for the introduction into the Union territory of certain plants, plant products and other objects due to their likelihood of hosting the pests *Apriona germari* (Hope), *Apriona rugicollis* Chevrolat, *Apriona cinerea* Chevrolat, *Ceratothripoides claratris* (Shumsher), *Euwallacea fornicatus sensu lato*, *Massicus raddei* (Blessig), *Meloidogyne enterolobii* Yang & Eisenback, *Prodiplosis longifila* Gagné, and *Trirachys sartus* Solsky. Therefore, the relevant plants and plant products, as well as the respective requirements, should be listed in Annex VII to Implementing Regulation (EU) 2019/2072.
- (29) Given the spread of *Agrilus planipennis* Fairmaire in some third countries, and its spreading from Ukraine and Russia towards the Union territory and Belarus, and given the technical information available for that pest, additional special requirements should be laid down concerning the introduction into the Union territory of host plants, wood and bark from those countries. These requirements should be similar to those set out in Commission Implementing Regulation (EU) 2020/1292 ⁽³⁴⁾ establishing measures to prevent the entry into the Union of *Agrilus planipennis* Fairmaire from Ukraine. Such special requirements should contain adaptations to take into account the evolution of the technical and scientific knowledge incurred since the adoption of that Implementing Regulation. Points 36, 87, 88 and 89 of Annex VII to Implementing Regulation (EU) 2019/2072 should therefore be amended accordingly, and Ukraine and Belarus should be added to the countries of origin. In addition, based on the pest survey card for *Agrilus planipennis* Fairmaire published by the Authority ⁽³⁵⁾, a new host plant *Chionanthus virginicus* L. should be added to points 36, 87, 88 and 89.
- (30) For reasons of legal clarity, Implementing Regulation (EU) 2020/1292 should be repealed and Implementing Regulation (EU) 2019/2072 will provide for its provisions.

⁽³³⁾ Commission Decision 2002/757/EC of 19 September 2002 on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp. nov. (OJ L 252, 20.9.2002, p. 37).

⁽³⁴⁾ Commission Implementing Regulation (EU) 2020/1292 of 15 September 2020 as regards measures to prevent the entry into the Union of *Agrilus planipennis* Fairmaire from Ukraine and amending Annex XI to Implementing Regulation (EU) 2019/2072 (OJ L 302, 16.9.2020, p. 20).

⁽³⁵⁾ Pest survey card on *Agrilus planipennis*. EFSA supporting publication 2020:EN-1945. 43 pp. doi:10.2903/sp.efsa.2020.EN-1945.

- (31) In order to prevent the presence, establishment and spread of *Agrilus planipennis* Fairmaire within the Union territory, the movement of certain plants, as well as of certain species and certain types of wood and bark, should not be allowed out of areas of the Union territory located within a specified distance from outbreak areas in the Union territory or from outbreak areas in neighbouring third countries. For that reason, special requirements should be added in Annex VIII to Implementing Regulation (EU) 2019/2072. Furthermore, special requirements concerning the movement within the Union territory of other types of wood originating in such areas should be added in Annex VIII. Moreover, Annex XIII should be amended to require a plant passport for the commodities of that wood originating from those areas to move within the Union territory.
- (32) On the basis of scientific and technical knowledge, and following pest risk analysis performed by EPPO ⁽³⁶⁾ ⁽³⁷⁾, the pest risk assessment performed by Spain ⁽³⁸⁾, the pest survey cards published by the Authority ⁽³⁹⁾ and the interception data it is necessary to set out special requirements for the introduction into the Union of certain plants, due to their likelihood of hosting *Bactrocera dorsalis* (Hendel), *Bactrocera latifrons* (Hendel), and *Bactrocera zonata* (Saunders). Therefore, the relevant plants, as well as the respective requirements, should be listed in Annex VII to Implementing Regulation (EU) 2019/2072.
- (33) On the basis of the outbreak notifications from Member States and the pest risk assessment carried out by the Authority ⁽⁴⁰⁾, it is necessary to set out, in Annex VII to Implementing Regulation (EU) 2019/2072, special requirements for the introduction into the Union territory of certain plants, to protect it from *Eotetranychus lewisi* (McGregor).
- (34) On the basis of pest risk assessment of *Pantoea stewartii* subsp. *stewartii* carried out by the Authority ⁽⁴¹⁾, it is necessary to amend the special requirements set out in Annex VII to Implementing Regulation (EU) 2019/2072.
- (35) The import requirements laid down in Commission Decision 98/109/EC ⁽⁴²⁾ for the import into the Union of cut flowers of *Orchidaceae* originating in Thailand, should be included in Annex VII to Implementing Regulation (EU) 2019/2072. This is necessary to improve legal clarity through the listing of all import requirements of plants under the same implementing act. For the same reason, that Decision should be repealed.
- (36) Certain CN codes, or their descriptions, used in the Annexes to Implementing Regulation (EU) 2019/2072, should be added or amended, in order to adapt to the latest amendment of Annex I to Council Regulation (EEC) No 2658/87 by Commission Implementing Regulation (EU) 2020/1577 ⁽⁴³⁾.

⁽³⁶⁾ EPPO (2009, revised 2017) Pest risk analysis for *Bactrocera invadens*.

⁽³⁷⁾ EPPO (2017) Pest risk analysis for *Bactrocera latifrons*; <https://gd.eppo.int/taxon/DACULA>.

⁽³⁸⁾ 2019, unpublished pest risk assessment report.

⁽³⁹⁾ Pest survey card on *Bactrocera dorsalis*. EFSA supporting publication 2019:EN-1714. 24 pp. doi:10.2903/sp.efsa.2019.EN-1714;

Pest survey card on *Bactrocera zonata*. EFSA supporting publication 2021:EN-1999. 28 pp. doi:10.2903/sp.efsa.2021.EN-1999.

⁽⁴⁰⁾ Scientific Opinion on the pest categorisation of *Eotetranychus lewisi*. EFSA Journal 2014;12(7):3776, 35 pp. doi:10.2903/j.efsa.2014.3776;

Scientific Opinion on the pest risk assessment of *Eotetranychus lewisi* for the EU territory. EFSA Journal 2017; 15(10):4878, 122 pp. <https://doi.org/10.2903/j.efsa.2017.4878>.

⁽⁴¹⁾ Scientific Opinion on the risk assessment of the entry of *Pantoea stewartii* subsp. *stewartii* on maize seed imported by the EU from the USA. EFSA Journal 2019;17(10):5851, 49 pp. <https://doi.org/10.2903/j.efsa.2019.5851>.

⁽⁴²⁾ Commission Decision of 2 February 1998 authorising Member States temporarily to take emergency measures against the dissemination of *Thrips palmi* Karny as regards Thailand (98/109/EC) (OJ L 27, 3.2.1998, p. 47).

⁽⁴³⁾ Commission Implementing Regulation (EU) 2020/1577 of 21 September 2020 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 361, 30.10.2020, p. 1).

- (37) On the basis of scientific and technical knowledge, based on the pest risk categorisations performed by the Authority ⁽⁴⁴⁾, special requirements should be included for the introduction into, and movement within, the Union territory, where applicable, of certain plants due to their likelihood of hosting *Aleurocanthus spiniferus* (Quaintance), *Popillia japonica* Newman and *Toxoptera citricida* (Kirkaldy), as those pests are listed in Part B of Annex II to Implementing Regulation (EU) 2019/2072 and they are known to be present in the Union territory. Moreover, *Aleurocanthus spiniferus* (Quaintance) is a polyphagous pest, which is present in the Union territory only in certain host plants, and it is therefore appropriate to restrict the respective special requirements to that list of host plants only.
- (38) The special requirement for the movement within the Union territory of wood packaging material in relation to *Geosmithia morbida* Kolarik, Freeland, Utley & Tisserat and its vector *Pityophthorus juglandis* Blackman, as set out in Implementing Regulation (EU) 2019/2072, should be amended with a clarification that it only concerns wood packaging material of wood of *Juglans* L. and *Pterocarya* Kunth. The obligation of issuing a plant passport should be removed, as it poses an unacceptable burden on all professional operators, given the current limited distribution of the pest in the Union territory.
- (39) Due to changes in taxonomy of Pinales, all references to plants and wood of Pinales should be replaced by references to plants or wood of conifers (Pinopsida).
- (40) It should be clarified that, with regards to pollen intended for pollination, this Regulation should only apply to pollen intended for planting, because this type of pollen introduces a phytosanitary risk that requires risk management measures.
- (41) Annexes I, II, IV to VIII and X to XIV to Implementing Regulation (EU) 2019/2072 should therefore be amended accordingly.
- (42) This Regulation should apply from 11 April 2022. The measures for plants for planting in relation to the pest Grapevine flavescence dorée phytoplasma introduced by this Regulation should apply from 1 May 2022. This period is necessary to allow the competent authorities and professional operators to adapt to the new requirements and takes into account the period of the annual surveys for that pest. The measures for all plants for planting in relation to the pests *Meloidogyne enterolobii* and *Euwallacea fornicatus sensu lato* introduced by this Regulation should apply from 11 January 2023. Those periods are necessary to allow the competent authorities and professional operators to adapt to the new requirements.
- (43) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Implementing Regulation (EU) 2019/2072

Implementing Regulation (EU) 2019/2072 is amended as follows:

- (1) in Article 2(2), the following point (d) is added:

‘(d) ‘pollen’ means pollen, within the meaning of Article 2(1), point (k), of Regulation (EU) 2016/2031, intended for planting.’;

- (2) Annexes I, II, IV to VIII and X to XIV are amended in accordance with the Annex to this Regulation.

Article 2

Repeals

Decisions 98/109/EC and 2002/757/EC and Implementing Regulations (EU) 2020/885 and (EU) 2020/1292 are repealed.

⁽⁴⁴⁾ Scientific Opinion on the pest categorisation of *Aleurocanthus* spp. EFSA Journal 2018; 16(10):5436, 31 pp. doi.org/10.2903/j.efsa.2018.5436;
Scientific Opinion on the pest categorisation of *Popillia japonica*. EFSA Journal 2018; 16(11):5438, 30 pp. doi.org/10.2903/j.efsa.2018.5438;
Scientific Opinion on the pest categorisation of *Toxoptera citricida*. EFSA Journal 2018; 16(1):5103, 22 pp. doi.org/10.2903/j.efsa.2018.5103.

*Article 3***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 11 April 2022. However, point 7(e) of the Annex shall apply from 1 May 2022 and points (6)(b)(i) and (6)(l)(i) of the Annex shall apply from 11 January 2023.

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

Done at Brussels, 14 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annexes I, II, IV to VIII and X to XIV to Implementing Regulation (EU) 2019/2072 are amended as follows:

(1) in Annex I, in Part B, the first column of the table is amended as follows:

(a) the text in the eleventh row is replaced by the following:

‘ANNEX XIII, point 5
Cereal seed’;

(b) the text in the twelfth row is replaced by the following.:

‘ANNEX XIII, point 6
Vegetable seed’ ;

(c) the text in the thirteenth row is replaced by the following:

‘ANNEX XIII, point 9
Oil and fibre plants seed’;

(2) Annex II is replaced by the following:

‘ANNEX II

List of Union quarantine pests and their respective codes assigned by EPPO

TABLE OF CONTENTS

Part A : Pests not known to occur in the Union territory

1. Bacteria
2. Fungi and oomycetes
3. Insects and mites
4. Nematodes
5. Parasitic plants
6. Viruses, viroids and phytoplasmas

Part B: Pests known to occur in the Union territory

1. Bacteria
2. Fungi and oomycetes
3. Insects and mites
4. Molluscs
5. Nematodes
6. Viruses, viroids and phytoplasmas

PART A

PESTS NOT KNOWN TO OCCUR IN THE UNION TERRITORY

Quarantine Pests and their codes assigned by EPPO

1. Bacteria

1.	<i>Candidatus Liberibacter africanus</i> [LIBEAF]
2.	<i>Candidatus Liberibacter americanus</i> [LIBEAM]
3.	<i>Candidatus Liberibacter asiaticus</i> [LIBEAS]
4.	<i>Curtobacterium flaccumfaciens</i> pv. <i>flaccumfaciens</i> (Hedges) Collins and Jones [CORBFL]
5.	<i>Pantoea stewartii</i> subsp. <i>stewartii</i> (Smith) Mergaert, Verdonck & Kersters [ERWIST]
6.	<i>Ralstonia pseudosolanacearum</i> Safni et al. [RALSPS]

7.	<i>Ralstonia syzygii</i> subsp. <i>cebebesensis</i> Safni et al. [RALSSC]
8.	<i>Ralstonia syzygii</i> subsp. <i>indonesiensis</i> Safni et al. [RALSSI]
9.	<i>Xanthomonas oryzae</i> pv. <i>oryzae</i> (Ishiyama) Swings et al. [XANTOR]
10.	<i>Xanthomonas oryzae</i> pv. <i>oryzicola</i> (Fang et al.) Swings et al. [XANTTO]
11.	<i>Xanthomonas citri</i> pv. <i>aurantifolii</i> (Schaad et al.) Constantin et al. [XANTAU]
12.	<i>Xanthomonas citri</i> pv. <i>citri</i> (Hasse) Constantin et al. [XANTCI]

2. Fungi and oomycetes

1.	<i>Anisogramma anomala</i> (Peck) E. Müller [CRSPAN]
2.	<i>Apiosporina morbosa</i> (Schwein.) Arx [DIBOMO]
3.	<i>Atropellis</i> spp. [1ATRPG]
4.	<i>Botryosphaeria kuwatsukai</i> (Hara) G.Y. Sun and E. Tanaka [PHYOPI]
5.	<i>Bretziella fagacearum</i> (Bretz) Z.W. de Beer, T.A. Duong & M.J. Wingfield, comb. nov. [CERAFA]
6.	<i>Chrysomyxa arctostaphyli</i> Dietel [CHMYAR]
7.	<i>Cronartium</i> spp. [1CRONG], except <i>Cronartium gentianeum</i> (Thümen) [CRONGE], <i>Cronartium pini</i> (Willdenow) Jørstad [ENDCPI] and <i>Cronartium ribicola</i> Fischer [CRONRI]
8.	<i>Davidsoniella virescens</i> (R.W. Davidson) Z.W. de Beer, T.A. Duong & M.J. Wingfield [CERAVI]
9.	<i>Elsinoë australis</i> Bitanc. & Jenkins [ELSIAU]
10.	<i>Elsinoë citricola</i> X.L. Fan, R.W. Barreto & Crous [ELSICI]
11.	<i>Elsinoë fawcettii</i> Bitanc. & Jenkins [ELSIFA]
12.	<i>Fusarium oxysporum</i> f. sp. <i>albedinis</i> (Kill. & Maire) W.L. Gordon [FUSAAL]
13.	<i>Guignardia loricata</i> (Sawada) W. Yamam & Kaz. Itô [GUIGLA]
14.	<i>Gymnosporangium</i> spp. [1GYMNG], except: <i>Gymnosporangium amelanchieris</i> E. Fisch. ex F. Kern [GYMNAM], <i>Gymnosporangium atlanticum</i> Guyot & Malençon [GYMNAT], <i>Gymnosporangium clavariiforme</i> (Wulfen) DC [GYMNCF], <i>Gymnosporangium confusum</i> Plowr. [GYMNCO], <i>Gymnosporangium cornutum</i> Arthur ex F. Kern [GYMNCR], <i>Gymnosporangium fusisporum</i> E. Fisch. [GYMNFS], <i>Gymnosporangium gaeumannii</i> H. Zogg [GYMNGA], <i>Gymnosporangium gracile</i> Pat. [GYMNGR], <i>Gymnosporangium minus</i> Crowell [GYMNMI], <i>Gymnosporangium orientale</i> P. Syd. & Syd. [GYMNOR], <i>Gymnosporangium sabiniae</i> (Dicks.) G. Winter [GYMNFU], <i>Gymnosporangium torminali-juniperini</i> E. Fisch. [GYMNTI], <i>Gymnosporangium tremelloides</i> R. Hartig [GYMNTR]
15.	<i>Coniferiporia sulphurascens</i> (Pilát) L.W. Zhou & Y.C. Dai [PHELSTU]
16.	<i>Coniferiporia weirii</i> (Murrill) L.W. Zhou & Y.C. Dai [INONWE]
17.	<i>Melampsora farlowii</i> (Arthur) Davis [MELMFA]
18.	<i>Melampsora medusae</i> f. sp. <i>tremuloidis</i> Shain [MELMMT]
19.	<i>Mycodiella loricis-leptolepidis</i> (Kaz. Itô, K. Satô & M. Ota) Crous [MYCOLL]
20.	<i>Neocosmospora ambrosia</i> (Gadd & Loos) L. Lombard & Crous [FUSAAM]

21.	<i>Neocosmospora euwallaceae</i> (S. Freeman, Z. Mendel, T. Aoki & O'Donnell) Sandoval-Denis, L. Lombard & Crous [FUSAEW]
22.	<i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa [GUIGCI]
23.	<i>Phyllosticta solitaria</i> Ellis & Everhart [PHYSSL]
24.	<i>Phymatotrichopsis omnivora</i> (Duggar) Hennebert [PHMPOM]
25.	<i>Phytophthora ramorum</i> (non-EU isolates) Werres, De Cock & Man in 't Veld [PHYTRA]
26.	<i>Pseudocercospora angolensis</i> (T. Carvalho & O. Mendes) Crous & U. Braun [CERCAN]
27.	<i>Pseudocercospora pini-densiflorae</i> (Hori & Nambu) Deighton [CERSPD]
28.	<i>Puccinia pittieriana</i> Hennings [PUCCPT]
29.	<i>Septoria malagutii</i> E.T. Cline [SEPTLM]
30.	<i>Sphaerulina musiva</i> (Peck) Quaedvlieg, Verkley & Crous. [MYCOPP]
31.	<i>Stagonosporopsis andigena</i> (Turkensteen) Aveskamp, Gruyter & Verkley [PHOMAN]
32.	<i>Stegophora ulmea</i> (Fr.) Syd. & P. Syd [GNOMUL]
33.	<i>Thecaphora solani</i> (Thirumulachar & O'Brien) Mordue [THPHSO]
34.	<i>Tilletia indica</i> Mitra [NEOVIN]
35.	<i>Venturia nashicola</i> S. Tanaka & S. Yamamoto [VENTNA]

3. Insects and mites

1.	<p><i>Acleris</i> spp.:</p> <p>1.1. <i>Acleris gloverana</i> (Walsingham) [ACLRGL]</p> <p>1.2. <i>Acleris issikii</i> Oku [ACLRIS]</p> <p>1.3. <i>Acleris minuta</i> (Robinson) [ACLRMI]</p> <p>1.4. <i>Acleris nishidai</i> Brown [ACLRNI]</p> <p>1.5. <i>Acleris nivisellana</i> (Walsingham) [ACLRNV]</p> <p>1.6. <i>Acleris robinsoniana</i> (Forbes) [ACLRRO]</p> <p>1.7. <i>Acleris semipurpurana</i> (Kearfott) [CROISE]</p> <p>1.8. <i>Acleris senescens</i> (Zeller) [ACLRSE]</p> <p>1.9. <i>Acleris variana</i> (Fernald) [ACLRVA]</p>
2.	<i>Acrobasis pyrivorella</i> (Matsumura) [NUMOPI]
3.	<i>Agrilus anxius</i> Gory [AGRLAX]
4.	<i>Agrilus planipennis</i> Fairmaire [AGRLPL]
5.	<i>Aleurocanthus citriperdus</i> Quaintance & Baker [ALECCT]
6.	<i>Aleurocanthus woglumi</i> Ashby [ALECWO]
7.	<p>Andean potato weevil complex:</p> <p>7.1. <i>Phyrdenus muriceus</i> Germar [PHRDMU]</p> <p>7.2. <i>Premnotrypes</i> spp. [1PREMG]</p> <p>7.3. <i>Rhigopsidius tucumanus</i> Heller [RHGPTU]</p>
8.	<i>Anthonomus bisignifer</i> Schenkling [ANTHBI]
9.	<i>Anthonomus eugenii</i> Cano [ANTHEU]
10.	<i>Anthonomus grandis</i> (Boh.) [ANTHGR]
11.	<i>Anthonomus quadrigibbus</i> Say [TACYQU]
12.	<i>Anthonomus signatus</i> Say [ANTHSI]
13.	<i>Apriona cinerea</i> Chevrolat [APRICI]

14.	<i>Apriona germari</i> (Hope) [APRIGE]
15.	<i>Apriona rugicollis</i> Chevrolat [APRIJA]
16.	<i>Arrhenodes minutus</i> Drury [ARRHMI]
17.	<i>Aschistonyx eppoi</i> Inouye [ASCXEP]
18.	<i>Bactericera cockerelli</i> (Šulc.) [PARZCO]
19.	<i>Bemisia tabaci</i> Genn. (non-European populations) known to be vector of viruses [BEMITA]
20.	<i>Carposina sasakii</i> Matsumara [CARSSA]
21.	<i>Ceratothripoides claratris</i> (Shumsher) [CRTZCL]
22.	<p><i>Choristoneura</i> spp.:</p> <p>22.1. <i>Choristoneura carnana</i> Barnes & Busck [CHONCA]</p> <p>22.2. <i>Choristoneura conflictana</i> Walker [ARCHCO]</p> <p>22.3. <i>Choristoneura fumiferana</i> Clemens [CHONFU]</p> <p>22.4. <i>Choristoneura lambertiana</i> Busck [TORTLA]</p> <p>22.5. <i>Choristoneura occidentalis biennis</i> Freeman</p> <p>22.6. <i>Choristoneura occidentalis occidentalis</i> Freeman [CHONOC]</p> <p>22.7. <i>Choristoneura orae</i> Freeman [CHONOR]</p> <p>22.8. <i>Choristoneura parallela</i> Robinson [CHONPA]</p> <p>22.9. <i>Choristoneura pinus</i> Freeman [CHONPI]</p> <p>22.10. <i>Choristoneura retiniana</i> Walsingham [CHONRE]</p> <p>22.11. <i>Choristoneura rosaceana</i> Harris [CHONRO]</p>
23.	<p><i>Cicadomorpha</i>, known to be vectors of <i>Xylella fastidiosa</i> (Wells et al.) [XYLEFA]:</p> <p>23.1. <i>Acrogonia citrina</i> Marucci [ACRGC1]</p> <p>23.2. <i>Acrogonia virescens</i> (Metcalf) [ACRQVI]</p> <p>23.3. <i>Aphrophora angulata</i> Ball [APHRAN]</p> <p>23.4. <i>Aphrophora permutata</i> Uhler [APHRPE]</p> <p>23.5. <i>Bothrogonia ferruginea</i> (Fabricius) [TETTFE]</p> <p>23.6. <i>Bucephalogonia xanthopis</i> (Berg)</p> <p>23.7. <i>Clasteroptera achatina</i> Germar</p> <p>23.8. <i>Clasteroptera brunnea</i> Ball</p> <p>23.9. <i>Cuerna costalis</i> (Fabricius) [CUERCO]</p> <p>23.10. <i>Cuerna occidentalis</i> Osman and Beamer [CUEROC]</p> <p>23.11. <i>Cyphonia clavigera</i> (Fabricius)</p> <p>23.12. <i>Dechacona missionum</i> Berg</p> <p>23.13. <i>Dilobopterus costalimai</i> Young [DLBPCO]</p> <p>23.14. <i>Draeculacephala minerva</i> Ball [DRAEMI]</p> <p>23.15. <i>Draeculacephala</i> sp. [1DRAEG]</p> <p>23.16. <i>Ferrariana trivittata</i> Signoret</p> <p>23.17. <i>Fingeriana dubia</i> Cavichioli</p> <p>23.18. <i>Friscanus friscanus</i> (Ball)</p> <p>23.19. <i>Graphocephala atropunctata</i> (Signoret) [GRCPAT]</p> <p>23.20. <i>Graphocephala confluens</i> Uhler</p> <p>23.21. <i>Graphocephala versuta</i> (Say) [GRCPVE]</p> <p>23.22. <i>Helochara delta</i> Oman</p> <p>23.23. <i>Homalodisca ignorata</i> Melichar</p> <p>23.24. <i>Homalodisca insolita</i> Walker [HOMLIN]</p> <p>23.25. <i>Homalodisca vitripennis</i> (Germar) [HOMLTR]</p> <p>23.26. <i>Lepyronia quadrangularis</i> (Say) [LEPOQU]</p> <p>23.27. <i>Macugonalia cavifrons</i> (Stal)</p> <p>23.28. <i>Macugonalia leucomelas</i> (Walker)</p> <p>23.29. <i>Molomea consolidata</i> Schroder</p> <p>23.30. <i>Neokolla hyeroglyphica</i> (Say)</p> <p>23.31. <i>Neokolla severini</i> DeLong</p> <p>23.32. <i>Oncometopia facialis</i> Signoret [ONCMFA]</p> <p>23.33. <i>Oncometopia nigricans</i> Walker [ONCMNI]</p> <p>23.34. <i>Oncometopia orbona</i> (Fabricius) [ONCMUN]</p> <p>23.35. <i>Oragua discoidula</i> Osborn</p> <p>23.36. <i>Pagaronia confusa</i> Oman</p>

	<p>23.37. <i>Pagaronia furcata</i> Oman 23.38. <i>Pagaronia tredecimpunctata</i> Ball 23.39. <i>Pagaronia triumata</i> Ball 23.40. <i>Parathona gratiosa</i> (Blanchard) 23.41. <i>Plesiommata corniculata</i> Young 23.42. <i>Plesiommata mollicella</i> Fowler 23.43. <i>Poophilus costalis</i> (Walker) [POOPCO] 23.44. <i>Sibovia sagata</i> (Signoret) 23.45. <i>Sonesimia grossa</i> (Signoret) 23.46. <i>Tapajosa rubromarginata</i> (Signoret) 23.47. <i>Xyphon flaviceps</i> (Riley) [CARNFL] 23.48. <i>Xyphon fulgida</i> (Nottingham) [CARNFU] 23.49. <i>Xyphon triguttata</i> (Nottingham) [CARNTR]</p>
24.	<i>Conotrachelus nenuphar</i> (Herbst) [CONHNE]
25.	<i>Dendrolimus sibiricus</i> Chetverikov [DENDSI]
26.	<i>Diabrotica barberi</i> Smith and Lawrence [DIABLO]
27.	<i>Diabrotica undecimpunctata howardi</i> Barber [DIABUH]
28.	<i>Diabrotica undecimpunctata undecimpunctata</i> Mannerheim [DIABUN]
29.	<i>Diabrotica virgifera zae</i> Krysan & Smith [DIABVZ]
30.	<i>Diaphorina citri</i> Kuwayana [DIAACI]
31.	<i>Eotetranychus lewisi</i> (McGregor) [EOTELE]
32.	<i>Euwallacea fornicatus sensu lato</i> [XYLBFO]
33.	<i>Exomala orientalis</i> (Waterhouse) [ANMLOR]
34.	<i>Grapholita inopinata</i> (Heinrich) [CYDIIN]
35.	<i>Grapholita packardi</i> Zeller [LASPPA]
36.	<i>Grapholita prunivora</i> (Walsh) [LASPPR]
37.	<i>Helicoverpa zea</i> (Boddie) [HELIZE]
38.	<i>Hishimonus phycitis</i> (Distant) [HISHPH]
39.	<i>Keiferia lycopersicella</i> (Walsingham) [GNORLY]
40.	<i>Liriomyza sativae</i> Blanchard [LIRISA]
41.	<i>Listronotus bonariensis</i> (Kuschel) [HYROBO]
42.	<i>Lopholeucaspis japonica</i> Cockerell [LOPLJA]
43.	<i>Lycorma delicatula</i> (White) [LYCMDE]
44.	<p>Margarodidae: 44.1. <i>Dimargarodes meridionalis</i> Morrison 44.2. <i>Eumargarodes laingi</i> Allsopp <i>et al.</i> [EUMGLA] 44.3. <i>Eurhizococcus brasiliensis</i> Jakubski [EURHBR] 44.4. <i>Eurhizococcus colombianus</i> Jakubski 44.5. <i>Margarodes capensis</i> Giard [MARGCA] 44.6. <i>Margarodes greeni</i> Brain [MARGGR] 44.7. <i>Margarodes prieskaensis</i> (Jakubski) [MARGPR] 44.8. <i>Margarodes trimeni</i> Brain [MARGTR] 44.9. <i>Margarodes vitis</i> Reed [MARGVI] 44.10. <i>Margarodes vredendalensis</i> de Klerk [MARGVR] 44.11. <i>Porphyrophora tritici</i> Sarkisov <i>et al.</i> [PORPTR]</p>
45.	<i>Massicus raddei</i> (Blessig) [MALLRA]
46.	<i>Monochamus</i> spp. (non-European populations) [IMONCG]
47.	<i>Myndus crudus</i> van Duzee [MYNDCR]

48.	<i>Naupactus leucoloma</i> Boheman [GRAGLE]
49.	<i>Nemorimyza maculosa</i> (Malloch) [AMAZMA]
50.	<i>Neoleucinodes elegantalis</i> (Guenée) [NEOLEL]
51.	<i>Oemona hirta</i> (Fabricius) [OEMOHI]
52.	<i>Oligonychus perditus</i> Pritchard and Baker [OLIGPD]
53.	<i>Pissodes cibriani</i> O'Brien [PISOCI]
54.	<i>Pissodes fasciatus</i> Leconte [PISOFA]
55.	<i>Pissodes nemorensis</i> Germar [PISONE]
56.	<i>Pissodes nitidus</i> Roelofs [PISONI]
57.	<i>Pissodes punctatus</i> Langor & Zhang [PISOPU]
58.	<i>Pissodes strobi</i> (Peck) [PISOST]
59.	<i>Pissodes terminalis</i> Hopping [PISOTE]
60.	<i>Pissodes yunnanensis</i> Langor & Zhang [PISOYU]
61.	<i>Pissodes zitacuarensis</i> Sleeper [PISOZI]
62.	<i>Polygraphus proximus</i> Blandford [POLGPR]
63.	<i>Prodiplosis longifila</i> Gagné [PRDILO]
64.	<i>Pseudopityophthorus minutissimus</i> (Zimmermann) [PSDPMI]
65.	<i>Pseudopityophthorus pruinus</i> (Eichhoff) [PSDPPR]
66.	<i>Rhynchophorus palmarum</i> (L.) [RHYCPA]
67.	<i>Ripersiella hibisci</i> Kawai and Takagi [RHIOHI]
68.	<i>Saperda candida</i> Fabricius [SAPECN]
69.	<i>Scirtothrips aurantii</i> Faure [SCITAU]
70.	<i>Scirtothrips citri</i> (Moulton) [SCITCI]
71.	<i>Scirtothrips dorsalis</i> Hood [SCITDO]
72.	<i>Scolytinae</i> spp. (non-European) [1SCOLF]
73.	<i>Spodoptera eridania</i> (Cramer) [PRODER]
74.	<i>Spodoptera frugiperda</i> (Smith) [LAPHFR]
75.	<i>Spodoptera litura</i> (Fabricius) [PRODLI]
76.	<i>Tecia solanivora</i> (Povolný) [TECASO]
77.	Tephritidae: 77.1. <i>Acidiella kagoshimensis</i> (Miyake) 77.2. <i>Acidoxantha bombacis</i> de Meijere 77.3. <i>Acroceratitis distincta</i> (Zia) 77.4. <i>Adrama</i> spp. [1ADRAG] 77.5. <i>Anastrepha</i> spp. [1ANSTG] 77.6. <i>Anastrepha ludens</i> (Loew) [ANSTLU] 77.7. <i>Asimoneura pantomelas</i> (Bezzi) 77.8. <i>Austrotephritis protrusa</i> (Hardy & Drew) 77.9. <i>Bactrocera</i> spp. [1BCTRG] except <i>Bactrocera oleae</i> (Gmelin) [DACUOL] 77.10. <i>Bactrocera dorsalis</i> (Hendel) [DACUDO] 77.11. <i>Bactrocera latifrons</i> (Hendel) [DACULA] 77.12. <i>Bactrocera zonata</i> (Saunders) [DACUZO] 77.13. <i>Bistrispinaria fortis</i> (Speiser) 77.14. <i>Bistrispinaria magniceps</i> Bezzi

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- 77.15. *Callistomyia flavilabris* Hering
77.16. *Campiglossa albiceps* (Loew)
77.17. *Campiglossa californica* (Novak)
77.18. *Campiglossa duplex* (Becker)
77.19. *Campiglossa reticulata* (Becker)
77.20. *Campiglossa snowi* (Hering)
77.21. *Carpomya incompleta* (Becker) [CARYIN]
77.22. *Carpomya pardalina* (Bigot) [CARYPA]
77.23. *Ceratitis* spp. [1CERTG], except *Ceratitis capitata* (Wiedemann) [CERTCA]
77.24. *Craspedoxantha marginalis* (Wiedemann) [CRSXMA]
77.25. *Dacus* spp. [1DACUG]
77.26. *Dioxyna chilensis* (Macquart)
77.27. *Dirioxa pornia* (Walker) [TRYEMU]
77.28. *Euleia separata* (Becker)
77.29. *Euphranta camelliae* Hardy
77.30. *Euphranta canadensis* (Loew) [EPOCCA]
77.31. *Euphranta cassia* Hancock and Drew
77.32. *Euphranta japonica* (Ito) [RHACJA]
77.33. *Euphranta oshimensis* Sun et al.
77.34. *Eurosta solidaginis* (Fitch)
77.35. *Eutreta* spp. [1EUTTG]
77.36. *Gastrozona nigrifemur* David & Hancock
77.37. *Goedenia stenoparia* (Steyskal)
77.38. *Gymnocarena* spp.
77.39. *Insizwa oblita* Munro
77.40. *Marriottella exquisita* Munro
77.41. *Monacrostichus citricola* Bezzi [MNAHCI]
77.42. *Neaspilota alba* (Loew)
77.43. *Neaspilota reticulata* Norrbom
77.44. *Paracantha trinotata* (Foote)
77.45. *Parastenopa limata* (Coquillett)
77.46. *Paratephritis fukaii* Shiraki
77.47. *Paratephritis takeuchii* Ito
77.48. *Paraterellia varipennis* Coquillett
77.49. *Philophylla fossata* (Fabricius)
77.50. *Procecidochores* spp. [1PROIG]
77.51. *Ptilona confinis* (Walker)
77.52. *Ptilona persimilis* Hendel
77.53. *Rhagoletis* spp. [1RHAGG], except *Rhagoletis alternata* (Fallén) [RHAGAL], *Rhagoletis batava* Hering [RHAGBA], *Rhagoletis berberidis* Klug, *Rhagoletis cerasi* L. [RHAGCE], *Rhagoletis cingulata* (Loew) [RHAGCI], *Rhagoletis completa* Cresson [RHAGCO], *Rhagoletis meigenii* (Loew) [CERTME], *Rhagoletis suavis* (Loew) [RHAGSU], *Rhagoletis zernyi* Hendel
77.54. *Rhagoletis pomonella* (Walsh) [RHAGPO]
77.55. *Rioxoptilona dunlopi* (van der Wulp)
77.56. *Sphaeniscus binoculatus* (Bezzi)
77.57. *Sphenella nigricornis* Bezzi
77.58. *Strauzia* [1STRAG] spp., except *Strauzia longipennis* (Wiedemann)[STRALO]
77.59. *Taomyia marshalli* Bezzi
77.60. *Tephritis leavittensis* Blanc
77.61. *Tephritis luteipes* Merz
77.62. *Tephritis ovatipennis* Foote
77.63. *Tephritis pura* (Loew)
77.64. *Toxotrypana curvicauda* Gerstaecker [TOXTCU]
77.65. *Toxotrypana recurcauda* Tigrero
77.66. *Trupanea bisetosa* (Coquillett)
77.67. *Trupanea femoralis* (Thomson)
77.68. *Trupanea wheeleri* Curran
77.69. *Trypanocentra nigrithorax* Malloch
77.70. *Trypeta flaveola* Coquillett
77.71. *Urophora christophi* Loew
77.72. *Xanthaciura insecta* (Loew)
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	77.73. <i>Zacerata asparagi</i> Coquillett 77.74. <i>Zeugodacus</i> spp. [1ZEUDG] 77.75. <i>Zonosemata electa</i> (Say) [ZONOEL]
78.	<i>Thaumatotibia leucotreta</i> (Meyrick) [ARGPLE]
79.	<i>Thrips palmi</i> Karny [THRIPL]
80.	<i>Trirachys sartus</i> Solsky [AELSSA]
81.	<i>Unaspis citri</i> (Comstock) [UNASCI]

4. Nematodes

1.	<i>Hirschmanniella</i> spp. Luc & Goodey [HIRSG], except: <i>Hirschmanniella behningi</i> (Micoletzky) Luc & Goodey [HIRSBE], <i>Hirschmanniella gracilis</i> (de Man) Luc & Goodey [HIRSGR], <i>Hirschmanniella halophila</i> Sturhan & Hall [HIRSHA], <i>Hirschmanniella loofi</i> Sher [HIRSLO] and <i>Hirschmanniella zostericola</i> (Allgén) Luc & Goodey [HIRSZO]
2.	<i>Longidorus diadecturus</i> Eveleigh and Allen [LONGDI]
3.	<i>Meloidogyne enterolobii</i> Yang & Eisenback [MELGMY]
4.	<i>Nacobbus aberrans</i> (Thorne) Thorne and Allen [NACOPA]
5.	<i>Xiphinema americanum</i> Cobb <i>sensu stricto</i> [XIPHAA]
6.	<i>Xiphinema bricolense</i> Ebsary, Vrain & Graham [XIPHBC]
7.	<i>Xiphinema californicum</i> Lamberti & Bleve-Zacheo [XIPHCA]
8.	<i>Xiphinema inaequale</i> Khan et Ahmad [XIPHNA]
9.	<i>Xiphinema intermedium</i> Lamberti & Bleve-Zacheo [XIPHIM]
10.	<i>Xiphinema rivesi</i> (non-EU populations) Dalmasso [XIPHRI]
11.	<i>Xiphinema tarjanense</i> Lamberti & Bleve-Zacheo [XIPHTA]

5. Parasitic plants

1.	<i>Arceuthobium</i> spp. [1AREG], except : <i>Arceuthobium azoricum</i> Wiens & Hawksworth [AREAZ], <i>Arceuthobium gambyi</i> Fridl [AREGA] and <i>Arceuthobium oxycedri</i> DC. M. Bieb. [AREOX]
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6. Viruses, viroids and phytoplasmas

1.	Beet curly top virus [BCTV00]
2.	Begomoviruses, except: Abutilon mosaic virus [ABMV00], Papaya leaf crumple virus [PALCRV], Sweet potato leaf curl virus [SPLCV0], Tomato leaf curl New Delhi Virus [TOLCND], Tomato yellow leaf curl virus [TYLCV0], Tomato yellow leaf curl Sardinia virus [TYLCSV], Tomato yellow leaf curl Malaga virus [TYLCMA], Tomato yellow leaf curl Axarquía virus [TYLCAX]
3.	Black raspberry latent virus [TSVBLO]
4.	<i>Candidatus</i> Phytoplasma aurantifolia-reference strain [PHYPAF]
5.	Chrysanthemum stem necrosis virus [CSNV00]
6.	Citrus leprosis viruses [CILV00]: 6.1. CiLV-C [CILVC0] 6.2. CiLV-C2 [CILVC2] 6.3. HGSV-2 [HGSV20] 6.4. Citrus strain of OFV [OFV00] (citrus strain)

	6.5. CiLV-N <i>sensu novo</i> 6.6. Citrus chlorotic spot virus
7.	Citrus tristeza virus (non-EU isolates) [CTV000]
8.	Coconut cadang-cadang viroid [CCCVD0]
9.	Cowpea mild mottle virus [CPMMV0]
10.	Lettuce infectious yellows virus [LIYV00]
11.	Melon yellowing-associated virus [MYAV00]
12.	Palm lethal yellowing phytoplasmas [PHYP56]: 12.1. <i>Candidatus</i> Phytoplasma cocostanzania – subgroup 16SrIV-C 12.2. <i>Candidatus</i> Phytoplasma palmae – subgroups 16SrIV-A, 16SrIV-B, 16SrIV-D, 16SrIV-E, 16SrIV-F 12.3. <i>Candidatus</i> Phytoplasma palmicola – 16SrXXII-A 12.4. <i>Candidatus</i> Phytoplasma palmicola-related strain 16SrXXII-B 12.5. New <i>Candidatus</i> Phytoplasma causing palm lethal yellowing from 16SrIV group – ‘Bogia coconut syndrome’
13.	Satsuma dwarf virus [SDV000]
14.	Squash vein yellowing virus [SQVYVX]
15.	Sweet potato chlorotic stunt virus [SPCSV0]
16.	Sweet potato mild mottle virus [SPMMV0]
17.	Tobacco ringspot virus [TRSV00]
18.	Tomato chocolate virus [TOCHV0]
19.	Tomato marchitez virus [TOANV0]
20.	Tomato mild mottle virus [TOMMOV]
21.	Tomato ringspot virus [TORSV0]
22.	Viruses, viroids and phytoplasmas of <i>Cydonia</i> Mill., <i>Fragaria</i> L., <i>Malus</i> Mill., <i>Prunus</i> L., <i>Pyrus</i> L., <i>Ribes</i> L., <i>Rubus</i> L. and <i>Vitis</i> L.: 22.1. American plum line pattern virus [APLPV0] 22.2. Apple fruit crinkle viroid [AFCVD0] 22.3. Apple necrotic mosaic virus 22.4. Buckland valley grapevine yellows phytoplasma [PHYP77] 22.5. Blueberry leaf mottle virus [BLMOV0] 22.6. <i>Candidatus</i> Phytoplasma aurantifolia-related strains (Pear decline Taiwan II, Crotalaria witches' broom phytoplasma, Sweet potato little leaf phytoplasma [PHYP39]) 22.7. <i>Candidatus</i> Phytoplasma australiense Davis <i>et al.</i> [PHYPAU] (reference strain) 22.8. <i>Candidatus</i> Phytoplasma fraxini (reference strain) Griffiths <i>et al.</i> [PHYPPF] 22.9. <i>Candidatus</i> Phytoplasma hispanicum (reference strain) Davis <i>et al.</i> [PHYPO7] 22.10. <i>Candidatus</i> Phytoplasma phoenicium [PHYPPH] 22.11. <i>Candidatus</i> Phytoplasma pruni-related strain (North American grapevine yellows, NAGYIII) Davis <i>et al.</i> 22.12. <i>Candidatus</i> Phytoplasma pyri-related strain (Peach yellow leaf roll) Norton <i>et al.</i> 22.13. <i>Candidatus</i> Phytoplasma ziziphi (reference strain) Jung <i>et al.</i> [PHYPPZ] 22.14. Cherry rasp leaf virus (CRLV) [CRLV00] 22.15. Cherry rosette virus 22.16. Cherry rusty mottle associated virus [CRMAV0] 22.17. Cherry twisted leaf associated virus [CTLAV0] 22.18. Grapevine berry inner necrosis virus [GINV00] 22.19. Grapevine red blotch virus [GRBAV0] 22.20. Grapevine vein-clearing virus [GVCV00]

	22.21. Peach mosaic virus [PCMV00] 22.22. Peach rosette mosaic virus [PRMV00] 22.23. Raspberry latent virus [RPLV00] 22.24. Raspberry leaf curl virus [RLCV00] 22.25. Strawberry chlorotic fleck-associated virus 22.26. Strawberry leaf curl virus 22.27. Strawberry necrotic shock virus [SNSV00] 22.28. Temperate fruit decay-associated virus
23.	Viruses, viroids and phytoplasmas of <i>Solanum tuberosum</i> L. and other tuber-forming <i>Solanum</i> spp.: 23.1. Andean potato latent virus [APLV00] 23.2. Andean potato mild mosaic virus [APMMV0] 23.3. Andean potato mottle virus [APMOV0] 23.4. <i>Candidatus</i> Phytoplasma americanum 23.5. <i>Candidatus</i> Phytoplasma aurantifolia-related strains (GD32; St_JO_10, 14, 17; PPT-SA; Rus-343F; PPT-GTO29, -GTO30, -SINTV; Potato Huayao Survey 2; Potato hair sprouts) 23.6. <i>Candidatus</i> Phytoplasma fragariae-related strains (YN-169, YN-10G) 23.7. <i>Candidatus</i> Phytoplasma pruni-related strains (Clover yellow edge, Potato purple top Akpot7, MT117, Akpot6; PPT-COAFP, -GTOP) 23.8. Chilli leaf curl virus [CHLCU] 23.9. Potato black ringspot virus [PBRV0] 23.10. Potato virus B [PVB000] 23.11. Potato virus H [PVH000] 23.12. Potato virus P [PVP000] 23.13. Potato virus T [PVT000] 23.14. Potato yellow dwarf virus [PYDV00] 23.15. Potato yellow mosaic virus [PYMV00] 23.16. Potato yellow vein virus [PYVV00] 23.17. Potato yellowing virus [PYV000] 23.18. Tomato mosaic Havana virus [THV000] 23.19. Tomato mottle Taino virus [TOMOTV] 23.20. Tomato severe rugose virus [TOSRV0] 23.21. Tomato yellow vein streak virus [TOYVSV] 23.22. Non-EU isolates of potato viruses S, X and Potato leafroll virus [PVS000], [PVX000] and [PLRV00]

PART B

PESTS KNOWN TO OCCUR IN THE UNION TERRITORY

Quarantine Pests and their codes assigned by EPPO

1. Bacteria

1.	<i>Clavibacter sepedonicus</i> (Spieckermann and Kottho) Nouioui <i>et al.</i> [CORBSE]
2.	<i>Ralstonia solanacearum</i> (Smith) Yabuuchi <i>et al.</i> Emend. Safni <i>et al.</i> [RALSSL]
3.	<i>Xylella fastidiosa</i> (Wells <i>et al.</i>) [XYLEFA]

2. Fungi and oomycetes

1.	<i>Ceratocystis platani</i> (J. M. Walter) Engelbr. & T. C. Harr [CERAFP]
2.	<i>Fusarium circinatum</i> Nirenberg & O'Donnell [GIBBCI]
3.	<i>Geosmithia morbida</i> Kolarík, Freeland, Utley & Tisserat [GEOHMO]
4.	<i>Synchytrium endobioticum</i> (Schilb.) Percival [SYNCEN]

3. Insects and mites	
1.	<i>Aleurocanthus spiniferus</i> (Quaintance) [ALECSN]
2.	<i>Anoplophora chinensis</i> (Thomson) [ANOLCN]
3.	<i>Anoplophora glabripennis</i> (Motschulsky) [ANOLGL]
4.	<i>Aromia bungii</i> (Faldermann) [AROMBU]
5.	<i>Pityophthorus juglandis</i> Blackman [PITOJU]
6.	<i>Popillia japonica</i> Newman [POPIJA]
7.	<i>Toxoptera citricida</i> (Kirkaldy) [TOXOCI]
8.	<i>Trioza erytrae</i> Del Guercio [TRIZER]
4. Molluscs	
1.	<i>Pomacea</i> (Perry) [1POMAG]
5. Nematodes	
1.	<i>Bursaphelenchus xylophilus</i> (Steiner and Bühner) Nickle <i>et al.</i> [BURSXY]
2.	<i>Globodera pallida</i> (Stone) Behrens [HETDPA]
3.	<i>Globodera rostochiensis</i> (Wollenweber) Behrens [HETDRO]
4.	<i>Meloidogyne chitwoodi</i> Golden <i>et al.</i> [MELGCH]
5.	<i>Meloidogyne fallax</i> Karssen [MELGFA]
6. Viruses, viroids and phytoplasmas	
1.	Grapevine flavescence dorée phytoplasma [PHYP64]
2.	Tomato leaf curl New Delhi virus [TOLCND]'

(3) Annex IV is amended as follows:

(a) in the table of contents the following row is added:

'Part M: RNQPs concerning fruit propagating material and fruit plants intended for fruit production of *Actinidia* Lindl., other than seeds';

(b) Part D is amended as follows:

(i) the following row is inserted between the first and the second row of the table of 'Bacteria':

' <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto [PSDMAK]	Plants for planting other than seeds <i>Actinidia</i> Lindl.	0 %;
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(ii) the following row is inserted between the fourth and the fifth row of the table of 'Fungi and oomycetes':

' <i>Phytophthora ramorum</i> (EU isolates) Werres, De Cock & Man in 't Veld [PHYTRA]	Plants for planting other than pollen and seeds <i>Camellia</i> L., <i>Castanea sativa</i> Mill., <i>Fraxinus excelsior</i> L., <i>Larix decidua</i> Mill., <i>Larix kaempferi</i> (Lamb.) Carrière, <i>Larix × eurolepis</i> A. Henry, <i>Pseudotsuga menziesii</i> (Mirb.) Franco, <i>Quercus cerris</i> L., <i>Quercus ilex</i> L., <i>Quercus rubra</i> L., <i>Rhododendron</i> L. other than <i>R.</i> <i>simsii</i> L., <i>Viburnum</i> L.	0%;
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(c) Part E is replaced by the following:

PART E

RNQPs concerning forest reproductive material, other than seeds

Fungi and oomycetes		
RNQPs or symptoms caused by RNQPs	Plants for planting (genus or species)	Threshold for the forest reproductive material concerned
<i>Cryphonectria parasitica</i> (Murrill) Barr [ENDOPA]	Plants for planting, other than seeds <i>Castanea sativa</i> Mill.	0 %
<i>Dothistroma pini</i> Hulbary [DOTSPI]	Plants for planting, other than seeds <i>Pinus</i> L.	0 %
<i>Dothistroma septosporum</i> (Dorogin) Morelet [SCIRPI]	Plants for planting, other than seeds <i>Pinus</i> L.	0 %
<i>Lecanosticta acicola</i> (von Thümen) Sydow [SCIRAC]	Plants for planting, other than seeds <i>Pinus</i> L.	0 %
<i>Phytophthora ramorum</i> (EU isolates) Werres, De Cock & Man in 't Veld	Plants for planting, other than pollen and seeds <i>Castanea sativa</i> Mill., <i>Fraxinus excelsior</i> L., <i>Larix decidua</i> Mill., <i>Larix kaempferi</i> (Lamb.) Carrière, <i>Larix × eurolepis</i> A. Henry, <i>Pseudotsuga menziesii</i> (Mirb.) Franco, <i>Quercus cerris</i> L., <i>Quercus ilex</i> L., <i>Quercus rubra</i> L.	0 %;

(d) in Part F 'Insects and mites', the second and the third rows of the table are replaced by the following:

<i>Bruchus pisorum</i> (Linnaeus) [BRCHPI]	<i>Pisum sativum</i> L.	0 %
<i>Bruchus rufimanus</i> Boheman [BRCHRU]	<i>Vicia faba</i> L.	0 %;

(e) Part J is amended as follows:

(i) in the table of 'Fungi and oomycetes', the following row is inserted between the twenty-second and twenty-third row:

<i>Phytophthora ramorum</i> (EU isolates) Werres, De Cock & Man in 't Veld [PHYTRA]	Plants for planting other than pollen and seeds <i>Castanea sativa</i> Mill., <i>Vaccinium</i> L.	0 %;
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(ii) in the table of 'Viruses, viroids, virus-like diseases and phytoplasmas' the twenty-first row is deleted;

(f) in Part L, the following table is added after the table 'Fungi and oomycetes':

'Viruses, viroids, virus-like diseases and phytoplasmas		
Citrus bark cracking viroid [CBCVD0]	Plants for planting other than pollen and seeds <i>Humulus lupulus</i> L.	0%;

(g) the following part is added:

PART M

RNQPs concerning fruit propagating material and fruit plants intended for fruit production of *Actinidia* Lindl., other than seeds

Bacteria		
RNQPs or symptoms caused by RNQPs	Plants for planting (genus or species)	Threshold for the fruit propagating material and fruit plants concerned
<i>Pseudomonas syringae</i> pv. <i>actinidiae</i> Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto [PSDMAK]	<i>Actinidia</i> Lindl.	0%;

(4) Annex V is amended as follows:

(a) in the table of contents, the following row is added:

‘Part K: Measures to prevent the presence of RNQPs on fruit propagating material and fruit plants intended for fruit production of *Actinidia* Lindl., other than seeds’;

(b) Part C is amended as follows:

(i) in the table of ‘Bacteria’ the following row is inserted between the first and the second row:

<i>Pseudomonas syringae</i> pv. <i>actinidiae</i> Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto [PSDMAK]	Plants for planting other than seeds <i>Actinidia</i> Lindl.	<p>(a) the plants have been produced in areas established by the competent authority as being free from <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> in accordance with the relevant International Standards for Phytosanitary Measures; or</p> <p>(b) (i) no symptoms of <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> have been observed on plants in the production site over the last complete growing season; or</p> <p>(ii) symptoms of <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> have been observed on no more than 1% of plants in the production site, and those plants, and any symptomatic plants in the immediate vicinity have been rogued out and immediately destroyed, and a representative portion of the remaining asymptomatic plants have been sampled and tested for <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> and found free from the pest;</p> <p>and the plants have been subjected to random sampling and testing for <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> before marketing and found free from the pest. ’;</p>
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(ii) in the table of 'Fungi and oomycetes' the following row is inserted between the second and the third row:

' <i>Phytophthora ramorum</i> (EU isolates) Werres, De Cock & Man in 't Veld	<i>Camellia</i> L., <i>Castanea sativa</i> Mill., <i>Fraxinus excelsior</i> L., <i>Larix decidua</i> Mill., <i>Larix kaempferi</i> (Lamb.) Carrière, <i>Larix × eurolepis</i> A. Henry, <i>Pseudotsuga menziesii</i> (Mirb.) Franco, <i>Quercus cerris</i> L., <i>Quercus ilex</i> L., <i>Quercus rubra</i> L., <i>Rhododendron</i> L. other than <i>R. simsii</i> L., <i>Viburnum</i> L.	<p>(a) the plants have been produced in areas established by the competent authority as being free from <i>Phytophthora ramorum</i> (EU isolates) in accordance with the relevant International Standards for Phytosanitary Measures; or</p> <p>(b) no symptoms of <i>Phytophthora ramorum</i> (EU isolates) have been observed on host plants at the site of production over the last complete growing season; or</p> <p>(c) (i) plants showing symptoms of <i>Phytophthora ramorum</i> (EU isolates) at the site of production and all plants within a 2 m radius of the symptomatic material, have been rogued out and destroyed, including adhering soil; and</p> <p>(ii) for all host plants located within a 10 m radius of symptomatic plants and for any remaining plants from the affected lot:</p> <ul style="list-style-type: none"> — within three months following the detection of symptomatic plants, no symptoms of <i>Phytophthora ramorum</i> (EU isolates) have been observed on those plants in at least two inspections at appropriate times to detect the pest, and during that three-month period no treatments suppressing symptoms of <i>Phytophthora ramorum</i> (EU isolates) have been carried out, and — after that three-month period: — no symptoms of <i>Phytophthora ramorum</i> (EU isolates) have been observed on those plants at the site of production, or — a representative sample of those plants to be moved has been tested and found free from <i>Phytophthora ramorum</i> (EU isolates); and <p>(iii) for all other plants at the place of production:</p> <ul style="list-style-type: none"> — no symptoms of <i>Phytophthora ramorum</i> (EU isolates) have been observed on those plants at the site of production, or — a representative sample of those plants to be moved has been tested and found free from <i>Phytophthora ramorum</i> (EU isolates).';
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- (iii) in the table of ‘Insects and mites’, in the third row, the third column is replaced by the following:
 - ‘(a) the plants have been grown for their entire life in an area which has been established as free from *Rhynchophorus ferrugineus* (Olivier) by the responsible official body in accordance with the relevant International Standards for Phytosanitary Measures; or
 - (b) the plants have been grown in the two years prior to their movement in a site within the Union with physical isolation against the introduction of *Rhynchophorus ferrugineus* (Olivier), or in a site within the Union where the appropriate preventive treatments have been applied, with respect to that pest; and
 - (c) the plants have been subject to visual inspections carried out at least once every four months, confirming freedom of that material from *Rhynchophorus ferrugineus* (Olivier).’;
- (iv) in the table of ‘Viruses, viroids, virus-like diseases and phytoplasmas’ in the third row, the third column is replaced by the following:
 - ‘(a) the plants derive from mother plants which have been visually inspected, and found free from symptoms of *Candidatus Phytoplasma pyri* Seemüller & Schneider; and
 - (b) (i) the plants have been produced in areas established by the competent authority as being free from *Candidatus Phytoplasma pyri* Seemüller & Schneider in accordance with the relevant International Standards for Phytosanitary Measures; or
 - (ii) the plants have been grown in a site of production found free from the pest over the last complete growing season by visual inspection, and any symptomatic plants in the immediate vicinity have been rogued out and destroyed immediately;
 - or
 - (c) the plants in the site of production and any plants in the immediate vicinity, which have shown symptoms of *Candidatus Phytoplasma pyri* Seemüller & Schneider during visual inspections at appropriate times during the last three growing seasons, have been rogued out and destroyed immediately.’;
- (v) Part D is replaced by the following:

‘PART D

Measures to prevent the presence of RNQPs on forest reproductive material, other than seeds

The competent authority, or the professional operator under the official supervision of the competent authority, shall carry out checks and take any other actions to ensure that the requirements, concerning the respective RNQPs and plants for planting, provided for in the third column of the following table, are fulfilled.

Fungi and oomycetes		
RNQPs or symptoms caused by RNQPs	Plants for planting	Requirements
<i>Cryphonectria parasitica</i> (Murrill) Barr	Plants for planting, other than seeds <i>Castanea sativa</i> Mill.	(a) forest reproductive material originates in areas established by the competent authority, as being free from <i>Cryphonectria parasitica</i> (Murrill) Barr in accordance with the relevant International Standards for Phytosanitary Measures; or

		<p>(b) no symptoms of <i>Cryphonectria parasitica</i> (Murrill) Barr have been observed at the site of production over the last complete growing season; or</p> <p>(c) forest reproductive material showing symptoms of <i>Cryphonectria parasitica</i> (Murrill) Barr has been rogued out, the remaining material has been inspected at weekly intervals and no symptoms of <i>Cryphonectria parasitica</i> (Murrill) Barr have been observed at the site of production for at least three weeks before movement of that material.</p>
<p><i>Dothistroma pini</i> Hulbary, <i>Dothistroma septosporum</i> (Dorogin) Morelet <i>Lecanosticta acicola</i> (von Thümen) Sydow</p>	<p>Plants for planting, other than seeds <i>Pinus</i> L.</p>	<p>(a) forest reproductive material originates in areas established by the competent authority, as being free from <i>Dothistroma pini</i> Hulbary, <i>Dothistroma septosporum</i> (Dorogin) Morelet and <i>Lecanosticta acicola</i> (von Thümen) Sydow in accordance with the relevant International Standards for Phytosanitary Measures; or</p> <p>(b) no symptoms of needle blight, caused by <i>Dothistroma pini</i> Hulbary, <i>Dothistroma septosporum</i> (Dorogin) Morelet or <i>Lecanosticta acicola</i> (von Thümen) Sydow, have been observed at the site of production or its immediate vicinity over the last complete growing season; or</p> <p>(c) appropriate treatments have been carried out in the site of production against needle blight, caused by <i>Dothistroma pini</i> Hulbary, <i>Dothistroma septosporum</i> (Dorogin) Morelet or <i>Lecanosticta acicola</i> (von Thümen) Sydow, and the forest reproductive material has been visually inspected before movement and found free from symptoms of needle blight.</p>
<p><i>Phytophthora ramorum</i> (EU isolates) Werres, De Cock & Man in 't Veld</p>	<p>Plants for planting, other than pollen and seeds <i>Castanea sativa</i> Mill., <i>Fraxinus excelsior</i> L., <i>Larix decidua</i> Mill., <i>Larix kaempferi</i> (Lamb.) Carrière, <i>Larix × eurolepis</i> A. Henry, <i>Pseudotsuga menziesii</i> (Mirb.) Franco, <i>Quercus cerris</i> L., <i>Quercus ilex</i> L., <i>Quercus rubra</i> L.</p>	<p>(a) forest reproductive material originates in areas established by the competent authority, as being free from <i>Phytophthora ramorum</i> (EU isolates) in accordance with the relevant International Standards for Phytosanitary Measures; or</p> <p>(b) no symptoms of <i>Phytophthora ramorum</i> (EU isolates) have been observed on forest reproductive material at the site of production over the last complete growing season; or</p> <p>(c) (i) forest reproductive material showing symptoms of <i>Phytophthora ramorum</i> (EU isolates) at the site of production and all forest reproductive material with adherent soil within a 2 m radius of the symptomatic material, has been rogued out and destroyed, including adhering soil; and</p>

		<ul style="list-style-type: none"> (ii) for all forest reproductive material located within a 10 m radius of symptomatic plants and for any remaining forest reproductive material from the affected lot: <ul style="list-style-type: none"> — within three months following the detection of symptomatic forest reproductive material, no symptoms of <i>Phytophthora ramorum</i> (EU isolates) have been observed on that forest reproductive material in at least two inspections at appropriate times to detect the pest and during that three-month period no treatments suppressing symptoms of <i>Phytophthora ramorum</i> (EU isolates) have been carried out, and — after that three-month period: <ul style="list-style-type: none"> — no symptoms of <i>Phytophthora ramorum</i> (EU isolates) have been observed on that forest reproductive material at the site of production, or — a representative sample of that forest reproductive material to be moved has been tested and found free from <i>Phytophthora ramorum</i> (EU isolates); and (iii) for all other forest reproductive material at the place of production: <ul style="list-style-type: none"> — no symptoms of <i>Phytophthora ramorum</i> (EU isolates) have been observed on that forest reproductive material at the site of production, or — a representative sample of that forest reproductive material to be moved has been tested and found free from <i>Phytophthora ramorum</i> (EU isolates). ;
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(vi) in Part E, the rows on ‘*Bruchus pisorum* (L.)’ and ‘*Bruchus rufimanus* L.’ are replaced by the following:

<p><i>Bruchus pisorum</i> (Linnaeus)</p>	<p><i>Pisum sativum</i> L.</p>	<ul style="list-style-type: none"> (a) a representative sample of the seeds has been subjected to visual inspection at the most appropriate time to detect the pest, which may follow an appropriate treatment; and (b) the seed has been found free from <i>Bruchus pisorum</i> (Linnaeus).
<p><i>Bruchus rufimanus</i> Boheman</p>	<p><i>Vicia faba</i> L.</p>	<ul style="list-style-type: none"> (a) a representative sample of the seeds has been subjected to visual inspection at the most appropriate time to detect the pest, which may follow an appropriate treatment; and (b) the seed has been found free from <i>Bruchus rufimanus</i> Boheman. ;

(vii) in Part F, the first row of the third table is replaced by the following:

' <i>Candidatus Liberibacter solanacearum</i> Liefting <i>et al.</i>	<i>Solanum tuberosum</i> L.	The competent authority has subjected the lots to official inspection and confirms that they comply with the respective provisions of Annex IV, unless the lot has been produced from plants complying with point (b)(i) of the third column of the second row of the first table in Part F of Annex V. ';
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(viii) in Part J, in the table of 'Fungi' the first row is replaced by:

'Fungi and oomycetes';

(ix) in Part J, the following table is inserted after the table of 'Fungi':

'Viruses, viroids, virus-like diseases and phytoplasmas'		
RNQPs or symptoms caused by RNQPs	Plants for planting	Requirements
Citrus bark cracking viroid [CBCVD0]	<i>Humulus lupulus</i> L.	(a) plants have been produced in areas established by the competent authority as being free from Citrus bark cracking viroid in accordance with the relevant International Standards for Phytosanitary Measures; or (b) (i) the place of production has been found free from Citrus bark cracking viroid over the last two complete growing seasons by visual inspection of the plants at the most appropriate time to detect the pest and in order to prevent mechanical transmission, appropriate hygienic measures have been applied at the place of production; and (ii) plants for planting derive from mother plants which have been found free from Citrus bark cracking viroid, and <ul style="list-style-type: none"> — in the case of mother plants which have been maintained in a site of production with a physical protection from sources of infection with Citrus bark cracking viroid, the mother plants have been visually inspected, sampled and tested every year at the most appropriate time to detect the presence of Citrus bark cracking viroid in order to have all mother plants tested within an interval of 5 years, or — in the case of mother plants which have not been maintained in a site of production with a physical protection from sources of infection with Citrus bark cracking viroid, the mother plants have been found free from Citrus bark cracking viroid over the last five complete growing seasons by visual inspection at the most appropriate time to detect the pest, and

		<ul style="list-style-type: none"> — a representative sample of mother plants has been tested at the most appropriate time to detect the pest during the last 12 months and found free from Citrus bark cracking viroid, and — the mother plants have been isolated from <i>Humulus lupulus</i> L. grown in neighbouring places of production situated at, at least, 20 m; and <p>(iii) in the case of production of rooted plants for planting to be moved, the site of production used for rooting</p> <ul style="list-style-type: none"> — has been isolated from production crops of <i>Humulus lupulus</i> L. situated at, at least, 20 m, or — has been physically protected from sources of infection with Citrus bark cracking viroid.;
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(x) the following Part is added:

PART K

Measures to prevent the presence of RNQPs on fruit propagating material and fruit plants intended for fruit production of *Actinidia* Lindl., other than seeds

The competent authority, or the professional operator under the official supervision of the competent authority, shall carry out checks and take any other actions to ensure that the requirements, concerning the respective RNQP and plants for planting, provided for in the third column of the following table, are fulfilled.

Bacteria		
RNQPs or symptoms caused by RNQPs	Plants for planting	Measures
<i>Pseudomonas syringae</i> pv. <i>actinidiae</i> Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto [PSDMAK]	<i>Actinidia</i> Lindl.	<ul style="list-style-type: none"> (a) propagating material and fruit plants have been produced in areas established by the competent authority, as being free from <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> in accordance with the relevant International Standards for Phytosanitary Measures; or (b) propagating material and fruit plants derive from mother plants which have been visually inspected twice a year, and found free from <i>Pseudomonas syringae</i> pv. <i>actinidiae</i>; and (c) (i) in the case of mother plants which have been maintained in facilities ensuring physical protection against infections with <i>Pseudomonas syringae</i> pv. <i>actinidiae</i>, a representative portion of mother plants has been sampled and tested every four years concerning the presence of <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> in order to have all mother plants tested within an interval of 8 years; or

		<p>(ii) in the case of mother plants which have not been maintained in the above-mentioned facilities, a representative portion of mother plants has been sampled and tested every year concerning the presence of <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> in order to have all mother plants tested within an interval of 3 years;</p> <p>and</p> <p>(d) (i) in the case of propagating material and fruit plants which have been maintained in the above-mentioned facilities, no symptoms of <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> have been observed on that propagating material and those fruit plants in the production site over the last complete growing season; or</p> <p>(ii) in the case of propagating material and fruit plants which have not been maintained in the above-mentioned facilities, no symptoms of <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> have been observed on that propagating material and those fruit plants in the production site over the last complete growing season and that propagating material and those fruit plants have been subjected to random sampling and testing for <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> before marketing and found free from the pest concerned; or</p> <p>(iii) in the case of propagating material and fruit plants which have not been maintained in the above-mentioned facilities, symptoms of <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> have been observed on no more than 1 % of propagating material and fruit plants in the production site, and that propagating material and those fruit plants, and any symptomatic propagating material and fruit plants in the immediate vicinity have been rogued out and immediately destroyed, and a representative portion of the remaining asymptomatic propagating material and fruit plants have been sampled and tested for <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> and found free from the pest concerned.';</p>
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(5) Annex VI is amended as follows:

(a) the following point is inserted between points 3 and 4:

3.1	Isolated bark of <i>Acer macrophyllum</i> Pursh, <i>Aesculus californica</i> (Spach) Nutt., <i>Lithocarpus densiflorus</i> (Hook. & Arn.) Rehd., <i>Quercus</i> L. and <i>Taxus brevifolia</i> Nutt.	ex 1404 90 00 ex 4401 40 90	Canada, United Kingdom (!), United States, Vietnam
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(¹) In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, for the purposes of this Annex, references to the United Kingdom do not include Northern Ireland.;

(b) point 5 is replaced by the following:

'5.	Isolated bark of <i>Quercus</i> L., other than <i>Quercus suber</i> L.	ex 1404 90 00 ex 4401 40 90	Mexico';
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(c) in point 18, in the column 'CN Code', the CN codes are replaced by following:

- 'ex 0602 10 90
- ex 0602 90 30
- ex 0602 90 45
- ex 0602 90 46
- ex 0602 90 48
- ex 0602 90 50
- ex 0602 90 70
- ex 0602 90 91
- ex 0602 90 99';

(6) Annex VII is amended as follows:

(a) the following point is inserted between points 2 and 3:

'2.1	Plants for planting, other than bulbs, corms, rhizomes, seeds, tubers, and plants in tissue culture	0602 10 90 0602 20 20 0602 20 80 0602 30 00 0602 40 00 0602 90 20 0602 90 30 0602 90 41 0602 90 45 0602 90 46 0602 90 47 0602 90 48 0602 90 50 0602 90 70 0602 90 91 0602 90 99 ex 0704 10 00 ex 0704 90 10 ex 0704 90 90 ex 0705 11 00 ex 0705 19 00 ex 0709 40 00 ex 0709 99 10 ex 0910 99 31 ex 0910 99 33	Third countries, other than Switzerland	Official statement that the plants: (a) have been grown in nurseries, which are registered and supervised by the national plant protection organisation of the country of origin, and (b) have been inspected at appropriate times and prior to export. ;
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(b) the following amendments are made after point 4:

(i) the following point 4.1 is inserted:

4.1	Plants for planting with roots, other than plants in tissue culture	ex 0601 20 30 ex 0601 20 90 ex 0602 30 00 ex 0602 40 00 ex 0602 90 20 ex 0602 90 30 ex 0602 90 41 ex 0602 90 45 ex 0602 90 46 ex 0602 90 47 ex 0602 90 48 ex 0602 90 50 ex 0602 90 70 ex 0602 90 91 ex 0602 90 99	Third countries	<p>Official statement that the plants:</p> <p>(a) originate in a country established by the national plant protection organisation in the country of origin as being free from <i>Meloidogyne enterolobii</i> Yang & Eisenback in accordance with the relevant International Standards for Phytosanitary Measures,</p> <p>or</p> <p>(b) originate in an area established by the national plant protection organisation in the country of origin as being free from <i>Meloidogyne enterolobii</i> Yang & Eisenback in accordance with the relevant International Standards for Phytosanitary Measures. The name of the area shall be mentioned on the phytosanitary certificate,</p> <p>or</p> <p>(c) have been grown throughout their life in a growing medium which at the time of planting of the plants:</p> <p>(i) was free from soil and organic matter and had not been previously used for growing plants or for any other agricultural purposes,</p> <p>or</p> <p>(ii) was composed entirely of peat or fibre of <i>Cocos nucifera</i> L. and had not been previously used for growing plants or for any other agricultural purposes,</p> <p>or</p> <p>(iii) was subjected to effective fumigation or heat treatment to ensure freedom from <i>Meloidogyne enterolobii</i> Yang & Eisenback and which is indicated on the phytosanitary certificate,</p> <p>or</p> <p>(iv) was subjected to effective systems approach to ensure freedom from <i>Meloidogyne enterolobii</i> Yang & Eisenback and which is indicated on the phytosanitary certificate;</p> <p>and</p>
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				<p>in all the cases mentioned in points (i) to (iv) was stored and maintained under appropriate conditions to keep it free from <i>Meloidogyne enterolobii</i> Yang & Eisenback and since planting appropriate measures have been taken to ensure that the plants have been kept free from <i>Meloidogyne enterolobii</i> Yang & Eisenback, including at least:</p> <ul style="list-style-type: none"> — physical isolation of the growing medium from soil and other possible sources of contamination, and — hygiene measures, <p>or</p> <p>(d) (i) originate in a place of production, established by the national plant protection organisation in the country of origin as being free from <i>Meloidogyne enterolobii</i> Yang & Eisenback in accordance with the relevant International Standards for Phytosanitary Measures,</p> <p>and</p> <p>(ii) immediately prior to export the roots of a representative sample of the consignment have been inspected and are found free from symptoms of <i>Meloidogyne enterolobii</i> Yang & Eisenback.;</p>
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(ii) the following point 4.2 is inserted:

4.2	Plants for planting with growing media intended to sustain the vitality of the plants, other than plants in tissue culture and aquatic plants	ex 0602 20 80 ex 0602 30 00 ex 0602 40 00 ex 0602 90 20 ex 0602 90 30 ex 0602 90 41 ex 0602 90 45 ex 0602 90 47 ex 0602 90 48 ex 0602 90 50 ex 0602 90 70 ex 0602 90 91 ex 0602 90 99	Canada, China, India, Japan, Russia, Switzerland, and United States	Official statement that the plants: <ul style="list-style-type: none"> (a) originate in an area established by the national plant protection organisation of the country of origin as being free from <i>Popillia japonica</i> Newman in accordance with the relevant International Standards for Phytosanitary Measures. The name of the area shall be mentioned on the phytosanitary certificate, <p>or</p> <ul style="list-style-type: none"> (b) have been grown in a place of production established by the national plant protection organisation in the country of origin as being free from <i>Popillia japonica</i> Newman in accordance with the relevant International Standards for Phytosanitary Measures:
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				<ul style="list-style-type: none"> (i) which has been subjected to an annual official inspection and, at least, a monthly inspection during the three months prior to export, for any signs of <i>Popillia japonica</i> Newman, carried out at appropriate times to detect the presence of the pest concerned, at least by visual examination of all plants, including weeds, and sampling of the growing media in which plants are growing, and (ii) which is surrounded by a buffer zone of at least 100 m, where the absence of <i>Popillia japonica</i> Newman was confirmed by official surveys carried out annually at appropriate times, and (iii) immediately prior to export the plants and the growing media have been subjected to an official inspection, including the sampling of the growing media, and found free from <i>Popillia japonica</i> Newman, and (iv) the plants: <ul style="list-style-type: none"> — are handled and packed or transported in ways to prevent infestation from <i>Popillia japonica</i> Newman after leaving the place of production or — are moved outside the flight season of <i>Popillia japonica</i> Newman, or (c) have been grown throughout their life in a site of production with physical isolation against the introduction of <i>Popillia japonica</i> Newman and the plants: <ul style="list-style-type: none"> (i) are handled and packed or transported in ways to prevent infestation from <i>Popillia japonica</i> Newman after leaving the site of production, or (ii) are moved outside the flight season of <i>Popillia japonica</i> Newman or
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				(d) have been produced following a systems approach approved in accordance with the procedure laid down in Article 107 of Regulation (EU) 2016/2031 to ensure freedom of <i>Popillia japonica</i> Newman.;
(c) point 8 is replaced by the following:				
8.	Plants for planting of herbaceous species, other than bulbs, corms, plants of the family <i>Poaceae</i> , rhizomes, seeds, tubers, and plants in tissue culture	ex 0602 10 90 0602 90 20 ex 0602 90 30 ex 0602 90 50 ex 0602 90 70 ex 0602 90 91 ex 0602 90 99 ex 0704 10 00 ex 0704 90 10 ex 0704 90 90 ex 0705 11 00 ex 0705 19 00 ex 0705 21 00 ex 0705 29 00 ex 0706 90 10 ex 0709 40 00 ex 0709 99 10 ex 0910 99 31 ex 0910 99 33	Third countries where <i>Liriomyza sativae</i> (Blanchard) and <i>Nemorimyza maculosa</i> (Malloch) are known to occur	<p>Official statement that the plants:</p> <p>(a) originate in an area established by the national plant protection organisation in the country of origin as being free from <i>Liriomyza sativae</i> (Blanchard) and <i>Nemorimyza maculosa</i> (Malloch) in accordance with the relevant International Standards for Phytosanitary Measures. The name of the area shall be mentioned on the phytosanitary certificate,</p> <p>or</p> <p>(b) originate in a place of production, established by the national plant protection organisation of the country of origin as being free from <i>Liriomyza sativae</i> (Blanchard) and <i>Nemorimyza maculosa</i> (Malloch) in accordance with the relevant International Standards for Phytosanitary Measures, and which is mentioned on the phytosanitary certificate under the rubric 'Additional declaration', and declared free from <i>Liriomyza sativae</i> (Blanchard) and <i>Nemorimyza maculosa</i> (Malloch) on official inspections carried out at least monthly during the three months prior to export,</p> <p>or</p> <p>(c) immediately prior to export, have been subjected to an appropriate treatment against <i>Liriomyza sativae</i> (Blanchard) and <i>Nemorimyza maculosa</i> (Malloch) and have been officially inspected and found free from <i>Liriomyza sativae</i> (Blanchard) and <i>Nemorimyza maculosa</i> (Malloch).</p> <p>Details of the treatment referred to in point (c) shall be mentioned on the phytosanitary certificate.'</p>

(d) point 20 is replaced by the following:

20.	Tubers of <i>Solanum tuberosum</i> L., for planting	0701 10 00	Third countries	<p>Official statement that the tubers:</p> <p>(a) originate in a country recognised as being free from <i>Meloidogyne chitwoodi</i> Golden <i>et al.</i>, <i>Meloidogyne enterolobii</i> Yang & Eisenback and <i>Meloidogyne fallax</i> Karssen in accordance with the relevant International Standards for Phytosanitary Measures,</p> <p>or</p> <p>(b) originate in an area established by the national plant protection organisation in the country of origin as being free from <i>Meloidogyne chitwoodi</i> Golden <i>et al.</i>, <i>Meloidogyne enterolobii</i> Yang & Eisenback and <i>Meloidogyne fallax</i> Karssen in accordance with the relevant International Standards for Phytosanitary Measures. The name of the area shall be mentioned on the phytosanitary certificate,</p> <p>or</p> <p>(c) originate in a place of production, established by the national plant protection organisation in the country of origin as being free from <i>Meloidogyne chitwoodi</i> Golden <i>et al.</i>, <i>Meloidogyne enterolobii</i> Yang & Eisenback and <i>Meloidogyne fallax</i> Karssen based on an annual survey of host crops by visual inspection of host plants at appropriate times and by visual inspection both externally and by cutting of tubers after harvest from potato crops grown at the place of production,</p> <p>or</p> <p>(d) the tubers after harvest have been randomly sampled and, either checked for the presence of symptoms after an appropriate method to induce symptoms, or laboratory tested, as well as inspected visually both externally and by cutting the tubers, at appropriate times and in all cases at the time of closing of the packages or containers and no symptoms of <i>Meloidogyne chitwoodi</i> Golden <i>et al.</i>, <i>Meloidogyne enterolobii</i> Yang & Eisenback and <i>Meloidogyne fallax</i> Karssen have been found.’;</p>
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(e) the following points are inserted between points 21 and 22:

21.1	Plants for planting of <i>Cucurbitaceae</i> Juss. and <i>Solanaceae</i> Juss., other than bulbs, corms, rhizomes, pollen, seeds, tubers, and plants in tissue culture	ex 0602 10 90 ex 0602 90 30 ex 0602 90 45 ex 0602 90 46 ex 0602 90 48 ex 0602 90 50 ex 0602 90 70 ex 0602 90 91 ex 0602 90 99	Third countries	<p>Official statement that the plants:</p> <p>(a) originate in a country recognised as being free from <i>Ceratothripoides claratris</i> (Shumsher) in accordance with the relevant International Standards for Phytosanitary Measures,</p> <p>or</p> <p>(b) originate in an area established by the national plant protection organisation in the country of origin as being free from <i>Ceratothripoides claratris</i> (Shumsher) in accordance with the relevant International Standards for Phytosanitary Measures. The name of the area shall be mentioned on the phytosanitary certificate,</p> <p>or</p> <p>(c) have been grown throughout their life in a site of production with physical protection against the introduction of <i>Ceratothripoides claratris</i> (Shumsher), and which has been subjected for at least three months prior to export to at least one inspection to detect the presence of <i>Ceratothripoides claratris</i> (Shumsher).</p>
21.2	Plants for planting of <i>Allium cepa</i> L., <i>Asparagus</i> L., <i>Cynara scolymus</i> L., <i>Citrullus lanatus</i> (Thnb.) Matusm. & Nakai, <i>Cucurbita</i> L., <i>Cucumis melo</i> L., <i>Cucumis sativum</i> L., <i>Glycine max</i> (L.), Merr., <i>Gossypium</i> L., <i>Medicago sativa</i> , L., <i>Persea americana</i> Mill., <i>Phaseolus</i> L., <i>Ricinus communis</i> L., and <i>Tagetes</i> L., other than bulbs, corms, plants in tissue culture, rhizomes, pollen, seeds and tubers.	ex 0602 10 90 ex 0602 20 20 ex 0602 20 80 ex 0602 90 30 ex 0602 90 45 ex 0602 90 46 ex 0602 90 47 ex 0602 90 48 ex 0602 90 50 ex 0602 90 70 ex 0602 90 91 ex 0602 90 99	Bolivia, Colombia, Ecuador, Peru, and United States	<p>Official statement that the plants:</p> <p>(a) originate in an area established by the national plant protection organisation in the country of origin as being free from <i>Prodiplosis longifila</i> Gagné, in accordance with the relevant International Standards for Phytosanitary Measures. The name of the area shall be mentioned on the phytosanitary certificate,</p> <p>or</p> <p>(b) have been grown at least during the two months prior to export, or in the case of plants which are younger than two months, throughout their life, in a site of production with physical protection established in the country of origin as being free from <i>Prodiplosis longifila</i> Gagné, on the basis of official inspections carried out throughout their life or during the last two months prior to export.;</p>

(f) the following point is inserted between points 24 and 25:

24.1	Plants for planting of <i>Euphorbia pulcherrima</i> Willd., <i>Fragaria</i> L. and <i>Rubus</i> L., other than plants in tissue culture, pollen and seeds	ex 0602 10 90 ex 0602 20 20 ex 0602 20 80 ex 0602 90 30 ex 0602 90 45 ex 0602 90 46 ex 0602 90 47 ex 0602 90 48 ex 0602 90 50 ex 0602 90 70 ex 0602 90 91 ex 0602 90 99	Third countries	<p>Official statement that the plants:</p> <p>(a) originate in a country recognised as being free from <i>Eotetranychus lewisi</i> (McGregor) in accordance with the relevant International Standards for Phytosanitary Measures,</p> <p>or</p> <p>(b) originate in an area established by the national plant protection organisation in the country of origin as being free from <i>Eotetranychus lewisi</i> (McGregor) in accordance with the relevant International Standards for Phytosanitary Measures. The name of the area shall be mentioned on the phytosanitary certificate,</p> <p>or</p> <p>(c) originate in a place of production, established in the country of origin by the national plant protection organisation in that country, as being free from <i>Eotetranychus lewisi</i> (McGregor), in accordance with the relevant International Standards for Phytosanitary Measures.';</p>
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(g) point 28 is replaced by the following:

28.	Cut flowers of <i>Chrysanthemum</i> L., <i>Dianthus</i> L., <i>Gypsophila</i> L. and <i>Solidago</i> L., and leafy vegetables of <i>Apium graveolens</i> L. and <i>Ocimum</i> L.	0603 12 00, 0603 14 00 ex 0603 19 70 0709 40 00 ex 0709 99 10 ex 0709 99 90 ex 1211 90 86 ex 1404 90 00	Third countries	<p>Official statement that the cut flowers and the leafy vegetables:</p> <p>(a) originate in a country recognised as being free from <i>Liriomyza sativae</i> (Blanchard) and <i>Nemorimyza maculosa</i> (Malloch) in accordance with the relevant International Standards for Phytosanitary Measures,</p> <p>or</p> <p>(b) immediately prior to their export, have been officially inspected and found free from <i>Liriomyza sativae</i> (Blanchard) and <i>Nemorimyza maculosa</i> (Malloch).';</p>
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(h) point 29 is replaced by the following:

29.	Cut flowers of <i>Orchidaceae</i>	0603 13 00	Third countries, other than Thailand	Official statement that the cut flowers: (a) originate in a country recognised as being free from <i>Thrips palmi</i> Karny in accordance with the relevant International Standards for Phytosanitary Measures, or (b) immediately prior to their export, have been officially inspected and found free from <i>Thrips palmi</i> Karny.
29.1	Cut flowers of <i>Orchidaceae</i>	0603 13 00	Thailand	Official statement that the cut flowers: (a) were produced at a place of production which has been found free from <i>Thrips palmi</i> Karny on official inspections carried out at least monthly during the three months prior to export, or (b) have undergone an appropriate fumigation treatment to ensure freedom from <i>Thrips palmi</i> Karny, and the details of the treatment are indicated on the phytosanitary certificate.;

(i) the following point is inserted between points 30 and 31:

30.1	Plants for planting of <i>Diospyros kaki</i> L., <i>Ficus carica</i> L., <i>Hedera helix</i> L., <i>Laurus nobilis</i> L., <i>Magnolia</i> L., <i>Malus</i> Mill., <i>Melia</i> L., <i>Mespilus germanica</i> L., <i>Parthenocissus</i> Planch., <i>Prunus</i> L., <i>Psidium guajava</i> L., <i>Punica granatum</i> L., <i>Pyracantha</i> M. Roem., <i>Pyrus</i> L., <i>Rosa</i> L., other than seeds, pollen and plants in tissue culture	ex 0602 10 90 ex 0602 20 20 ex 0602 20 80 ex 0602 40 00 ex 0602 90 41 ex 0602 90 45 ex 0602 90 46 ex 0602 90 47 ex 0602 90 48 ex 0602 90 50 ex 0602 90 70 ex 0602 90 91 ex 0602 90 99	Australia, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, Eswatini, Guam, India, Indonesia, Iran, Japan, Kenya, Laos, Malaysia, Mauritius, Micronesia, Montenegro, Nigeria, North Korea, Northern Mariana Islands, Pakistan, Palau, Papua New Guinea, Philippines, Reunion, South Africa, South Korea, Sri Lanka, Taiwan, Tanzania, Thailand, Uganda, Vietnam, and United States	Official statement that the plants: (a) originate in an area established by the national plant protection organisation of the country of origin as being free from <i>Aleurocanthus spiniferus</i> (Quaintance) in accordance with the relevant International Standards for Phytosanitary Measures. The name of the area shall be mentioned on the phytosanitary certificate, or (b) have been grown in a place of production established by the national plant protection organisation in the country of origin as being free from <i>Aleurocanthus spiniferus</i> (Quaintance) in accordance with the relevant International Standards for Phytosanitary Measures:
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				<p>(i) which has been subjected during the last year prior to export to official inspections carried out at appropriate times, and</p> <p>(ii) the plants have been handled and packed in ways to prevent infestation after leaving the place of production, or</p> <p>(c) have been subjected to an effective treatment ensuring the freedom of <i>Aleurocanthus spiniferus</i> (Quaintance) and have been found free thereof prior to export.’;</p>
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- (j) in point 31, under the first column ‘Plants, plant products and other objects’, the text is replaced by the following:
‘Plants of conifers (Pinopsida), other than fruit and seeds’;
- (k) point 32 is replaced by the following:

‘32.	Plants of conifers (Pinopsida), other than fruit and seeds, over 3 m in height	ex 0602 20 80 ex 0602 90 41 ex 0602 90 47 ex 0602 90 50 ex 0602 90 99 ex 0604 20 20 ex 0604 20 40 ex 1404 90 00	Third countries other than Albania, Andorra, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Canary Islands, Faeroe Islands, Georgia, Iceland, Liechtenstein, Moldova, Monaco, Montenegro, North Macedonia, Norway, Russia (only the following parts: Central Federal District (Tsentralny federalny okrug), Northwestern Federal District (Severo-Zapadny federalny okrug), Southern Federal District (Yuzhny federalny okrug), North Caucasian Federal District (Severo- Kavkazsky federalny okrug) and Volga Federal District (Privolzhsky federalny okrug)), San Marino, Serbia, Switzerland, Turkey, United Kingdom ⁽¹⁾ and Ukraine	Official statement that the plants have been produced in a place of production free from <i>Scolytinae</i> spp. (non-European).’;
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(l) The following amendments are made after point 32:

(i) the following point 32.1 is inserted :

32.1	Plants for planting of <i>Acacia</i> Mill., <i>Acer buergerianum</i> Miq., <i>Acer macrophyllum</i> Pursh, <i>Acer negundo</i> L., <i>Acer palmatum</i> Thunb., <i>Acer paxii</i> Franch., <i>Acer pseudoplatanus</i> L., <i>Aesculus californica</i> (Spach) Nutt., <i>Ailanthus altissima</i> (Mill.) Swingle, <i>Albizia falcata</i> Backer ex Merr., <i>Albizia julibrissin</i> Durazz., <i>Alectryon excelsus</i> Gärtn., <i>Alnus rhombifolia</i> Nutt., <i>Archontophoenix cunninghamiana</i> H. Wendl. & Drude, <i>Artocarpus integer</i> (Thunb.) Merr., <i>Azadirachta indica</i> A. Juss., <i>Baccharis salicina</i> Torr. & A.Gray, <i>Bauhinia variegata</i> L., <i>Brachychiton discolor</i> F.Muell., <i>Brachychiton populneus</i> R.Br., <i>Camellia semiserrata</i> C.W.Chi, <i>Camellia sinensis</i> (L.) Kuntze, <i>Canarium commune</i> L., <i>Castanospermum australe</i> A.Cunningham A. Cunningham & C.Fraser, <i>Cercidium floridum</i> Benth. ex A.Gray, <i>Cercidium sonora</i> Rose & I. M.Johnst., <i>Cocculus laurifolius</i> DC., <i>Combretum kraussii</i> Hochst., <i>Cupaniopsis anacardioides</i> (A.Rich.) Radlk., <i>Dombeya cacuminum</i> Hochr., <i>Erythrina corallodendron</i> L., <i>Erythrina coralloides</i> Moc. & Sessé ex DC., <i>Erythrina falcata</i> Benth., <i>Erythrina fusca</i> Lour., <i>Eucalyptus ficifolia</i> F.Müll., <i>Fagus crenata</i> Blume, <i>Ficus</i> L., <i>Gleditsia triacanthos</i> L., <i>Hevea brasiliensis</i> (Willd. ex A.Juss) Muell.Arg., <i>Howea forsteriana</i> (F.Müller) Becc., <i>Ilex cornuta</i> Lindl. & Paxton, <i>Inga vera</i> Willd., <i>Jacaranda mimosifolia</i> D.Don, <i>Koelreuteria bipinnata</i> Franch., <i>Liquidambar styraciflua</i> L., <i>Magnolia grandiflora</i> L., <i>Magnolia virginiana</i> L., <i>Mimosa bracaatinga</i> Hoehne, <i>Morus alba</i> L., <i>Parkinsonia aculeata</i> L., <i>Persea americana</i> Mill., <i>Pithecellobium lobatum</i> Benth., <i>Platanus x hispanica</i> Mill. ex Münchh., <i>Platanus mexicana</i> Torr., <i>Platanus occidentalis</i> L., <i>Platanus orientalis</i> L., <i>Platanus racemosa</i> Nutt., <i>Podalyria calyptrata</i> Willd., <i>Populus fremontii</i> S.Watson, <i>Populus nigra</i> L., <i>Populus trichocarpa</i> Torr. & A.Gray ex Hook., <i>Prosopis</i>	ex 0602 10 90 ex 0602 20 20 ex 0602 20 80 ex 0602 90 41 ex 0602 90 45 ex 0602 90 46 ex 0602 90 47 ex 0602 90 48 ex 0602 90 50 ex 0602 90 70 ex 0602 90 91 ex 0602 90 99	Third countries	Official statement that the plants: (a) have a diameter of less than 2 cm at the base of the stem, or (b) originate in a country recognised as being free from <i>Euwallacea fornicatus sensu lato</i> in accordance with the relevant International Standards for Phytosanitary Measures, or (c) originate in an area established by the national plant protection organisation in the country of origin as being free from <i>Euwallacea fornicatus sensu lato</i> , in accordance with the relevant International Standards for Phytosanitary Measures. The name of the area shall be mentioned on the phytosanitary certificate, or (d) have been grown: (i) in a site of production with physical isolation against the introduction of <i>Euwallacea fornicatus sensu lato</i> at least during six months prior to export, which is subjected to official inspections at appropriate times and has been found free from the pest, confirmed at least with traps which are checked at least every four weeks, including immediately prior to export, or (ii) in a site of production which has been found free from <i>Euwallacea fornicatus sensu lato</i> since the beginning of the last complete cycle of vegetation, confirmed at least with traps, during official inspections carried out at least every four weeks; in case of suspicion of the presence of the pest at the site of production, appropriate treatments against the pest have been carried out to ensure the absence of the pest; a surrounding zone of 1 km is established, which is monitored at appropriate times for <i>Euwallacea fornicatus sensu lato</i> and where the pest is found, those plants should be immediately rogued out and destroyed,
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<p><i>articulata</i> S.Watson, <i>Protium serratum</i> Engl., <i>Psoralea pinnata</i> L., <i>Pterocarya stenoptera</i> C. DC., <i>Quercus agrifolia</i> Née, <i>Quercus calliprinos</i> Webb., <i>Quercus chrysolepis</i> Liebm., <i>Quercus engelmannii</i> Greene, <i>Quercus ithaburensis</i> Dence., <i>Quercus lobata</i> Née, <i>Quercus palustris</i> Marshall, <i>Quercus robur</i> L., <i>Quercus suber</i> L., <i>Ricinus communis</i> L., <i>Salix alba</i> L., <i>Salix babylonica</i> L., <i>Salix gooddingii</i> C. R.Ball, <i>Salix laevigata</i> Bebb, <i>Salix mucronata</i> Thnb., <i>Shorea robusta</i> C.F.Gaertn., <i>Spathodea campanulata</i> P.Beauv., <i>Spondias dulcis</i> Parkinson, <i>Tamarix ramosissima</i> Kar. ex Boiss., <i>Virgilia oroboides</i> subsp. <i>ferrugine</i> B.-E.van Wyk, <i>Wisteria floribunda</i> (Willd.) DC. and <i>Xylosma avilae</i> Sleumer, other than plants in tissue culture, pollen and seeds</p>			<p>and</p> <p>immediately prior to export, consignments of the plants have been subjected to an official inspection for the presence of the pest, in particular in stems and branches of the plants, including destructive sampling. The size of the sample for inspection shall be such as to enable at least the detection of 1 % level of infestation with a level of confidence of 99 %.'</p>
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(ii) the following points 32.2 to 32.7 are inserted :

32.2	<p>Plants for planting of <i>Artocarpus chaplasha</i> Roxb., <i>Artocarpus heterophyllus</i> Lam., <i>Artocarpus integer</i> (Thunb.) Merr., <i>Alnus formosana</i> Makino, <i>Bombax malabaricum</i> DC., <i>Broussonetia papyrifera</i> (L.) Vent., <i>Broussonetia kazinoki</i> Siebold, <i>Cajanus cajan</i> (L.) Huth, <i>Camellia oleifera</i> C.Abel, <i>Castanea</i> Mill., <i>Celtis sinensis</i> Pers., <i>Cinnamomum camphora</i> (L.) J.Presl, <i>Cunninghamia lanceolata</i> (Lamb.) Hook., <i>Dalbergia</i> L.f., <i>Eriobotrya japonica</i> (Thunb.) Lindl., <i>Ficus carica</i> L., <i>Ficus hispida</i> L.f., <i>Ficus infectoria</i> Willd., <i>Ficus retusa</i> L., <i>Juglans regia</i> L., <i>Maclura tricuspidata</i> Carrière, <i>Melia azedarach</i> L., <i>Morus</i> L., <i>Populus</i> L., <i>Robinia pseudoacacia</i> L., <i>Salix</i> L., <i>Sapium sebiferum</i> (L.)</p>	<p>ex 0602 10 90 ex 0602 20 20 ex 0602 20 80 ex 0602 90 41 ex 0602 90 45 ex 0602 90 46 ex 0602 90 47 ex 0602 90 48 ex 0602 90 50 ex 0602 90 70 ex 0602 90 91 ex 0602 90 99</p>	<p>Afghanistan, Bahrain, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, India, Indonesia, Iran, Iraq, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Laos, Lebanon, Malaysia, Maldives, Mongolia, Myanmar, Nepal, North Korea, Oman, Pakistan, Philippines, Qatar, Russia (only the following parts: Far Eastern Federal District (Dalnevostochny federalny okrug), Siberian Federal District (Sibirsky federalny okrug), and Ural Federal District (Uralsky federalny okrug)), Saudi Arabia, Singapore, South Korea, Sri Lanka, Syria, Tajikistan, Thailand, Timor-Leste, Turkmenistan, United Arab</p>	<p>Official statement that the plants:</p> <p>(a) have a diameter of less than 1 cm at the base of the stem, or</p> <p>(b) originate in a country recognised as being free from <i>Apriona germari</i> (Hope) in accordance with the relevant International Standards for Phytosanitary Measures, or</p> <p>(c) have been grown throughout their life in an area free from <i>Apriona germari</i> (Hope), established by the national plant protection organisation in the country of origin in accordance with the relevant International Standards for Phytosanitary Measures. The name of the area shall be mentioned on the phytosanitary certificate, or</p>
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	Roxb., <i>Schima superba</i> Gardner & Champ., <i>Sophora japonica</i> L., <i>Trema amboinense</i> (Willd.) Blume, <i>Trema orientale</i> (L.) Blume, <i>Ulmus</i> L., <i>Vernicia fordii</i> (Hemsl.) Airy Shaw, and <i>Xylosma</i> G.Forst., other than plants in tissue culture, pollen and seeds		Emirates, Uzbekistan, Vietnam, and Yemen	<p>(d) have been grown throughout their life or during a period of at least two years prior to export, in a place of production established by the national plant protection organisation in the country of origin as being free from <i>Apriona germari</i> (Hope) in accordance with the relevant International Standards for Phytosanitary Measures,</p> <p>and</p> <p>(i) which has been subjected annually to two official inspections for any signs of <i>Apriona germari</i> (Hope), carried out at appropriate times and no signs of the pest have been found,</p> <p>and</p> <p>(ii) with the application of appropriate preventive treatments and surrounded by a buffer zone with a width of at least 2 000 m where the absence of <i>Apriona germari</i> (Hope) was confirmed by official surveys carried out annually at appropriate times,</p> <p>and</p> <p>(iii) immediately prior to export have been subjected to an inspection for the presence of <i>Apriona germari</i> (Hope), in particular in stems of the plants; where appropriate, this inspection should include destructive sampling,</p> <p>or</p> <p>(e) have been grown throughout their life or during a period of at least two years prior to export in a site of production with physical isolation against the introduction of <i>Apriona germari</i> (Hope)</p> <p>and</p> <p>immediately prior to export have been subjected to an inspection for the presence of <i>Apriona germari</i> (Hope), in particular in stems of the plant; where appropriate, this inspection should include destructive sampling.</p>
32.3	Plants for planting of <i>Caesalpinia japonica</i> Siebold & Zucc., <i>Camellia sinensis</i> (L.) Kuntze, <i>Celtis sinensis</i> Pers., <i>Cercis chinensis</i> Bunge, <i>Chaenomeles sinensis</i> (Thouin)	ex 0602 10 90 ex 0602 20 20 ex 0602 20 80 ex 0602 90 41 ex 0602 90 45	Afghanistan, Bahrain, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, India, Indonesia, Iran, Iraq, Japan, Jordan,	<p>Official statement that the plants:</p> <p>(a) have a diameter of less than 1 cm at the base of the stem,</p> <p>or</p>

<p>Koehne, <i>Cinnamomum camphora</i> (L.) J.Presl, <i>Cornus kousa</i> Bürger ex Hanse, <i>Crataegus cordata</i> Aiton, <i>Debregeasia edulis</i> (Siebold & Zucc.) Wedd., <i>Diospyros kaki</i> L., <i>Eriobotrya japonica</i> (Thunb.) Lindl., <i>Enkianthus perulatus</i> (Miq.) C.K.Schneid., <i>Fagus crenata</i> Blume, <i>Ficus carica</i> L., <i>Firmiana simplex</i> (L.) W.Wight, <i>Gleditsia japonica</i> Miq., <i>Hovenia dulcis</i> Thunb., <i>Lagerstroemia indica</i> L., <i>Morus</i> L., <i>Platanus x hispanica</i> Mill. ex Münchh., <i>Platycarya strobilacea</i> Siebold & Zucc., <i>Populus</i> L., <i>Pterocarya rhoifolia</i> Siebold & Zucc., <i>Pterocarya stenoptera</i> C.DC., <i>Punica granatum</i> L., <i>Robinia pseudoacacia</i> L., <i>Salix</i> L., <i>Spiraea thunbergii</i> Siebold ex Blume, <i>Ulmus parvifolia</i> Jacq., <i>Villebrunea pedunculata</i> Shirai, and <i>Zelkova serrata</i> (Thunb.) Makino, other than plants in tissue culture, pollen, and seeds</p>	<p>ex 0602 90 46 ex 0602 90 47 ex 0602 90 48 ex 0602 90 50 ex 0602 90 70 ex 0602 90 91 ex 0602 90 99</p>	<p>Kazakhstan, Kuwait, Kyrgyzstan, Laos, Lebanon, Malaysia, Maldives, Mongolia, Myanmar, Nepal, North Korea, Oman, Pakistan, Philippines, Qatar, Russia (only the following parts: Far Eastern Federal District (Dalnevostochny federalny okrug), Siberian Federal District (Sibirsky federalny okrug), and Ural Federal District (Uralsky federalny okrug)), Saudi Arabia, Singapore, South Korea, Sri Lanka, Syria, Tajikistan, Thailand, Timor-Leste, Turkmenistan, United Arab Emirates, Uzbekistan, Vietnam, and Yemen</p>	<p>(b) originate in a country recognised as being free from <i>Apriona rugicollis</i> Chevrolat in accordance with the relevant International Standards for Phytosanitary Measures,</p> <p>or</p> <p>(c) have been grown throughout their life in an area free from <i>Apriona rugicollis</i> Chevrolat, established by the national plant protection organisation in the country of origin in accordance with the relevant International Standards for Phytosanitary Measures. The name of the area shall be mentioned on the phytosanitary certificate,</p> <p>or</p> <p>(d) have been grown throughout their life or during a period of at least two years prior to export, in a place of production established by the national plant protection organisation in the country of origin as being free from <i>Apriona rugicollis</i> Chevrolat in accordance with the relevant International Standards for Phytosanitary Measures,</p> <p>and</p> <p>(i) which has been subjected annually to two official inspections for any signs of <i>Apriona rugicollis</i> Chevrolat, carried out at appropriate times and no signs of the pest have been found,</p> <p>and</p> <p>(ii) with the application of appropriate preventive treatments and surrounded by a buffer zone with a width of at least 2 000 m where the absence of <i>Apriona rugicollis</i> Chevrolat was confirmed by official surveys carried out annually at appropriate times,</p> <p>and</p> <p>(iii) immediately prior to export have been subjected to an inspection for the presence of <i>Apriona rugicollis</i> Chevrolat, in particular in stems of the plants; where appropriate, this inspection should include destructive sampling,</p> <p>or</p>
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				<p>(e) have been grown throughout their life or during a period of at least two years prior to export in a site of production with physical isolation against the introduction of <i>Apriona rugicollis</i> Chevrolat</p> <p>and</p> <p>immediately prior to export have been subjected to an inspection for the presence of <i>Apriona rugicollis</i> Chevrolat, in particular in stems of the plants; where appropriate, this inspection should include destructive sampling.</p>
32.4	Plants for planting of <i>Debregeasia hypoleuca</i> (Hochst. ex Steud.) Wedd., <i>Ficus</i> L., <i>Maclura pomifera</i> (Raf.) C.K.Schneid., <i>Morus</i> L., <i>Populus</i> L. and <i>Salix</i> L., other than plants in tissue culture, pollen, and seeds	ex 0602 10 90 ex 0602 20 20 ex 0602 20 80 ex 0602 90 41 ex 0602 90 45 ex 0602 90 46 ex 0602 90 47 ex 0602 90 48 ex 0602 90 50 ex 0602 90 70 ex 0602 90 91 ex 0602 90 99	Afghanistan, Bahrain, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, India, Indonesia, Iran, Iraq, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Laos, Lebanon, Malaysia, Maldives, Moldova, Mongolia, Myanmar, Nepal, North Korea, Oman, Pakistan, Philippines, Qatar Russia (only the following parts: Far Eastern Federal District (Dalnevostochny federalny okrug), Siberian Federal District (Sibirsky federalny okrug), and Ural Federal District (Uralsky federalny okrug)), Saudi Arabia, Singapore, South Korea, Sri Lanka, Syria, Tajikistan, Thailand, Timor-Leste, Turkmenistan, United Arab Emirates, Uzbekistan, Vietnam, and Yemen	Official statement that the plants: <p>(a) have a diameter of less than 1 cm at the base of the stem,</p> <p>or</p> <p>(b) originate in a country recognised as being free from <i>Apriona cinerea</i> Chevrolat in accordance with the relevant International Standards for Phytosanitary Measures,</p> <p>or</p> <p>(c) have been grown throughout their life in an area free from <i>Apriona cinerea</i> Chevrolat, established by the national plant protection organisation in the country of origin in accordance with the relevant International Standards for Phytosanitary Measures. The name of the area shall be mentioned on the phytosanitary certificate,</p> <p>or</p> <p>(d) the plants have been grown throughout their life or during a period of at least two years prior to export, in a place of production established by the national plant protection organisation in the country of origin as being free from <i>Apriona cinerea</i> Chevrolat in accordance with the relevant International Standards for Phytosanitary Measures,</p> <p>and</p>

				<ul style="list-style-type: none"> (i) which has been subjected annually to two official inspections for any signs of <i>Apriona cinerea</i> Chevrolat, carried out at appropriate times and no signs of the pest have been found, and (ii) with the application of appropriate preventive treatments and surrounded by a buffer zone with a width of at least 2 000 m where the absence of <i>Apriona cinerea</i> Chevrolat was confirmed by official surveys carried out annually at appropriate times, and (iii) immediately prior to export have been subjected to an inspection for the presence of <i>Apriona cinerea</i> Chevrolat, in particular in stems of the plants; where appropriate, this inspection should include destructive sampling, <p>or</p> <ul style="list-style-type: none"> (e) have been grown throughout their life or during a period of at least two years prior to export in a site of production with physical isolation against the introduction of <i>Apriona cinerea</i> Chevrolat and immediately prior to export have been subjected to an inspection for the presence of <i>Apriona cinerea</i> Chevrolat, in particular in stems of the plants; where appropriate, this inspection should include destructive sampling.
32.5	Plants of <i>Acer macrophyllum</i> Pursh, <i>Acer pseudoplatanus</i> L., <i>Adiantum aleuticum</i> (Rupr.) Paris, <i>Adiantum jordanii</i> C. Muell., <i>Aesculus californica</i> (Spach) Nutt., <i>Aesculus hippocastanum</i> L., <i>Arbutus menziesii</i> Pursch., <i>Arbutus unedo</i> L., <i>Arctostaphylos</i> Adans, <i>Calluna vulgaris</i> (L.) Hull, <i>Camellia</i> L., <i>Castanea sativa</i> Mill., <i>Fagus sylvatica</i> L., <i>Frangula californica</i> (Eschsch.) Gray, <i>Frangula purshiana</i> (DC.) Cooper, <i>Fraxinus excelsior</i> L., <i>Griselinia littoralis</i> (Raoul), <i>Hamamelis virginiana</i> L., <i>Heteromeles arbutifolia</i> (Lindley) M. Roemer, <i>Kalmia latifolia</i> L., <i>Larix decidua</i> Mill., <i>Larix kaempferi</i> (Lamb.) Carrière, <i>Larix</i>	ex 0602 10 90 ex 0602 20 20 ex 0602 20 80 ex 0602 30 00 ex 0602 90 41 ex 0602 90 45 ex 0602 90 46 ex 0602 90 47 ex 0602 90 48 ex 0602 90 50 ex 0602 90 70 ex 0602 90 91 ex 0602 90 99 ex 0603 19 70	Canada, United Kingdom ⁽¹⁾ , United States and Vietnam	<p>Official statement that:</p> <ul style="list-style-type: none"> (a) the plants originate in areas known to be free from <i>Phytophthora ramorum</i> (non-EU isolates) Werres, De Cock & Man in 't Veld, established by the national plant protection organisation of the country of origin, in accordance with the relevant International Standards for Phytosanitary Measures. The name of the area shall be mentioned on the phytosanitary certificate, <p>or</p>

	<p>× <i>eurolepis</i> A. Henry <i>Laurus nobilis</i> L., <i>Leucothoe</i> D. Don, <i>Lithocarpus densiflorus</i> (Hook. & Arn.) Rehd., <i>Lonicera hispidula</i> (Lindl.) Dougl. ex Torr.&Gray, <i>Magnolia</i> L., <i>Michelia doltsopa</i> Buch.-Ham. ex DC., <i>Nothofagus obliqua</i> (Mirbel) Blume, <i>Osmanthus heterophyllus</i> (G. Don) P. S. Green, <i>Parrotia persica</i> (DC) C.A. Meyer, <i>Photinia x fraseri</i> Dress, <i>Pieris</i> D. Don, <i>Pseudotsuga menziesii</i> (Mirbel) Franco, <i>Quercus</i> L., <i>Rhododendron</i> L. other than <i>Rhododendron simsii</i> Planch., <i>Rosa gymnocarpa</i> Nutt., <i>Salix caprea</i> L., <i>Sequoia sempervirens</i> (Lamb. ex D. Don) Endl., <i>Syringa vulgaris</i> L., <i>Taxus</i> L., <i>Trientalis latifolia</i> (Hook.), <i>Umbellularia californica</i> (Hook. & Arn.) Nutt., <i>Vaccinium</i> L. and <i>Viburnum</i> L., other than fruit, pollen and seeds</p>	<p>ex 0604 20 40 ex 0604 20 90 ex 0604 90 91 ex 1401 90 00 ex 1404 90 00</p>		<p>(b) no signs of <i>Phytophthora ramorum</i> (non-EU isolates) Werres, De Cock & Man in 't Veld have been observed on any susceptible plants at the place of production during official inspections, including laboratory testing of any suspicious symptoms carried out since the beginning of the last complete cycle of vegetation,</p> <p>and</p> <p>a representative sample of the plants has been inspected before shipment and found free from <i>Phytophthora ramorum</i> (non-EU isolates) Werres, De Cock & Man in 't Veld in these inspections.</p>
32.6	<p>Plants for planting of <i>Acer</i> L., <i>Betula</i> L., <i>Elaeagnus</i> L., <i>Fraxinus</i> L., <i>Gleditsia</i> L., <i>Juglans</i> L., <i>Malus</i> Mill., <i>Morus</i> L., <i>Platanus</i> L., <i>Populus</i> L., <i>Prunus</i> L., <i>Pyrus</i> L., <i>Quercus</i> L., <i>Robinia</i> L., <i>Salix</i> L., or <i>Ulmus</i> L., other than scions, cuttings, plants in tissue culture, pollen, or seeds</p>	<p>ex 0602 10 90 ex 0602 20 20 ex 0602 20 80 ex 0602 90 41 ex 0602 90 45 ex 0602 90 46 ex 0602 90 47 ex 0602 90 48 ex 0602 90 50 ex 0602 90 70 ex 0602 90 91 ex 0602 90 99</p>	<p>Afghanistan, India, Iran, Kyrgyzstan, Pakistan, Tajikistan, Turkmenistan and Uzbekistan</p>	<p>Official statement that the plants:</p> <p>(a) have a diameter of less than 9 cm at the base of the stem,</p> <p>or</p> <p>(b) have been grown throughout their life in an area free from <i>Trirachys sartus</i> Solsky, established by the national plant protection organisation of the country of origin, in accordance with the relevant International Standards for Phytosanitary Measures. The name of the area shall be mentioned on the phytosanitary certificate,</p> <p>or</p> <p>(c) have been grown throughout their life or during a period of at least two years prior to export, in a site of production free from <i>Trirachys sartus</i> Solsky, in accordance with the relevant International Standards for Phytosanitary Measures, and where the plants have been grown</p>

				<p>(i) in a site of production with physical isolation against the introduction of <i>Trirachys sartus</i> Solsky, which has been subjected to at least one inspection per year for any signs of <i>Trirachys sartus</i> Solsky, carried out at appropriate times of the year to detect the presence of the pest concerned,</p> <p>or</p> <p>(ii) in a site of production with the application of appropriate preventive treatments which has been subjected to annually at least two inspections for any signs of <i>Trirachys sartus</i> Solsky, carried out at appropriate times of the year to detect the presence of the pest concerned, surrounded by a buffer zone with a width of at least 500 m where the absence of <i>Trirachys sartus</i> Solsky was confirmed during these official surveys,</p> <p>and immediately prior to export the plants have been subjected to an inspection for the presence of <i>Trirachys sartus</i> Solsky, in particular in the stems of the plant, including where appropriate, destructive sampling, and no signs of presence of <i>Trirachys sartus</i> Solsky have been observed.'</p>
32.7	Plants for planting of <i>Castanea</i> Mill., <i>Castanopsis</i> (D. Don) Spach and <i>Quercus</i> L., other than plants in tissue culture, pollen, and seeds	ex 0602 10 90 ex 0602 20 20 ex 0602 20 80 ex 0602 90 41 ex 0602 90 45 ex 0602 90 46 ex 0602 90 47 ex 0602 90 48 ex 0602 90 50 ex 0602 90 70 ex 0602 90 91 ex 0602 90 99	China, North Korea, Russia, South Korea, Taiwan and Vietnam	<p>Official statement that the plants:</p> <p>(a) have a diameter of less than 9 cm at the base of the stem,</p> <p>or</p> <p>(b) have been grown throughout their life in an area free from <i>Massicus raddei</i> (Blessig), established by the national plant protection organisation in the country of origin in accordance with the relevant International Standards for Phytosanitary Measures. The name of the area shall be mentioned on the phytosanitary certificate,</p> <p>or</p> <p>(c) have been grown throughout their life or during a period of at least two years prior to export, in a site of production free from <i>Massicus raddei</i> (Blessig), in accordance with the relevant International Standards for Phytosanitary Measures, and where the plants have been grown</p>

				<p>(i) in a site of production with physical isolation against the introduction of <i>Massicus raddei</i> (Blessig), which has been subjected annually to at least one inspection for any signs of <i>Massicus raddei</i> (Blessig), carried out at appropriate times of the year to detect the presence of the pest concerned,</p> <p>or</p> <p>(ii) in a site of production with the application of appropriate preventive treatments which has been subjected annually to at least two inspections for any signs of <i>Massicus raddei</i> (Blessig), carried out at appropriate times of the year to detect the presence of the pest concerned, surrounded by a buffer zone with a width of at least 2000 m where the absence of <i>Massicus raddei</i> (Blessig) was confirmed during official surveys,</p> <p>and immediately prior to export the plants have been subjected to an inspection for the presence of <i>Massicus raddei</i> (Blessig), in particular in the stems of the plant, including where appropriate, destructive sampling, and no signs of presence of <i>Massicus raddei</i> (Blessig) have been observed.</p>
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(¹) In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, for the purposes of this Annex, references to the United Kingdom do not include Northern Ireland.;

(m) point 36 is replaced by the following:

36.	Plants of <i>Chionanthus virginicus</i> L., <i>Fraxinus</i> L., <i>Juglans ailantifolia</i> Carr., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch. and <i>Pterocarya rhoifolia</i> Siebold & Zucc., other than fruit and seeds	ex 0602 10 90 ex 0602 20 20 ex 0602 20 80 ex 0602 90 41 ex 0602 90 45 ex 0602 90 46 ex 0602 90 48 ex 0602 90 50 ex 0602 90 70 ex 0602 90 99 ex 0604 20 90 ex 1404 90 00	Belarus, Canada, China, Japan, Mongolia, North Korea, Russia, South Korea, Taiwan, Ukraine and United States	Official statement that the plants originate in an area established by the national plant protection organisation in the country of origin as being free from <i>Agrilus planipennis</i> Fairmaire, in accordance with the relevant International Standards for Phytosanitary Measures, and located at a minimum distance of 100 km to the closest known area, where the presence of the specified pest has been officially confirmed; the name of the area is mentioned on the phytosanitary certificate and the freedom status of that area has been communicated in advance in writing to the Commission by the national plant protection organisation of the third country concerned.;
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(n) in point 45, under the third column 'Origin' and the fourth column, 'Special requirements' the text 'non-European viruses, viroids and phytoplasmas' is replaced by the following: 'viruses, viroids and phytoplasmas referred to in point 22 of Part A of Annex II';

(o) in point 49, under the third column 'Origin' and the fourth column, 'Special requirements' the text 'Strawberry witches' broom phytoplasma' is replaced by the following: '*Candidatus* Phytoplasma australiense Davis *et al.* (reference strain), *Candidatus* Phytoplasma fraxini (reference strain) Griffiths *et al.*, and *Candidatus* Phytoplasma hispanicum (reference strain) Davis *et al.*';

(p) point 56 is replaced by the following:

'56.	Plants for planting of <i>Cryptocoryne</i> sp., <i>Hygrophila</i> sp. and <i>Vallisneria</i> sp., other than pollen and seeds	ex 0602 10 90 ex 0602 90 50 ex 0602 90 70 ex 0602 90 99	Third countries, other than Switzerland	Official statement that the roots have been subjected to testing for at least nematode pests, of a representative sample, using appropriate methods for the detection of the pests and have been found at these tests free from the nematode pests.;
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(q) point 61 is replaced by the following:

'61.	Fruits of <i>Citrus</i> L., <i>Fortunella</i> Swingle, <i>Poncirus</i> Raf., and their hybrids, <i>Mangifera</i> L. and <i>Prunus</i> L.	ex 0804 50 00 0805 10 22 0805 10 24 0805 10 28 ex 0805 10 80 ex 0805 21 10 ex 0805 21 90 ex 0805 22 00 ex 0805 29 00 ex 0805 40 00 ex 0805 50 10 ex 0805 50 90 ex 0805 90 00 0809 10 00 0809 21 00 0809 29 00 0809 30 10 0809 30 90 0809 40 05 0809 40 90	Third countries	Official statement that: (a) the fruits originate in a country recognised as free from <i>Tephritidae</i> as referred to in point 77 of table 3, Part A of Annex II, to which those fruits are known to be susceptible, in accordance with the relevant International Standards for Phytosanitary Measures, provided that this freedom status has been communicated in advance in writing to the Commission by the national plant protection organisation of the third country concerned, or (b) the fruits originate in an area established by the national plant protection organisation in the country of origin as being free from <i>Tephritidae</i> as referred to in point 77 of table 3, Part A of Annex II, to which those fruits are known to be susceptible, in accordance with the relevant International Standards for Phytosanitary Measures, which is mentioned on the phytosanitary certificate, and this freedom status has been communicated in advance in writing to the Commission by the national plant protection organisation of the third country concerned, or
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				<p>(c) no signs of <i>Tephritidae</i> as referred to in point 77 of table 3, Part A of Annex II, to which those fruits are known to be susceptible, have been observed at the place of production and in its immediate vicinity since the beginning of the last complete cycle of vegetation, on official inspections carried out at least monthly during the three months prior to harvesting, and none of the fruits harvested at the place of production has shown, in appropriate official examinations, signs of the relevant pest and information on traceability is included in the phytosanitary certificate,</p> <p>or</p> <p>(d) have been subjected to an effective systems approach or an effective post-harvest treatment to ensure freedom from <i>Tephritidae</i> as referred to in point 77 of table 3, Part A of Annex II, to which those fruits are known to be susceptible, and the use of a systems approach or details of the treatment method are indicated on the phytosanitary certificate, provided that the systems approach or the post-harvest treatment method has been communicated in advance in writing to the Commission by the national plant protection organisation of the third country concerned.’;</p>
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(r) point 67 is replaced by the following:

‘67.	Fruits of <i>Solanaceae</i>	0702 00 00 0709 30 00 0709 60 10 0709 60 91 0709 60 95 0709 60 99 ex 0709 99 90 ex 0810 90 75	Australia, the Americas and New Zealand	<p>Official statement that the fruits originate in:</p> <p>(a) a country recognised as being free from <i>Bactericera cockerelli</i> (Sulc.) in accordance with the relevant International Standards for Phytosanitary Measures, provided that this freedom status has been communicated in advance in writing to the Commission by the national plant protection organisation of the third country concerned,</p> <p>or</p> <p>(b) an area established by the national plant protection organisation in the country of origin as being free from <i>Bactericera cockerelli</i> (Sulc.) in accordance with the relevant International Standards for Phytosanitary Measures, which is mentioned on the phytosanitary certificate, provided that this freedom status has been communicated</p>
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				<p>in advance in writing to the Commission by the national plant protection organisation of the third country concerned,</p> <p>or</p> <p>(c) a place of production, where official inspections and surveys for the presence of <i>Bactericera cockerelli</i> (Sulc.) including its immediate vicinity have been carried out during the last three months prior to export and subjected to effective treatments to ensure freedom from the pest, and representative samples of the fruit have been inspected prior to export, and information on traceability is included in the phytosanitary certificate,</p> <p>or</p> <p>(d) an insect proof site of production, established by the national plant protection organisation in the country of origin, as being free from <i>Bactericera cockerelli</i> (Sulc.), on the basis of official inspections and surveys carried out during the three months prior to export, and information on traceability is included in the phytosanitary certificate.’;</p>
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(s) the following point is inserted between points 68 and 69:

‘68.1	Fruits of <i>Capsicum</i> L. and <i>Solanum lycopersicum</i> L.	0702 00 00 0709 60 10 0709 60 91 0709 60 95 0709 60 99 ex 0709 99 90	Bolivia, Colombia, Ecuador, Peru, and United States	<p>Official statement that the fruits:</p> <p>(a) originate in an area established by the national plant protection organisation in the country of origin as being free from <i>Prodiplosis longifila</i> Gagné in accordance with the relevant International Standards for Phytosanitary Measures, which is mentioned on the phytosanitary certificate, provided that this freedom status has been communicated in advance in writing to the Commission by the national plant protection organisation of the third country concerned,</p> <p>or</p> <p>(b) originate in a place of production established by the national plant protection organisation in the country of origin as being free from <i>Prodiplosis longifila</i> Gagné in accordance with the relevant International Standards for Phytosanitary Measures and official inspections and surveys have been carried out in the place of production at appropriate times during the growing season, including</p>
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				<p>an examination on representative samples of fruit, shown to be free from <i>Prodiplosis longifila</i> Gagné, and information on traceability is included in the phytosanitary certificate,</p> <p>or</p> <p>(c) originate in a site of production with a physical isolation, against the introduction of <i>Prodiplosis longifila</i> Gagné established in the country of origin by the national plant protection organisation as being free from <i>Prodiplosis longifila</i> Gagné, on the basis of official inspections carried out during the two months prior to export, and information on traceability is included in the phytosanitary certificate,</p> <p>or</p> <p>(d) have been subjected to an effective systems approach or an effective post-harvest treatment to ensure freedom from <i>Prodiplosis longifila</i> Gagné and the use of a systems approach or details of the treatment method are indicated on the phytosanitary certificate, provided that the systems approach or the post-harvest treatment method has been communicated in advance in writing to the Commission by the national plant protection organisation of the third country concerned, and information on traceability is included in the phytosanitary certificate.’;</p>
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(t) point 71 is replaced by the following:

71.	Fruits of <i>Momordica</i> L.	ex 0709 99 90	Third countries	<p>Official statement that the fruits originate in:</p> <p>(a) a country recognised as being free from <i>Thrips palmi</i> Karny in accordance with the relevant International Standards for Phytosanitary Measures, provided that this freedom status has been communicated in advance in writing to the Commission by the national plant protection organisation of the third country concerned,</p> <p>or</p> <p>(b) an area established by the national plant protection organisation in the country of origin as being free from <i>Thrips palmi</i> Karny in accordance with the relevant International Standards for Phytosanitary Measures, which is mentioned on the phytosanitary certificate, provided that</p>
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				this freedom status has been communicated in advance in writing to the Commission by the national plant protection organisation of the third country concerned.';
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(u) the following points are inserted between points 72 and 73:

72.1	Fruits of <i>Capsicum</i> L. and <i>Solanum</i> L.	0702 00 00 0709 30 00 0709 60 10 0709 60 91 0709 60 95 0709 60 99	Algeria, Angola, Benin Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Djibouti, Egypt, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mayotte, Morocco, Mozambique, Namibia Niger, Nigeria, Réunion, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, South Sudan, Sudan, Tanzania, The Democratic Republic of the Congo, Togo, Tunisia, Uganda, Zambia, Zimbabwe Afghanistan, Bahrain, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, , India, Indonesia, Iran, Iraq, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Laos, Lebanon, Malaysia, Maldives, Mongolia, Myanmar, Nepal, North Korea, Oman, Pakistan, Philippines, Qatar, Russia (only the following parts: Far Eastern Federal District (Dalnevostochny federalny okrug),	Official statement that: (a) the fruits originate in a country recognised as being free from <i>Bactrocera latifrons</i> (Hendel) in accordance with the relevant International Standards for Phytosanitary Measures, provided that this freedom status has been communicated in advance in writing to the Commission by the national plant protection organisation of the third country concerned, or (b) the fruits originate in an area established by the national plant protection organisation in the country of origin as being free from <i>Bactrocera latifrons</i> (Hendel) in accordance with the relevant International Standards for Phytosanitary Measures, which is mentioned on the phytosanitary certificate, provided that this freedom status has been communicated in advance in writing to the Commission by the national plant protection organisation of the third country concerned, or (c) no signs of <i>Bactrocera latifrons</i> (Hendel) have been observed at the place of production and in its immediate vicinity since the beginning of the last complete cycle of vegetation, on official inspections carried out at least monthly during the three months prior to harvesting, and none of the fruits harvested at the place of production has shown, in appropriate official examinations, signs of <i>Bactrocera latifrons</i> (Hendel), and infomation on traceability is included in the phytosanitary certificate, or
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			Siberian Federal District (Sibirsky federalny okrug), and Ural Federal District (Uralsky federalny okrug)), Saudi Arabia, Singapore, South Korea, Sri Lanka, Syria, Tajikistan, Thailand, Timor-Leste, Turkmenistan, United Arab Emirates, Uzbekistan, Vietnam, and Yemen	<p>(d) the fruits have been subjected to an effective systems approach or an effective post-harvest treatment to ensure freedom from <i>Bactrocera latifrons</i> (Hendel) and</p> <p>the use of a systems approach or details of the treatment method are indicated on the phytosanitary certificate, provided that the systems approach or the post-harvest treatment method have been communicated in advance in writing to the Commission by the national plant protection organisation of the third country concerned.</p>
72.2	Fruits of <i>Annona</i> L. and <i>Carica papaya</i> L.	ex 0810 90 75 0807 20 00	<p>Algeria, Angola, Benin Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Djibouti, Egypt, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mayotte, Morocco, Mozambique, Namibia</p> <p>Niger, Nigeria, Réunion, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, South Sudan, Sudan, Tanzania, The Democratic Republic of the Congo, Togo, Tunisia, Uganda, Zambia, Zimbabwe</p>	<p>Official statement that:</p> <p>(a) the fruits originate in a country recognised as being free from <i>Bactrocera dorsalis</i> (Hendel) in accordance with the relevant International Standards for Phytosanitary Measures, provided that this freedom status has been communicated in advance in writing to the Commission by the national plant protection organisation of the third country concerned,</p> <p>or</p> <p>(b) the fruits originate in an area established by the national plant protection organisation in the country of origin as being free from <i>Bactrocera dorsalis</i> (Hendel) in accordance with the relevant International Standards for Phytosanitary Measures, which is mentioned on the phytosanitary certificate, provided that this freedom status has been communicated in advance in writing to the Commission by the national plant protection organisation of the third country concerned,</p> <p>or</p> <p>(c) no signs of <i>Bactrocera dorsalis</i> (Hendel) have been observed at the place of production and in its immediate vicinity since the beginning of the last complete cycle of vegetation, on official inspections carried out at</p>

			<p>Afghanistan, Bahrain, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, , India, Indonesia, Iran, Iraq, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan,</p> <p>Laos, Lebanon, Malaysia, Maldives, Mongolia, Myanmar, Nepal, North Korea, Oman, Pakistan, Philippines, Qatar, Russia (only the following parts: Far Eastern Federal District (Dalnevostochny federalny okrug), Siberian Federal District (Sibirsky federalny okrug), and Ural Federal District (Uralsky federalny okrug)), Saudi Arabia, Singapore, South Korea, Sri Lanka, Syria, Tajikistan, Thailand, Timor-Leste, Turkmenistan, United Arab Emirates, Uzbekistan, Vietnam, and Yemen</p>	<p>least monthly during the three months prior to harvesting, and none of the fruits harvested at the place of production has shown, in appropriate official examinations, signs of <i>Bactrocera dorsalis</i> (Hendel), and information on traceability is included in the phytosanitary certificate, or</p> <p>(d) the fruits have been subjected to an effective systems approach or an effective post-harvest treatment to ensure freedom from <i>Bactrocera dorsalis</i> (Hendel) and the use of a systems approach or details of the treatment method are indicated on the phytosanitary certificate, provided that the systems approach or the post-harvest treatment method have been communicated in advance in writing to the Commission by the national plant protection organisation of the third country concerned.</p>
72.3	Fruits of <i>Psidium guajava</i> L.	ex 0804 50 00	<p>Algeria, Angola, Benin Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Djibouti, Egypt, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali,</p>	<p>Official statement that:</p> <p>(a) the fruits originate in a country recognised as being free from <i>Bactrocera dorsalis</i> (Hendel) and <i>Bactrocera zonata</i> (Saunders) in accordance with the relevant International Standards for Phytosanitary Measures, provided that this freedom status has been communicated in advance in writing to the Commission by the national plant protection organisation of the third country concerned,</p>

		<p>Mauritania, Mauritius, Mayotte, Morocco, Mozambique, Namibia</p> <p>Niger, Nigeria, Réunion, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, South Sudan, Sudan, Tanzania, The Democratic Republic of the Congo, Togo, Tunisia, Uganda, Zambia, Zimbabwe</p> <p>Afghanistan, Bahrain, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, , India, Indonesia, Iran, Iraq, Japan,</p> <p>Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Laos,</p> <p>Lebanon, Malaysia, Maldives, Mongolia, Myanmar, Nepal, North Korea, Oman, Pakistan, Philippines, Qatar Russia (only the following parts: Far Eastern Federal District (Dalnevostochny federalny okrug), Siberian Federal District (Sibirsky federalny okrug), and Ural Federal District (Uralsky federalny okrug)), Saudi Arabia, Singapore, South Korea, Sri Lanka, Syria, Tajikistan, Thailand, Timor-Leste, Turkmenistan, United Arab Emirates, Uzbekistan, Vietnam, and Yemen</p>	<p>or</p> <p>(b) the fruits originate in an area established by the national plant protection organisation in the country of origin as being free from <i>Bactrocera dorsalis</i> (Hendel) and <i>Bactrocera zonata</i> (Saunders) in accordance with the relevant International Standards for Phytosanitary Measures, which is mentioned on the phytosanitary certificate, provided that this freedom status has been communicated in advance in writing to the Commission by the national plant protection organisation of the third country concerned,</p> <p>or</p> <p>(c) no signs of <i>Bactrocera dorsalis</i> (Hendel) and <i>Bactrocera zonata</i> (Saunders) have been observed at the place of production and in its immediate vicinity since the beginning of the last complete cycle of vegetation, on official inspections carried out at least monthly during the three months prior to harvesting, and none of the fruits harvested at the place of production has shown, in appropriate official examinations, signs of <i>Bactrocera dorsalis</i> (Hendel) and <i>Bactrocera zonata</i> (Saunders),</p> <p>and information on traceability is included in the phytosanitary certificate, or</p> <p>(d) the fruits have been subjected to an effective systems approach or an effective post-harvest treatment to ensure freedom from <i>Bactrocera dorsalis</i> (Hendel) and <i>Bactrocera zonata</i> (Saunders) and the use of a systems approach or details of the treatment method are indicated on the phytosanitary certificate, provided that the systems approach or the post-harvest treatment method have been communicated in advance in writing to the Commission by the national plant protection organisation of the third country concerned.;</p>
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(v) point 73 is replaced by the following:

'73.	Seeds of <i>Zea mays</i> L.	0712 90 11 1005 10 13 1005 10 15 1005 10 18 1005 10 90	Third countries	<p>Official statement that:</p> <p>(a) the seeds originate in a country recognised as being free from <i>Pantoea stewartii</i> subsp. <i>stewartii</i> (Smith) Mergaert, Verdonck & Kersters, in accordance with the relevant International Standards for Phytosanitary Measures,</p> <p>or</p> <p>(b) the seeds originate in an area established by the national plant protection organisation in the country of origin as being free from <i>Pantoea stewartii</i> subsp. <i>stewartii</i> (Smith) Mergaert, Verdonck & Kersters in accordance with the relevant International Standards for Phytosanitary Measures, which is mentioned on the phytosanitary certificate,</p> <p>or</p> <p>(c) a representative sample of the seeds has been tested and found free from <i>Pantoea stewartii</i> subsp. <i>stewartii</i> (Smith) Mergaert, Verdonck & Kersters in this test. The size of the sample for inspection shall be such as to enable at least the detection of 0,5 % level of infestation with a level of confidence of 99 %. However, in the case of seed lots smaller than 8000 seeds, a representative sample of 10 % of the lot has been tested and found free from <i>Pantoea stewartii</i> subsp. <i>stewartii</i> (Smith) Mergaert, Verdonck & Kersters in this test.;</p>
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(w) point 76 is amended as follows:

(i) the words 'conifers (Pinales)' in the column 'Plants, plant products and other objects' are replaced by 'conifers (Pinopsida)';

(ii) the code 'ex 4409 10 18' is added in the second column 'CN codes' before the code 'ex 4416 00 00';

(x) in point 77, the words 'conifers (Pinales)' in the column 'Plants, plant products and other objects' are replaced by 'conifers (Pinopsida)';

(y) in point 78, the code "ex 4409 10 18" is added in the second column 'CN codes' before the code 'ex 4416 00 00';

(z) point 79 is amended as follows:

(i) the words 'conifers (Pinales)' in the column 'Plants, plant products and other objects' are replaced by 'conifers (Pinopsida)';

(ii) the code 'ex 4409 10 18' is added in the second column 'CN codes' before the code 'ex 4416 00 00';

(iii) the words ‘*Scolytidae* spp. (non- European)’ in the column ‘Special requirements’ are replaced by ‘*Scolytinae* spp. (non-European)’.

(aa) point 80 is amended as follows:

(i) the words ‘conifers (Pinales)’ in the column ‘Plants, plant products and other objects’ are replaced by ‘conifers (Pinopsida)’;

(ii) the code “ex 4409 10 18” is added in the second column ‘CN codes’ before the code ‘ex 4416 00 00’;

(bb) point 81 is amended as follows:

(i) the words ‘conifers (Pinales)’ in the column ‘Plants, plant products and other objects’ are replaced by ‘conifers (Pinopsida)’;

(ii) the words ‘*Scolytidae* spp. (non- European)’ in the column ‘Special requirements’ are replaced by ‘*Scolytinae* spp. (non-European)’;

(cc) in point 82, the words ‘conifers (Pinales)’ in the column ‘Plants, plant products and other objects’ are replaced by ‘conifers (Pinopsida)’

(dd) points 87, 88 and 89 are replaced by the following:

‘87.	Wood of <i>Chionanthus virginicus</i> L., <i>Fraxinus</i> L., <i>Juglans ailantifolia</i> Carr., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch. and <i>Pterocarya rhoifolia</i> Siebold & Zucc., other than in the form of — chips, particles, sawdust, shavings, wood waste and scrap, obtained in whole or part from these trees, — wood packaging material, in the form of packing cases, boxes, crates, drums and similar packings, pallets, box pallets and other load boards, pallet collars, dunnage, whether or not actually in use in the transport of objects of all kinds, except dunnage supporting consignments of wood, which is constructed from wood of the same type and quality as the wood in the consignment and which meets the same Union phytosanitary requirements as the wood in the consignment,	ex 4401 12 00 ex 4403 12 00 ex 4403 99 00 ex 4404 20 00 ex 4406 12 00 ex 4406 92 00 4407 95 10 4407 95 91 4407 95 99 ex 4407 99 27 ex 4407 99 40 ex 4407 99 90 ex 4408 90 15 ex 4408 90 35 ex 4408 90 85 ex 4408 90 95 ex 4409 29 10 ex 4409 29 91 ex 4409 29 99 ex 4416 00 00 ex 9406 10 00	Belarus, Canada, China, Japan, Mongolia, North Korea, Russia, South Korea, Taiwan, Ukraine and United States	Official statement that: (a) the wood originates in an area recognised as being free from <i>Agrilus planipennis</i> Fairmaire, established by the national plant protection organisation in the country of origin, in accordance with the relevant International Standards for Phytosanitary Measures, and located at a minimum distance of 100 km to the closest known area, where the presence of the specified pest has been officially confirmed; the area is mentioned on the phytosanitary certificate and pest-freedom status of that area has been communicated in advance in writing to the Commission by the national plant protection organisation of the third country concerned, or (b) the bark and at least 2,5 cm of the outer sapwood have been removed in a facility authorised and supervised by the national plant protection organisation, or (c) the wood has undergone ionizing irradiation to achieve a minimum absorbed dose of 1 kGy throughout the wood.
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	but including wood which has not kept its natural round surface, and furniture and other objects made of untreated wood			
88.	Wood in the form of chips, particles, sawdust, shavings, wood waste and scrap obtained in whole or in part from <i>Chionanthus virginicus</i> L., <i>Fraxinus</i> L., <i>Juglans ailantifolia</i> Carr., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch. and <i>Pterocarya rhoifolia</i> Siebold & Zucc.	ex 4401 22 90 ex 4401 40 10 ex 4401 40 90 ex 4404 20 00	Belarus, Canada, China, Japan, Mongolia, North Korea, Russia, South Korea, Taiwan, Ukraine and United States	Official statement that the wood originates in an area recognised as being free from <i>Agrilus planipennis</i> Fairmaire, established by the national plant protection organisation in the country of origin, in accordance with the relevant International Standards for Phytosanitary Measures, and located at a minimum distance of 100 km to the closest known area, where the presence of the specified pest has been officially confirmed; the area is mentioned on the phytosanitary certificate and pest-freedom status of that area has been communicated in advance in writing to the Commission by the national plant protection organisation of the third country concerned.
89.	Isolated bark and objects made of bark of <i>Chionanthus virginicus</i> L., <i>Fraxinus</i> L., <i>Juglans ailantifolia</i> Carr., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch. and <i>Pterocarya rhoifolia</i> Siebold & Zucc.	ex 1404 90 00 ex 4401 40 90	Belarus, Canada, China, Japan, Mongolia, North Korea, Russia, South Korea, Taiwan, Ukraine and United States	Official statement that the bark originates in an area recognised as being free from <i>Agrilus planipennis</i> Fairmaire, established by the national plant protection organisation in the country of origin, in accordance with the relevant International Standards for Phytosanitary Measures, and located at a minimum distance of 100 km to the closest known area, where the presence of the specified pest has been officially confirmed; the area is mentioned on the phytosanitary certificate and pest-freedom status of that area has been communicated in advance in writing to the Commission by the national plant protection organisation of the third country concerned.;

(ee) in points 91, 93, 97, 99 and 101, in the second column 'CN codes', the code 'ex 4401 22 00' is replaced by 'ex 4401 22 90';

(ff) the following points are added:

'102.	Wood of <i>Acacia</i> Mill., <i>Acer buergerianum</i> Miq., <i>Acer macrophyllum</i> Pursh, <i>Acer negundo</i> L., <i>Acer palmatum</i> Thunb., <i>Acer paxii</i> Franch., <i>Acer pseudoplatanus</i> L., <i>Aesculus californica</i> (Spach) Nutt., <i>Ailanthus altissima</i> (Mill.) Swingle, <i>Albizia falcate</i> Backer ex Merr., <i>Albizia julibrissin</i> Durazz., <i>Alectryon excelsus</i> Gärtn., <i>Alnus rhombifolia</i> Nutt., <i>Archontophoenix cunninghamiana</i> H. Wendl.	ex 4401 12 00 ex 4403 12 00 4403 91 00 4403 93 00 4403 97 00 4403 98 00 ex 4403 99 00 ex 4404 20 00 ex 4406 12 00	Third countries	Official statement that the wood: (a) originates in a country recognised as being free from <i>Euwallacea formicatus sensu lato</i> in accordance with the relevant International Standards for Phytosanitary Measures, or
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<p>& Drude , <i>Artocarpus integer</i> (Thunb.) Merr., <i>Azadirachta indica</i> A. Juss., <i>Baccharis salicina</i> Torr. & A.Gray, <i>Bauhinia variegata</i> L., <i>Brachychiton discolor</i> F.Muell., <i>Brachychiton</i> <i>populneus</i> R.Br., <i>Camellia semiserrata</i> C.W. Chi, <i>Camellia sinensis</i> (L.) Kuntze, <i>Canarium</i> <i>commune</i> L., <i>Castanospermum australe</i> A. Cunningham & C.Fraser, <i>Cercidium floridum</i> Benth. ex A.Gray, <i>Cercidium sonora</i> Rose & I. M.Johnst., <i>Cocculus laurifolius</i> DC., <i>Combretum kraussii</i> Hochst., <i>Cupaniopsis</i> <i>anacardioides</i> (A.Rich.) Radlk., <i>Dombeya</i> <i>cacuminum</i> Hochr., <i>Erythrina corallodendron</i> L., <i>Erythrina coralloides</i> Moc. & Sessé ex DC., <i>Erythrina falcata</i> Benth., <i>Erythrina fusca</i> Lour., <i>Eucalyptus ficifolia</i> F.Müll., <i>Fagus crenata</i> Blume, <i>Ficus</i> L., <i>Gleditsia triacanthos</i> L., <i>Hevea</i> <i>brasiliensis</i> (Willd. ex A.Juss) Muell.Arg., <i>Howea forsteriana</i> (F.Müller) Becc., <i>Ilex</i> <i>cornuta</i> Lindl. & Paxton, <i>Inga vera</i> Willd., <i>Jacaranda mimosifolia</i> D.Don, <i>Koelreuteria</i> <i>bipinnata</i> Franch., <i>Liquidambar styraciflua</i> L., <i>Magnolia grandiflora</i> L., <i>Magnolia virginiana</i> L., <i>Mimosa bracaatinga</i> Hoehne, <i>Morus alba</i> L., <i>Parkinsonia aculeata</i> L., <i>Persea americana</i> Mill., <i>Pithecellobium lobatum</i> Benth., <i>Platanus</i> <i>x hispanica</i> Mill. ex Münchh., <i>Platanus</i> <i>mexicana</i> Torr., <i>Platanus occidentalis</i> L., <i>Platanus orientalis</i> L., <i>Platanus racemosa</i> Nutt., <i>Podalyria calyptrata</i> Willd., <i>Populus fremontii</i> S.Watson, <i>Populus nigra</i> L., <i>Populus</i> <i>trichocarpa</i> Torr. & A.Gray ex Hook., <i>Prosopis</i> <i>articulata</i> S.Watson, <i>Protium serratum</i> Engl., <i>Psoralea pinnata</i> L., <i>Pterocarya stenoptera</i> C. DC., <i>Quercus agrifolia</i> Née, <i>Quercus</i> <i>calliprinos</i> Webb., <i>Quercus chrysolepis</i> Liebm, <i>Quercus engelmannii</i> Greene, <i>Quercus</i> <i>ithaburensis</i> Dence, <i>Quercus lobata</i> Née, <i>Quercus palustris</i> Marshall, <i>Quercus robur</i> L., <i>Quercus suber</i> L., <i>Ricinus communis</i> L., <i>Salix</i> <i>alba</i> L., <i>Salix babylonica</i> L., <i>Salix gooddingii</i> C. R.Ball, <i>Salix laevigata</i> Bebb, <i>Salix mucronata</i> Thnb., <i>Shorea robusta</i> C.F.Gaertn., <i>Spathodea</i> <i>campanulata</i> P.Beauv., <i>Spondias dulcis</i> Parkinson, <i>Tamarix ramosissima</i> Kar. ex</p>	<p>ex 4406 92 00 4407 91 15 4407 91 31 4407 91 39 4407 91 90 4407 92 00 4407 93 10 4407 93 91 4407 93 99 4407 97 10 4407 97 91 4407 97 99 ex 4407 99 27 ex 4407 99 40 ex 4407 99 90 ex 4408 90 15 ex 4408 90 35 ex 4408 90 85 ex 4408 90 95 ex 4409 29 91 ex 4409 29 99 ex 4416 00 00 ex 9406 10 00</p>		<p>(b) originates in an area established by the national plant protection organisation in the country of origin as being free from <i>Euwallacea fornicatus sensu lato</i>, in accordance with the relevant International Standards for Phytosanitary Measures. The name of the area shall be mentioned on the phytosanitary certificate,</p> <p>or</p> <p>(c) has undergone an appropriate heat treatment to achieve a minimum temperature of 56°C for a minimum duration of 30 continuous minutes to ensure freedom from <i>Euwallacea fornicatus sensu lato</i>, throughout the entire profile of the wood, which is to be indicated on the phytosanitary certificate,</p> <p>or</p> <p>(d) has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter achieved through an appropriate time/temperature schedule, and indicated by the mark 'Kiln-dried' or 'K.D.' or another internationally recognised mark, put on the wood or on any wrapping in accordance with current usage.</p>
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	<p>Boiss., <i>Virgilia oroboides</i> subsp. <i>ferrugine</i> B.-E.van Wyk, <i>Wisteria floribunda</i> (Willd.) DC. and <i>Xylosma avilae</i> Sleumer, other than in the form of:</p> <ul style="list-style-type: none"> — chips, sawdust, shavings and wood waste, obtained in whole or part from these plants, — wood packaging material, in the form of packing cases, boxes, crates, drums and similar packings, pallets, box pallets and other load boards, pallet collars, dunnage, whether or not actually in use in the transport of objects of all kinds, except dunnage supporting consignments of wood, which is constructed from wood of the same type and quality as the wood in the consignments and which meets the same Union phytosanitary requirements as the wood in the consignment, <p>but including that which has not kept its natural round surface</p>			
103.	<p>Wood of <i>Artocarpus chaplasha</i> Roxb., <i>Artocarpus heterophyllus</i> Lam., <i>Artocarpus integer</i> (Thunb.) Merr., <i>Alnus formosana</i> Makino, <i>Bombax malabaricum</i> DC., <i>Broussonetia papyrifera</i> (L.) Vent., <i>Broussonetia kazinoki</i> Siebold, <i>Cajanus cajan</i> (L.) Huth, <i>Camellia oleifera</i> C.Abel, <i>Castanea</i> Mill., <i>Celtis sinensis</i> Pers., <i>Cinnamomum camphora</i> (L.) J.Presl, <i>Citrus</i> L., <i>Cunninghamia lanceolata</i> (Lamb.) Hook., <i>Dalbergia</i> L.f., <i>Eriobotrya japonica</i> (Thunb.) Lindl., <i>Ficus carica</i> L., <i>Ficus hispida</i> L.f., <i>Ficus infectoria</i> Willd., <i>Ficus retusa</i> L., <i>Juglans regia</i> L., <i>Maclura</i></p>	<p>ex 4401 12 00 ex 4403 12 00 4403 97 00 ex 4403 99 00 ex 4404 20 00 ex 4406 12 00 ex 4406 92 00 4407 93 10 4407 93 91 4407 93 99 4407 94 10 4407 94 91 4407 94 99</p>	<p>Afghanistan, Bahrain, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, , India, Indonesia, Iran, Iraq, , Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Laos, Lebanon, Malaysia, Maldives, Mongolia, Myanmar, Nepal, North Korea, Oman, Pakistan, Philippines, Qatar, Russia (only the following</p>	<p>Official statement that the wood:</p> <p>(a) originates in a country recognised as being free from <i>Apriona germari</i> (Hope) in accordance with the relevant International Standards for Phytosanitary Measures,</p> <p>or</p>

	<p><i>tricuspidata</i> Carrière, <i>Malus</i> Mill., <i>Melia azedarach</i> L., <i>Morus</i> L., <i>Populus</i> L., <i>Prunus pseudocerasus</i>, <i>Pyrus</i> spp., <i>Robinia pseudoacacia</i> L., <i>Salix</i> L., <i>Sapium sebiferum</i> (L.) Roxb., <i>Schima superba</i> Gardner & Champ., <i>Sophora japonica</i> L., <i>Trema amboinense</i> (Willd.) Blume, <i>Trema orientale</i> (L.) Blume, <i>Ulmus</i> L., <i>Vernicia fordii</i> (Hemsl.) Airy Shaw, and <i>Xylosma</i> G.Forst., other than in the form of:</p> <p>— chips, sawdust, shavings and wood waste, obtained in whole or part from these plants ,</p> <p>— wood packaging material, in the form of packing cases, boxes, crates, drums and similar packings, pallets, box pallets and other load boards, pallet collars, dunnage, whether or not actually in use in the transport of objects of all kinds, except dunnage supporting consignments of wood, which is constructed from wood of the same type and quality as the wood in the consignments and which meets the same Union phytosanitary requirements as the wood in the consignment, but including that which has not kept its natural round surface</p>	<p>4407 97 10 4407 97 91 4407 97 99 ex 4407 99 27 ex 4407 99 40 ex 4407 99 90 ex 4408 90 15 ex 4408 90 35 ex 4408 90 85 ex 4408 90 95 ex 4409 29 91 ex 4409 29 99 ex 4416 00 00 ex 9406 10 00</p>	<p>parts: Far Eastern Federal District (Dalnevostochny federalny okrug), Siberian Federal District (Sibirsky federalny okrug), and Ural Federal District (Uralsky federalny okrug)), Saudi Arabia, Singapore, South Korea, Sri Lanka, Syria, Tajikistan, Thailand, Timor-Leste, Turkmenistan, United Arab Emirates, Uzbekistan, Vietnam, and Yemen</p>	<p>(b) originates in an area established by the national plant protection organisation in the country of origin as being free from <i>Apriona germari</i> (Hope) in accordance with the relevant International Standards for Phytosanitary Measures. The name of the area shall be mentioned on the phytosanitary certificate,</p> <p>or</p> <p>(c) has undergone an appropriate heat treatment to achieve a minimum temperature of 56 °C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood, which is to be indicated on the phytosanitary certificate,</p> <p>or</p> <p>(d) has undergone an appropriate ionising radiation to achieve a minimum absorbed dose of 1 kGy throughout the wood,</p> <p>or</p> <p>(e) is bark-free and not exceeding 20 cm in cross-section at its largest dimension and has undergone an appropriate sulfuryl fluoride fumigation treatment in accordance with the relevant International Standard for Phytosanitary Measures.</p>
104.	Wood in the form of chips and wood waste, obtained in whole or part from <i>Artocarpus chaplasha</i> Roxb., <i>Artocarpus heterophyllus</i>	ex 4401 22 90 ex 4401 40 90	Afghanistan, Bahrain, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, , India,	Official statement that the wood:

	Lam., <i>Artocarpus integer</i> (Thunb.) Merr., <i>Alnus formosana</i> Makino, <i>Bombax malabaricum</i> DC., <i>Broussonetia papyrifera</i> (L.) Vent., <i>Broussonetia kazinoki</i> Siebold, <i>Cajanus cajan</i> (L.) Huth, <i>Camellia oleifera</i> C.Abel, <i>Castanea</i> Mill., <i>Celtis sinensis</i> Pers., <i>Cinnamomum camphora</i> (L.) J.Presl, <i>Citrus</i> spp., <i>Cunninghamia lanceolata</i> (Lamb.) Hook., <i>Dalbergia</i> L.f., <i>Eriobotrya japonica</i> (Thunb.) Lindl., <i>Ficus carica</i> L., <i>Ficus hispida</i> L. f., <i>Ficus infectoria</i> Willd., <i>Ficus retusa</i> L., <i>Juglans regia</i> L., <i>Maclura tricuspidata</i> Carrière, <i>Malus</i> Mill., <i>Melia azedarach</i> L., <i>Morus</i> L., <i>Populus</i> L., <i>Prunus pseudocerasus</i> , <i>Pyrus</i> spp., <i>Robinia pseudoacacia</i> L., <i>Salix</i> L., <i>Sapium sebiferum</i> (L.) Roxb., <i>Schima superba</i> Gardner & Champ., <i>Sophora japonica</i> L., <i>Trema amboinense</i> (Willd.) Blume, <i>Trema orientale</i> (L.) Blume, <i>Ulmus</i> L., <i>Vernicia fordii</i> (Hemsl.) Airy Shaw, and <i>Xylosma</i> G.Forst..		Indonesia, Iran, Iraq, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Laos, Lebanon, Malaysia, Maldives, Mongolia, Myanmar, Nepal, North Korea, Oman, Pakistan, Philippines, Qatar, Russia (only the following parts: Far Eastern Federal District (Dalnevostochny federalny okrug), Siberian Federal District (Sibirsky federalny okrug), and Ural Federal District (Uralsky federalny okrug)), Saudi Arabia, Singapore, South Korea, Sri Lanka, Syria, Tajikistan, Thailand, Timor-Leste, Turkmenistan, United Arab Emirates, Uzbekistan, Vietnam, and Yemen	(a) originates in a country recognised as being free from <i>Apriona germari</i> (Hope) in accordance with the relevant International Standards for Phytosanitary Measures, or (b) originates in an area established by the national plant protection organisation in the country of origin as being free from <i>Apriona germari</i> (Hope), in accordance with the relevant International Standards for Phytosanitary Measures. The name of the area shall be mentioned on the phytosanitary certificate, or (c) has been processed into pieces of not more than 2,5 cm thickness and width, or (d) has undergone an appropriate heat treatment to achieve a minimum temperature of 56 °C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood, which is to be indicated on the phytosanitary certificate.
105.	Wood of <i>Caesalpinia japonica</i> Siebold & Zucc., <i>Camellia sinensis</i> (L.) Kuntze, <i>Celtis sinensis</i> Pers., <i>Cercis chinensis</i> Bunge, <i>Chaenomeles sinensis</i> (Thouin) Koehne, <i>Cinnamomum camphora</i> (L.) J.Presl, <i>Citrus</i> spp., <i>Cornus kousa</i> Bürger ex Hanse, <i>Crataegus cordata</i> Aiton, <i>Debregeasia edulis</i> (Siebold & Zucc.) Wedd., <i>Diospyros kaki</i> L., <i>Eriobotrya japonica</i> (Thunb.) Lindl., <i>Enkianthus perulatus</i> (Miq.) C.K.Schneid., <i>Fagus crenata</i> Blume, <i>Ficus carica</i> L., <i>Firmiana simplex</i> (L.) W.Wight, <i>Gleditsia japonica</i> Miq., <i>Hovenia dulcis</i> Thunb., <i>Lagerstroemia indica</i> L., <i>Malus pumila</i> Mill., <i>Morus</i> L., <i>Platanus x hispanica</i> Mill. ex Münchh., <i>Platycarya strobilacea</i> Siebold & Zucc., <i>Populus</i> L., <i>Pterocarya rhoifolia</i> Siebold & Zucc.,	ex 4401 12 00 ex 4403 12 00 4403 97 00 4403 93 00 ex 4403 99 00 ex 4404 20 00 ex 4406 12 00 ex 4406 92 00 4407 92 00 4407 93 10 4407 93 91 4407 93 99 4407 97 10 4407 97 91 4407 97 99 ex 4407 99 27 ex 4407 99 40	Afghanistan, Bahrain, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, India, Indonesia, Iran, Iraq, , Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Laos, Lebanon, Malaysia, Maldives, Mongolia, Myanmar, Nepal, North Korea, Oman, Pakistan, Philippines, Qatar, Russia (only the following parts: Far Eastern Federal District (Dalnevostochny federalny okrug), Siberian Federal District (Sibirsky federalny okrug), and Ural Federal District (Uralsky federalny okrug)), Saudi Arabia, Singapore, South	Official statement that the wood: (a) originates in a country recognised as being free from <i>Apriona rugicollis</i> Chevrolat in accordance with the relevant International Standards for Phytosanitary Measures, or (b) originates in an area established by the national plant protection organisation in the country of origin as being free from <i>Apriona rugicollis</i> Chevrolat in accordance with the relevant International Standards for Phytosanitary Measures. The name of the area shall be mentioned on the phytosanitary certificate, or

	<p><i>Pterocarya stenoptera</i> C.DC., <i>Punica granatum</i> L., <i>Pyrus pyrifolia</i> (Burm.f.) Nakai, <i>Robinia pseudoacacia</i> L., <i>Salix</i> L., <i>Spiraea thunbergii</i> Siebold ex Blume, <i>Ulmus parvifolia</i> Jacq., <i>Villebrunea pedunculata</i> Shirai, and <i>Zelkova serrata</i> (Thunb.) Makino, other than in the form of:</p> <p>— chips, sawdust, shavings and wood waste, obtained in whole or part from these plants,</p> <p>— wood packaging material, in the form of packing cases, boxes, crates, drums and similar packings, pallets, box pallets and other load boards, pallet collars, dunnage, whether or not actually in use in the transport of objects of all kinds, except dunnage supporting consignments of wood, which is[constructed from wood of the same type and quality as the wood in the consignments and which meets the same Union phytosanitary requirements as the wood in the consignment,</p> <p>but including that which has not kept its natural round surface</p>	<p>ex 4407 99 90 ex 4408 90 15 ex 4408 90 35 ex 4408 90 85 ex 4408 90 95 ex 4409 29 91 ex 4409 29 99 ex 4416 00 00 ex 9406 10 00</p>	<p>Korea, Sri Lanka, Syria, Tajikistan, Thailand, Timor-Leste, Turkmenistan, United Arab Emirates, Uzbekistan, Vietnam, and Yemen</p>	<p>(c) has undergone an appropriate heat treatment to achieve a minimum temperature of 56 °C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood, which is to be indicated on the phytosanitary certificate,</p> <p>or</p> <p>(d) has undergone an appropriate ionising radiation to achieve a minimum absorbed dose of 1 kGy throughout the wood,</p> <p>or</p> <p>(e) is bark-free and not exceeding 20 cm in cross-section at its largest dimension and has undergone an appropriate sulfuryl fluoride fumigation treatment in accordance with the relevant International Standard for Phytosanitary Measures.</p>
106.	<p>Wood in the form of chips and wood waste, obtained in whole or part from <i>Caesalpinia japonica</i> Siebold & Zucc., <i>Camellia sinensis</i> (L.) Kuntze, <i>Celtis sinensis</i> Pers., <i>Cercis chinensis</i> Bunge, <i>Chaenomeles sinensis</i> (Thouin) Koehne, <i>Cinnamomum camphora</i> (L.) J.Presl, <i>Citrus</i> spp., <i>Cornus kousa</i> Bürger</p>	<p>ex 4401 22 90 ex 4401 40 90</p>	<p>Afghanistan, Bahrain, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, , India, Indonesia, Iran, Iraq, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Laos, Lebanon, Malaysia, Maldives, Mongolia, Myanmar, Nepal, North</p>	<p>Official statement that the wood:</p> <p>(a) originates in a country recognised as being free from <i>Apriona rugicollis</i> Chevrolat in accordance with the relevant International Standards for Phytosanitary Measures,</p> <p>or</p>

	<p>ex Hanse, <i>Crataegus cordata</i> Aiton, <i>Debregeasia edulis</i> (Siebold & Zucc.) Wedd., <i>Diospyros kaki</i> L., <i>Eriobotrya japonica</i> (Thunb.) Lindl., <i>Enkianthus perulatus</i> (Miq.) C.K.Schneid., <i>Fagus crenata</i> Blume, <i>Ficus carica</i> L., <i>Firmiana simplex</i> (L.) W.Wight, <i>Gleditsia japonica</i> Miq., <i>Hovenia dulcis</i> Thunb., <i>Lagerstroemia indica</i> L., <i>Malus pumila</i> Mill., <i>Morus</i> L., <i>Platanus x hispanica</i> Mill. ex Münchh., <i>Platycarya strobilacea</i> Siebold & Zucc., <i>Populus</i> L., <i>Pterocarya rhoifolia</i> Siebold & Zucc., <i>Pterocarya stenoptera</i> C.DC., <i>Punica granatum</i> L., <i>Pyrus pyrifolia</i> (Burm.f.) Nakai, <i>Robinia pseudoacacia</i> L., <i>Salix</i> L., <i>Spiraea thunbergii</i> Siebold ex Blume, <i>Ulmus parvifolia</i> Jacq., <i>Villebrunea pedunculata</i> Shirai, and <i>Zelkova serrata</i> (Thunb.) Makino</p>		<p>Korea, Oman, Pakistan, Philippines, Qatar, Russia (only the following parts: Far Eastern Federal District (Dalnevostochny federalny okrug), Siberian Federal District (Sibirsky federalny okrug), and Ural Federal District (Uralsky federalny okrug)), Saudi Arabia, Singapore, South Korea, Sri Lanka, Syria, Tajikistan, Thailand, Timor-Leste, Turkmenistan, United Arab Emirates, Uzbekistan, Vietnam, and Yemen</p>	<p>(b) originates in an area established by the national plant protection organisation in the country of origin as being free from <i>Apriona rugicollis</i> Chevrolat, in accordance with the relevant International Standards for Phytosanitary Measures. The name of the area shall be mentioned on the phytosanitary certificate,</p> <p>or</p> <p>(c) has been processed into pieces of not more than 2,5 cm thickness and width,</p> <p>or</p> <p>(d) has undergone an appropriate heat treatment to achieve a minimum temperature of 56 °C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood, which is to be indicated on the phytosanitary certificate.</p>
107.	<p>Wood of <i>Debregeasia hypoleuca</i> (Hochst. ex Steud.) Wedd., <i>Ficus</i> L., <i>Maclura pomifera</i> (Raf.) C.K.Schneid., <i>Malus domestica</i> (Suckow) Borkh., <i>Morus</i> L., <i>Populus</i> L., <i>Prunus</i> spp., <i>Pyrus</i> spp. and <i>Salix</i> L., other than in the form of:</p> <p>— chips, sawdust, shavings and wood waste, obtained in whole or part from these plants ,</p> <p>— wood packaging material, in the form of packing cases, boxes, crates, drums and similar packings, pallets, box pallets and other load boards, pallet collars, dunnage, whether or not actually in use in the transport of objects of all kinds, except dunnage supporting consignments of wood, which is constructed from wood of the same type</p>	<p>ex 4401 12 00 ex 4403 12 00 4403 97 00 ex 4403 99 00 ex 4404 20 00 ex 4406 12 00 ex 4406 92 00 4407 93 10 4407 93 91 4407 93 99 4407 94 10 4407 94 91 4407 94 99 4407 97 10 4407 97 91 4407 97 99 ex 4407 99 27 ex 4407 99 40 ex 4407 99 90 ex 4408 90 15 ex 4408 90 35</p>	<p>Afghanistan, Bahrain, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, India, Indonesia, Iran, Iraq, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Laos, Lebanon, Malaysia, Maldives, Mongolia, Myanmar, Nepal, North Korea, Oman, Pakistan, Philippines, Qatar, Russia (only the following parts: Far Eastern Federal District (Dalnevostochny federalny okrug), Siberian Federal District (Sibirsky federalny okrug), and Ural Federal District (Uralsky federalny okrug)), Saudi Arabia, Singapore, South Korea, Sri Lanka, Syria, Tajikistan, Thailand, Timor-Leste, Turkmenistan, United Arab Emirates, Uzbekistan, Vietnam, and Yemen</p>	<p>Official statement that the wood:</p> <p>(a) originates in a country recognised as being free from <i>Apriona cinerea</i> Chevrolat in accordance with the relevant International Standards for Phytosanitary Measures,</p> <p>or</p> <p>(b) originates in an area established by the national plant protection organisation in the country of origin as being free from <i>Apriona cinerea</i> Chevrolat in accordance with the relevant International Standards for Phytosanitary Measures. The name of the area shall be mentioned on the phytosanitary certificate,</p> <p>or</p> <p>(c) has undergone an appropriate heat treatment to achieve a minimum temperature of 56 °C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood, which is to be indicated on the phytosanitary certificate,</p>

	and quality as the wood in the consignments and which meets the same Union phytosanitary requirements as the wood in the consignment, but including that which has not kept its natural round surface	ex 4408 90 85 ex 4408 90 95 ex 4409 29 91 ex 4409 29 99 ex 4416 00 00 ex 9406 10 00		or (d) has undergone an appropriate ionising radiation to achieve a minimum absorbed dose of 1 kGy throughout the wood, or (e) is bark-free and not exceeding 20 cm in cross-section at its largest dimension and has undergone an appropriate sulfuryl fluoride fumigation treatment in accordance with the relevant International Standard for Phytosanitary Measures.
108.	Wood in the form of chips and wood waste, obtained in whole or part from <i>Debregeasia hypoleuca</i> (Hochst. ex Steud.) Wedd., <i>Ficus</i> L., <i>Maclura pomifera</i> (Raf.) C.K.Schneid., <i>Malus domestica</i> (Suckow) Borkh., <i>Morus</i> L., <i>Populus</i> L., <i>Prunus</i> spp., <i>Pyrus</i> spp. and <i>Salix</i> L.	ex 4401 22 90 ex 4401 40 90	Afghanistan, Bahrain, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, , India, Indonesia, Iran, Iraq, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Laos, Lebanon, Malaysia, Maldives, Mongolia, Myanmar, Nepal, North Korea, Oman, Pakistan, Philippines, Qatar, Russia (only the following parts: Far Eastern Federal District (Dalnevostochny federalny okrug), Siberian Federal District (Sibirsky federalny okrug), and Ural Federal District (Uralsky federalny okrug)), Saudi Arabia, Singapore, South Korea, Sri Lanka, Syria, Tajikistan, Thailand, Timor-Leste, Turkmenistan, United Arab Emirates, Uzbekistan, Vietnam, and Yemen	Official statement that the wood: (a) originates in a country recognised as being free from <i>Apriona cinerea</i> Chevrolat in accordance with the relevant International Standards for Phytosanitary Measures, or (b) originates in an area established by the national plant protection organisation in the country of origin as being free from <i>Apriona cinerea</i> Chevrolat, in accordance with the relevant International Standards for Phytosanitary Measures. The name of the area shall be mentioned on the phytosanitary certificate, or (c) has been processed into pieces of not more than 2,5 cm thickness and width, or (d) has undergone an appropriate heat treatment to achieve a minimum temperature of 56 °C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood, which is to be indicated on the phytosanitary certificate.
109.	Wood of <i>Acer</i> L., <i>Betula</i> L., <i>Elaeagnus</i> L., <i>Fraxinus</i> L., <i>Gleditsia</i> L., <i>Juglans</i> L., <i>Malus</i> Mill., <i>Morus</i> L., <i>Platanus</i> L., <i>Populus</i> L., <i>Prunus</i> L., <i>Pyrus</i> L., <i>Quercus</i> L., <i>Robinia</i> L., <i>Salix</i> L., or <i>Ulmus</i> L., other than in the form of	ex 4401 12 00 ex 4403 12 00 4403 91 00 4403 95 10 4403 95 90 4403 96 00 4403 97 00	Afghanistan, India, Iran, Kyrgyzstan, Pakistan, Tajikistan, Turkmenistan and Uzbekistan	Official statement that the wood: (a) originates in an area established by the national plant protection organisation in the country of origin as being free from <i>Trirachys sartus</i> Solsky, in accordance with the relevant International Standards for Phytosanitary Measures. The name of the area shall be mentioned on the phytosanitary certificate,

	<p>— chips, particles, sawdust, shavings, wood waste, or scrap, obtained in whole or part from these trees,</p> <p>— wood packaging material, in the form of packing cases, boxes, crates, drums and similar packings, pallets, box pallets or other load boards, pallet collars, dunnage, whether or not actually in use in the transport of objects of all kinds, except dunnage supporting consignments of wood, which is constructed from wood of the same type and quality as the wood in the consignment and which meets the same Union phytosanitary requirements as the wood in the consignment, but including that which has not kept its natural round surface,</p>	<p>ex 4403 99 00 ex 4404 20 00 ex 4406 12 00 ex 4406 92 00 4407 91 15 4407 91 31 4407 91 39 4407 91 90 4407 93 10 4407 93 91 4407 93 99 4407 94 10 4407 94 91 4407 94 99 4407 95 10 4407 95 91 4407 95 99 4407 96 10 4407 96 91 4407 96 99 4407 97 10 4407 97 91 4407 97 99 ex 4407 99 27 ex 4407 99 40 ex 4407 99 90 ex 4408 90 15 ex 4408 90 35 ex 4408 90 85 ex 4408 90 95 ex 4409 29 91 ex 4409 29 99 ex 4416 00 00 ex 9406 10 00</p>		<p>or</p> <p>(b) has undergone an appropriate heat treatment to achieve a minimum temperature of 56 °C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood, which is to be indicated on the phytosanitary certificate,</p> <p>or</p> <p>(c) has undergone ionizing irradiation to achieve a minimum absorbed dose of 1 kGy throughout the wood,</p> <p>or</p> <p>(d) is bark-free and not exceeding 20 cm in cross-section at its largest dimension and has undergone an appropriate sulfuryl fluoride fumigation treatment in accordance with the relevant International Standard for Phytosanitary Measures.</p>
110.	<p>Wood in the form of chips, particles, shavings, wood waste, or scrap, obtained in whole or part from <i>Acer</i> L., <i>Betula</i> L., <i>Elaeagnus</i> L., <i>Fraxinus</i> L., <i>Gleditsia</i> L., <i>Juglans</i> L., <i>Malus</i> Mill., <i>Morus</i> L., <i>Platanus</i> L., <i>Populus</i> L., <i>Prunus</i> L., <i>Pyrus</i> L., <i>Quercus</i> L., <i>Robinia</i> L., <i>Salix</i> L., or <i>Ulmus</i> L.</p>	<p>ex 4401 22 90 ex 4401 40 90</p>	<p>Afghanistan, India, Iran, Kyrgyzstan, Pakistan, Tajikistan, Turkmenistan, or Uzbekistan</p>	<p>Official statement that the wood:</p> <p>(a) originates in an area established by the national plant protection organisation in the country of origin as being free from <i>Trirachys sartus</i> Solsky, in accordance with the relevant International Standards for Phytosanitary Measures. The name of the area shall be mentioned on the phytosanitary certificate,</p> <p>or</p> <p>(b) has been processed into pieces of not more than 2,5 cm thickness and width,</p>

				<p>or</p> <p>(c) has undergone an appropriate heat treatment to achieve a minimum temperature of 56 °C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood, which is to be indicated on the phytosanitary certificate.</p>
111.	<p>Wood of <i>Acer macrophyllum</i> Pursh, <i>Aesculus californica</i> (Spach) Nutt., <i>Lithocarpus densiflorus</i> (Hook. & Arn.) Rehd., <i>Quercus</i> L. and <i>Taxus brevifolia</i> Nutt., other than in the form of:</p> <p>— wood packaging material, in the form of packing cases, boxes, crates, drums and similar packings, pallets, box pallets and other load boards, pallet collars, dunnage, whether or not actually in use in the transport of objects of all kinds, except dunnage supporting consignments of wood, which is constructed from wood of the same type and quality as the wood in the consignments and which meets the same Union phytosanitary requirements as the wood in the consignment, but including that which has not kept its natural round surface</p>	<p>ex 4401 11 00 ex 4401 12 00 ex 4401 21 00 ex 4401 22 90 ex 4401 40 90 ex 4403 11 00 ex 4403 12 00 4403 91 00 ex 4403 99 00 ex 4404 20 00 ex 4406 12 00 ex 4406 92 00 4407 91 15 4407 91 31 4407 91 39 4407 91 90 4407 93 10 4407 93 91 4407 93 99 ex 4407 99 27 ex 4407 99 40 ex 4407 99 90 ex 4408 90 15 ex 4408 90 35 ex 4408 90 85 ex 4408 90 95 ex 4409 29 91 ex 4409 29 99 ex 4416 00 00 ex 9406 10 00</p>	<p>Canada, United Kingdom ⁽¹⁾, United States and Vietnam</p>	<p>Official statement that the wood:</p> <p>(a) originates in an area established by the national plant protection organisation in the country of origin as free from <i>Phytophthora ramorum</i> (non-EU isolates) Werres, De Cock & Man in 't Veld, in accordance with the relevant International Standards for Phytosanitary Measures. The name of the area shall be mentioned on the phytosanitary certificate,</p> <p>or</p> <p>(b) has been stripped of its bark and:</p> <p>(i) it has been squared so as to remove entirely the rounded surface;</p> <p>or</p> <p>(ii) the water content of the wood does not exceed 20 % expressed as a percentage of the dry matter;</p> <p>or</p> <p>(iii) the wood has been disinfected by an appropriate hot-air or hot-water treatment,</p> <p>or</p> <p>(c) in the case of sawn wood with or without residual bark attached, has undergone kiln-drying to below 20 % moisture content, expressed as a percentage of dry matter, achieved through an appropriate time/temperature schedule, indicated by a mark 'kiln-dried' or 'K.D.' or another internationally recognised mark, put on the wood or on any wrapping in accordance with current usage.</p>
112.	<p>Wood of <i>Castanea</i> Mill., <i>Castanopsis</i> (D. Don) Spach and <i>Quercus</i> L., other than in the form of:</p>	<p>ex 4401 12 00 ex 4401 40 90 ex 4403 12 00 4403 91 00 ex 4403 99 00</p>	<p>China, North Korea, Russia, South Korea, Taiwan and Vietnam</p>	<p>Official statement that the wood:</p>

	<p>— chips, sawdust and shavings, obtained in whole or part from these plants,</p> <p>— wood packaging material, in the form of packing cases, boxes, crates, drums and similar packings, pallets, box pallets and other load boards, pallet collars, dunnage, whether or not actually in use in the transport of objects of all kinds, except dunnage supporting consignments of wood, which is constructed from wood of the same type and quality as the wood in the consignments and which meets the same Union phytosanitary requirements as the wood in the consignment, but including that which has not kept its natural round surface</p>	<p>ex 4404 20 00</p> <p>ex 4406 12 00</p> <p>ex 4406 92 00</p> <p>4407 91 15</p> <p>4407 91 31</p> <p>4407 91 39</p> <p>4407 91 90</p> <p>ex 4407 99 27</p> <p>ex 4407 99 40</p> <p>ex 4407 99 90</p> <p>ex 4408 90 15</p> <p>ex 4408 90 35</p> <p>ex 4408 90 85</p> <p>ex 4408 90 95</p> <p>ex 4409 29 91</p> <p>ex 4409 29 99</p> <p>ex 4416 00 00</p> <p>ex 9406 10 00</p>		<p>(a) originates in an area established by the national plant protection organisation in the country of origin as being free from <i>Massicus raddei</i> (Blessig) in accordance with the relevant International Standards for Phytosanitary Measures. The name of the area shall be mentioned on the phytosanitary certificate,</p> <p>or</p> <p>(b) has undergone an appropriate heat treatment to achieve a minimum temperature of 56°C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood, which is to be indicated on the phytosanitary certificate,</p> <p>or</p> <p>(c) has undergone an appropriate ionising radiation to achieve a minimum absorbed dose of 1 kGy throughout the wood,</p> <p>or</p> <p>(d) is bark-free and not exceeding 20 cm in cross-section at its largest dimension and has undergone an appropriate sulfuryl fluoride fumigation treatment in accordance with the relevant International Standard for Phytosanitary Measures.</p>
113.	Wood in the form of chips obtained in whole or part from <i>Castanea Mill.</i> , <i>Castaniopsis</i> (D. Don) Spach and <i>Quercus L.</i>	ex 4401 22 90	China, North Korea, Russia, South Korea, Taiwan and Vietnam	<p>Official statement that the wood:</p> <p>(a) originates in an area established by the national plant protection organisation in the country of origin as being free from <i>Massicus raddei</i> (Blessig) in accordance with the relevant International Standards for Phytosanitary Measures. The name of the area shall be mentioned on the phytosanitary certificate,</p> <p>or</p> <p>(b) has been processed into pieces of not more than 2,5 cm thickness and width,</p> <p>or</p> <p>(c) has undergone an appropriate heat treatment to achieve a minimum temperature of 56°C for a minimum duration of 30 continuous minutes throughout the entire profile of the chips, which is to be indicated on the phytosanitary certificate.</p>

(¹) In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, for the purposes of this Annex, references to the United Kingdom do not include Northern Ireland.;

(7) Annex VIII is amended as follows:

(a) the following point is inserted between points 2 and 3:

‘2.1	Plants for planting with growing media, other than plants in tissue culture and aquatic plants	<p>Official statement that the plants:</p> <p>(a) originate in an area known to be free from <i>Popillia japonica</i> Newman, established by the competent authorities in accordance with the relevant International Standards for Phytosanitary Measures,</p> <p>or</p> <p>(b) have been grown in a place of production established as being free from <i>Popillia japonica</i> Newman in accordance with the relevant International Standards for Phytosanitary Measures:</p> <p>(i) which has been subjected to an annual official inspection and, at least, a monthly inspection during the three months prior to movement for any signs of <i>Popillia japonica</i> Newman, carried out at appropriate times to detect the presence of the pest concerned, at least by visual examination of all plants, including weeds, and sampling of growing media in which plants are growing,</p> <p>and</p> <p>(ii) which is surrounded by a buffer zone of at least 100 m, where the absence of <i>Popillia japonica</i> Newman was confirmed by official surveys carried out annually at appropriate times</p> <p>and</p> <p>(iii) prior to movement the plants and the growing media have been subjected to an official inspection, including the sampling of growing media, and found free of <i>Popillia japonica</i> Newman,</p> <p>and</p> <p>(iv) the plants:</p> <p>— have been handled and packed or transported in ways to prevent infestation from <i>Popillia japonica</i> Newman after leaving the place of production,</p> <p>or</p> <p>— have been moved outside the flight season of <i>Popillia japonica</i> Newman,</p> <p>or</p> <p>(c) have been grown throughout their life in a site of production with physical isolation against the introduction of <i>Popillia japonica</i> Newman and the plants:</p> <p>— have been handled and packed or transported in ways to prevent infestation from <i>Popillia japonica</i> Newman after leaving the site of production,</p>
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		<p>or</p> <p>— have been moved outside the flight season of <i>Popillia japonica</i> Newman,</p> <p>or</p> <p>(d) have been grown throughout their life in a site of production:</p> <p>(i) which is specifically authorised by the competent authority for the purpose of producing plants free from <i>Popillia japonica</i> Newman,</p> <p>and</p> <p>(ii) where the growing medium has been kept free from <i>Popillia japonica</i> Newman using appropriate mechanical measures or other treatments,</p> <p>and</p> <p>(iii) where the plants have been subjected to appropriate measures to ensure freedom of <i>Popillia japonica</i> Newman,</p> <p>and</p> <p>(iv) prior to movement the plants and the growing medium have been subjected to an official inspection, including sampling of the growing media, and found free from <i>Popillia japonica</i> Newman,</p> <p>and</p> <p>(v) the plants:</p> <p>— have been handled and packed or transported in ways to prevent infestation from <i>Popillia japonica</i> Newman after leaving the site of production</p> <p>or</p> <p>— have been moved outside the flight season of <i>Popillia japonica</i> Newman.’;</p>
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(b) point 4 is replaced by the following:

‘4.	Plants for planting of stolon or tuber-forming species of <i>Solanum</i> L., or their hybrids, other than those tubers of <i>Solanum tuberosum</i> L. specified in entries 5, 6, 7, 8, or 9 and other than culture maintenance material being stored in gene banks or genetic stock collections, and other than seeds of <i>Solanum tuberosum</i> L. specified in entry 21	<p>Official statement that the plants shall have been held under quarantine conditions and shall have been found free from any Union quarantine pests by laboratory testing.</p> <p>The laboratory testing shall:</p> <p>(a) be supervised by the competent authority concerned and executed by scientifically trained staff of that authority or of any officially approved body;</p> <p>(b) be executed at a site provided with appropriate facilities sufficient to contain Union quarantine pests and maintain the material including indicator plants in such a way as to eliminate any risk of spreading Union quarantine pests;</p> <p>(c) be executed on each unit of the material:</p>
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		<ul style="list-style-type: none"> (i) by visual examination at regular intervals during the full length of at least one vegetative cycle, having regard to the type of material and its stage of development during the testing programme, for symptoms caused by any Union quarantine pests, (ii) by laboratory testing, in the case of all potato material at least for: <ul style="list-style-type: none"> — Andean potato latent virus, — Andean potato mottle virus, — Potato black ringspot virus, — Potato virus T, <ul style="list-style-type: none"> — Non-EU isolates of potato viruses S, X and Potato leafroll virus, — <i>Clavibacter sepedonicus</i> (Spieckermann and Kottho) Nouioui <i>et al.</i>, — <i>Ralstonia solanacearum</i> (Smith) Yabuuchi <i>et al.</i> emend. Safni <i>et al.</i>; <i>Ralstonia pseudosolanacearum</i> Safni <i>et al.</i>, <i>Ralstonia syzigii</i> subsp. <i>celebensis</i> Safni <i>et al.</i> and <i>Ralstonia syzigii</i> subsp. <i>indonesiensis</i> Safni <i>et al.</i> (iii) in the case of seeds of <i>Solanum tuberosum</i> L., other than those specified in point 21, at least for the viruses and viroids listed above, with the exception of Andean potato mottle virus and non-EU isolates of potato viruses S, X and Potato leafroll virus; (d) include appropriate testing on any other symptom observed in the visual examination in order to identify the Union quarantine pests having caused such symptoms.;
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(c) the following point is inserted between points 17 and 18:

<p>17.1</p>	<p>Plants for planting of <i>Citrus</i> L., <i>Fortunella</i> Swingle, <i>Poncirus</i> Raf., and their hybrids, <i>Diospyros kaki</i> L., <i>Ficus carica</i> L., <i>Hedera helix</i> L., <i>Laurus nobilis</i> L., <i>Magnolia</i> L., <i>Malus</i> Mill., <i>Melia</i> L., <i>Mespilus germanica</i> L., <i>Parthenocissus</i> Planch., <i>Prunus</i> L., <i>Psidium guajava</i> L., <i>Punica granatum</i> L., <i>Pyracantha</i> M. Roem., <i>Pyrus</i> L., <i>Rosa</i> L., <i>Vitis vinifera</i> L., other than seeds, pollen and plants in tissue culture</p>	<p>Official statement that the plants:</p> <ul style="list-style-type: none"> (a) originate in an area known to be free from <i>Aleurocanthus spiniferus</i> (Quaintance), established by the competent authorities in accordance with the relevant International Standards for Phytosanitary Measures, <p>or</p> <ul style="list-style-type: none"> (b) have been grown in a place of production established as being free from <i>Aleurocanthus spiniferus</i> (Quaintance) in accordance with the relevant International Standards for Phytosanitary Measures and the plants have been handled and packed in ways to prevent infestation after leaving the place of production, <p>or</p>
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		(c) have been subjected to an effective treatment ensuring the freedom of <i>Aleurocanthus spiniferus</i> (Quaintance) and have been found free thereof prior to movement.';
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(d) the following point is inserted between points 18 and 19:

'18.1	Plants for planting of <i>Citrus</i> L., <i>Fortunella</i> Swingle, <i>Poncirus</i> Raf., and their hybrids, other than seeds, pollen and plants in tissue culture	<p>Official statement that the plants:</p> <p>(a) originate in an area known to be free from <i>Toxoptera citricida</i> (Kirkaldy), established by the competent authorities in accordance with the relevant International Standards for Phytosanitary Measures,</p> <p>or</p> <p>(b) have been grown in a place of production established as being free from <i>Toxoptera citricida</i> (Kirkaldy) in accordance with the relevant International Standards for Phytosanitary Measures and the plants have been handled and packed in ways to prevent infestation after leaving the place of production.';</p>
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(e) point 19 is replaced by the following:

'19.	Plants for planting of <i>Vitis</i> L., other than seeds	<p>Official statement that the plants for planting:</p> <p>(a) originate in an area known to be free from Grapevine flavescence dorée phytoplasma,</p> <p>or</p> <p>(b) originate in a site of production where:</p> <p>(i) no symptoms of Grapevine flavescence dorée phytoplasma on <i>Vitis</i> L. have been observed at the site of production and in a surrounding zone of 20m since the beginning of the last complete cycle of vegetation. In the case of plants used for the propagation of <i>Vitis</i> L., no symptoms of Grapevine flavescence dorée phytoplasma on <i>Vitis</i> spp. have been observed at the site of production and in a surrounding zone of either 20m of a site of production of scions or 40m of a site of production of rootstocks since the beginning of the two last complete cycles of vegetation, and</p> <p>(ii) monitoring of the vectors is conducted, and in areas where the vectors are present appropriate treatments are carried out to control the vectors of Grapevine flavescence dorée phytoplasma, and</p> <p>(iii) abandoned <i>Vitis</i> L. in the surrounding zone of 20m of the the site of production have been rogued out,</p> <p>or</p> <p>(c) have undergone hot water treatment in accordance with international standards.';</p>
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(f) point 25 is replaced by the following:

‘25.	Wood packaging material of wood of <i>Juglans</i> L. and <i>Pterocarya</i> Kunth, in the form of packing cases, boxes, crates, drums and similar packings, pallets, box pallets and other load boards, pallet collars, dunnage, whether or not actually in use in the transport of objects of all kinds, except raw wood of 6 mm thickness or less, processed wood produced by glue, heat and pressure, or a combination thereof, and dunnage supporting consignments of wood, which is constructed from wood of the same type and quality as the wood in the consignment and which meets the same Union phytosanitary requirements as the wood in the consignment.	The wood packaging material: (a) originates in an area, free from <i>Geosmithia morbida</i> Kolarík, Freeland, Utley & Tisserat and its vector <i>Pityophthorus juglandis</i> Blackman, established by the competent authorities in accordance with the relevant International Standards for Phytosanitary Measures, or (b) is made of debarked wood, as specified in Annex I to FAO International Standard for Phytosanitary Measures No 15 on Regulation of wood packaging material in international trade, and (i) has been subjected to one of the approved treatments as specified in Annex I to that International Standard, and (ii) displays a mark as specified in Annex II to that International Standard, indicating that the wood packaging material has been subjected to an approved phytosanitary treatment in accordance with this standard.’;
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(g) the following points are added:

‘26.	Plants of <i>Chionanthus virginicus</i> L., <i>Fraxinus</i> L., <i>Juglans ailantifolia</i> Carr., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch. and <i>Pterocarya rhoifolia</i> Siebold & Zucc., other than fruit and seeds	The plants shall originate in an area which is known to be free from <i>Agrilus planipennis</i> Fairmaire and located at a distance of not less than 100 km to the closest known area, where the presence of <i>Agrilus planipennis</i> Fairmaire has been officially confirmed.
27.	Wood of <i>Chionanthus virginicus</i> L., <i>Fraxinus</i> L., <i>Juglans ailantifolia</i> Carr., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch. and <i>Pterocarya rhoifolia</i> Siebold & Zucc., originating in an area located at a distance of less than 100 km to the closest known area, where the presence of <i>Agrilus planipennis</i> Fairmaire has been officially confirmed, other than in the form of — chips, particles, sawdust, shavings, wood waste and scrap, obtained in whole or part from these trees, — wood packaging material, in the form of packing cases, boxes, crates, drums and similar packings, pallets, box pallets and other load boards, pallet collars, dunnage, whether or not actually in use in the transport of objects of all kinds, except dunnage supporting consignments of wood, which is constructed from	Official statement that: (a) the bark and at least 2,5 cm of the outer sapwood have been removed in a facility authorised and supervised by the national plant protection organisation, or (b) the wood has undergone ionizing irradiation to achieve a minimum absorbed dose of 1 kGy throughout the wood.

	<p>wood of the same type and quality as the wood in the consignment and which meets the same Union phytosanitary requirements as the wood in the consignment,</p> <p>but including wood which has not kept its natural round surface, and furniture and other objects made of untreated wood</p>	
28.	<p>Wood in the form of chips, particles, sawdust, shavings, wood waste and scrap obtained in whole or in part from <i>Chionanthus virginicus</i> L., <i>Fraxinus</i> L., <i>Juglans ailantifolia</i> Carr., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch. and <i>Pterocarya rhoifolia</i> Siebold & Zucc.</p>	<p>The wood shall originate in an area which is known to be free from <i>Agrilus planipennis</i> Fairmaire and located at a distance of not less than 100 km to the closest known area, where the presence of <i>Agrilus planipennis</i> Fairmaire has been officially confirmed.</p>
29.	<p>Isolated bark and objects made of bark of <i>Chionanthus virginicus</i> L., <i>Fraxinus</i> L., <i>Juglans ailantifolia</i> Carr., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch. and <i>Pterocarya rhoifolia</i> Siebold & Zucc.</p>	<p>The bark shall originate in an area which is known to be free from <i>Agrilus planipennis</i> Fairmaire and located at a distance of not less than 100 km to the closest known area, where the presence of <i>Agrilus planipennis</i> Fairmaire has been officially confirmed.';</p>

(8) Annex X is amended as follows:

(a) the following point is inserted between points 3 and 4:

3.1	Plants of herbaceous species, intended for planting, other than bulbs, corms, plants of the family Gramineae, rhizomes, seeds and tubers	ex 0602 10 90 ex 0602 90 20 ex 0602 90 30 ex 0602 90 50 ex 0602 90 70 ex 0602 90 91 ex 0602 90 99 ex 0704 10 00 ex 0704 90 10 ex 0704 90 90 ex 0705 11 00 ex 0705 19 00 ex 0705 21 00 ex 0705 29 00 ex 0706 90 10 ex 0709 40 00 ex 0709 99 10 ex 0910 99 31 ex 0910 99 33	Official statement that: (a) the plants originate in an area known to be free from <i>Liriomyza bryoniae</i> (Kaltenbach), <i>Liriomyza huidobrensis</i> (Blanchard) and <i>Liriomyza trifolii</i> (Burgess), or (b) no signs of <i>Liriomyza bryoniae</i> (Kaltenbach), <i>Liriomyza huidobrensis</i> (Blanchard) and <i>Liriomyza trifolii</i> (Burgess) have been observed at the place of production, on official inspections carried out at least monthly during the three months prior to the movement from this place of production, or (c) immediately prior to the marketing, the plants have been officially inspected and found free from <i>Liriomyza bryoniae</i> (Kaltenbach), <i>Liriomyza huidobrensis</i> (Blanchard) and <i>Liriomyza trifolii</i> (Burgess) and have been subjected to an appropriate treatment against <i>Liriomyza bryoniae</i> (Kaltenbach), <i>Liriomyza huidobrensis</i> (Blanchard) and <i>Liriomyza trifolii</i> (Burgess), or (d) the plants originate from plant material which is free from <i>Liriomyza bryoniae</i> (Kaltenbach), <i>Liriomyza huidobrensis</i> (Blanchard) and <i>Liriomyza trifolii</i> (Burgess); are grown in vitro in a sterile medium under sterile conditions that preclude the possibility of infestation with <i>Liriomyza bryoniae</i> (Kaltenbach), <i>Liriomyza huidobrensis</i> (Blanchard) and <i>Liriomyza trifolii</i>	(a) Ireland (b) United Kingdom (Northern Ireland);
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			(Burgess); and are shipped in transparent containers under sterile conditions.	
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- (b) in point 4, in the second column, the code '0706 90 30' is replaced by '0706 90 10';
- (c) in point 14, in the first column, the words 'Ficus L.' are deleted;
- (d) in point 15, in the third column, the words '*Gremmeniella abiedina*' are replaced by '*Gremmeniella abietina*';
- (e) in points 22 to 28, in the first column, the words 'other than fruit and seeds' are deleted;
- (f) the following point is inserted between points 31 and 32:

'31.1	Cut flowers, leafy vegetables of <i>Apium graveolens</i> L. and <i>Ocimum</i> L.	0603 12 00 0603 14 00 ex 0603 19 70 0709 40 00 ex 0709 99 90	Official statement that: (a) the plants originate in an area known to be free from <i>Liriomyza bryoniae</i> (Kaltenbach), <i>Liriomyza huidobrensis</i> (Blanchard) and <i>Liriomyza trifolii</i> (Burgess), or (b) immediately prior to their marketing, the plants have been officially inspected and found free from <i>Liriomyza bryoniae</i> (Kaltenbach), <i>Liriomyza huidobrensis</i> (Blanchard) and <i>Liriomyza trifolii</i> (Burgess).	(a) Ireland (b) United Kingdom (Northern Ireland);
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- (g) point 35 is deleted;
 - (h) in points 39 to 44, in the column ‘Plants, plant products and other objects’, the words ‘Wood of conifers (Pinales)’ are replaced by ‘Wood of conifers (Pinopsida)’;
 - (i) in points 46 to 51, in the column ‘Plants, plant products and other objects’, the words ‘Isolated bark of conifers (Pinales)’ are replaced by ‘Isolated bark of conifers (Pinopsida)’;
- (9) Annex XI is amended as follows:
- (a) Part A is amended as follows:
 - (i) point 2 (‘General categories’) is amended as follows:
 - in the second column, after the 16th element ‘0602 90 99’ between the second entry (‘Other live plants (including their roots), cuttings and slips; other than mushroom spawn’) and the third entry on ‘Onions, shallots, garlic, leeks and other alliaceous vegetables, fresh, for planting’) the following text is inserted:
 Mosses, fresh:
ex 0604 20 19;
 - the third row (‘Plants of *Cryptocoryne* sp., ...’) is deleted;
 - (ii) point 3 (‘Parts of plants, other than fruits and seeds, of’) is amended as follows:
 - in the third row (‘*Convolvulus* L., *Ipomoea* L., ...’), in the second column, between the code ‘ex 0604 20 90’ and the entry ‘Vegetable products not elsewhere specified or included, fresh.’ the following text is inserted:
 ‘Other vegetables, fresh or chilled:
ex 0709 99 90;
 - in the fourth row (‘Leafy vegetables of *Apium graveolens* L., ...’), in the second column, after the code ‘ex 0709 99 90’, the text ‘(including seeds and fruits)’ is deleted;
 - in the sixth row (‘Conifers (pinales)’), in the first and second column, the text ‘Conifers (Pinales)’ is replaced by ‘Conifers (Pinopsida)’;
 - in the seventh row (‘*Castanea* Mill., ...’), in the first column, the words ‘*Dendranthema* (DC.) Des Moul.’ are replaced by ‘*Chrysanthemum* L.’;
 - the eleventh row (‘*Fraxinus* L., ...’) is replaced by the following:

‘ <i>Chionanthus virginicus</i> L., <i>Fraxinus</i> L., <i>Juglans</i> L., <i>Pterocarya</i> Kunth and <i>Ulmus davidiana</i> Planch.	Foliage, branches and other parts of plants, without flowers or flower buds, being goods of a kind suitable for bouquets or for ornamental purposes, fresh: ex 0604 20 90 Vegetable products not elsewhere specified or included, fresh: ex 1404 90 00	Belarus, Canada, China, Japan, Mongolia, North Korea, Russia, South Korea, Taiwan, Ukraine and United States’
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- in the thirteenth row (‘*Acer macrophyllum* Pursh, ...’), in the third column, the words ‘United States’ are replaced by ‘Canada, United Kingdom ⁽¹⁾, United States and Vietnam

- (¹) In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, for the purposes of this Annex, references to the United Kingdom do not include Northern Ireland.;
- (iii) point 5 (*Fruits of*) is amended as follows:
- the heading is replaced by ‘Fruits in the botanical sense, not mashed, of:’;
 - in the second row (*Actinidia Lindl., ...*), in the second column, after the code ‘0806 10 90’, the text ‘Melons (including watermelons) and papaws (papayas), fresh or chilled:’ is replaced by ‘Papaws (papayas), fresh or chilled:’;
- (iv) point 8 (*Seeds of*) is amended as follows:
- the first row (*Brassicaceae, ...*) is amended as follows:
 - in the seventh entry of the second column (*Seed of sorghum*), the code ‘1007 90 00’ is replaced by ‘1007 10 90’;
 - in the eighteenth entry of the second column (*Ryegrass ...*), the code ‘1205 25 90’ is replaced by ‘**1209 25 90**’;
 - the third row (*Citrus L., Fortunella Swingle ...*) is amended as follows:
 - in the first column, the words ‘*Phaseolus cocineus* sp. L.’ are replaced by ‘*Phaseolus coccineus* L.’;
 - in the second column, between the code ‘ex 0709 99 60’ and ‘– Beans (*Phaseolus* spp.) for sowing:’, the following text is inserted:
 - ‘– – – Hybrids of sweetcorn (*Zea mays* var. *saccharata*) for sowing:
 - 0712 90 11**;
- (v) point 11 (*Isolated bark of*) is amended as follows:
- in the first row (*Conifers ...*) the words ‘conifers (Pinales)’ are replaced by ‘Conifers (Pinopsida)’;
 - the third row (*Fraxinus L., ...*) is replaced by the following:

‘ <i>Chionanthus virginicus</i> L., <i>Fraxinus</i> L., <i>Juglans</i> L., <i>Pterocarya</i> Kunth and <i>Ulmus davidiana</i> Planch.	Vegetable products of bark, not elsewhere specified or included: ex 1404 90 00 Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms: — Wood waste and scrap, not agglomerated: ex 4401 40 90	Belarus, Canada, China, Japan, Mongolia, North Korea, Russia, South Korea, Taiwan, Ukraine and United States’
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- in the last row (*Acer macrophyllum* Pursh, ...), in the third column, the text ‘United States’ is replaced by ‘Canada, United States, Vietnam’;

(vi) point 12 ('Wood, where it: ...') is replaced by the following:

<p>'12. Wood, where it:</p> <p>(a) is considered a plant product within the meaning of point 2 of Article 2 of Regulation (EU) 2016/2031; and</p> <p>(b) has been obtained in whole or part from one of the order, genera or species as described hereafter, except wood packaging material, and</p> <p>(c) falls under the respective CN code and corresponds to one of the descriptions referred to in the middle column, as laid down in Part II of Annex I to Regulation (EEC) No 2658/87:</p>		
<p><i>Quercus</i> L., including wood which has not kept its natural round surface and except wood which meets the description of CN code 4416 00 00 and where there is documented evidence that the wood has been processed or manufactured using a heat treatment to achieve a minimum temperature of 176 °C for 20 minutes</p>	<p>Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms:</p> <ul style="list-style-type: none"> — Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms: <ul style="list-style-type: none"> -- Non-coniferous: <ul style="list-style-type: none"> ex 4401 12 00 — Wood in chips or particles: <ul style="list-style-type: none"> -- Non-coniferous: <ul style="list-style-type: none"> --- Other (than of eucalyptus (<i>Eucalyptus</i> spp.)): <ul style="list-style-type: none"> ex 4401 22 90 — Sawdust and wood waste and scrap, not agglomerated: <ul style="list-style-type: none"> -- Sawdust: <ul style="list-style-type: none"> ex 4401 40 10 -- Wood waste and scrap (other than sawdust): <ul style="list-style-type: none"> ex 4401 40 90 <p>Wood in the rough, not stripped of bark or sapwood, or roughly squared:</p> <ul style="list-style-type: none"> — Treated with paint, stains, creosote or other preservatives: <ul style="list-style-type: none"> -- Non-coniferous: 	<p>Canada, United States, Vietnam</p>

	<p style="text-align: center;">ex 4403 12 00</p> <p>Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared:</p> <ul style="list-style-type: none"> — Other than treated with paint, stains, creosote or other preservatives: <ul style="list-style-type: none"> -- Of oak (<i>Quercus</i> spp.): <p style="text-align: center;">4403 91 00</p> <p>Split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise:</p> <ul style="list-style-type: none"> — Non-coniferous: <p style="text-align: center;">ex 4404 20 00</p> <p>Non-coniferous railway or tramway sleepers (cross-ties) of wood:</p> <ul style="list-style-type: none"> — Not impregnated <p style="text-align: center;">ex 4406 12 00</p> <ul style="list-style-type: none"> — Other (than not impregnated) <p style="text-align: center;">ex 4406 92 00</p> <p>Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm:</p> <ul style="list-style-type: none"> -- Of oak (<i>Quercus</i> spp.): <p style="text-align: center;">4407 91 15</p> <p style="text-align: center;">4407 91 31</p> <p style="text-align: center;">4407 91 39</p> <p style="text-align: center;">4407 91 90</p> <p>Sheets for veneering (including those obtained by slicing laminated wood), for plywood or for similar laminated wood and other wood, sawn lengthwise, sliced or peeled, whether or not planed, sanded, spliced or end-jointed, of a thickness not exceeding 6 mm:- Other:</p> <p style="text-align: center;">ex 4408 90 15</p> <p style="text-align: center;">ex 4408 90 35</p> <p style="text-align: center;">ex 4408 90 85</p> <p style="text-align: center;">ex 4408 90 95</p> <p>Wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated, chamfered, V-jointed, beaded, moulded, rounded or the like) along any of its edges, ends or faces, whether or not planed, sanded or end-jointed:</p> <ul style="list-style-type: none"> --- Non-coniferous, other: <p style="text-align: center;">ex 4409 29 91</p> <p style="text-align: center;">ex 4409 29 99</p>	
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	<p>Casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves:</p> <p>ex 4416 00 00</p> <p>Prefabricated buildings of wood:</p> <p>ex 9406 10 00</p>	
<p><i>Platanus</i> L., including wood which has not kept its natural round surface</p>	<p>Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms:</p> <p>— Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms:</p> <p>— — Non-coniferous:</p> <p>ex 4401 12 00</p> <p>— Wood in chips or particles:</p> <p>— — Non-coniferous:</p> <p>— — — Other (than of eucalyptus (<i>Eucalyptus</i> spp.)):</p> <p>ex 4401 22 90</p> <p>— Sawdust and wood waste and scrap, not agglomerated:</p> <p>— — Sawdust:</p> <p>ex 4401 40 10</p> <p>— — Wood waste and scrap (other than sawdust):</p> <p>ex 4401 40 90</p> <p>Wood in the rough, not stripped of bark or sapwood, or roughly squared:</p> <p>— Treated with paint, stains, creosote or other preservatives:</p> <p>— — Non-coniferous:</p> <p>ex 4403 12 00</p> <p>Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared:</p> <p>— Other than treated with paint, stains, creosote or other preservatives:</p> <p>ex 4403 99 00</p> <p>Split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise:</p> <p>— Non-coniferous:</p> <p>ex 4404 20 00</p> <p>Non-coniferous railway or tramway sleepers (cross-ties) of wood:</p> <p>— Not impregnated</p> <p>ex 4406 12 00</p>	<p>Albania, Armenia, Switzerland, Turkey or United States</p>

	<p>— Other (than not impregnated)</p> <p>ex 4406 92 00</p> <p>Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm:</p> <p>ex 4407 99 27</p> <p>ex 4407 99 40</p> <p>ex 4407 99 90</p> <p>Sheets for veneering (including those obtained by slicing laminated wood), for plywood or for similar laminated wood and other wood, sawn lengthwise, sliced or peeled, whether or not planed, sanded, spliced or end-jointed, of a thickness not exceeding 6 mm:</p> <p>ex 4408 90 15</p> <p>ex 4408 90 35</p> <p>ex 4408 90 85</p> <p>ex 4408 90 95</p> <p>Wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated, chamfered, V-jointed, beaded, moulded, rounded or the like) along any of its edges, ends or faces, whether or not planed, sanded or end-jointed:</p> <p>— — — Non-coniferous, other:</p> <p>ex 4409 29 91</p> <p>ex 4409 29 99</p> <p>Casks, barrels, vats, tubs and other cooperers' products and parts thereof, of wood, including staves:</p> <p>ex 4416 00 00</p> <p>Prefabricated buildings of wood:</p> <p>ex 9406 10 00</p>	
<p><i>Populus</i> L., including wood which has not kept its natural round surface</p>	<p>Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms:</p> <p>— Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms:</p> <p>— — Non-coniferous:</p> <p>ex 4401 12 00</p> <p>— Wood in chips or particles:</p> <p>— — Non-coniferous:</p> <p>— — — Other (than of eucalyptus (<i>Eucalyptus</i> spp.)):</p> <p>ex 4401 22 90</p>	<p>Americas</p>

<p>— Sawdust and wood waste and scrap, not agglomerated:</p> <p>— — Sawdust:</p> <p style="padding-left: 40px;">ex 4401 40 10</p> <p>— — Wood waste and scrap (other than sawdust):</p> <p style="padding-left: 40px;">ex 4401 40 90</p> <p>Wood in the rough, not stripped of bark or sapwood, or roughly squared:</p> <p>— Treated with paint, stains, creosote or other preservatives:</p> <p>— — Non-coniferous:</p> <p style="padding-left: 40px;">ex 4403 12 00</p> <p>Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared:</p> <p>— Other than treated with paint, stains, creosote or other preservatives:</p> <p>— — Of poplar and aspen (<i>Populus</i> spp.):</p> <p style="padding-left: 40px;">4403 97 00</p> <p>Split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise:</p> <p>— Non-coniferous:</p> <p style="padding-left: 40px;">ex 4404 20 00</p> <p>Non-coniferous railway or tramway sleepers (cross-ties) of wood:</p> <p>— Not impregnated</p> <p style="padding-left: 40px;">ex 4406 12 00</p> <p>— Other (than not impregnated)</p> <p style="padding-left: 40px;">ex 4406 92 00</p> <p>Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm:</p> <p>— — Of poplar and aspen (<i>Populus</i> spp.):</p> <p style="padding-left: 40px;">4407 97 10</p> <p style="padding-left: 40px;">4407 97 91</p> <p style="padding-left: 40px;">4407 97 99</p> <p>Sheets for veneering (including those obtained by slicing laminated wood), for plywood or for similar laminated wood and other wood, sawn lengthwise, sliced or peeled, whether or not planed, sanded, spliced or end-jointed, of a thickness not exceeding 6 mm:</p> <p style="padding-left: 40px;">ex 4408 90 15</p> <p style="padding-left: 40px;">ex 4408 90 35</p> <p style="padding-left: 40px;">ex 4408 90 85</p>	
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	<p>ex 4408 90 95</p> <p>Wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated, chamfered, V-jointed, beaded, moulded, rounded or the like) along any of its edges, ends or faces, whether or not planed, sanded or end-jointed:</p> <p>--- Non-coniferous, other:</p> <p>ex 4409 29 91</p> <p>ex 4409 29 99</p> <p>Casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves:</p> <p>ex 4416 00 00</p> <p>Prefabricated buildings of wood:</p> <p>ex 9406 10 00</p>	
<p><i>Acer saccharum</i> Marsh., including wood which has not kept its natural round surface</p>	<p>Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms:</p> <p>— Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms:</p> <p>— Non-coniferous:</p> <p>ex 4401 12 00</p> <p>— Wood in chips or particles:</p> <p>— Non-coniferous:</p> <p>— Other (than of eucalyptus (<i>Eucalyptus</i> spp.)):</p> <p>ex 4401 22 90</p> <p>— Sawdust and wood waste and scrap, not agglomerated:</p> <p>— Sawdust:</p> <p>ex 4401 40 10</p> <p>— Wood waste and scrap (other than sawdust):</p> <p>ex 4401 40 90</p> <p>Wood in the rough, not stripped of bark or sapwood, or roughly squared:</p> <p>— Treated with paint, stains, creosote or other preservatives:</p> <p>— Non-coniferous:</p> <p>ex 4403 12 00</p> <p>Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared:</p> <p>— Other than treated with paint, stains, creosote or other preservatives:</p> <p>ex 4403 99 00</p>	<p>United States and Canada</p>

	<p>Split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise:</p> <p>— Non-coniferous:</p> <p>ex 4404 20 00</p> <p>Non-coniferous railway or tramway sleepers (cross-ties) of wood:</p> <p>— Not impregnated</p> <p>ex 4406 12 00</p> <p>— Other (than not impregnated)</p> <p>ex 4406 92 00</p> <p>Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm:</p> <p>-- Of maple (<i>Acer</i> spp.):</p> <p>4407 93 10</p> <p>4407 93 91</p> <p>4407 93 99</p> <p>Sheets for veneering (including those obtained by slicing laminated wood), for plywood or for similar laminated wood and other wood, sawn lengthwise, sliced or peeled, whether or not planed, sanded, spliced or end-jointed, of a thickness not exceeding 6 mm:</p> <p>ex 4408 90 15</p> <p>ex 4408 90 35</p> <p>ex 4408 90 85</p> <p>ex 4408 90 95</p> <p>Wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated, chamfered, V-jointed, beaded, moulded, rounded or the like) along any of its edges, ends or faces, whether or not planed, sanded or end-jointed:</p> <p>-- Non-coniferous, other:</p> <p>ex 4409 29 91</p> <p>ex 4409 29 99</p> <p>Casks, barrels, vats, tubs and other cooper's products and parts thereof, of wood, including staves:</p> <p>ex 4416 00 00</p> <p>Prefabricated buildings of wood:</p> <p>ex 9406 10 00</p>	
Conifers (Pinopsida), including wood which has not kept its natural round surface	Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms:	Kazakhstan, Russia and Turkey and other third countries other

	<p>— Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms:</p> <p>— — Coniferous</p> <p style="text-align: center;">4401 11 00</p> <p>— Wood in chips or particles:</p> <p>— — Coniferous</p> <p style="text-align: center;">4401 21 00</p> <p>— Sawdust and wood waste and scrap, not agglomerated:</p> <p>— — Sawdust:</p> <p style="text-align: center;">ex 4401 40 10</p> <p>— — Wood waste and scrap (other than sawdust):</p> <p style="text-align: center;">ex 4401 40 90</p> <p>Wood in the rough, not stripped of bark or sapwood, or roughly squared:</p> <p>— Treated with paint, stains, creosote or other preservatives:</p> <p>— — Coniferous:</p> <p style="text-align: center;">4403 11 00</p> <p>Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared:</p> <p>— Coniferous, other than treated with paint, stains, creosote or other preservatives:</p> <p>— — Of pine (<i>Pinus</i> spp.):</p> <p style="text-align: center;">ex 4403 21 10</p> <p style="text-align: center;">ex 4403 21 90</p> <p style="text-align: center;">ex 4403 22 00</p> <p>— — Of fir (<i>Abies</i> spp.) and spruce (<i>Picea</i> spp.):</p> <p style="text-align: center;">ex 4403 23 10</p> <p style="text-align: center;">ex 4403 23 90</p> <p style="text-align: center;">ex 4403 24 00</p> <p>— — Other, coniferous:</p> <p style="text-align: center;">ex 4403 25 10</p> <p style="text-align: center;">ex 4403 25 90</p> <p style="text-align: center;">ex 4403 26 00</p> <p>Split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise:</p> <p>— Coniferous:</p> <p style="text-align: center;">ex 4404 10 00</p> <p>Coniferous railway or tramway sleepers (cross-ties) of wood:</p>	<p>than: Albania, Andorra, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Canary Islands, Faeroe Islands, Georgia, Iceland, Liechtenstein, Moldova, Monaco, Montenegro, North Macedonia, Norway, San Marino, Serbia, Switzerland, Ukraine and the United Kingdom ⁽¹⁾</p>
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<p>— Not impregnated:</p> <p>4406 11 00</p> <p>— Other (than not impregnated):</p> <p>4406 91 00</p> <p>Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm:</p> <p>— Coniferous:</p> <p>— — Of pine (<i>Pinus</i> spp.):</p> <p>4407 11 10</p> <p>4407 11 20</p> <p>4407 11 90</p> <p>— — Of fir (<i>Abies</i> spp.) and spruce (<i>Picea</i> spp.):</p> <p>4407 12 10</p> <p>4407 12 20</p> <p>4407 12 90</p> <p>— — Other, coniferous:</p> <p>4407 19 10</p> <p>4407 19 20</p> <p>4407 19 90</p> <p>Sheets for veneering (including those obtained by slicing laminated wood), for plywood or for similar laminated wood and other wood, sawn lengthwise, sliced or peeled, whether or not planed, sanded, spliced or end-jointed, of a thickness not exceeding 6 mm:</p> <p>— Coniferous:</p> <p>4408 10 15</p> <p>4408 10 91</p> <p>4408 10 98</p> <p>Wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated, chamfered, V-jointed, beaded, moulded, rounded or the like) along any of its edges, ends or faces, whether or not planed, sanded or end-jointed:</p> <p>— — Coniferous, other:</p> <p>ex 4409 10 18</p> <p>Casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves:</p> <p>ex 4416 00 00</p>	
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	Prefabricated buildings of wood: ex 9406 10 00	
<i>Chionanthus virginicus</i> L., <i>Fraxinus</i> L., <i>Juglans</i> L., <i>Pterocarya</i> Kunth and <i>Ulmus davidiana</i> Planch., and including wood which has not kept its natural round surface	<p>Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms:</p> <ul style="list-style-type: none"> — Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms: <ul style="list-style-type: none"> -- Non-coniferous: ex 4401 12 00 — Wood in chips or particles: <ul style="list-style-type: none"> -- Non-coniferous: <ul style="list-style-type: none"> --- Other (than of eucalyptus (<i>Eucalyptus</i> spp.)) : ex 4401 22 90 — Sawdust and wood waste and scrap, not agglomerated: <ul style="list-style-type: none"> -- Sawdust: ex 4401 40 10 -- Wood waste and scrap (other than sawdust): ex 4401 40 90 <p>Wood in the rough, not stripped of bark or sapwood, or roughly squared:</p> <ul style="list-style-type: none"> — Treated with paint, stains, creosote or other preservatives: <ul style="list-style-type: none"> -- Non-coniferous: ex 4403 12 00 <p>Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared:</p> <ul style="list-style-type: none"> — Other than treated with paint, stains, creosote or other preservatives: ex 4403 99 00 <p>Split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise:</p> <ul style="list-style-type: none"> — Non-coniferous: ex 4404 20 00 <p>Non-coniferous railway or tramway sleepers (cross-ties) of wood:</p> <ul style="list-style-type: none"> — Not impregnated: ex 4406 12 00 — Other (than not impregnated): ex 4406 92 00 	Belarus, Canada, China, Japan, Mongolia, North Korea, Russia, South Korea, Taiwan, Ukraine and United States

	<p>Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm:</p> <p>-- Of ash (<i>Fraxinus</i> spp.):</p> <p>4407 95 10</p> <p>4407 95 91</p> <p>4407 95 99</p> <p>-- Other:</p> <p>ex 4407 99 27</p> <p>ex 4407 99 40</p> <p>ex 4407 99 90</p> <p>Sheets for veneering (including those obtained by slicing laminated wood), for plywood or for similar laminated wood and other wood, sawn lengthwise, sliced or peeled, whether or not planed, sanded, spliced or end-jointed, of a thickness not exceeding 6 mm:</p> <p>ex 4408 90 15</p> <p>ex 4408 90 35</p> <p>ex 4408 90 85</p> <p>ex 4408 90 95</p> <p>Wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated, chamfered, V-jointed, beaded, moulded, rounded or the like) along any of its edges, ends or faces, whether or not planed, sanded or end-jointed:</p> <p>--- Non-coniferous, other:</p> <p>ex 4409 29 91</p> <p>ex 4409 29 99</p> <p>Casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves:</p> <p>ex 4416 00 00</p> <p>Prefabricated buildings of wood:</p> <p>ex 9406 10 00</p>	
<p><i>Betula</i> L., including wood which has not kept its natural round surface</p>	<p>Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms:</p>	<p>Canada and United States</p>

<p>— Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms:</p> <p>— — Non-coniferous:</p> <p style="padding-left: 40px;">ex 4401 12 00</p> <p>— Wood in chips or particles:</p> <p>— — Non-coniferous:</p> <p style="padding-left: 40px;">— — — Other (than of eucalyptus (<i>Eucalyptus</i> spp.)):</p> <p style="padding-left: 80px;">ex 4401 22 90</p> <p>— Sawdust and wood waste and scrap, not agglomerated:</p> <p>— — Sawdust:</p> <p style="padding-left: 40px;">ex 4401 40 10</p> <p>— — Wood waste and scrap (other than sawdust):</p> <p style="padding-left: 40px;">ex 4401 40 90</p> <p>Wood in the rough, not stripped of bark or sapwood, or roughly squared:</p> <p>— Treated with paint, stains, creosote or other preservatives:</p> <p>— — Non-coniferous:</p> <p style="padding-left: 40px;">ex 4403 12 00</p> <p>Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared:</p> <p>— Other than treated with paint, stains, creosote or other preservatives:</p> <p>— — Of birch (<i>Betula</i> spp.):</p> <p style="padding-left: 40px;">4403 95 10</p> <p style="padding-left: 40px;">4403 95 90</p> <p style="padding-left: 40px;">4403 96 00</p> <p>Split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise:</p> <p>— Non-coniferous:</p> <p style="padding-left: 40px;">ex 4404 20 00</p> <p>Non-coniferous railway or tramway sleepers (cross-ties) of wood:</p> <p>— Not impregnated:</p> <p style="padding-left: 40px;">ex 4406 12 00</p> <p>— Other (than not impregnated):</p> <p style="padding-left: 40px;">ex 4406 92 00</p> <p>Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm:</p> <p>— — Of birch (<i>Betula</i> spp.):</p> <p style="padding-left: 40px;">4407 96 10</p>	
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	<p>4407 96 91</p> <p>4407 96 99</p> <p>Sheets for veneering (including those obtained by slicing laminated wood), for plywood or for similar laminated wood and other wood, sawn lengthwise, sliced or peeled, whether or not planed, sanded, spliced or end-jointed, of a thickness not exceeding 6 mm:</p> <p>ex 4408 90 15</p> <p>ex 4408 90 35</p> <p>ex 4408 90 85</p> <p>ex 4408 90 95</p> <p>Wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated, chamfered, V-jointed, beaded, moulded, rounded or the like) along any of its edges, ends or faces, whether or not planed, sanded or end-jointed:</p> <p>--- Non-coniferous, other:</p> <p>ex 4409 29 91</p> <p>ex 4409 29 99</p> <p>Casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves:</p> <p>ex 4416 00 00</p> <p>Prefabricated buildings of wood:</p> <p>ex 9406 10 00</p>	
<p><i>Amelanchier</i> Medik., <i>Aronia</i> Medik., <i>Cotoneaster</i> Medik., <i>Crataegus</i> L., <i>Cydo-</i> <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Pyracantha</i> M. Roem., <i>Pyrus</i> L. and <i>Sorbus</i> L., including wood which has not kept its natural round surface, except sawdust or shavings</p>	<p>Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms:</p> <p>— Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms:</p> <p>— Non-coniferous:</p> <p>ex 4401 12 00</p> <p>— Wood in chips or particles:</p> <p>— Non-coniferous:</p> <p>--- Other (than of eucalyptus (<i>Eucalyptus</i> spp.):)</p> <p>ex 4401 22 90</p> <p>— Wood waste and scrap (other than sawdust):</p> <p>ex 4401 40 90</p> <p>Wood in the rough, not stripped of bark or sapwood, or roughly squared:</p> <p>— Treated with paint, stains, creosote or other preservatives:</p>	<p>Canada and United States</p>

	<p>-- Non-coniferous:</p> <p style="text-align: center;">ex 4403 12 00</p> <p>Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared:</p> <p>— Other than treated with paint, stains, creosote or other preservatives:</p> <p style="text-align: center;">ex 4403 99 00</p> <p>Split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise:</p> <p>— Non-coniferous:</p> <p style="text-align: center;">ex 4404 20 00</p> <p>Non-coniferous railway or tramway sleepers (cross-ties) of wood:</p> <p>— Not impregnated:</p> <p style="text-align: center;">ex 4406 12 00</p> <p>— Other (than not impregnated):</p> <p style="text-align: center;">ex 4406 92 00</p> <p>Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm:</p> <p>ex 4407 99 27</p> <p>ex 4407 99 40</p> <p>ex 4407 99 90</p> <p>Sheets for veneering (including those obtained by slicing laminated wood), for plywood or for similar laminated wood and other wood, sawn lengthwise, sliced or peeled, whether or not planed, sanded, spliced or end-jointed, of a thickness not exceeding 6 mm:</p> <p>ex 4408 90 15</p> <p>ex 4408 90 35</p> <p>ex 4408 90 85</p> <p>ex 4408 90 95</p> <p>Wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated, chamfered, V-jointed, beaded, moulded, rounded or the like) along any of its edges, ends or faces, whether or not planed, sanded or end-jointed:</p> <p>--- Non-coniferous, other:</p> <p style="text-align: center;">ex 4409 29 91</p> <p style="text-align: center;">ex 4409 29 99</p> <p>Casks, barrels, vats, tubs and other cooperers' products and parts thereof, of wood, including staves:</p> <p style="text-align: center;">ex 4416 00 00</p>	
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	Prefabricated buildings of wood: ex 9406 10 00	
<i>Prunus</i> L. including wood which has not kept its natural round surface	<p>Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms:</p> <p>— Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms:</p> <p>— — Non-coniferous:</p> <p>ex 4401 12 00</p> <p>— Wood in chips or particles:</p> <p>— — Non-coniferous:</p> <p>— — — Other (than of eucalyptus (<i>Eucalyptus</i> spp.)):</p> <p>ex 4401 22 90</p> <p>— Sawdust and wood waste and scrap, not agglomerated:</p> <p>— — Sawdust:</p> <p>ex 4401 40 10</p> <p>— — Wood waste and scrap (other than sawdust):</p> <p>ex 4401 40 90</p> <p>Wood in the rough, not stripped of bark or sapwood, or roughly squared:</p> <p>— Treated with paint, stains, creosote or other preservatives:</p> <p>— — Non-coniferous:</p> <p>ex 4403 12 00</p> <p>Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared:</p> <p>— Other than treated with paint, stains, creosote or other preservatives:</p> <p>ex 4403 99 00</p> <p>Split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise:</p> <p>— Non-coniferous:</p> <p>ex 4404 20 00</p> <p>Non-coniferous railway or tramway sleepers (cross-ties) of wood:</p> <p>— Not impregnated:</p> <p>ex 4406 12 00</p> <p>— Other (than not impregnated):</p> <p>ex 4406 92 00</p>	Canada, China, Japan, Mongolia, North Korea, South Korea, United States, Vietnam or any third country where <i>Aromia bungii</i> is known to be present

	<p>Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm:</p> <p>-- Of cherry (<i>Prunus</i> spp.):</p> <p>4407 94 10</p> <p>4407 94 91</p> <p>4407 94 99</p> <p>-- Other:</p> <p>ex 4407 99 27</p> <p>ex 4407 99 40</p> <p>ex 4407 99 90</p> <p>Sheets for veneering (including those obtained by slicing laminated wood), for plywood or for similar laminated wood and other wood, sawn lengthwise, sliced or peeled, whether or not planed, sanded, spliced or end-jointed, of a thickness not exceeding 6 mm:</p> <p>ex 4408 90 15</p> <p>ex 4408 90 35</p> <p>ex 4408 90 85</p> <p>ex 4408 90 95</p> <p>Wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated, chamfered, V-jointed, beaded, moulded, rounded or the like) along any of its edges, ends or faces, whether or not planed, sanded or end-jointed:</p> <p>--- Non-coniferous, other:</p> <p>ex 4409 29 91</p> <p>ex 4409 29 99</p> <p>Casks, barrels, vats, tubs and other cooper's products and parts thereof, of wood, including staves:</p> <p>ex 4416 00 00</p> <p>Prefabricated buildings of wood:</p> <p>ex 9406 10 00</p>	
<p><i>Acer</i> L., <i>Aesculus</i> L., <i>Alnus</i> L., <i>Betula</i> L., <i>Carpinus</i> L., <i>Cercidiphyllum</i> Siebold & Zucc., <i>Corylus</i> L., <i>Fagus</i> L., <i>Fraxinus</i> L., <i>Koelreuteria</i> Laxm., <i>Platanus</i> L., <i>Populus</i> L., <i>Salix</i> L., <i>Tilia</i> L. and <i>Ulmus</i> L., including wood which has not kept its natural round surface</p>	<p>Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms:</p> <p>— Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms:</p> <p>-- Non-coniferous:</p> <p>ex 4401 12 00</p> <p>— Wood in chips or particles:</p>	<p>Third countries where <i>Anoplophora glabripennis</i> is known to be present</p>

	<ul style="list-style-type: none"> -- Non-coniferous: <ul style="list-style-type: none"> --- Other (than of eucalyptus (<i>Eucalyptus</i> spp.): <ul style="list-style-type: none"> ex 4401 22 90 — Sawdust and wood waste and scrap, not agglomerated: <ul style="list-style-type: none"> -- Sawdust: <ul style="list-style-type: none"> ex 4401 40 10 -- Wood waste and scrap (other than sawdust): <ul style="list-style-type: none"> ex 4401 40 90 <p>Wood in the rough, not stripped of bark or sapwood, or roughly squared:</p> <ul style="list-style-type: none"> — Treated with paint, stains, creosote or other preservatives: <ul style="list-style-type: none"> -- Non-coniferous: <ul style="list-style-type: none"> ex 4403 12 00 <p>Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared:</p> <ul style="list-style-type: none"> — Other than treated with paint, stains, creosote or other preservatives: <ul style="list-style-type: none"> -- Of beech (<i>Fagus</i> spp.): <ul style="list-style-type: none"> 4403 93 00 4403 94 00 -- Of birch (<i>Betula</i> spp.): <ul style="list-style-type: none"> 4403 95 10 4403 95 90 4403 96 00 -- Of poplar and aspen (<i>Populus</i> spp.): <ul style="list-style-type: none"> 4403 97 00 -- Of other: <ul style="list-style-type: none"> ex 4403 99 00 <p>Split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise:</p> <ul style="list-style-type: none"> — Non-coniferous: <ul style="list-style-type: none"> ex 4404 20 00 <p>Non-coniferous railway or tramway sleepers (cross-ties) of wood:</p> <ul style="list-style-type: none"> — Not impregnated: <ul style="list-style-type: none"> ex 4406 12 00 — Other (than not impregnated): <ul style="list-style-type: none"> ex 4406 92 00 	
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Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm:

-- Of beech (*Fagus* spp.):

4407 92 00

-- Of maple (*Acer* spp.):

4407 93 10

4407 93 91

4407 93 99

-- Of ash (*Fraxinus* spp.):

4407 95 10

4407 95 91

4407 95 99

-- Of birch (*Betula* spp.):

4407 96 10

4407 96 91

4407 96 99

-- Of poplar and aspen (*Populus* spp.):

4407 97 10

4407 97 91

4407 97 99

-- Of other:

4407 99 27

4407 99 40

4407 99 90

Sheets for veneering (including those obtained by slicing laminated wood), for plywood or for similar laminated wood and other wood, sawn lengthwise, sliced or peeled, whether or not planed, sanded, spliced or end-jointed, of a thickness not exceeding 6 mm:

ex 4408 90 15

ex 4408 90 35

ex 4408 90 85

ex 4408 90 95

Wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated, chamfered, V-jointed, beaded, moulded, rounded or the like) along any of its edges, ends or faces, whether or not planed, sanded or end-jointed:

	<p>--- Non-coniferous, other:</p> <p>ex 4409 29 91</p> <p>ex 4409 29 99</p> <p>Casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves:</p> <p>ex 4416 00 00</p> <p>Prefabricated buildings of wood:</p> <p>ex 9406 10 00</p>	
<p><i>Acer macrophyllum</i> Pursh, <i>Aesculus californica</i> (Spach) Nutt., <i>Lithocarpus</i> <i>densiflorus</i> (Hook. & Arn.) Rehd., <i>Quercus</i> L. and <i>Taxus</i> <i>brevifolia</i> Nutt.</p>	<p>Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms:</p> <p>— Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms:</p> <p>— — Coniferous:</p> <p>ex 4401 11 00</p> <p>— — Non-coniferous:</p> <p>ex 4401 12 00</p> <p>— Wood in chips or particles:</p> <p>— — Coniferous:</p> <p>ex 4401 21 00</p> <p>— — Non-coniferous:</p> <p>— — — Other (than of eucalyptus (<i>Eucalyptus</i> spp.):</p> <p>ex 4401 22 90</p> <p>— Sawdust and wood waste and scrap, not agglomerated:</p> <p>— — Sawdust:</p> <p>ex 4401 40 10</p> <p>— — Wood waste and scrap (other than sawdust):</p> <p>ex 4401 40 90</p> <p>Wood in the rough, not stripped of bark or sapwood, or roughly squared:</p> <p>— Treated with paint, stains, creosote or other preservatives:</p> <p>— — Coniferous:</p> <p>ex 4403 11 00</p> <p>— — Non-coniferous:</p> <p>ex 4403 12 00</p> <p>Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared:</p> <p>— Other than treated with paint, stains, creosote or other preservatives:</p>	<p>Canada, United Kingdom ⁽¹⁾, United States, Vietnam</p>

	<ul style="list-style-type: none">-- Other, coniferous:<ul style="list-style-type: none">ex 4403 25 10ex 4403 25 90ex 4403 26 00Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared:<ul style="list-style-type: none">— Other than treated with paint, stains, creosote or other preservatives:<ul style="list-style-type: none">-- Other, of non-coniferous:<ul style="list-style-type: none">ex 4403 99 00Split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise:<ul style="list-style-type: none">— Coniferous:<ul style="list-style-type: none">ex 4404 10 00— Non-coniferous:<ul style="list-style-type: none">ex 4404 20 00Railway or tramway sleepers (cross-ties) of wood:<ul style="list-style-type: none">— Not impregnated:<ul style="list-style-type: none">-- Coniferous:<ul style="list-style-type: none">ex 4406 11 00-- Non-coniferous:<ul style="list-style-type: none">ex 4406 12 00— Other (than not impregnated):<ul style="list-style-type: none">-- Coniferous:<ul style="list-style-type: none">ex 4406 91 00-- Non-coniferous:<ul style="list-style-type: none">ex 4406 92 00Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm:<ul style="list-style-type: none">— Coniferous:<ul style="list-style-type: none">ex 4407 19 10ex 4407 19 20ex 4407 19 90-- Of maple (<i>Acer</i> spp.):<ul style="list-style-type: none">4407 93 104407 93 914407 93 99-- Of other:<ul style="list-style-type: none">ex 4407 99 27	
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	<p>ex 4407 99 40</p> <p>ex 4407 99 90</p> <p>Sheets for veneering (including those obtained by slicing laminated wood), for plywood or for similar laminated wood and other wood, sawn lengthwise, sliced or peeled, whether or not planed, sanded, spliced or end-jointed, of a thickness not exceeding 6 mm:</p> <p>— Coniferous:</p> <p>ex 4408 10 15</p> <p>ex 4408 10 91</p> <p>ex 4408 10 98</p> <p>— Other:</p> <p>ex 4408 90 15</p> <p>ex 4408 90 35</p> <p>ex 4408 90 85</p> <p>ex 4408 90 95</p> <p>Wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated, chamfered, V-jointed, beaded, moulded, rounded or the like) along any of its edges, ends or faces, whether or not planed, sanded or end-jointed:</p> <p>— — — Non-coniferous, other:</p> <p>ex 4409 29 91</p> <p>ex 4409 29 99</p> <p>Casks, barrels, vats, tubs and other cooperers' products and parts thereof, of wood, including staves:</p> <p>ex 4416 00 00</p> <p>Prefabricated buildings of wood:</p> <p>ex 9406 10 00</p>	
<p><i>Artocarpus chaplasha</i> Roxb., <i>Artocarpus heterophyllus</i> Lam., <i>Artocarpus integer</i> (Thunb.) Merr., <i>Alnus formosana</i> Makino, <i>Bombax malabaricum</i> DC., <i>Broussonetia papyrifera</i> (L.) Vent., <i>Broussonetia kazinoki</i> Siebold, <i>Caesalpinia japonica</i> Siebold & Zucc., <i>Cajanus cajan</i> (L.) Huth, <i>Camellia sinensis</i> (L.) Kuntze, <i>Camellia oleifera</i> C.Abel, <i>Castanea</i> Mill., <i>Celtis sinensis</i> Pers., <i>Cercis chinensis</i> Bunge, <i>Chaenomeles sinensis</i> (Thouin) Koehne, <i>Cinnamomum camphora</i> (L.) J.Presl, <i>Citrus</i> L., <i>Cornus kousa</i> Bürger ex Hanse, <i>Crataegus cordata</i> Aiton, <i>Cunninghamia</i></p>	<p>Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms:</p> <p>— Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms:</p> <p>— — Non-coniferous:</p> <p>ex 4401 12 00</p> <p>— Wood in chips or particles:</p> <p>— — Non-coniferous:</p> <p>— — — Other (than of eucalyptus (<i>Eucalyptus</i> spp.)):</p> <p>ex 4401 22 90</p>	<p>Afghanistan, Bahrain, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, India, Indonesia, Iran, Iraq, , Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Laos, Lebanon, Malaysia,</p>

<p><i>lanceolata</i> (Lamb.) Hook., <i>Dalbergia</i> L.f., <i>Debregeasia edulis</i> (Siebold & Zucc.) Wedd., <i>Debregeasia hypoleuca</i> (Hochst. ex Steud.) Wedd., <i>Diospyros kaki</i> L., <i>Enkianthus perulatus</i> (Miq.) C. K.Schneid., <i>Eriobotrya japonica</i> (Thunb.) Lindl., <i>Fagus crenata</i> Blume, <i>Ficus</i> L., <i>Firmiana simplex</i> (L.) W.Wight, <i>Gleditsia japonica</i> Miq., <i>Hovenia dulcis</i> Thunb., <i>Juglans regia</i> L., <i>Lagerstroemia indica</i> L., <i>Maclura tricuspidata</i> Carrière, <i>Maclura pomifera</i> (Raf.) C.K.Schneid., <i>Malus</i> Mill., <i>Melia azedarach</i> L., <i>Morus</i> L., <i>Platanus x hispanica</i> Mill. ex Münchh., <i>Platycarya strobilaceae</i> Siebold & Zucc., <i>Populus</i> L., <i>Prunus</i> spp, <i>Pterocarya rhoifolia</i> Siebold & Zucc., <i>Pterocarya stenoptera</i> C. DC., <i>Punica granatum</i> L., <i>Pyrus</i> spp., <i>Robinia pseudoacacia</i> L., <i>Salix</i> L., <i>Sapium sebiferum</i> (L.) Roxb., <i>Schima superba</i> Gardner & Champ., <i>Sophora japonica</i> L., <i>Spiraea thunbergii</i> Siebold ex Blume, <i>Trema amboinensis</i> (Willd.) Blume, <i>Trema orientale</i> (L.) Blume, <i>Ulmus</i> L., <i>Vernicia fordii</i> (Hemsl.) Airy Shaw, <i>Villebrunea pedunculata</i> Shirai, <i>Xylosma</i> G.Forst., and <i>Zelkova serrata</i> (Thunb.) Makino</p>	<p>— Sawdust and wood waste and scrap, not agglomerated:</p> <p>— — Sawdust:</p> <p>ex 4401 40 10</p> <p>— — Wood waste and scrap (other than sawdust):</p> <p>ex 4401 40 90</p> <p>Wood in the rough, not stripped of bark or sapwood, or roughly squared:</p> <p>— Treated with paint, stains, creosote or other preservatives:</p> <p>— — Non-coniferous:</p> <p>ex 4403 12 00</p> <p>Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared:</p> <p>— Other than treated with paint, stains, creosote or other preservatives:</p> <p>— — Of beech (<i>Fagus</i> spp.):</p> <p>ex 4403 93 00</p> <p>ex 4403 94 00</p> <p>— — Of poplar and aspen (<i>Populus</i> spp.):</p> <p>ex 4403 97 00</p> <p>— — Other:</p> <p>ex 4403 99 00</p> <p>Split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise:</p> <p>— Non-coniferous:</p> <p>ex 4404 20 00</p> <p>Railway or tramway sleepers (cross-ties) of wood:</p> <p>— Not impregnated:</p> <p>— — Non-coniferous:</p> <p>ex 4406 12 00</p> <p>— Other (than not impregnated):</p> <p>— — Non-coniferous</p> <p>ex 4406 92 00</p> <p>Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm:</p> <p>— Other (than coniferous or tropical wood):</p> <p>— — Of beech (<i>Fagus</i> spp.):</p> <p>ex 4407 92 00</p> <p>— — Of cherry (<i>Prunus</i> spp.):</p>	<p>Maldives, Mongolia, Myanmar, Nepal, North Korea, Oman, Pakistan, Philippines, Qatar, Russia (only the following parts: Far Eastern Federal District (Dalnevostochny federalny okrug), Siberian Federal District (Sibirsky federalny okrug), and Ural Federal District (Uralsky federalny okrug)), Saudi Arabia, Singapore, South Korea, Sri Lanka, Syria, Tajikistan, Thailand, Timor-Leste, Turkmenistan, United Arab Emirates, Uzbekistan, Vietnam, and Yemen</p>
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	<ul style="list-style-type: none"> --- Planed; end-jointed, whether or not planed or sanded: ex 4407 94 10 --- Other: ex 4407 94 91 ex 4407 94 99 -- Of poplar and aspen (<i>Populus</i> spp.): <ul style="list-style-type: none"> --- Planed; end-jointed, whether or not planed or sanded: ex 4407 97 10 --- Other: ex 4407 97 91 ex 4407 97 99 -- Other: <ul style="list-style-type: none"> --- Planed; end-jointed, whether or not planed or sanded: ex 4407 99 27 --- Other: ex 4407 99 40 ex 4407 99 90 <p>Sheets for veneering (including those obtained by slicing laminated wood), for plywood or for similar laminated wood and other wood, sawn lengthwise, sliced or peeled, whether or not planed, sanded, spliced or end-jointed, of a thickness not exceeding 6 mm:</p> <ul style="list-style-type: none"> — Other (than coniferous or tropical wood): <ul style="list-style-type: none"> -- Planed; sanded; end-jointed whether or not planed or sanded: ex 4408 90 15 -- Other: ex 4408 90 35 ex 4408 90 85 ex 4408 90 95 <p>Wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated, chamfered, V-jointed, beaded, moulded, rounded or the like) along any of its edges, ends or faces, whether or not planed, sanded or end-jointed:</p> <ul style="list-style-type: none"> — Non-coniferous: <ul style="list-style-type: none"> -- Other (than of bamboo or tropical wood): <ul style="list-style-type: none"> --- Other (than mouldings for frames for paintings, photographs, mirrors or similar objects): 	
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	<p style="text-align: center;">ex 4409 29 91</p> <p style="text-align: center;">ex 4409 29 99</p> <p>Casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves:</p> <p>ex 4416 00 00</p> <p>Prefabricated buildings of wood:</p> <p>ex 9406 10 00</p>	
<p><i>Acer</i> L., <i>Betula</i> L., <i>Elaeagnus</i> L., <i>Fraxinus</i> L., <i>Gleditsia</i> L., <i>Juglans</i> L., <i>Malus</i> Mill., <i>Morus</i> L., <i>Platanus</i> L., <i>Populus</i> L., <i>Prunus</i> L., <i>Pyrus</i> L., <i>Quercus</i> L., <i>Robinia</i> L., <i>Salix</i> L., and <i>Ulmus</i> L., including wood which has not kept its natural round surface, but excluding sawdust and shavings</p>	<p>Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms:</p> <ul style="list-style-type: none"> — Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms: <ul style="list-style-type: none"> -- Non-coniferous: <p style="text-align: center;">ex 4401 12 00</p> — Wood in chips or particles: <ul style="list-style-type: none"> -- Non-coniferous: <ul style="list-style-type: none"> --- Other (than of eucalyptus (<i>Eucalyptus</i> spp.)): <p style="text-align: center;">ex 4401 22 90</p> — Sawdust and wood waste and scrap, not agglomerated: <ul style="list-style-type: none"> -- Wood waste and scrap (other than sawdust): <p style="text-align: center;">ex 4401 40 90</p> <p>Wood in the rough, not stripped of bark or sapwood, or roughly squared:</p> <ul style="list-style-type: none"> — Treated with paint, stains, creosote or other preservatives: <ul style="list-style-type: none"> -- Non-coniferous: <p style="text-align: center;">ex 4403 12 00</p> <p>Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared:</p> <ul style="list-style-type: none"> — other than treated with paint, stains, creosote or other preservatives: <ul style="list-style-type: none"> -- of oak (<i>Quercus</i> spp.): <p style="text-align: center;">4403 91 00</p> -- of birch (<i>Betula</i> spp.): <p style="text-align: center;">4403 95 10</p> <p style="text-align: center;">4403 95 90</p> <p style="text-align: center;">4403 96 00</p> -- of poplar and aspen (<i>Populus</i> spp.): <p style="text-align: center;">4403 97 00</p> 	<p>Afghanistan, India, Iran, Kyrgyzstan, Pakistan, Tajikistan, Turkmenistan, and Uzbekistan</p>

	<p>-- other (than <i>Quercus</i>, <i>Betula</i>, <i>Populus</i>):</p> <p>ex 4403 99 00</p> <p>Split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise:</p> <p>— Non-coniferous:</p> <p>ex 4404 20 00</p> <p>Railway or tramway sleepers (cross-ties) of wood:</p> <p>— Not impregnated:</p> <p>-- Non-coniferous:</p> <p>ex 4406 12 00</p> <p>— Other (than not impregnated):</p> <p>-- Non-coniferous:</p> <p>ex 4406 92 00</p> <p>Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm:</p> <p>-- of oak (<i>Quercus</i> spp.):</p> <p>4407 91 15</p> <p>4407 91 31</p> <p>4407 91 39</p> <p>4407 91 90</p> <p>-- of maple (<i>Acer</i> spp.):</p> <p>4407 93 10</p> <p>4407 93 91</p> <p>4407 93 99</p> <p>-- of cherry (<i>Prunus</i> spp.):</p> <p>4407 94 10</p> <p>4407 94 91</p> <p>4407 94 99</p> <p>-- of ash (<i>Fraxinus</i> spp.):</p> <p>4407 95 10</p> <p>4407 95 91</p> <p>4407 95 99</p> <p>-- of birch (<i>Betula</i> spp.):</p> <p>4407 96 10</p> <p>4407 96 91</p> <p>4407 96 99</p> <p>-- of poplar and aspen (<i>Populus</i> spp.):</p> <p>4407 97 10</p>	
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	<p>4407 97 91</p> <p>4407 97 99</p> <p>-- Other:</p> <p>--- Planed; end-jointed, whether or not planed or sanded:</p> <p>ex 4407 99 27</p> <p>--- Other:</p> <p>ex 4407 99 40</p> <p>ex 4407 99 90</p> <p>Sheets for veneering (including those obtained by slicing laminated wood), for plywood or for similar laminated wood and other wood, sawn lengthwise, sliced or peeled, whether or not planed, sanded, spliced or end-jointed, of a thickness not exceeding 6 mm:</p> <p>— Other (than coniferous or of tropical wood)</p> <p>-- Planed; sanded; end-jointed, whether or not planed or sanded:</p> <p>ex 4408 90 15</p> <p>-- Other:</p> <p>ex 4408 90 35</p> <p>ex 4408 90 85</p> <p>ex 4408 90 95</p> <p>Wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated, chamfered, V-jointed, beaded, moulded, rounded or the like) along any of its edges, ends or faces, whether or not planed, sanded or end-jointed:</p> <p>— Non-coniferous:</p> <p>-- Other (than of bamboo or tropical wood):</p> <p>--- Other (than mouldings for frames for paintings, photographs, mirrors or similar objects):</p> <p>ex 4409 29 91</p> <p>ex 4409 29 99</p> <p>Casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves:</p> <p>ex 4416 00 00</p> <p>Prefabricated buildings of wood:</p> <p>ex 9406 10 00</p>	
Wood of <i>Castanea</i> Mill., <i>Castanopsis</i> (D. Don) Spach and <i>Quercus</i> L.	Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms:	China, North Korea, Russia, South Korea, Taiwan and Vietnam

	<ul style="list-style-type: none"> — Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms: <ul style="list-style-type: none"> -- Non-coniferous: <p style="margin: 0;">ex 4401 12 00</p> — Wood in chips or particles: <ul style="list-style-type: none"> -- Non-coniferous: <ul style="list-style-type: none"> --- Other (than of eucalyptus (<i>Eucalyptus</i> spp.)): <p style="margin: 0;">ex 4401 22 90</p> — Sawdust and wood waste and scrap, not agglomerated: <ul style="list-style-type: none"> -- Sawdust: <p style="margin: 0;">ex 4401 40 10</p> -- Wood waste and scrap (other than sawdust): <p style="margin: 0;">ex 4401 40 90</p> <p>Wood in the rough, not stripped of bark or sapwood, or roughly squared:</p> <ul style="list-style-type: none"> — Treated with paint, stains, creosote or other preservatives: <ul style="list-style-type: none"> -- Non-coniferous: <p style="margin: 0;">ex 4403 12 00</p> <p>Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared:</p> <ul style="list-style-type: none"> — Other than treated with paint, stains, creosote or other preservatives: <ul style="list-style-type: none"> -- Of oak (<i>Quercus</i> spp.): <p style="margin: 0;">4403 91 00</p> -- Other: <p style="margin: 0;">ex 4403 99 00</p> <p>Split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise:</p> <ul style="list-style-type: none"> — Non-coniferous: <p style="margin: 0;">ex 4404 20 00</p> <p>Railway or tramway sleepers (cross-ties) of wood:</p> <ul style="list-style-type: none"> — Not impregnated: <ul style="list-style-type: none"> -- Non-coniferous: <p style="margin: 0;">ex 4406 12 00</p> — Other (than not impregnated): <ul style="list-style-type: none"> -- Non-coniferous: <p style="margin: 0;">ex 4406 92 00</p> <p>Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm:</p> <ul style="list-style-type: none"> -- Of oak (<i>Quercus</i> spp.): 	
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	<p>--- Sanded; end-jointed, whether or not planed or sanded:</p> <p style="padding-left: 20px;">4407 91 15</p> <p>--- Other:</p> <p style="padding-left: 20px;">4407 91 31</p> <p style="padding-left: 20px;">4407 91 39</p> <p style="padding-left: 20px;">4407 91 90</p> <p>-- Other:</p> <p>--- Planed; end-jointed, whether or not planed or sanded:</p> <p style="padding-left: 20px;">ex 4407 99 27</p> <p>--- Other:</p> <p style="padding-left: 20px;">ex 4407 99 40</p> <p style="padding-left: 20px;">ex 4407 99 90</p> <p>Sheets for veneering (including those obtained by slicing laminated wood), for plywood or for similar laminated wood and other wood, sawn lengthwise, sliced or peeled, whether or not planed, sanded, spliced or end-jointed, of a thickness not exceeding 6 mm:</p> <p>— Other (than coniferous or of tropical wood)</p> <p> -- Planed; sanded; end-jointed, whether or not planed or sanded:</p> <p style="padding-left: 20px;">ex 4408 90 15</p> <p> -- Other:</p> <p style="padding-left: 20px;">ex 4408 90 35</p> <p style="padding-left: 20px;">ex 4408 90 85</p> <p style="padding-left: 20px;">ex 4408 90 95</p> <p>Wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated, chamfered, V-jointed, beaded, moulded, rounded or the like) along any of its edges, ends or faces, whether or not planed, sanded or end-jointed:</p> <p>— Non-coniferous:</p> <p> -- Other (than of bamboo or tropical wood):</p> <p> --- Other (than mouldings for frames for paintings, photographs, mirrors or similar objects):</p> <p style="padding-left: 40px;">ex 4409 29 91</p> <p style="padding-left: 40px;">ex 4409 29 99</p> <p>Casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves:</p> <p style="padding-left: 20px;">ex 4416 00 00</p>	
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	Prefabricated buildings of wood: ex 9406 10 00	
Wood of <i>Acacia</i> Mill., <i>Acer buergerianum</i> Miq., <i>Acer macrophyllum</i> Pursh, <i>Acer negundo</i> L., <i>Acer palmatum</i> Thunb., <i>Acer paxii</i> Franch., <i>Acer pseudoplatanus</i> L., <i>Aesculus californica</i> (Spach) Nutt., <i>Ailanthus altissima</i> (Mill.) Swingle, <i>Albizia falcata</i> Backer ex Merr., <i>Albizia julibrissin</i> Durazz., <i>Alectryon excelsus</i> Gärtn., <i>Alnus rhombifolia</i> Nutt., <i>Archontophoenix cunninghamiana</i> H. Wendl. & Drude, <i>Artocarpus integer</i> (Thunb.) Merr., <i>Azadirachta indica</i> A. Juss., <i>Baccharis salicina</i> Torr. & A. Gray, <i>Bauhinia variegata</i> L., <i>Brachychiton discolor</i> F.Muell., <i>Brachychiton populneus</i> R.Br., <i>Camellia semiserrata</i> C.W.Chi, <i>Camellia sinensis</i> (L.) Kuntze, <i>Canarium commune</i> L., <i>Castanospermum australe</i> A. Cunningham & C.Fraser, <i>Cercidium floridum</i> Benth. ex A. Gray, <i>Cercidium sonora</i> Rose & I.M.Johnst., <i>Cocculus laurifolius</i> DC., <i>Combretum kraussii</i> Hochst., <i>Cupaniopsis anacardioides</i> (A.Rich.) Radlk., <i>Dombeya cacuminum</i> Hochr., <i>Erythrina coralloendron</i> L., <i>Erythrina coralloides</i> Moc. & Sessé ex DC., <i>Erythrina falcata</i> Benth., <i>Erythrina fusca</i> Lour., <i>Eucalyptus ficifolia</i> F.Müll., <i>Fagus crenata</i> Blume, <i>Ficus</i> L., <i>Gleditsia triacanthos</i> L., <i>Hevea brasiliensis</i> (Willd. ex A.Juss) Muell.Arg., <i>Howea forsteriana</i> (F.Müller) Becc., <i>Ilex cornuta</i> Lindl. & Paxton, <i>Inga vera</i> Willd., <i>Jacaranda mimosifolia</i> D.Don, <i>Koelreuteria bipinnata</i> Franch., <i>Liquidambar styraciflua</i> L., <i>Magnolia grandiflora</i> L., <i>Magnolia virginiana</i> L., <i>Mimosa bracaatinga</i> Hoehne, <i>Morus alba</i> L., <i>Parkinsonia aculeata</i> L., <i>Persea americana</i> Mill., <i>Pithecellobium lobatum</i> Benth., <i>Platanus x hispanica</i> Mill. ex Münchh., <i>Platanus mexicana</i> Torr., <i>Platanus occidentalis</i> L., <i>Platanus orientalis</i> L., <i>Platanus racemosa</i> Nutt., <i>Podalyria calypttrata</i> Willd., <i>Populus fremontii</i> S.Watson, <i>Populus nigra</i> L., <i>Populus trichocarpa</i> Torr. & A.Gray ex	Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms: — Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms: -- Non-coniferous: ex 4401 12 00 — Wood in chips or particles: -- Non-coniferous: ex 4401 22 10 ex 4401 22 90 — Sawdust and wood waste and scrap, not agglomerated: -- Wood waste and scrap (other than sawdust): ex 4401 40 90 Wood in the rough, not stripped of bark or sapwood, or roughly squared: — Treated with paint, stains, creosote or other preservatives: -- Non-coniferous: ex 4403 12 00 Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared: — Other than treated with paint, stains, creosote or other preservatives: -- Of oak (<i>Quercus</i> spp.): 4403 91 00 -- Of beech (<i>Fagus</i> spp.): 4403 92 00 -- Of poplar and aspen (<i>Populus</i> spp.): 4403 97 00 -- Of eucalyptus (<i>Eucalyptus</i> spp.): 4403 98 00 -- Other: ex 4403 99 00 Split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise: — Non-coniferous: ex 4404 20 00	Third countries

Hook., *Prosopis articulata* S. Watson, *Protium serratum* Engl., *Psoralea pinnata* L., *Pterocarya stenoptera* C.DC., *Quercus agrifolia* Née, *Quercus calliprinos* Webb., *Quercus chrysolepis* Liebm., *Quercus engelmannii* Greene, *Quercus ithaburensis* Dence, *Quercus lobata* Née, *Quercus palustris* Marshall, *Quercus robur* L., *Quercus suber* L., *Ricinus communis* L., *Salix alba* L., *Salix babylonica* L., *Salix gooddingii* C.R.Ball, *Salix laevigata* Bebb, *Salix mucronata* Thnb., *Shorea robusta* C.F.Gaertn., *Spathodea campanulata* P.Beauv., *Spondias dulcis* Parkinson, *Tamarix ramosissima* Kar. ex Boiss., *Virgilia oroboides* subsp. *ferrugine* B.-E.van Wyk, *Wisteria floribunda* (Willd.) DC. and *Xylosma avilae* Sleumer

Railway or tramway sleepers (cross-ties) of wood:

— Not impregnated:

-- Non-coniferous:

ex 4406 12 00

— Other (than not impregnated):

-- Non-coniferous:

ex 4406 92 00

Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm:

-- Of oak (*Quercus* spp.):

4407 91 15

4407 91 31

4407 91 39

4407 91 90

-- Of beech (*Fagus* spp.):

4407 92 00

-- Of maple (*Acer* spp.):

4407 93 10

4407 93 91

4407 93 99

-- Of poplar and aspen (*Populus* spp.):

4407 97 10

4407 97 91

4407 97 99

-- Other:

--- Planed; end-jointed, whether or not planed or sanded:

ex 4407 99 27

--- Other:

ex 4407 99 40

ex 4407 99 90

Sheets for veneering (including those obtained by slicing laminated wood), for plywood or for similar laminated wood and other wood, sawn lengthwise, sliced or peeled, whether or not planed, sanded, spliced or end-jointed, of a thickness not exceeding 6 mm:

— Other (than coniferous or of tropical wood)

-- Planed; sanded; end-jointed, whether or not planed or sanded:

ex 4408 90 15

	<p>-- Other:</p> <p>ex 4408 90 35</p> <p>ex 4408 90 85</p> <p>ex 4408 90 95</p> <p>Wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated, chamfered, V-jointed, beaded, moulded, rounded or the like) along any of its edges, ends or faces, whether or not planed, sanded or end-jointed:</p> <p>— Non-coniferous :</p> <p>-- Other (than of bamboo or tropical wood):</p> <p>--- Other (than mouldings for frames for paintings, photographs, mirrors or similar objects):</p> <p>ex 4409 29 91</p> <p>ex 4409 29 99</p> <p>Casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves:</p> <p>ex 4416 00 00</p> <p>Prefabricated buildings of wood:</p> <p>ex 9406 10 00</p>	
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(¹) In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, for the purposes of this Annex, references to the United Kingdom do not include Northern Ireland.;

(b) Part B is amended as follows:

- (i) the heading is replaced by the following:
'List of plants, as well as the respective third countries of their origin or dispatch, for which, pursuant to Article 73 of Regulation (EU) 2016/2031, phytosanitary certificates are required for their introduction into the Union territory';
- (ii) in the second column, in the second entry ('*Cut flowers and flower buds ...*'), between the heading of the entry and the code '0603 15 00', the following code is inserted:
'0603 11 00';
- (iii) in the third entry ('*Foliage, branches and ...*'), the heading of the entry is replaced by the following:
'Foliage, branches and other parts of plants, without flowers or flower buds, and grasses, mosses, not lichens, being goods of a kind suitable for bouquets or for ornamental purposes, fresh:';
- (iv) in the fifth entry ('*Cabbages,...*'), between the codes '0704 10 00' and '0704 90 10', the following code is inserted:
'0704 20 00';
- (v) in the eleventh entry ('*Brazil nuts, ...*'), the heading of the entry is replaced by the following:
'Brazil nuts and cashew nuts, whole, fresh in the green husk, also for sowing:'

(vi) in the twelfth entry ('*Other nuts, ...*') the heading of the entry is replaced by the following:
'Other nuts, whole, fresh in the green husk, also for sowing';

(vii) after the entry 'Bay leaves, fresh ex 0910 99 50', the following text is inserted :
'Seeds of wheat and meslin:

1001 11 00

1001 91 10

1001 91 20

1001 91 90

Seed of rye:

1002 10 00;

(viii) in the entry 'Buckwheat, millet and canary seed, other cereals, seed for sowing', the following code is inserted between the codes 'ex 1008 50 00' and 'ex 1008 90 00':

'ex 1008 60 00';

(10) Annex XII is amended as follows:

(a) in point 4, the third row is deleted;

(b) in point 6, the words 'conifers (Pinales)' are replaced by 'conifers (Pinopsida)';

(11) Annex XIII is amended as follows:

(a) the following point is inserted between points 4 and 5:

'4.1 Wood of *Chionanthus virginicus* L., *Fraxinus* L., *Juglans ailantifolia* Carr., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch. and *Pterocarya rhoifolia* Siebold & Zucc., as referred to in point 27 of Annex VIII.';

(b) points 10 and 11 are replaced by the following:

'10. Seed, where its movement is carried out within the scope of application of Directive 98/56/EC, and for which specific RNQPs have been listed in accordance with Article 37(2) of Regulation (EU) 2016/2031 in Annex IV, of:

— *Allium* L.,

— *Capsicum annuum* L.,

— *Helianthus annuus* L.

11. Seed, where its movement is carried out within the scope of application of Directives 98/56/EC or 2008/90/EC, and for which specific RNQPs have been listed in accordance with Article 37(2) of Regulation (EU) 2016/2031 in Annex IV, of:

— *Prunus armeniaca* L.,

— *Prunus cerasus* L.,

— *Prunus domestica* L.,

— *Prunus dulcis* (Mill.) D. A. Webb,

— *Prunus persica* (L.) Batsch,

— *Prunus salicina* Lindley.';

(c) the following point is added:

'12. Seed, where its movement is carried out within the scope of application of Directives 98/56/EC, 1999/105/EC or 2008/90/EC, and for which specific RNQPs have been listed in accordance with Article 37(2) of Regulation (EU) 2016/2031 in Annex IV, of:

— *Prunus avium* L.;

(12) Annex XIV is amended as follows:

(a) point 1 is replaced by the following:

'Plants of *Abies* Mill., *Larix* Mill., *Picea* A. Dietr., *Pinus* L. and *Pseudotsuga* Carr., other than seeds.;

(b) in point 2, the words '*Ficus* L.,' and '*Platanus* L.,' are deleted;

(c) point 3 is replaced by the following:

'3. Plants, other than fruit and seeds, of *Amelanchier* Med., *Castanea* Mill., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Eucalyptus* L'Herit., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L., *Sorbus* L. and *Vitis* L.;

(d) point 9 is replaced by the following:

'9. Seeds of *Beta vulgaris* L., *Castanea* Mill., *Gossypium* L. and *Mangifera* L.;

(e) in point 11(b) first indent, the words 'conifers (Pinales)' are replaced by 'conifers (Pinopsida)';

(f) in point 12, the words 'conifers (Pinales)' are replaced by 'conifers (Pinopsida)'.

COMMISSION IMPLEMENTING REGULATION (EU) 2021/2286**of 16 December 2021****on the data to be provided for the reference year 2023 pursuant to Regulation (EU) 2018/1091 of the European Parliament and of the Council on integrated farm statistics as regards the list of variables and their description and repealing Commission Regulation (EC) No 1200/2009****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2018/1091 of the European Parliament and of the Council of 18 July 2018 on integrated farm statistics and repealing Regulations (EC) No 1166/2008 and (EU) No 1337/2011 ⁽¹⁾, and in particular Articles 5(4) and 8(1) thereof,

Whereas:

- (1) Regulation (EU) 2018/1091 provides for both a framework for European statistics on agricultural holdings and for the integration of information on their structure with information on production methods, rural development measures, agro-environmental aspects and other related information.
- (2) For the reference year 2023, and pursuant to Article 5(4) of Regulation (EU) 2018/1091, the Commission should adopt an implementing act specifying the description of variables listed in Annex III of the Regulation referring to the core structural data variables.
- (3) Pursuant to Article 8(1) of Regulation (EU) 2018/1091, the Commission should list and describe the variables to be collected for the reference year 2023 corresponding to the topics and detailed topics within the following modules indicated in Annex IV of the Regulation: 'Labour force and other gainful activities', 'Rural development', 'Irrigation', 'Soil management practices', 'Machinery and equipment' and 'Orchard'.
- (4) Commission Regulation (EC) No 1200/2009 ⁽²⁾ has become outdated since the adoption of Regulation (EU) 2018/1091, and for the sake of legal certainty should be repealed.
- (5) The measures in this Regulation are in accordance with the opinion of the European Statistical System Committee, established by Article 7 of Regulation (EC) No 223/2009 of the European Parliament and of the Council ⁽³⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. The description of the core structural data variables listed in Annex III to Regulation (EU) 2018/1091 shall be as set out in Annex I to this Regulation.
2. The list of the variables for topics and detailed topics within each module is set out in Annex II to this Regulation.

⁽¹⁾ OJ L 200, 7.8.2018, p. 1.

⁽²⁾ Commission Regulation (EC) No 1200/2009 of 30 November 2009 implementing Regulation (EC) No 1166/2008 of the European Parliament and of the Council on farm structure surveys and the survey on agricultural production methods, as regards livestock unit coefficients and definitions of the characteristics (OJ L 329, 15.12.2009, p. 1).

⁽³⁾ Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).

3. The descriptions of the variables to be used by the Member States for the topics and detailed topics within each module as listed in Annex II to this Regulation shall be as set out in Annex III to this Regulation.

Article 2

Regulation (EC) No 1200/2009 is repealed.

Article 3

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

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

Done at Brussels, 16 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

Description of the variables listed in Annex III to Regulation (EU) 2018/1091 to be used for the core structural data

I. GENERAL VARIABLES

Survey information

CGNR 001	–	<p>Agricultural holding identifier</p> <p>The agricultural holding unique identifier is a unique numeric identifier for transmitting the data.</p>
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Location of the agricultural holding

The agricultural holding is located where the farm carries out its main agricultural activity.

CGNR 002	–	<p>Geographical location</p> <p>The cell code of the 1 km INSPIRE Statistical Units Grid for pan-European usage ⁽¹⁾ where the farm is located. This code will be used only for transmission purposes.</p> <p>For data dissemination purposes, in addition to the normal disclosure control mechanisms for tabular data, the 1 km grid will be used only if there are more than 10 agricultural holdings in the grid; failing that, nested 5 km, 10 km or larger grids will be used as required.</p>
CGNR 003	–	<p>NUTS 3 region</p> <p>The code of the NUTS 3 ⁽²⁾ region (pursuant to Regulation (EC) No 1059/2003 of the European Parliament and of the Council ⁽³⁾) in which the holding is located.</p>
CGNR 004	–	<p>The agricultural holding has areas designated as facing natural constraints under Regulation (EU) No 1305/2013</p> <p>Information on areas facing natural constraints (ANC) is to be provided in accordance with Article 32 of Regulation (EU) No 1305/2013 of the European Parliament and of the Council ⁽⁴⁾ or, where applicable, the most recent legislation.</p> <p>L – the agricultural holding is in an area other than a mountainous area, facing significant natural constraints</p> <p>M – the agricultural holding is in a mountainous area</p> <p>O – the agricultural holding is in another area affected by specific constraints</p> <p>N – the agricultural holding is not part of an area facing natural constraints</p>

Legal personality of the agricultural holding

The legal personality of the agricultural holding depends on the holder's status.

		Legal and economic responsibility of the agricultural holding is assumed by a:
CGNR 005	–	<p>Natural person who is sole holder, where the agricultural holding is independent</p> <p>A single natural person who is the sole holder of an agricultural holding which is not linked to any agricultural holdings of other holders, either by common management or similar arrangements.</p> <p><i>Agricultural holdings which fulfill this condition are called sole holder agricultural holdings.</i></p>

CGNR 006	–	–	If yes, is the holder also the manager?	
CGNR 007	–	–	–	If no, is the manager a member of the holder's family?
CGNR 008	–	–	–	If yes, is the manager the spouse of the holder?
CGNR 009	–	Shared ownership Natural persons, who are the sole holders of an agricultural holding not linked to any agricultural holdings of other holders, and who share the ownership and management of the agricultural holding.		
CGNR 010	–	Two or more natural persons who are partners, where the agricultural holding is a holding-group Partner(s) of a group holding are natural persons who together own, rent or otherwise manage one agricultural holding or together manage their individual holdings as if they were one holding. Such cooperation must be either in conformity with the law or by written agreement.		
CGNR 011	–	Legal person A legal entity other than a natural person but having rights and duties of an individual, such as the ability to sue or to be sued (a general legal capacity of its own).		
CGNR 012	–	–	If yes, is the agricultural holding part of an enterprise group? An enterprise group is an association of enterprises bound together by legal and/or financial links and controlled by the group head. <i>An 'enterprise' is the smallest combination of legal units that is an organisational unit producing goods or services, which benefits from a certain degree of autonomy in decision-making, especially for the allocation of its current resources. An enterprise carries out one or more activities at one or more locations. An enterprise may be a sole legal unit.</i>	
CGNR 013	–	The agricultural holding is a common land unit For the purposes of data collection and recording, a 'common land unit' agricultural holding is an entity consisting of the utilised agricultural area (UAA) which is used under common rights by other agricultural holdings.		
CGNR 014	–	The holder is a beneficiary of EU support for land or animals on the agricultural holding and thus included in the integrated administration and control system (IACS) The holder is an active farmer within the meaning of Article 9 of Regulation (EU) No 1307/2013 of the European Parliament and of the Council ^(²) or, where applicable, the most recent legislation and the application for a subsidy has been accepted.		
CGNR 015	–	The holder is a young farmer or new entrant into farming who has received financial support for this purpose under the common agricultural policy (CAP) in the previous three years The financial support can refer to direct payments under Articles 50 and 51 of Regulation (EU) No 1307/2013 or support provided by rural development programmes under Article 19(1), point (a)(i) – business start-up aid for young farmers of Regulation (EU) No 1305/2013 or where applicable the most recent legislation.		

Manager of the agricultural holding

The manager of the agricultural holding is the natural person responsible for the normal daily financial and production activities of the agricultural holding.

Farm work is every type of work on the agricultural holding which contributes to either of the following:

- (i) the activities listed in Article 2, point (a) of Regulation (EU) 2018/1091
- (ii) maintaining the means of production;
- (iii) the activities directly derived from these productive actions.

The **time spent on farm work** on the agricultural holding is the working time actually devoted to farm work for the agricultural holding, excluding work in the households of the holder or manager.

Annual work unit (AWU) is the full-time equivalent employment, i.e. the total hours worked divided by the average annual hours worked in full-time jobs in the country.

Full-time means the minimum hours required by the national rules governing contracts of employment. If these do not state the number of annual hours then 1 800 hours is to be taken as the minimum figure (225 working days of eight hours per day).

CGNR 016	–	Year of birth The year of birth of the manager of the agricultural holding
CGNR 017	–	Sex The sex of the manager of the agricultural holding: M – Male F – Female
CGNR 018	–	Farm work on the agricultural holding (apart from household work) Percentage band of annual work units (%) of farm work carried out by the manager of the agricultural holding.
CGNR 019	–	Year when classified as manager of agricultural holding The year in which the manager of the agricultural holding took up this role
CGNR 020	–	Agricultural training of the manager The highest agricultural education level that was obtained by the manager: PRACT – only practical agricultural experience, if the manager's experience was acquired through practical work on an agricultural holding; BASIC – basic agricultural training, if the manager took any training courses completed at a general agricultural college and/or an institution specialising in certain subjects (including horticulture, viticulture, silviculture, pisciculture, veterinary science, agricultural technology and associated subjects); a completed agricultural apprenticeship is regarded as basic training; FULL – full agricultural training, if the manager took any training course continuously for the equivalent of at least 2 years full-time training after the end of compulsory education and completed at an agricultural college, university or other institute of higher education in agriculture, horticulture, viticulture, silviculture, pisciculture, veterinary science, agricultural technology or an associated subject.

CGNR 021	–	<p>Vocational training undertaken by manager during the last 12 months</p> <p>If the manager took vocational training, a training measure or activity provided by a trainer or a training institution primarily aimed at the acquisition of new skills related to the farm activities or activities related directly to the agricultural holding or the development and improvement of existing ones.</p>
<p>Type of tenure of the UAA (in relation to the holder)</p> <p><i>The type of tenure depends on the situation on a reference day of the year of the survey.</i></p>		
CGNR 022	–	<p>Farming on own land</p> <p>Hectares of UAA farmed by the agricultural holding and held by the holder as a property or farmed by the holder acting as a usufructuary or heritable long-term leaseholder or under some other equivalent type of tenure.</p>
CGNR 023	–	<p>Farming on rented land</p> <p>Hectares of UAA rented by the agricultural holding in return for a fixed rent agreed in advance (in cash, kind or otherwise), and for which there is a (written or oral) tenancy agreement. The UAA is allocated to only one agricultural holding. If the UAA is rented out to more than one agricultural holding during the reference year, it is normally allocated to the agricultural holding with which it is associated on the survey reference day or which used it for the longest period during the reference year.</p>
CGNR 024	–	<p>Share farming or other tenure modes</p> <p>Hectares of UAA which is:</p> <p>a) shared, meaning farmed in partnership by the landlord and the sharecropper under a written or an oral share-farming contract. The output (either economic or physical) of the share cropped area is shared between the two parties on an agreed basis;</p> <p>b) under other modes of tenure not covered elsewhere under the previous items.</p>
CGNR 025	–	<p>Common land</p> <p>Hectares of UAA used by the agricultural holding but not belonging directly to it, i.e. on which common rights apply.</p>
CGNR 026	–	<p>Organic farming</p> <p>The agricultural holding has production which falls under agricultural practices that comply with certain set standards and rules specified in (i) Council Regulation (EC) No 834/2007 ⁽⁷⁾ or Regulation (EU) 2018/848 of the European Parliament and of the Council ⁽⁸⁾ or, where applicable, in the most recent legislation, and (ii) the corresponding national implementing rules for organic production.</p>
CGNR 027	–	<p>Total UAA of the agricultural holding on which organic farming production methods are applied and certified according to national or European Union rules</p> <p>Hectares of the UAA of the agricultural holding on which the production method applied is fully compliant with the principles of organic production at farm level, as set out in (i) Regulation (EC) No 834/2007 or Regulation (EU) 2018/848 or, where applicable, in the most recent legislation and (ii) the corresponding national implementing rules for certification of organic production.</p>

CGNR 028	–	Total UAA of the agricultural holding that is under conversion to organic farming production methods to be certified according to national or European Union rules Hectares of the UAA of the agricultural holding on which organic farming methods are applied during the transition from non-organic to organic production within a given period ('conversion period') as set out in (i) Regulation (EC) No 834/2007 or Regulation (EU) 2018/848 or, where applicable, in the most recent legislation and (ii) the corresponding national implementing rules for certification of organic production.
CGNR 029	–	Participation in other environmental certification schemes The agricultural holding participates in national or regional environmental certification schemes such as those referred to in Article 43 paragraph 2 and paragraph 3, point (b) of Regulation (EU) No 1307/2013 or in Annex IX thereto (current certification schemes equivalent to the greening payment of CAP) or, where applicable the most recent legislation, and the application for a subsidy has been accepted.

(¹) Annex II to Commission Regulation (EU) No 1089/2010 of 23 November 2010 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards interoperability of spatial data sets and services (OJ L 323, 8.12.2010, p. 11).

(²) NUTS: Nomenclature of territorial units for statistics.

(³) Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).

(⁴) Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487).

(⁵) Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 (OJ L 347, 20.12.2013, p. 608).

(⁶) Annual work unit (AWU) percentage band 2: (> 0–< 25), (≥ 25–< 50), (≥ 50–< 75), (≥ 75–< 100), (100).

(⁷) Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (OJ L 189, 20.7.2007, p. 1).

(⁸) Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150, 14.6.2018, p. 1).

II. VARIABLES OF LAND

The total area of the agricultural holding consists of the utilised agricultural area (arable land, permanent grassland, permanent crops and kitchen gardens) and other farmland (unutilised agricultural land, wooded area and other land not elsewhere classified).

The **area** to be collected for each item is known as the **main area** and refers to the physical area of the parcel(s), regardless of whether there was only one single crop or several crops during the crop year. In the case of annual crops, the main area corresponds to the sown area; in case of permanent crops the main area is the total planted area; in the case of successive crops, the **main area** corresponds to the area occupied by the main crop in the parcel during the year; in the case of simultaneous crops, it corresponds to the area where the crops co-exist. In this manner, each area is listed only once.

The **main crop** is the one with the highest economic value. When it is not possible to determine what the main crop is on the basis of the production value, then the main crop will be the one which occupies the ground for the longest period of time amongst all the crops harvested during the reference year.

The **utilised agricultural area** (UAA) is the total area taken up by arable land, permanent grassland, permanent crops and kitchen gardens used by the agricultural holding, regardless of the type of tenure.

Crop rotation is the practice of alternating crops grown in a specific field in a planned pattern or sequence in successive crop years so that crops of the same species are not grown without interruption in the same field. In a crop rotation the crops are normally changed annually, but it is possible to have a crop rotation with multiannual crops.

Open field and areas under glass or high accessible cover are to be reported separately.

For land variables, the use of the land shall refer to the reference year.

CLND 001	–	–	–	–	UAA Hectares of UAA.
CLND 002	–	–	–	–	Arable land Hectares of land worked (ploughed or tilled) regularly, generally under a system of crop rotation.
CLND 003	–	–	–	–	Cereals for the production of grain (including seed) Hectares of all cereals harvested dry for grain, regardless of use.
CLND 004	–	–	–	–	Common wheat and spelt Hectares of <i>Triticum aestivum</i> L. emend. Fiori et Paol., <i>Triticum spelta</i> L. and <i>Triticum monococcum</i> L.
CLND 005	–	–	–	–	Durum wheat Hectares of <i>Triticum durum</i> Desf.
CLND 006	–	–	–	–	Rye and winter cereal mixtures (maslin) Hectares of rye (<i>Secale cereale</i> L.) sown at any time, mixtures of rye and other cereals and other cereal mixtures sown before or during the winter (maslin).
CLND 007	–	–	–	–	Barley Hectares of barley (<i>Hordeum vulgare</i> L.).
CLND 008	–	–	–	–	Oats and spring cereal mixtures (mixed grain other than maslin) Hectares of oats (<i>Avena sativa</i> L.) and other cereals sown in the spring and grown as mixtures and harvested as dry grain, including seed.
CLND 009	–	–	–	–	Grain maize and corn–cob–mix Hectares of maize (<i>Zea mays</i> L.) harvested for grain, as seed or as corn–cob–mix.
CLND 010	–	–	–	–	Triticale Hectares of triticale (x <i>Triticosecale</i> Wittmack).
CLND 011	–	–	–	–	Sorghum Hectares of sorghum (<i>Sorghum bicolor</i> (L.) Conrad Moench or <i>Sorghum x sudanense</i> (Piper) Stapf).
CLND 012	–	–	–	–	Other cereals not elsewhere classified (buckwheat, millet, canary seed, etc.) Hectares of cereals, harvested dry for grain, and which are not recorded elsewhere under the previous items, such as millet (<i>Panicum miliaceum</i> L.), buckwheat (<i>Fagopyrum esculentum</i> Mill.), canary seed (<i>Phalaris canariensis</i> L.) and other cereals not elsewhere classified (n.e.c.).

CLND 013	-	-	-	-	Rice Hectares of rice (<i>Oryza sativa</i> L.).
CLND 014	-	-	-	-	Dry pulses and protein crops for the production of grain (including seed and mixtures of cereals and pulses) Hectares of dried pulses and protein crops harvested dry for grain, regardless of use.
CLND 015	-	-	-	-	Field peas, beans and sweet lupins Hectares of all varieties of field peas (<i>Pisum sativum</i> L. convar. <i>sativum</i> or <i>Pisum sativum</i> L. convar. <i>arvense</i> L. or convar. <i>speciosum</i>) harvested dry, plus hectares of all varieties of broad or field beans (<i>Vicia faba</i> L. (partim)) harvested dry, plus hectares of all sweet lupins (<i>Lupinus</i> sp.) harvested dry for grain, including seed, regardless of their use.
CLND 016	-	-	-	-	Root crops Hectares of crops cultivated for their root, tuber or modified stem. It excludes root, tuber and bulb vegetables such as carrots, beetroots or swedes, among others.
CLND 017	-	-	-	-	Potatoes (including seed potatoes) Hectares of potatoes (<i>Solanum tuberosum</i> L.).
CLND 018	-	-	-	-	Sugar beet (excluding seed) Hectares of sugar beet (<i>Beta vulgaris</i> L.) intended for the sugar industry and alcohol production.
CLND 019	-	-	-	-	Other root crops n.e.c. Hectares of fodder beet (<i>Beta vulgaris</i> L.) and plants of the <i>Brassicaceae</i> family harvested mainly for animal feed, regardless of whether it is the root or the stem, and other plants cultivated mainly for their roots for fodder, not elsewhere classified.
CLND 020	-	-	-	-	Industrial crops Hectares of industrial crops, which are normally not sold directly for consumption because they need to be industrially processed prior to final use.
CLND 021	-	-	-	-	Oilseeds Hectares of rape (<i>Brassica napus</i> L.) and turnip rape (<i>Brassica rapa</i> L. var. <i>oleifera</i> (Lam.)), sunflower seed (<i>Helianthus annuus</i> L.), soya (<i>Glycine max</i> (L.) Merril), linseed (<i>Linum usitatissimum</i> L.), mustard (<i>Sinapis alba</i> L.), poppy (<i>Papaver somniferum</i> L.), carthame (<i>Carthamus tinctorius</i> L.), sesame seed (<i>Sesamum indicum</i> L.), earth almond (<i>Cyperus esculentus</i> L.), peanuts (<i>Arachis hypogea</i> L.), pumpkins for oil (<i>Cucurbita pepo</i> var. <i>styriaca</i>) and hemp (<i>Cannabis sativa</i> L.) grown for the production of oil, harvested as dry grains, except cotton seed (<i>Gossypium</i> spp.).
CLND 022	-	-	-	-	Rape and turnip rape seeds Hectares of rape (<i>Brassica napus</i> L.) and turnip rape (<i>Brassica rapa</i> L. var. <i>oleifera</i> (Lam.)) grown for the production of oil, harvested as dry grains, and for protein use.

CLND 023	-	-	-	-	-	Sunflower seed Hectares of sunflower (<i>Helianthus annuus</i> L.), harvested as dry grains.
CLND 024	-	-	-	-	-	Soya Hectares of soya (<i>Glycine max</i> L. Merrill), harvested as dry grains, both for oil and protein use.
CLND 025	-	-	-	-	-	Linseed (oilflax) Hectares of linseed varieties (<i>Linum usitatissimum</i> L.), grown mainly for producing oil, and harvested as dry grains.
CLND 026	-	-	-	-	-	Other oil seed crops n.e.c. Hectares of other crops grown mainly for their oil content, harvested as dry grains, which are not elsewhere classified (except cotton seed).
CLND 027	-	-	-	-	-	Fibre crops Hectares of fibre flax (<i>Linum usitatissimum</i> L), hemp (<i>Cannabis sativa</i> L.), cotton (<i>Gossypium</i> spp.), jute (<i>Corchorus capsularis</i> L.), abaca <i>alias</i> manila (<i>Musa textilis</i> Née), kenaf (<i>Hibiscus cannabinus</i> L.) and sisal (<i>Agave sisalana</i> Perrine).
CLND 028	-	-	-	-	-	Fibre flax Hectares of fibre flax varieties (<i>Linum usitatissimum</i> L.), grown mainly for producing fibre.
CLND 029	-	-	-	-	-	Hemp Hectares of hemp (<i>Cannabis sativa</i> L.) grown for straw.
CLND 030	-	-	-	-	-	Cotton Hectares of cotton (<i>Gossypium</i> spp.), harvested for fibre and/or oilseed use.
CLND 031	-	-	-	-	-	Other fibre crops n.e.c. Hectares of other plants grown mainly for their fibre content, not elsewhere classified, such as jute (<i>Corchorus capsularis</i> L.), abaca <i>alias</i> manila (<i>Musa textilis</i> Née), sisal (<i>Agave sisalana</i> Perrine), and kenaf (<i>Hibiscus cannabinus</i> L.).
CLND 032	-	-	-	-	-	Tobacco Hectares of tobacco (<i>Nicotiana tabacum</i> L.) grown for leaves.
CLND 033	-	-	-	-	-	Hops Hectares of hops (<i>Humulus lupulus</i> L.) grown for seed cones.
CLND 034	-	-	-	-	-	Aromatic, medicinal and culinary plants Hectares of aromatic, medicinal and culinary plants, cultivated for pharmaceutical purposes, perfume manufacture or human consumption.

CLND 035	-	-	-	-	Energy crops n.e.c. Hectares of energy crops used exclusively for renewable energy production, not elsewhere classified, and cultivated on arable land.
CLND 036	-	-	-	-	Other industrial crops n.e.c. Hectares of other industrial crops not elsewhere classified.
CLND 037	-	-	-	-	Plants harvested green from arable land Hectares of all arable land crops harvested 'green' and intended mainly for animal feed, forage or renewable energy production, namely cereals, grasses, leguminous or industrial plants and other arable land crops harvested and/or used 'green'.
CLND 038	-	-	-	-	Temporary grasses and grazings Hectares of grass plants for grazing, hay or silage included as a part of a normal crop rotation, lasting at least one crop year and normally less than 5 years, sown with grass or grass mixtures.
CLND 039	-	-	-	-	Leguminous plants harvested green Hectares of leguminous plants grown and harvested green as the whole plant mainly for fodder, or energy use. Mixtures of predominantly leguminous (normally > 80 %) crops and grass plants, harvested green or as dried hay are included.
CLND 040	-	-	-	-	Green maize Hectares of all forms of maize (<i>Zea mays</i> L.) grown mainly for silage (whole cob, parts of or whole plant) and not harvested for grain.
CLND 041	-	-	-	-	Other cereals harvested green (excluding green maize) Hectares of all cereals (excluding maize) grown and harvested green as the whole plant used for fodder or for the production of renewable energy (production of biomass).
CLND 042	-	-	-	-	Other plants harvested green from arable land n.e.c. Hectares of other annual or multi-annual (less than 5 years) crops intended mainly for animal fodder and harvested green. Also the remainders of crops not elsewhere classified when the main harvest was destroyed, but the residues could still be used (as fodder, or renewable energy).
CLND 043	-	-	-	-	Fresh vegetables (including melons) and strawberries Hectares of all brassicas, leafy and stalked vegetables, vegetables cultivated for fruit, root, tuber and bulb vegetables, fresh pulses, other vegetables harvested fresh (not dry) and strawberries grown on arable land outdoor in rotation with other agricultural or horticultural crops.
CLND 044	-	-	-	-	Fresh vegetables (including melons) and strawberries grown in rotation with horticultural crops (market gardening) Hectares of fresh vegetables, melons and strawberries grown on arable land in rotation with other horticultural crops.

CLND 045	–	–	–	–	<p>Fresh vegetables (including melons) and strawberries grown in rotation with non-horticultural crops (open field)</p> <p>Hectares of fresh vegetables, melons and strawberries grown on arable land in rotation with other agricultural crops.</p>
CLND 046	–	–	–	–	<p>Flowers and ornamental plants (excluding nurseries)</p> <p>Hectares of all flowers and ornamental plants intended to be sold as cut flowers (e.g. roses, carnations, orchids, gladioli, chrysanthemum, foliage cut and other cut products), as potted, bedding and balcony flowers and plants (e.g. rhododendrons, azaleas, chrysanthemum, begonia, geranium, impatiens, other potted, bedding and balcony plants) and as bulb and corm flowers and other ornamental plants (tulips, hyacinths, orchids, narcissi and others).</p>
CLND 047	–	–	–	–	<p>Seeds and seedlings</p> <p>Hectares of seeds of roots (except potatoes and other plants where the roots are also used as seeds), fodder crops, grasses, industrial crops (except oilseeds) and seeds and seedlings of vegetables and flowers.</p>
CLND 048	–	–	–	–	<p>Other arable land crops, n.e.c.</p> <p>Hectares of arable crops not elsewhere classified.</p>
CLND 049	–	–	–	–	<p>Fallow land</p> <p>Hectares of all arable land either included in the crop rotation system or maintained in good agricultural and environmental condition (GAEC (!)), whether worked or not, but which will not be harvested for the duration of a crop year. The essential characteristic of fallow land is that it is left to recover, normally for the whole of a crop year. Fallow land may be:</p> <ul style="list-style-type: none"> (i) bare land bearing no crops at all; or (ii) land with spontaneous natural growth, which may be used as feed or ploughed in; or (iii) land sown exclusively to produce green manure (green fallow).
CLND 050	–	–	–	–	<p>Permanent grassland</p> <p>Hectares of land used permanently (for several consecutive years, normally 5 years or more) to grow herbaceous fodder, forage or energy purpose crops, through cultivation (sown) or naturally (self-seeded), and which is not included in the crop rotation on the agricultural holding.</p> <p>The grassland can be used for grazing, mown for silage and hay or used for renewable energy production.</p>
CLND 051	–	–	–	–	<p>Pasture and meadow, excluding rough grazings</p> <p>Hectares of permanent pasture on good or medium quality soils, which can normally be used for intensive grazing.</p>
CLND 052	–	–	–	–	<p>Rough grazings</p> <p>Hectares of low yielding permanent grassland, usually on low-quality soil, for example on hilly land and at high altitudes, usually unimproved by fertiliser, cultivation, reseeding or drainage. Those areas can normally be used only for extensive grazing and are not normally mown or are mown in an extensive manner as they cannot support a large density of animals.</p>

CLND 053	–	–	–	<p>Permanent grassland no longer used for production purposes and eligible for the payment of subsidies</p> <p>Hectares of permanent grassland and meadows no longer used for production purposes which, in accordance with Regulation (EU) No 1307/2013 or, where applicable, the most recent legislation, are maintained in a state which makes it suitable for grazing or cultivation without preparatory action going beyond usual agricultural methods and machinery and are eligible for financial support.</p>
CLND 054	–	–	–	<p>Permanent crops (including young and temporarily abandoned plantations, excluding areas producing for own consumption only)</p> <p>Hectares of all fruit trees, all citrus fruit trees, all nut trees, all berry plantations, all vineyards, all olive trees and all other permanent crops used for human consumption (e.g. tea, coffee or carobs) and for other purposes (e.g. nurseries, Christmas trees or plants for plaiting and weaving such as rattan or bamboo).</p>
CLND 055	–	–	–	<p>Fruits, berries and nuts (excluding citrus fruits, grapes and strawberries)</p> <p>Hectares of orchards of pome fruits, stone fruits, berries, nuts and fruits from tropical and subtropical climate zones.</p>
CLND 056	–	–	–	<p>Pome fruits</p> <p>Hectares of orchards of pome fruits such as apples (<i>Malus</i> spp.), pears (<i>Pyrus</i> spp.), quinces (<i>Cydonia oblonga</i> Mill.) or medlars (<i>Mespilus germanica</i>, L.).</p>
CLND 057	–	–	–	<p>Stone fruits</p> <p>Hectares of orchards of stone fruits, such as peaches and nectarines (<i>Prunus persica</i> (L.) Batch), apricots (<i>Prunus armeniaca</i> L. and others), sweet and sour cherries (<i>Prunus avium</i> L., <i>P. cerasus</i>), plums (<i>Prunus domestica</i> L. and others) and other stone fruits not elsewhere classified such as blackthorn/sloe (<i>Prunus spinosa</i> L.) or loquats/Japanese medlar (<i>Eriobotrya japonica</i> (Thunb.) Lindl.).</p>
CLND 058	–	–	–	<p>Fruits from subtropical and tropical climate zones</p> <p>Hectares of all fruits from subtropical and tropical climate zones, such as kiwis (<i>Actinidia chinensis</i> Planch.), avocados (<i>Persea americana</i> Mill.) or bananas (<i>Musa</i> spp.).</p>
CLND 059	–	–	–	<p>Berries (excluding strawberries)</p> <p>Hectares of all cultivated berries such as blackcurrants (<i>Ribes nigrum</i> L.), redcurrants (<i>Ribes rubrum</i> L.), raspberries (<i>Rubus idaeus</i> L.) or blueberries (<i>Vaccinium corymbosum</i> L.).</p>
CLND 060	–	–	–	<p>Nuts</p> <p>Hectares of all nut trees: walnuts, hazelnuts, almonds, chestnuts and other nuts.</p>
CLND 061	–	–	–	<p>Citrus fruits</p> <p>Hectares of citrus fruits (<i>Citrus</i> spp.): oranges, small citrus fruits, lemons, limes, pomelos, grapefruits and other citrus fruits.</p>

CLND 062	-	-	-	Grapes Hectares of vines (<i>Vitis vinifera</i> L.)	
CLND 063	-	-	-	-	Grapes for wines Hectares of vines of grape varieties normally grown for the production of juice, must and/or wine.
CLND 064	-	-	-	-	Grapes for wines with protected designation of origin (PDO) Hectares of vines of grape varieties normally grown for the production of wines with a protected designation of origin which comply with the requirements of (i) Commission Delegated Regulation (EU) 2019/33 (?) or, where applicable, the most recent legislation and (ii) the corresponding national rules.
CLND 065	-	-	-	-	Grapes for wines with protected geographical indication (PGI) Hectares of vines of grape varieties normally grown for the production of wines with a protected geographical indication which comply with the requirements of (i) Commission Delegated Regulation (EU) 2019/33 or, where applicable, the most recent legislation and (ii) the corresponding national rules.
CLND 066	-	-	-	-	Grapes for other wines n.e.c. (without PDO/PGI) Hectares of vines of grape varieties normally grown for the production of wines other than PDO and PGI wines.
CLND 067	-	-	-	-	Grapes for table use Hectares of vines of grape varieties normally grown for the production of fresh grapes.
CLND 068	-	-	-	-	Grapes for raisins Hectares of vines of grape varieties normally grown for the production of raisins.
CLND 069	-	-	-	Olives Hectares of olive trees (<i>Olea europea</i> L.) grown for the production of olives.	
CLND 070	-	-	-	Nurseries Hectares of nurseries, where young ligneous (woody) plants are grown in the open air for subsequent transplantation.	
CLND 071	-	-	-	Other permanent crops including other permanent crops for human consumption Hectares of permanent crops for human consumption not elsewhere classified and trees planted as Christmas trees on the UAA.	
CLND 072	-	-	-	-	Christmas trees Hectares of Christmas trees planted for commercial purposes, outside woodland, on the UAA. Christmas tree plantations which are no longer maintained and belong to wooded area are excluded.

CLND 073	–	–	<p>Kitchen gardens</p> <p>Hectares of land normally occupied with vegetables, root crops and permanent crops, among others, intended for self-consumption by the holder and his household, normally separated from the rest of the agricultural land, and recognisable as kitchen gardens.</p>
CLND 074	–	–	<p>Other farmland</p> <p>Hectares of unutilised agricultural land (agricultural land which is no longer farmed, for economic, social or other reasons, and which is not used in the crop rotation system), wooded area and other land occupied by buildings, farmyards, tracks, ponds, quarries, infertile land, rock, etc.</p>
CLND 075	–	–	<p>Unutilised agricultural land</p> <p>Hectares of previously used land for an agricultural purpose which during the reference year of the survey is no longer worked and is not used in the crop rotation system, i.e. land where no agricultural use is intended.</p> <p>This land could be brought back into cultivation using the resources normally available on an agricultural holding.</p>
CLND 076	–	–	<p>Wooded area</p> <p>Hectares of land covered with trees or forest shrubs, including plantations of poplar and other similar trees inside or outside woods and forest-tree nurseries grown in woodland for the agricultural holding's own requirements, as well as forest facilities (forest roads, storage depots for timber, etc.).</p>
CLND 077	–	–	<p>Short rotation coppices</p> <p>Hectares of wooded areas managed for growing wooded plants, where the rotation period is 20 years or less.</p> <p><i>The rotation period is the time between the first sowing/planting of the trees and the harvest of the final product, where harvesting does not include normal management activities such as thinning.</i></p>
CLND 078	–	–	<p>Other land (land occupied by buildings, farmyards, tracks, ponds and other non-productive areas)</p> <p>Hectares of land which are part of the total area belonging to the agricultural holding but constitute neither UAA, unutilised agricultural area nor wooded area, such as land occupied by buildings (except if used for mushroom cultivation), farmyards, tracks, ponds, quarries, infertile land or rock.</p>
			<p>Special agricultural holding areas</p>
CLND 079	–	–	<p>Cultivated mushrooms</p> <p>Hectares of cultivated mushrooms grown in buildings which have been specially erected or adapted for that purpose, as well as in underground premises, caves and cellars.</p>
CLND 080	–	–	<p>UAA under glass or high accessible cover</p> <p>Hectares of crops, which for the whole of their period of growth or for the predominant part of it are covered by greenhouses or fixed high cover or mobile high cover (glass or rigid plastic or flexible plastic). These areas must not be included in the variables mentioned above (which refer to outdoor areas only).</p>

CLND 081	–	–	Vegetables, including melons and strawberries under glass or high accessible cover Hectares of all brassicas, leafy and stalked vegetables, vegetables cultivated for fruit, root, tuber and bulb vegetables, fresh pulses, other vegetables harvested fresh (not dry) and strawberries grown under glass or high accessible cover.
CLND 082	–	–	Flowers and ornamental plants (excluding nurseries) under glass or high accessible cover Hectares of all flowers and ornamental plants intended to be sold as cut flowers (e.g. roses, carnations, orchids, gladioli, chrysanthemum, foliage cut and other cut products), as potted, bedding and balcony flowers and plants (e.g. rhododendrons, azaleas, chrysanthemum, begonia, geranium, impatiens or other potted, bedding and balcony plants) and as bulb and corm flowers and other ornamental plants (tulips, hyacinths, orchids, narcissi and others) under glass or high accessible cover.
CLND 083	–	–	Other arable land crops under glass or high accessible cover Hectares of other arable land crops not elsewhere classified, grown under glass or high accessible cover.
CLND 084	–	–	Permanent crops under glass or high accessible cover Hectares of permanent crops grown under glass or high accessible cover.
CLND 085	–	–	Other UAA under glass or high accessible cover n.e.c. Hectares of UAA not elsewhere classified and grown under glass or high accessible cover.

Organic farming

The agricultural holding has land where organic farming production methods are used in accordance with certain set standards and rules specified in (i) Regulation (EC) No 834/2007 or Regulation (EU) 2018/848 or, where applicable, in the most recent legislation, and (ii) the corresponding national implementing rules for organic production, including during the conversion period.

Crops are defined in Core Section II. VARIABLES OF LAND

CLND 086	–		Organic farming UAA outdoor (excluding kitchen gardens)
CLND 087	–	–	Organic farming arable land outdoor
CLND 088	–	–	– Organic farming cereals for the production of grain (including seed) outdoor
CLND 089	–	–	– Organic farming common wheat and spelt outdoor
CLND 090	–	–	– Organic farming durum wheat outdoor
CLND 091	–	–	– Organic farming dry pulses and protein crops for the production of grain (including seed and mixtures of cereals and pulses) outdoor
CLND 092	–	–	– Organic farming root crops outdoor
CLND 093	–	–	– Organic farming potatoes (including seed potatoes) outdoor

CLND 094	–	–	–	–	Organic farming sugar beet (excluding seed) outdoor
CLND 095	–	–	–		Organic farming industrial crops outdoor
CLND 096	–	–	–	–	Organic farming oilseeds outdoor
CLND 097	–	–	–	–	Organic farming soya outdoor
CLND 098	–	–	–		Organic farming plants harvested green from arable land outdoor
CLND 099	–	–	–	–	Organic farming temporary grasses and grazings outdoor
CLND 100	–	–	–	–	Organic farming leguminous plants harvested green outdoor
CLND 101	–	–	–		Organic farming fresh vegetables (including melons) and strawberries outdoor
CLND 102	–	–	–		Organic farming seeds and seedlings outdoor
CLND 103	–	–			Organic farming permanent grassland outdoor
CLND 104	–	–	–		Organic farming pasture and meadow, excluding rough grazings outdoor
CLND 105	–	–	–		Organic farming rough grazings outdoor
CLND 106	–	–			Organic farming permanent crops (including young and temporarily abandoned plantations, excluding areas producing for own consumption only) outdoor
CLND 107	–	–	–		Organic farming fruits, berries and nuts (excluding citrus fruits, grapes and strawberries) outdoor
CLND 108	–	–	–		Organic farming citrus fruits outdoor
CLND 109	–	–	–		Organic farming grapes for wines outdoor
CLND 110	–	–	–		Organic farming olives outdoor
CLND 111	–				Organic farming vegetables, including melons and strawberries under glass or high accessible cover
Irrigation on cultivated outdoor area					
CLND 112	–				Total irrigable area Hectares of total maximum UAA which could be irrigated in the reference year using the equipment and the quantity of water normally available on the agricultural holding.

(¹) Article 94 and Annex II of Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ L 347, 20.12.2013, p. 549).

(²) Commission Delegated Regulation (EU) 2019/33 of 17 October 2018 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation (OJ L 9, 11.1.2019, p. 2–45).

III. VARIABLES OF LIVESTOCK

The animals are not necessarily the property of the holder. These animals may be on the agricultural holding (on UAAs or in animal housing used by the agricultural holding) or off it (on common grazings or in the course of migration, etc.).

For variables on livestock, a common reference day within the reference year shall be established by each Member State.

			Bovine animals <i>Refers to cattle (Bos taurus L.) and water buffalo (Bubalus bubalis L.), including hybrids such as Beefalo.</i>		
CLVS 001	–	–	Bovine animals less than 1 year old Heads of bovine animals, male and female, under 1 year old.		
CLVS 002	–	–	Bovine animals, 1 to less than 2 years old Heads of bovine animals, at least 1 but less than 2 years old.		
CLVS 003	–	–	–	Male bovine animals, 1 to less than 2 years old Heads of bovine animals, male, at least 1 but less than 2 years old.	
CLVS 004	–	–	–	Heifers, 1 to less than 2 years old Heads of bovine animals, female, at least 1 but less than 2 years old.	
			Bovine animals, 2 years old and over		
CLVS 005	–	–	–	Male bovine animals two years old and over Heads of male bovine animals, 2 years old and over.	
CLVS 006	–	–	–	Female bovine 2 years old and over Heads of female bovine animals, 2 years old and over.	
CLVS 007	–	–	–	–	Heifers two years old and over Heads of female bovine animals, 2 years old and over, which have not yet calved.
CLVS 008	–	–	–	–	Cows Heads of female bovine animals, (normally 2 years old and over), which have already calved.
CLVS 009	–	–	–	–	Dairy cows Heads of female bovine animals which have already calved (including those less than 2 years old) and which, by reason of their breed or particular qualities, are kept exclusively or principally to produce milk for human consumption or for processing into dairy products.

CLVS 010	–	–	–	–	–	Non-dairy cows Heads of female bovine animals which have already calved (including those less than 2 years old) and which, by reason of their breed or particular qualities, are kept exclusively or principally for the production of calves and whose milk is not intended for human consumption nor for processing into dairy products.
CLVS 011	–	–	–	–	–	Buffalo-cows Heads of buffalo cows (females of the species <i>Bubalus bubalis</i> , L.) which have already calved (including those less than 2 years old).
Sheep and goats						
CLVS 012	–	Sheep (all ages) Heads of domestic animals of the species <i>Ovis aries</i> L.				
CLVS 013	–	–	Breeding female sheep Heads of ewes and ewe lambs put to the ram, regardless of dairy/meat aptitude.			
CLVS 014	–	–	Other sheep Heads of all sheep other than breeding females.			
CLVS 015	–	Goats (all ages) Heads of domestic animals of the subspecies <i>Capra aegagrus hircus</i> L.				
CLVS 016	–	–	Breeding female goats Heads of female goats which have already kidded and goats which have been mated.			
CLVS 017	–	–	Other goats Heads of all goats other than breeding females.			
Pigs <i>Refers to domestic animals of the species Sus scrofa domesticus Erxleben</i>						
CLVS 018	–	–	Piglets, live weight of under 20 kilograms Heads of piglets having a live weight of less than 20 kilograms.			
CLVS 019	–	–	Breeding sows, live weight 50 kilograms and over Heads of female pigs weighing 50 kilograms and over intended for breeding purposes, regardless of whether they have farrowed or not.			
CLVS 020	–	–	Other pigs Heads of pigs not specified elsewhere.			
Poultry <i>Refers to domestic hens and chickens (Gallus gallus L.), turkeys (Meleagris spp.), ducks (Anas spp. and Cairina moschata L.), geese (Anser anser domesticus L.), ostriches (Struthio camelus L.) and other poultry fowl not elsewhere classified, such as quails (Coturnix spp.), pheasants (Phasianus spp.), guineafowl (Numida meleagris domestica L.) and pigeons (Columbinae spp.). However, birds raised in confinement for hunting purposes and not for meat/egg production are excluded.</i>						

CLVS 021	–	–	Broilers Heads of domestic animals of the species <i>Gallus gallus</i> L. which are kept for the production of meat.
CLVS 022	–	–	Laying hens Heads of domestic animals of the species <i>Gallus gallus</i> L. which have reached laying maturity and are kept for the production of eggs.
CLVS 023	–		Other poultry Heads of poultry not mentioned under broilers or laying hens. Chicks are excluded.
CLVS 024	–	–	Turkeys Heads of domestic animals of the genus <i>Meleagris</i> .
CLVS 025	–	–	Ducks Heads of domestic animals of the genus <i>Anas</i> and species <i>Cairina moschata</i> L.
CLVS 026	–	–	Geese Heads of domestic animals of the species <i>Anser anser domesticus</i> L.
CLVS 027	–	–	Ostriches Heads of ostriches (<i>Struthio camelus</i> L.)
CLVS 028	–	–	Other poultry fowls n.e.c. Heads other poultry not elsewhere classified.
			Rabbits <i>Refers to domestic animals of the genus Oryctolagus.</i>
CLVS 029	–	–	Breeding female rabbits Heads of female rabbits (<i>Oryctolagus</i> spp.) for producing rabbits for meat and which have littered.
CLVS 030	–		Bees Number of hives occupied by bees (<i>Apis mellifera</i> L.) kept for the production of honey.
CLVS 031	–		Deer Presence of animals such as red deer (<i>Cervus elaphus</i> L.), sika deer (<i>Cervus nippon</i> Temminck), reindeer (<i>Rangifer tarandus</i> L.) or fallow deer (<i>Dama dama</i> L.) for the production of meat.
CLVS 032	–		Fur animals Presence of animals such as mink (<i>Neovison vison</i> Schreber), European pole cats or fitches (<i>Mustela putorius</i> L.), fox (<i>Vulpes</i> spp. and others), finnraccoon or raccoon dog (<i>Nyctereutes</i> spp.) or chinchilla (<i>Chinchilla</i> spp.) for the production of fur.
CLVS 033	–		Livestock n.e.c. Presence of livestock not elsewhere classified in this section.

Organic production methods applied to animal production

The agricultural holding has animals under agricultural practices that comply with certain set standards and rules specified in (i) Regulation (EC) No 834/2007 or Regulation (EU) 2018/848 or, where applicable, in the most recent legislation, and (ii) the corresponding national implementing rules for organic production, including during the conversion period.

Animals are defined in Core Section III. VARIABLES OF LIVESTOCK

CLVS 034	–					Organic farming stock of bovine animals Heads of organic farming stock of bovine animals
CLVS 035	–	–	–	–	–	Organic farming stock of dairy cows Heads of organic farming stock of dairy cows
CLVS 036	–	–	–	–	–	Organic farming stock of non-dairy cows Heads of organic farming stock of non-dairy cows
CLVS 037	–	–	–	–	–	Organic farming stock of buffalo cows Presence of organic farming stock of buffalo cows
CLVS 038	–					Organic farming stock of sheep (all ages) Heads of organic farming stock of sheep
CLVS 039	–					Organic farming stock of goats (all ages) Heads of organic farming stock of goats
CLVS 040	–					Organic farming stock of pigs Heads of organic farming stock of pigs
CLVS 041	–					Organic farming stock of poultry Heads of organic farming stock of poultry
CLVS 042	–	–				Organic farming stock of broilers Heads of organic farming stock of broilers
CLVS 043	–	–				Organic farming stock of laying hens Heads of organic farming stock of laying hens

ANNEX II

List of variables per module

MODULE 1. LABOUR FORCE AND OTHER GAINFUL ACTIVITIES

Variables			Units/categories
Topic: farm management			
Detailed topics: holder and gender balance			
MLFO 001	–	Sex of the holder	Male/female
MLFO 002	–	Year of birth	Year
Detailed topic: labour input			
MLFO 003	–	Holder's farm work on the agricultural holding	AWU band 1 (1)
Detailed topic: safety measures, including farm safety plan			
MLFO 004	–	Farm safety plan	Yes/no
Topic: family labour force			
Detailed topics: labour input, number of persons involved and gender balance			
MLFO 005	–	Male family members carrying out farm work	Number of persons per AWU band 2 (2)
MLFO 006	–	Female family members carrying out farm work	Number of persons per AWU band 2 (2)
Topic: non-family labour force			
Detailed topics: labour input, number of persons employed and gender balance			
Non-family labour force regularly working on the agricultural holding			
MLFO 007	–	–	Male non-family labour force regularly working on the farm
MLFO 008	–	–	Female non-family labour force regularly working on the farm
Detailed topic: non-regular labour force employed by the farm			
MLFO 009	–	Non family labour employed on a non-regular basis: male and female	Full-time working days
Detailed topic: labour input by contractors			
MLFO 010	–	Persons not employed directly by the agricultural holding and not included in previous categories.	Full-time working days
Topic: other gainful activities directly related to the agricultural holding			
Detailed topic: types of activities			
MLFO 011	–	Provision of health, social or educational services	Yes/no

MLFO 012	–	Tourism, accommodation and other leisure activities		Yes/no
MLFO 013	–	Handicraft		Yes/no
MLFO 014	–	Processing of farm products		Yes/no
MLFO 015	–	Production of renewable energy		Yes/no
MLFO 016	–	Wood processing		Yes/no
MLFO 017	–	Aquaculture		Yes/no
		Contractual work (using production means of the agricultural holding):		
MLFO 018	–	–	Agricultural contractual work	Yes/no
MLFO 019	–	–	Non-agricultural contractual work	Yes/no
MLFO 020	–	Forestry		Yes/no
MLFO 021	–	Other gainful activities directly related to the agricultural holding n.e.c.		Yes/no
Detailed topic: importance to the agricultural holding				
MLFO 022	–	The percentage of other gainful activities directly related to the agricultural holding on the final output of the agricultural holding.		Percentage bands ⁽³⁾
Detailed topic: labour input				
MLFO 023	–	Holder having other gainful activities (related to the agricultural holding).		M/S/N ⁽⁴⁾
MLFO 024	–	Family members working on the agricultural holding and having other gainful activities (related to the agricultural holding) as their main activity.		Number of persons
MLFO 025	–	Family members working on the agricultural holding and having other gainful activities (related to the agricultural holding) as their secondary activity.		Number of persons
MLFO 026	–	Non-family labour force regularly working on the agricultural holding and having other gainful activities (related to the agricultural holding) as their main activity.		Number of persons
MLFO 027	–	Non-family labour force regularly working on the agricultural holding and having other gainful activities (related to the agricultural holding) as their secondary activity.		Number of persons
Topic: other gainful activities not directly related to the agricultural holding				
Detailed topic: labour input				
MLFO 028	–	The sole holder who is also the manager of the sole holder agricultural holding having other gainful activities (not related to the agricultural holding).		M/S/N ⁽⁴⁾

MLFO 029	–	Family members of sole holders (when the sole holder is the manager of the agricultural holding), who are working on the agricultural holding and have other gainful activities (not related to the agricultural holding) as their main activity.	Number of persons
MLFO 030	–	Family members of sole holders (when the sole holder is the manager of the agricultural holding), who are working on the agricultural holding and have other gainful activities (not related to the agricultural holding) as their secondary activity.	Number of persons

(¹) Annual work unit (AWU) percentage band 1: (0), (> 0–< 25), (≥ 25–< 50), (≥ 50–< 75), (≥ 75–< 100), (100).

(²) Annual work unit (AWU) percentage band 2: (> 0–< 25), (≥ 25–< 50), (≥ 50–< 75), (≥ 75–< 100), (100).

(³) Final output of the holding percentage bands: (≥ 0–≤ 10), (> 10–≤ 50), (> 50–< 100).

(⁴) M – main activity, S – secondary activity, N – no involvement.

MODULE 2. RURAL DEVELOPMENT

Variables			Units/categories
Topic: agricultural holdings supported by rural development measures			
MRDV 001	–	Advisory services, farm management and farm relief services	Yes/no
MRDV 002	–	Quality schemes for agricultural products and foodstuffs	Yes/no
MRDV 003	–	Investment in physical assets	Yes/no
MRDV 004	–	Restoring agriculture production potential damaged by natural disasters and catastrophic events and introduction of appropriate prevention actions	Yes/no
		Farm and business development	
MRDV 005	–	– Business start-up support for young farmers	Yes/no
MRDV 006	–	– Business start-up support for development of small farms	Yes/no
MRDV 007	–	– Complementary national direct payments for Croatia	Yes/no
MRDV 008	–	Investments in forest area development and improvement of the viability of forests	Yes/no
		Agri-environment payments climate	
MRDV 009	–	– Agri-environment-climate	Yes/no
MRDV 010	–	– Forest-environmental and climate services and forest conservation	Yes/no
MRDV 011	–	Organic farming	Yes/no
MRDV 012	–	Natura 2000 and the water framework directive payments	Yes/no
MRDV 013	–	Payments to areas facing natural or other specific constraints	Yes/no

MRDV 014	–	Animal welfare	Yes/no
MRDV 015	–	Risk management	Yes/no

MODULE 3. IRRIGATION

Variables			Units/categories
Topic: Irrigation practices			
Detailed topic: availability of irrigation			
MIRR 001	–	Average outdoor UAA irrigated in the last 3 years	Hectares
MIRR 002	–	Total outdoor UAA irrigated	Hectares
MIRR 003	–	Volume of water	Cubic meters
Detailed topic: irrigation methods			
MIRR 004	–	Surface irrigation	Hectares
MIRR 005	–	Sprinkler irrigation	Hectares
MIRR 006	–	Drip irrigation	Hectares
Detailed topic: sources of irrigation water			
MIRR 007	–	On-farm ground water	Yes/no
MIRR 008	–	On-farm and off-farm surface water	Yes/no
MIRR 009	–	Off-farm water from water supply networks	Yes/no
MIRR 010		Treated wastewater	Yes/no
MIRR 011	–	Other sources	Yes/no
MIRR 012		Payment terms for irrigation water	Code
Detailed topic: technical parameters of the irrigation equipment			
MIRR 013		Reservoirs	Yes/no
MIRR 014		Maintenance status of the irrigation system	Code
MIRR 015		Pumping station	Yes/no
MIRR 016	–	Water metering system	Code
MIRR 017	–	Irrigation controller	Code
MIRR 018	–	Fertigation system	Yes/no
Topic: Crops irrigated during a 12 months period			
Detailed topic: cereals for the production of grain			
MIRR 019	–	Cereals for the production of grain (including seed) excluding grain maize, corn-cob-mix and rice	Hectares
MIRR 020	–	Grain maize and corn-cob-mix	Hectares

		Detailed topic: dry pulses and protein crops for the production of grain	
MIRR 021	–	Dry pulses and protein crops for the production of grain (including seed and mixtures of cereals and pulses)	Hectares
		Detailed topic: root crops	
MIRR 022	–	Potatoes (including seed potatoes)	Hectares
MIRR 023	–	Sugar beet (excluding seed)	Hectares
		Detailed topic: industrial crops	
MIRR 024	–	Rape and turnip rape seeds	Hectares
MIRR 025	–	Sunflower seed	Hectares
MIRR 026	–	Fibre crops	Hectares
		Detailed topic: plants harvested green from arable land	
MIRR 027		Plants harvested green from arable land	Hectares
		Detailed topic: other arable land crops	
MIRR 028	–	Fresh vegetables (including melons), strawberries grown in rotation with non- horticultural crops (open field)	Hectares
MIRR 029	–	Other irrigated crops on arable land outdoors	Hectares
		Detailed topic: permanent grassland	
MIRR 030	–	Permanent grassland	Hectares
		Detailed topic: permanent crops	
MIRR 031	–	Fruit, berries and nuts (excluding citrus fruits, grapes and strawberries)	Hectares
MIRR 032	–	Citrus fruits	Hectares
MIRR 033		Olives	Hectares
MIRR 034		Vineyards	Hectares

MODULE 4. SOIL MANAGEMENT PRACTICES

		Variables	Units/categories
		Topic: soil management practices on outdoor land	
MSMP 001		Drainage on the agricultural holding	Hectares
		Detailed topic: tillage methods	
MSMP 002	–	Conventional tillage	Hectares
MSMP 003	–	Conservational tillage	Hectares
MSMP 004	–	Zero tillage	Hectares
		Detailed topic: soil cover on arable land	
MSMP 005	–	Soil cover: normal winter crop	Hectares
MSMP 006	–	Soil cover: catch crop, intermediate crop or cover crop in arable land	Hectares

MSMP 007	–	Soil cover: plant residues and/or mulching	Hectares
MSMP 008	–	Soil cover: bare soil after main crop	Hectares
Detailed topic: crop rotation on arable land			
MSMP 009	–	Share of arable land with crop rotation	Percent
Detailed topic: ecological focus area			
MSMP 010	–	Terraces	Hectares
MSMP 011	–	Field margins or buffer strips	Hectares
MSMP 012	–	Linear elements: hedges and tree lines	Hectares
MSMP 013	–	Linear elements: stone walls	Hectares
MSMP 014	–	Agro-forestry	Hectares

MODULE 5. MACHINERY AND EQUIPMENT

Variables			Units/categories
Topic: machinery			
Detailed topic: internet facilities			
MMEQ 001	–	Access to the internet	Yes/no
MMEQ 002	–	Use of management information systems	Yes/no
Detailed topic: basic machinery			
Own machinery			
MMEQ 003	–	–	Number of tractors <= 40 kW owned by the holding
MMEQ 004	–	–	Number of tractors > 40 kW and <= 60 kW owned by the holding
MMEQ 005	–	–	Number of tractors > 60 kW and <= 100 kW owned by the holding
MMEQ 006	–	–	Number of tractors > 100 kW owned by the holding
MMEQ 007	–	–	Tillage machinery
MMEQ 008	–	–	Seeders and planters
MMEQ 009	–	–	Spreaders, pulverisators or sprayers for fertilisers
MMEQ 010	–	–	Application equipment for plant protection products
MMEQ 011	–	–	–
			The horizontal boom sprayers and orchard, vineyard or other permanent crop sprayers used to apply plant protection products (PPPs) in the reference period are equipped with low-risk nozzles
MMEQ 012	–	–	Combine harvesters

MMEQ 013	–	Other fully mechanised harvesters	Yes/no
Machinery used by several holdings			
MMEQ 014	–	Tractors	Yes/no
MMEQ 015	–	Cultivators, ploughs, seeders, pulverisators, sprayers, equipment for application of plant protection products or fertilisers	Yes/no
MMEQ 016	–	Combine harvesters	Yes/no
MMEQ 017	–	Other fully mechanised harvesters	Yes/no
Detailed topic: use of precision farming			
MMEQ 018	–	Robotics	Yes/no
MMEQ 019	–	Robotics for plant protection products	Yes/no
MMEQ 020	–	Band spraying of plant protection products	Yes/no
MMEQ 021	–	Variable rate techniques	Yes/no
MMEQ 022	–	Precision monitoring of crops	Yes/no
MMEQ 023	–	Soil analysis	Yes/no
Detailed topic: machinery for livestock management			
MMEQ 024	–	Welfare and health monitoring of animals	Yes/no
MMEQ 025	–	Grinder mixer for animal feeding	Yes/no
MMEQ 026	–	Automatic feeding systems	Yes/no
MMEQ 027	–	Automatic regulation of barn climate	Yes/no
MMEQ 028	–	Milking robots	Yes/no
Detailed topic: storage for agricultural products			
MMEQ 029	–	Storage of seeds (cereals, oilseeds and pulses)	Cubic metres
MMEQ 030	–	Storage of roots, tubers and bulbs	Yes/no
MMEQ 031	–	Storage of vegetables and fruits	Yes/no
MMEQ 032	–	Refrigerated storage	Cubic metres
Topic: equipment			
Detailed topic: equipment used for production of renewable energy on agricultural holdings			
MMEQ 033	–	Wind	Yes/no
MMEQ 034	–	Biomass	Yes/no
MMEQ 035	–	Bio-gas from biomass	Yes/no
MMEQ 036	–	Solar energy (thermal)	Yes/no
MMEQ 037	–	Solar energy (photovoltaic)	Yes/no
MMEQ 038	–	Hydro-energy	Yes/no
MMEQ 039	–	Other sources	Yes/no

MODULE 6. ORCHARD

Variables			Units/categories
Topic: pome fruits			
Detailed topic: apples area by age of plantation			
MORC 001	–	Apples	Hectares
MORC 002	–	Apples in age class < 5 years	Hectares
MORC 003	–	Apples in age class 5 to 14 years	Hectares
MORC 004	–	Apples in age class 15 to 24 years	Hectares
MORC 005	–	Apples in age class >= 25 years	Hectares
Detailed topic: apples area by density of trees			
MORC 006	–	Apples in density class < 400 trees/hectare	Hectares
MORC 007	–	Apples in density class 400 to 1 599 trees/hectare	Hectares
MORC 008	–	Apples in density class 1 600 to 3 199 trees/hectare	Hectares
MORC 009	–	Apples in density class >= 3 200 trees/hectare	Hectares
Detailed topic: pears area by age of plantation			
MORC 010	–	Pears	Hectares
MORC 011	–	Pears in age class < 5 years	Hectares
MORC 012	–	Pears in age class 5 to 14 years	Hectares
MORC 013	–	Pears in age class 15 to 24 years	Hectares
MORC 014	–	Pears in age class >= 25 years	Hectares
Detailed topic: pears area by density of trees			
MORC 015	–	Pears in density class < 400 trees/hectare	Hectares
MORC 016	–	Pears in density class 400 to 1 599 trees/hectare	Hectares
MORC 017	–	Pears in density class 1 600 to 3 199 trees/hectare	Hectares
MORC 018	–	Pears in density class >= 3 200 trees/hectare	Hectares
Topic: stone fruits			
Detailed topic: peaches area by age of plantation			
MORC 019	–	Peaches	Hectares
MORC 020	–	Peaches in age class < 5 years	Hectares
MORC 021	–	Peaches in age class 5 to 14 years	Hectares
MORC 022	–	Peaches in age class >= 15 years	Hectares
Detailed topic: peaches area by density of trees			
MORC 023	–	Peaches in density class < 600 trees/hectare	Hectares

MORC 024	–	–	Peaches in density class 600 to 1 199 trees/hectare	Hectares
MORC 025	–	–	Peaches in density class \geq 1 200 trees/hectare	Hectares
Detailed topic: nectarines area by age of plantation				
MORC 026	–		Nectarines	Hectares
MORC 027	–	–	Nectarines in age class < 5 years	Hectares
MORC 028	–	–	Nectarines in age class 5 to 14 years	Hectares
MORC 029	–	–	Nectarines in age class \geq 15 years	Hectares
Detailed topic: nectarines area by density of trees				
MORC 030	–	–	Nectarines in density class < 600 trees/hectare	Hectares
MORC 031	–	–	Nectarines in density class 600 to 1 199 trees/hectare	Hectares
MORC 032	–	–	Nectarines in density class \geq 1 200 trees/hectare	Hectares
Detailed topic: apricots area by age of plantation				
MORC 033	–		Apricots	Hectares
MORC 034	–	–	Apricots in age class < 5 years	Hectares
MORC 035	–	–	Apricots in age class 5 to 14 years	Hectares
MORC 036	–	–	Apricots in age class \geq 15 years	Hectares
Detailed topic: apricots area by density of trees				
MORC 037	–	–	Apricots in density class < 600 trees/hectare	Hectares
MORC 038	–	–	Apricots in density class 600 to 1 199 trees/hectare	Hectares
MORC 039	–	–	Apricots in density class \geq 1 200 trees/hectare	Hectares
Topic: citrus fruits				
Detailed topic: oranges area by age of plantation				
MORC 040	–		Navel oranges	Hectares
MORC 041	–	–	Navel oranges in age class < 5 years	Hectares
MORC 042	–	–	Navel oranges in age class 5 to 14 years	Hectares
MORC 043	–	–	Navel oranges in age class 15 to 24 years	Hectares
MORC 044	–	–	Navel oranges in age class \geq 25 years	Hectares
MORC 045	–		White oranges	Hectares
MORC 046	–	–	White oranges in age class < 5 years	Hectares
MORC 047	–	–	White oranges in age class 5 to 14 years	Hectares
MORC 048	–	–	White oranges in age class 15 to 24 years	Hectares
MORC 049	–	–	White oranges in age class \geq 25 years	Hectares

MORC 050	–		Blood oranges	Hectares
MORC 051	–	–	Blood oranges in age class < 5 years	Hectares
MORC 052	–	–	Blood oranges in age class 5 to 14 years	Hectares
MORC 053	–	–	Blood oranges in age class 15 to 24 years	Hectares
MORC 054	–	–	Blood oranges in age class \geq 25 years	Hectares
MORC 055	–		Other oranges n.e.c.	Hectares
MORC 056	–	–	Other oranges in age class < 5 years	Hectares
MORC 057	–	–	Other oranges in age class 5 to 14 years	Hectares
MORC 058	–	–	Other oranges in age class 15 to 24 years	Hectares
MORC 059	–	–	Other oranges in age class \geq 25 years	Hectares
Detailed topic: oranges area by density of trees				
			<i>Navel oranges</i>	
MORC 060	–	–	Navel oranges in density class < 250 trees/hectare	Hectares
MORC 061	–	–	Navel oranges in density class 250 to 499 trees/hectare	Hectares
MORC 062	–	–	Navel oranges in density class 500 to 749 trees/hectare	Hectares
MORC 063	–	–	Navel oranges in density class \geq 750 trees/hectare	Hectares
			<i>White oranges</i>	
MORC 064	–	–	White oranges in density class < 250 trees/hectare	Hectares
MORC 065	–	–	White oranges in density class 250 to 499 trees/hectare	Hectares
MORC 066	–	–	White oranges in density class 500 to 749 trees/hectare	Hectares
MORC 067	–	–	White oranges in density class \geq 750 trees/hectare	Hectares
			<i>Blood oranges</i>	
MORC 068	–	–	Blood oranges in density class < 250 trees/hectare	Hectares
MORC 069	–	–	Blood oranges in density class 250 to 499 trees/hectare	Hectares
MORC 070	–	–	Blood oranges in density class 500 to 749 trees/hectare	Hectares
MORC 071	–	–	Blood oranges in density class \geq 750 trees/hectare	Hectares
			<i>Other oranges n.e.c.</i>	
MORC 072	–	–	Other oranges in density class < 250 trees/hectare	Hectares
MORC 073	–	–	Other oranges in density class 250 to 499 trees/hectare	Hectares

MORC 074	–	–	Other oranges in density class 500 to 749 trees/hectare	Hectares
MORC 075	–	–	Other oranges in density class \geq 750 trees/hectare	Hectares
Detailed topic: small citrus fruit area by age of plantation				
MORC 076	–	Satsumas		Hectares
MORC 077	–	–	Satsumas in age class < 5 years	Hectares
MORC 078	–	–	Satsumas in age class 5 to 14 years	Hectares
MORC 079	–	–	Satsumas in age class 15 to 24 years	Hectares
MORC 080	–	–	Satsumas in age class \geq 25 years	Hectares
MORC 081	–	Clementines		Hectares
MORC 082	–	–	Clementines in age class < 5 years	Hectares
MORC 083	–	–	Clementines in age class 5 to 14 years	Hectares
MORC 084	–	–	Clementines in age class 15 to 24 years	Hectares
MORC 085	–	–	Clementines in age class \geq 25 years	Hectares
MORC 086	–	Other small citrus fruits (including hybrids) n.e.c.		Hectares
MORC 087	–	–	Other small citrus fruits (incl. hybrids) in age class < 5 years	Hectares
MORC 088	–	–	Other small citrus fruits (incl. hybrids) in age class 5 to 14 years	Hectares
MORC 089	–	–	Other small citrus fruits (incl. hybrids) in age class 15 to 24 years	Hectares
MORC 090	–	–	Other small citrus fruits (incl. hybrids) in age class \geq 25 years	Hectares
Detailed topic: small citrus fruit area by density of trees				
		Satsumas		
MORC 091	–	–	Satsumas in density class < 250 trees/hectare	Hectares
MORC 092	–	–	Satsumas in density class 250 to 499 trees/hectare	Hectares
MORC 093	–	–	Satsumas in density class 500 to 749 trees/hectare	Hectares
MORC 094	–	–	Satsumas in density class \geq 750 trees/hectare	Hectares
		Clementines		
MORC 095	–	–	Clementines in density class < 250 trees/hectare	Hectares
MORC 096	–	–	Clementines in density class 250 to 499 trees/hectare	Hectares
MORC 097	–	–	Clementines in density class 500 to 749 trees/hectare	Hectares
MORC 098	–	–	Clementines in density class \geq 750 trees/hectare	Hectares

		<i>Other small citrus fruits (including hybrids) n.e.c.</i>		
MORC 099	–	–	Other small citrus fruits (incl. hybrids) in density class < 250 trees/hectare	Hectares
MORC 100	–	–	Other small citrus fruits (incl. hybrids) in density class 250 to 499 trees/hectare	Hectares
MORC 101	–	–	Other small citrus fruits (incl. hybrids) in density class 500 to 749 trees/hectare	Hectares
MORC 102	–	–	Other small citrus fruits (incl. hybrids) in density class >= 750 trees/hectare	Hectares
Detailed topic: lemons area by age of plantation				
MORC 103	–	Lemons		Hectares
MORC 104	–	–	Lemons in age class < 5 years	Hectares
MORC 105	–	–	Lemons in age class 5 to 14 years	Hectares
MORC 106	–	–	Lemons in age class 15 to 24 years	Hectares
MORC 107	–	–	Lemons in age class >= 25 years	Hectares
Detailed topic: lemons area by density of trees				
MORC 108	–	–	Lemons in density class < 250 trees/hectare	Hectares
MORC 109	–	–	Lemons in density class 250 to 499 trees/hectare	Hectares
MORC 110	–	–	Lemons in density class 500 to 749 trees/hectare	Hectares
MORC 111	–	–	Lemons in density class >= 750 trees/hectare	Hectares
Topic: olives				
Detailed topic: olives area by age of plantation				
MORC 112	–	Olives for table use		Hectares
MORC 113	–	–	Olives for table use in age class < 5 years	Hectares
MORC 114	–	–	Olives for table use in age class 5 to 11 years	Hectares
MORC 115	–	–	Olives for table use in age class 12 to 49 years	Hectares
MORC 116	–	–	Olives for table use in age class >= 50 years	Hectares
MORC 117	–	Olives for oil		Hectares
MORC 118	–	–	Olives for oil in age class < 5 years	Hectares
MORC 119	–	–	Olives for oil in age class 5 to 11 years	Hectares
MORC 120	–	–	Olives for oil in age class 12 to 49 years	Hectares
MORC 121	–	–	Olives for oil in age class >= 50 years	Hectares

Detailed topic: olives area by density of trees				
			<i>Olives for table use</i>	
MORC 122	–	–	Olives for table use in density class < 140 trees/hectare	Hectares
MORC 123	–	–	Olives for table use in density class 140 to 399 trees/hectare	Hectares
MORC 124	–	–	Olives for table use in density class ≥ 400 trees/hectare	Hectares
			<i>Olives for oil</i>	
MORC 125	–	–	Olives for oil in density class < 140 trees/hectare	Hectares
MORC 126	–	–	Olives for oil in density class 140 to 399 trees/hectare	Hectares
MORC 127	–	–	Olives for oil in density class 400 to 699 trees/hectare	Hectares
MORC 128			Olives for oil in density class 700 to 1499 trees/hectare	Hectares
MORC 129			Olives for oil in density class $\geq 1\ 500$ trees/hectare	Hectares
Topic: grapes for table use and raisins				
Detailed topic: grapes for table use area by age of plantation				
MORC 130	–		Grapes for table use	Hectares
MORC 131	–	–	Grapes for table use in age class < 3 years	Hectares
MORC 132	–	–	Grapes for table use in age class 3 to 9 years	Hectares
MORC 133	–	–	Grapes for table use in age class 10 to 19 years	Hectares
MORC 134	–	–	Grapes for table use in age class 20 to 49 years	Hectares
MORC 135	–	–	Grapes for table use in age class ≥ 50 years	Hectares
Detailed topic: grapes for table use area by density of vines				
MORC 136	–	–	Grapes for table use in density class < 1 000 plants/hectare	Hectares
MORC 137	–	–	Grapes for table use in density class 1 000 to 1 499 plants/hectare	Hectares
MORC 138	–	–	Grapes for table use in density class $\geq 1\ 500$ plants/hectare	Hectares
Detailed topic: grapes for raisins area by age of plantation				
MORC 139	–		Grapes for raisins	Hectares
MORC 140	–	–	Grapes for raisins in age class < 3 years	Hectares
MORC 141	–	–	Grapes for raisins in age class 3 to 9 years	Hectares

MORC 142	–	–	Grapes for raisins in age class 10 to 19 years	Hectares
MORC 143	–	–	Grapes for raisins in age class 20 to 49 years	Hectares
MORC 144	–	–	Grapes for raisins in age class \geq 50 years	Hectares
Detailed topic: grapes for raisins area by density of vines				
MORC 145	–	–	Grapes for raisins in density class < 1 000 plants/hectare	Hectares
MORC 146	–	–	Grapes for raisins in density class 1 000 to 1 499 plants/hectare	Hectares
MORC 147	–	–	Grapes for raisins in density class \geq 1 500 plants/hectare	Hectares

ANNEX III

Description of the variables listed in Annex II to this Regulation to be used for the module data

MODULE 1. LABOUR FORCE AND OTHER GAINFUL ACTIVITIES

DESCRIPTION OF LABOUR FORCE VARIABLES

For variables on labour force, a 12-month reference period ending on a reference day within the reference year shall be established by each Member State.

Holder

The **holder** is the natural person (or the selected natural person in case of a group holding) on whose account and in whose name the holding is operated and who is legally and economically responsible for the holding. If the holder is a legal person, data is not collected for the holder.

Farm work is defined in Annex I – I. GENERAL VARIABLES

Topic: farm management

		Detailed topics: holder and gender balance
MLFO 001	–	Sex of the holder The sex of the holder M – Male F – Female
MLFO 002	–	Year of birth Year of birth of the holder
		Detailed topic: labour input
MLFO 003	–	Holder's farm work on the agricultural holding Percentage band of annual working units of farm work on the agricultural holding for the holder, apart from household work.
		Detailed topic: safety measures, including farm safety plan
MLFO 004	–	Farm safety plan The farm has carried out a workplace risk assessment with the aim of reducing the work-related hazards, resulting in a written document (such as a 'farm safety plan').

Topic: family labour force

		Detailed topics: labour input, number of persons involved and gender balance
		Family members carrying out farm work <i>This item applies only to sole holder holdings, because group holdings and legal persons are considered not to have family labour force.</i> Family members carrying out farm work (apart from housework) include spouse or recognised partner, relatives in ascending and descending line, and siblings of the holder and holder's spouse or recognised partner on sole holder holdings. When relevant, these include the manager who is a member of the holder's family.
MLFO 005	–	Male family members carrying out farm work Number of male family members per percentage band of annual working units
MLFO 006	–	Female family members carrying out farm work Number of female family members per percentage band of annual working units

Topic: non-family labour force

			Detailed topics: labour input, number of persons employed and gender balance
			<p>Non-family labour force regularly working on the agricultural holding <i>Labour force regularly working on the farm</i> refers to persons other than the holder and family members who carried out farm work every week on the agricultural holding during the 12 months ending on the reference day of the survey, irrespective of length of the working week, and whether they received any kind of remuneration (salary, wages, profits or other payments, including payments in kind). It also includes persons that were not able to work for the entire period, for reasons such as:</p> <ul style="list-style-type: none"> (i) special conditions of production on specialised agricultural holdings; or (ii) absence by reason of holidays, military service, sickness, accident or death; or (iii) commencement or cessation of employment with the agricultural holding; or (iv) complete stoppage of work on the agricultural holding due to accidental causes (flooding, fire, etc.).
MLFO 007	–	–	<p>Male non-family labour force regularly working on the farm Number of non-family labour force males, per percentage band of annual working units.</p>
MLFO 008	–	–	<p>Female non-family labour force regularly working on the farm Number of non-family labour force females, per percentage band of annual working units.</p>
			Detailed topic: non-regular labour force employed by the farm
			<p>Non family labour employed on a non-regular basis refers to the workers who did not work each week on the agricultural holding in the 12 months ending on the reference day of the survey for a reason other than those listed under non-family labour force regularly employed.</p> <p>Working days carried out by non-regular non-family workforce is any day of such length that the worker is paid the salary or any kind of remuneration (wages, profits, or other payments including payments in kind) for a full day's work, during which the work performed is of the kind normally carried out by a full-time agricultural worker. Days of leave and sickness do not count as working days.</p>
MLFO 009	–		<p>Non-family labour employed on a non-regular basis: male and female Total of full-time working days of persons not regularly employed on the agricultural holding.</p>
			Detailed topic: labour input by contractors
MLFO 010	–		<p>Persons not employed directly by the agricultural holding and not included in previous categories Total of full-time working days undertaken on the agricultural holding by the persons who are not directly employed by the agricultural holding (e.g. sub-contractors employed by third parties).</p>

Topic: other gainful activities (OGA) directly related to the agricultural holding

Information on **other gainful activities** is recorded for:

- (i) the holders of sole holder holdings and group holdings
- (ii) the family members on sole holder holdings
and in the case of other gainful activities directly related to the agricultural holding, also for
- (iii) non-family labour force regularly working on the farm.

No information on other gainful activities is collected for legal holdings.

directly related to the agricultural holding refer to other gainful activities:

- a) on the agricultural holding; or
- b) outside of the agricultural holding.

Other gainful activities directly related to the agricultural holding are activities where either the resources of the agricultural holding (area, buildings, machinery, etc.) or its products are used in the activity. Non-agricultural, as well as agricultural work for other agricultural holdings is included. Pure financial investments are excluded. Renting of the land for diverse activities without further involvement in the activities is also excluded.

		Detailed topic: types of activities
MLFO 011	–	<p>Provision of health, social or educational services Presence of any activity, which is linked to the provision of health, social or educational services and/or socially related business activities, in which either the agricultural holding's resources or its primary products are used.</p>
MLFO 012	–	<p>Tourism, accommodation and other leisure activities Presence of any tourism-related activities, accommodation services, showing the agricultural holding to tourists or other groups, sport and recreation activities, etc. where either land, buildings or other resources of the agricultural holding are used.</p>
MLFO 013	–	<p>Handicraft Presence of manufacture of handicraft items, manufactured on the agricultural holding either by the holder or the family members, or by the non-family labour force, regardless of how the products are sold.</p>
MLFO 014	–	<p>Processing of farm products Presence of any processing of a primary agricultural product to a processed secondary product on the agricultural holding, regardless of whether the raw material is produced on the agricultural holding or bought from outside.</p>
MLFO 015	–	<p>Production of renewable energy Presence of production of renewable energy for the market including biogas, biofuels or electricity, by wind turbines, other equipment or from agricultural raw materials. Renewable energy produced only for the agricultural holding's own use is not included.</p>
MLFO 016	–	<p>Wood processing Presence of raw wood processing on the agricultural holding for the market (sawing timber, etc.).</p>
MLFO 017	–	<p>Aquaculture Presence of production of fish, crayfish, etc., on the agricultural holding. Activities involving only fishing are excluded.</p>
		<p>Contractual work (using production means of the agricultural holding) Contractual work using the equipment of the agricultural holding, differentiating between work that is inside or outside the agricultural sector.</p>

MLFO 018	–	–	Agricultural contractual work Presence of work that is inside the agricultural sector.
MLFO 019	–	–	Non-agricultural contractual work Presence of work that is outside the agricultural sector (e.g. clearing snow, haulage work, landscape maintenance, agricultural and environmental services, etc.).
MLFO 020	–		Forestry Presence of forestry work using both the farm labour force and the machinery and equipment of the agricultural holding generally used for agricultural purposes.
MLFO 021	–		Other gainful activities directly related to the agricultural holding n.e.c. Presence of other gainful activities directly related to the agricultural holding not elsewhere classified.
Detailed topic: importance to the agricultural holding			
MLFO 022	–		<p>The percentage of other gainful activities directly related to the agricultural holding on the final output of the agricultural holding</p> <p>The percentage band of the other gainful activities directly related to the agricultural holding in the output of the agricultural holding. The share of the other gainful activities directly related to the agricultural holding in the output of the agricultural holding is estimated as the share of the other gainful activities directly related to the agricultural holding turnover in the sum of total turnover of the agricultural holding and direct payments of that agricultural holding under Regulation (EU) No 1307/2013 or, where applicable, the most recent legislation.</p> $RATIO = \frac{\text{Turnover of other gainful activities directly related to the holding}}{\text{Total holding turnover (agricultural + other gainful activities directly related to the holding) + direct payments}}$
Detailed topic: labour input			
<p><i>This item applies to:</i></p> <p>(i) the holders of sole holder holdings and group holdings;</p> <p>(ii) the family members in sole holder holdings; and</p> <p>(iii) non-family members regularly working on the farm.</p> <p>No information is collected for legal holdings.</p>			
MLFO 023	–		<p>Holder having other gainful activities (related to the agricultural holding)</p> <p>The holder of sole holder holdings or group holdings has other gainful activities directly related to the agricultural holding:</p> <p>M – main activity</p> <p>S – secondary activity</p> <p>N – no involvement</p> <p>The activities can be carried out on the agricultural holding itself (non-farm work on the agricultural holding), or outside the agricultural holding.</p>
MLFO 024	–		<p>Family members working on the agricultural holding and having other gainful activities (related to the agricultural holding) as their main activity</p> <p>Number of family members undertaking other gainful activities directly related to the agricultural holding as their main activity.</p>

MLFO 025	–	Family members working on the agricultural holding and having other gainful activities (related to the agricultural holding) as their secondary activity Number of family members undertaking other gainful activities directly related to the agricultural holding as their secondary activity.
MLFO 026	–	Non-family labour force regularly working on the agricultural holding and having other gainful activities (related to the agricultural holding) as their main activity Number of non-family members undertaking other gainful activities directly related to the agricultural holding as their main activity, in sole holder holdings or group holdings.
MLFO 027	–	Non-family labour force regularly working on the agricultural holding and having other gainful activities (related to the agricultural holding) as their secondary activity Number of non-family members undertaking other gainful activities directly related to the agricultural holding as their secondary activity, in sole holder holdings or group holdings.

Topic: other gainful activities not directly related to the agricultural holding

Refers to non-farm work on the agricultural holding and work outside the agricultural holding. This includes every activity carried out for remuneration (salary, wages, profits or other payment, including payment in kind) other than:

- (i) the farm work on the agricultural holding; and
- (ii) other gainful activities of the holder directly related to the agricultural holding.

Other gainful activities not related to the agricultural holding refer to other gainful activities:

- a) on the agricultural holding (non-farm work on the agricultural holding); or
- b) outside of the agricultural holding.

Detailed topic: labour input		
MLFO 028	–	The sole holder who is also the manager of the sole holder agricultural holding having other gainful activities (not related to the agricultural holding) The holder has gainful activities not directly related to the agricultural holding: M – main activity S – secondary activity N – no involvement The activities can be carried out on the agricultural holding itself (non-farm work on the agricultural holding), or outside the agricultural holding.
MLFO 029	–	Family members of sole holders (when the sole holder is the manager of the agricultural holding), who are working on the agricultural holding and have other gainful activities (not related to the agricultural holding) as their main activity Number of family members undertaking gainful activities not related to the agricultural holding as their main activity.

MLFO 030	–	<p>Family members of sole holders (when the sole holder is the manager of the agricultural holding), who are working on the agricultural holding and have other gainful activities (not related to the agricultural holding) as their secondary activity Number of family members undertaking gainful activities not related to the agricultural holding as their secondary activity.</p>
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MODULE 2. RURAL DEVELOPMENT

DESCRIPTION OF RURAL DEVELOPMENT VARIABLES

For variables on rural development measures implemented in the individual agricultural holdings, the reference period shall be the three-year period ending on 31 December of the reference year.

Topic: agricultural holdings supported by rural development measures

The agricultural holding is considered to have benefited during the last 3 years from the rural development measures laid out in Title III, Chapter 1 of Regulation (EU) No 1305/2013, in accordance with certain set standards and rules specified in the most recent legislation, irrespective of whether or not the payment has been made in the reference period, as long as a positive decision regarding awarding such measure has been made (e.g. the application for a subsidy has been accepted).

MRDV 001	–	<p>Advisory services, farm management and farm relief services The agricultural holding has benefited from rural development measures under Article 15 of Regulation (EU) No 1305/2013.</p>	
MRDV 002	–	<p>Quality schemes for agricultural products and foodstuffs The agricultural holding has benefited from rural development measures under Article 16 of Regulation (EU) No 1305/2013.</p>	
MRDV 003	–	<p>Investment in physical assets The agricultural holding has benefited from rural development measures under Article 17 of Regulation (EU) No 1305/2013.</p>	
MRDV 004	–	<p>Restoring agriculture production potential damaged by natural disasters and catastrophic events and introduction of appropriate prevention actions The agricultural holding has benefited from rural development measures under Article 18 of Regulation (EU) No 1305/2013.</p>	
		<p>Farm and business development Rural development measures under Article 19 of Regulation (EU) No 1305/2013 and in case of Croatia, also under Article 40 of that Regulation.</p>	
MRDV 005	–	–	<p>Business start-up support for young farmers The agricultural holding has benefited from rural development measures under Article 19(1), point (a)(i) of Regulation (EU) No 1305/2013.</p>
MRDV 006	–	–	<p>Business start-up support for development of small farms The agricultural holding has benefited from rural development measures under Article 19(1), point (a)(iii) of Regulation (EU) No 1305/2013.</p>

MRDV 007	–	–	Complementary national direct payments for Croatia The agricultural holding has benefited from rural development measures under Article 40 of Regulation (EU) No 1305/2013.
MRDV 008	–		Investments in forest area development and improvement of the viability of forests The agricultural holding has benefited from rural development measures under Article 21 of Regulation (EU) No 1305/2013.
			Agri–environment payments climate
MRDV 009	–	–	Agri–environment–climate The agricultural holding has benefited from rural development measures under Article 28 of Regulation (EU) No 1305/2013.
MRDV 010	–	–	Forest–environmental and climate services and forest conservation The agricultural holding has benefited from rural development measures under Article 34 of Regulation (EU) No 1305/2013.
MRDV 011	–		Organic farming The agricultural holding has benefited from rural development measures under Article 29 of Regulation (EU) No 1305/2013.
MRDV 012	–		Natura 2000 and the water framework directive payments The agricultural holding has benefited from rural development measures under Article 30 of Regulation (EU) No 1305/2013.
MRDV 013	–		Payments to areas facing natural or other specific constraints The agricultural holding has benefited from rural development measures under Article 31 of Regulation (EU) No 1305/2013.
MRDV 014	–		Animal welfare The agricultural holding has benefited from rural development measures under Article 33 of Regulation (EU) No 1305/2013.
MRDV 015	–		Risk management The agricultural holding has benefited from rural development measures under Article 36 of Regulation (EU) No 1305/2013.

MODULE 3. IRRIGATION

DESCRIPTION OF IRRIGATION VARIABLES

For variables on irrigation the reference period is a 12-month period ending within the reference year, to be established by each Member State with a view to covering the related production cycles.
Member States with less than 2 % irrigable area of the UAA, and with no NUTS 2 level regions with at least 5 % of irrigable area of the UAA, shall be exempted from carrying out the 'Irrigation' module.

Topic: Irrigation practices

		Detailed topic: availability of irrigation
MIRR 001	–	Average outdoor UAA irrigated in the last 3 years

MIRR 002	–	Total outdoor UAA irrigated Area of crops which have actually been irrigated at least once during the reference period.
MIRR 003	–	Volume of water Cubic meters of water used for irrigation in the reference period.
Detailed topic: irrigation methods		
MIRR 004	–	Surface irrigation Hectares irrigated using surface irrigation, a system where the land is partially or completely covered with water, regardless of the method of transporting the water from the source to the field (which can be by gravity or by pumping). Includes manual irrigation with buckets, or watering cans. Includes also partially controlled irrigation (controlling flood water to water crops (spate irrigation) or to equipped lowlands (water control methods in wetland areas and inland valley bottoms, flood recession cultivation))
MIRR 005	–	Sprinkler irrigation Hectares irrigated with sprinklers (also known as overhead irrigation system), a system where pipe networks carry water under pressure, which is delivered to the crop via nozzles, simulating rainfall.
MIRR 006	–	Drip irrigation Hectares of drip irrigation, a method where the water is distributed under low pressure through a network of pipes, in a pre-determined pattern, and is directly applied to the area of influence of the plant root. Includes micro-sprinkler irrigation and bubbler irrigation.
<p>Detailed topic: sources of irrigation water <i>Indicate all sources of irrigation used on the farm. In case of intermediary sources, indicate only the most primary source.</i> Ground water is water stored underground in aquifers and is usually pumped from wells. Surface water is water found on the earth's surface, such as in rivers, streams, ponds, lakes, wetlands or oceans</p>		
MIRR 007	–	On-farm ground water The ground water source is located on the farm
MIRR 008	–	On-farm and off-farm surface water The source of water is surface water regardless of whether it is located on the farm or outside the farm
MIRR 009	–	Off-farm water from water supply networks The water is withdrawn from the public piped distribution network
MIRR 010		Treated wastewater The water has undergone a wastewater treatment.
MIRR 011	–	Other sources Other sources of water used for irrigation on the farm (such as collected rainwater) n.e.c.

MIRR 012		<p>Payment terms for irrigation water <i>Select only one of the following</i></p> <ul style="list-style-type: none"> — Did not pay for water — Paid a fee based on the area of land irrigated — Paid a fee based on the volume of water — Other paid modality n.e.c.
Detailed topic: technical parameters of the irrigation equipment		
MIRR 013		<p>Reservoirs The farm has a water reservoir which was used during the reference period.</p>
MIRR 014		<p>Maintenance status of the irrigation system In the past three years, the holding</p> <ul style="list-style-type: none"> — Did not perform any maintenance to the irrigation system nor to the distribution network — Only performed regular annual maintenance to the irrigation system (including to the distribution network) — Made major repairs or rehabilitations to the irrigation system (including to the distribution network)
MIRR 015		<p>Pumping station The holding has a pumping station, regardless of whether it is centrifugal (above ground), deep-well turbine, submersible, propeller or other n.e.c.</p>
MIRR 016	–	<p>Water metering system <i>Select only one of the following</i></p> <ul style="list-style-type: none"> — Weir or flume (manual readings) — Automatic system — Both — None
MIRR 017	–	<p>Irrigation controller <i>Select only one of the following</i></p> <ul style="list-style-type: none"> — Manual — Automatic — Precision irrigation (with or without soil moisture sensors) — Combination of methods — None
MIRR 018	–	<p>Fertigation system Presence of a fertigation system on the farm, for the injection of fertilisers, amendments into the irrigation system.</p>

Topic: Crops irrigated during a 12 months period

Area irrigated (outdoors) in the previous 12 months. Refers to the irrigation methods covered under MIRR004, MIRR005 and MIRR006.

Detailed topic: cereals for the production of grain		
MIRR 019	–	<p>Cereals for the production of grain (including seed) excluding grain maize, corn-cob-mix and rice Hectares of irrigated cereals for the production of grain (including seed) excluding grain maize, corn-cob-mix and rice</p>
MIRR 020	–	<p>Grain maize and corn-cob-mix Hectares of irrigated grain maize and corn-cob-mix</p>

		Detailed topic: dry pulses and protein crops for the production of grain
MIRR 021	–	Dry pulses and protein crops for the production of grain (including seed and mixtures of cereals and pulses) Hectares of irrigated dry pulses and protein crops for the production of grain (including seed and mixtures of cereals and pulses)
		Detailed topic: root crops
MIRR 022	–	Potatoes (including seed potatoes) Hectares of irrigated potatoes (including seed potatoes)
MIRR 023	–	Sugar beet (excluding seed) Hectares of irrigated sugar beet (excluding seed)
		Detailed topic: industrial crops
MIRR 024	–	Rape and turnip rape seeds Hectares of irrigated rape and turnip rape seeds
MIRR 025	–	Sunflower seed Hectares of irrigated sunflower seed
MIRR 026	–	Fibre crops Hectares of irrigated fibre crops
		Detailed topic: plants harvested green from arable land
MIRR 027		Plants harvested green from arable land Hectares of irrigated plants harvested green from arable land
		Detailed topic: other arable land crops
MIRR 028	–	Fresh vegetables (including melons), strawberries grown in rotation with non-horticultural crops (open field) Hectares of irrigated fresh vegetables (including melons), strawberries grown in rotation with non-horticultural crops (open field)
MIRR 029	–	Other irrigated crops on arable land outdoors Hectares of irrigated other irrigated crops on arable land outdoors
		Detailed topic: permanent grassland
MIRR 030	–	Permanent grassland Hectares of irrigated permanent grassland
		Detailed topic: permanent crops
MIRR 031	–	Fruit, berries and nuts (excluding citrus fruits, grapes and strawberries) Hectares of irrigated fruit, berries and nuts (excluding citrus fruits, grapes and strawberries)
MIRR 032	–	Citrus fruits Hectares of irrigated citrus fruits
MIRR 033		Olives Hectares of irrigated olives
MIRR 034		Vineyards Hectares of irrigated vineyards

MODULE 4. SOIL MANAGEMENT PRACTICES

DESCRIPTION OF SOIL MANAGEMENT PRACTICES VARIABLES

For variables on soil management practices, the reference period is a 12-month period ending within the reference year, to be established by each Member State with a view to covering the related production cycles.

Topic: soil management practices on outdoor land

MSMP 001		Drainage on the agricultural holding Hectares of the agricultural holding UAA which are subject to drainage, the artificial removal of excess surface water or ground-water to prevent inundation, by means of surface or sub-surface conduits. It does not include the natural drainage of excess water into lakes, swamps and rivers
Detailed topic: tillage methods		
MSMP 002	–	Conventional tillage Hectares of arable land treated by conventional tillage, which involves inversion of the soil, with burying of crop residues.
MSMP 003	–	Conservational tillage Hectares of arable land treated by conservational (low) tillage, where no inversion of soil occurs. Normally a part of plant residues is not buried.
MSMP 004	–	Zero tillage Hectares of arable land on which no tillage is applied between harvests and sowing.
Detailed topic: soil cover on agricultural land		
MSMP 005	–	Soil cover: normal winter crop Hectares of arable land on which crops are sown in the autumn and growing during the winter.
MSMP 006	–	Soil cover: catch crop, intermediate crop or cover crop in arable land Hectares of arable land on which plants are sown specifically to manage erosion, fertility, soil quality, water, weeds, pests, diseases, biodiversity and wildlife, between harvest and sowing, during the winter or other periods when the land would otherwise be bare.
MSMP 007	–	Soil cover: plant residues and/or mulching Hectares of arable land covered with the plant residues, and stubble of the previous crop season during winter and/or land covered with mulch (loose covering with material which is either natural such as litter, cut grass, straw, foliage, pruning residues, bark or sawdust, or artificial such as paper or synthetic fibres).
MSMP 008		Soil cover: bare soil after main crop Hectares of arable land that is ploughed or otherwise tilled after the harvest and is not sown or covered during winter with any plant residues, remaining bare until the pre-seeding or seeding operations.
Detailed topic: crop rotation on arable land		
MSMP 009	–	Share of arable land with crop rotation Percentage of arable land with crop rotation over total arable land

		Detailed topic: ecological focus area <i>Refers to the ecological focus areas under the provisions of Article 46 of Regulation (EU) No 1307/2013 or where applicable the most recent legislation</i>
MSMP 010	–	Terraces Hectares of terraces
MSMP 011	–	Field margins or buffer strips Hectares of field margins or buffer strips
MSMP 012	–	Linear elements: hedges and tree lines Hectares of hedges and tree lines
MSMP 013	–	Linear elements: stone walls Hectares of stone walls
MSMP 014	–	Agro-forestry Hectares of agro-forestry

MODULE 5. MACHINERY AND EQUIPMENT

DESCRIPTION OF MACHINERY AND EQUIPMENT VARIABLES

For variables on machinery and equipment a common reference day within the reference year shall be established by each Member State

Topic: machinery

		Detailed topic: internet facilities
MMEQ 001	–	Access to the internet The holding has access to the internet
MMEQ 002	–	Use of management information systems The holding uses management information systems as a support decision tool, either on an own computer or via an on-line system. It includes (but is not restricted to) tools such as a digital field book or a digital herd book.
		Detailed topic: basic machinery <i>Refers to machinery owned by the holder or the holding, a farmers cooperative, machinery from stations, machinery from a contractor (with or without driver). Excludes machinery that was not used in the reference year</i>
		Own machinery <i>Refers to machinery owned by the farmer or the holding which was used by the agricultural holding during the 12 months preceding the reference day of the survey and which is the sole property of the agricultural holding on the reference day of the survey. Excludes machinery that is rented on a short-term basis such as hourly or daily rentals, machinery owned by farmers cooperatives, from stations or contractors</i>
MMEQ 003		Number of tractors <= 40 kW owned by the holding
MMEQ 004		Number of tractors > 40 kW and <= 60 kW owned by the holding
MMEQ 005		Number of tractors > 60 kW and <= 100 kW owned by the holding
MMEQ 006		Number of tractors > 100 kW owned by the holding

MMEQ 007	-	-	<p>Tillage machinery The holding owns tillage machinery such as:</p> <ul style="list-style-type: none"> — Mouldboard plough — Tiller — Rototiller — Chisel — Harrow — Strip tiller — Cultipacker — Other
MMEQ 008	-	-	<p>Seeders and planters The holding owns seeders and planters such as:</p> <ul style="list-style-type: none"> — Spray sower — Seed drill — Planter — Other
MMEQ 009	-	-	<p>Spreaders, pulverisators or sprayers for fertilisers The holding owns spreaders, pulverisators or sprayers (aeroplanes and drones excluded) for application of manure or fertilisers, such as:</p> <ul style="list-style-type: none"> — Solid mineral fertiliser spreaders — Solid manure spreader/broadcaster — Liquid/slurry manure spreader (trailing hose) — Liquid/slurry manure spreader (trailing shoe) — Manure injector (shallow/open-slit) — Manure injector (deep/closed-slit) — Low-pressure sprayers — High-pressure sprayers — Other
MMEQ 010	-	-	<p>Application equipment for plant protection products The holding owns one or more of the following (aeroplanes and drones excluded) for application of plant protection products such as:</p> <ul style="list-style-type: none"> — Horizontal boom sprayer fitted with low-risk nozzles — Horizontal boom sprayer not fitted with low-risk nozzles — Orchard, vineyards or other permanent crops sprayers — Other
MMEQ 011	-	-	<p>The horizontal boom sprayers and orchard, vineyard or other permanent crop sprayers used to apply PPPs in the reference period are equipped with low-risk nozzles?</p> <ul style="list-style-type: none"> — Yes, they all are — No, only some — No, none
MMEQ 012	-	-	<p>Combine harvesters The holding owns combine harvesters.</p>
MMEQ 013	-	-	<p>Other fully mechanised harvesters The holding owns other fully mechanised harvesters such as:</p> <ul style="list-style-type: none"> — Cotton picker — Potato harvester — Carrot harvester — Sugar beet harvester — Vegetable pickers (peas, beans, etc.) — Fruit picking platforms — Forage or silage harvester — Baler — Grape harvester — Olive harvester

			<p>Machinery used by several holdings</p> <p><i>Refers to motor vehicles and machinery used by the agricultural holding during the 12 months preceding the reference day of the survey but being the property of another agricultural holding (e.g. used under mutual aid arrangements or hired from a machinery hire syndicate), or a cooperative association, or two or more agricultural holdings jointly, or a machinery group, or an agricultural service supply agency.</i></p>
MMEQ 014	–	–	Tractors
MMEQ 015	–	–	Cultivators, ploughs, seeders, pulverisators, sprayers, equipment for application of plant protection products or fertilisers
MMEQ 016	–	–	Combine harvesters
MMEQ 017	–	–	Other fully mechanised harvesters
Detailed topic: use of precision farming			
MMEQ 018	–		<p>Robotics</p> <p>The holding owns, rents or uses robotics, such as:</p> <ul style="list-style-type: none"> — Self-driving machinery — Berry-picking robots — Very high precision equipment based on RTK-GPS (1 cm accuracy) — Other
MMEQ 019	–	–	<p>Robotics for plant protection products</p> <p>The farm owns, rents or uses equipment using GPS guidance for the application of PPP</p>
MMEQ 020	–	–	<p>Band spraying of plant protection products</p> <p>The farm owns, rents or uses equipment for band-spraying of PPP</p>
MMEQ 021	–		<p>Variable rate techniques</p> <p>The holding uses variable rate techniques for one or more of the following:</p> <ul style="list-style-type: none"> — Fertilisation — Plant protection — Weeding — Sowing — Planting — Other
MMEQ 022	–		<p>Precision monitoring of crops</p> <p>The holding monitors crops using one or more of the following techniques:</p> <ul style="list-style-type: none"> — Weather stations — Digital mapping (soil quality mapping, yield mapping, NDVI mapping) — Soil scanning — Yield monitoring sensors — Other
MMEQ 023	–		<p>Soil analysis</p> <p>The holding took soil samples for analysis in the reference period</p>

Detailed topic: machinery for livestock management		
MMEQ 024		Welfare and health monitoring of animals The holding monitors animals using one or more of the following techniques <ul style="list-style-type: none"> — Camera monitoring — Sound monitoring — Alert systems — Activity sensors — Animal tracking — Health monitoring (e.g. temperature, weight, lameness or mastitis monitoring) — Feeding registration — Drinking registration — Other
MMEQ 025	–	Grinder mixer for animal feeding The holding owns, rents or uses grinder–mixers for animal feeding.
MMEQ 026		Automatic feeding systems The holding owns, rents or uses automatic feeding systems for animals.
MMEQ 027	–	Automatic regulation of barn climate The holding uses automatic regulation of barn climate.
MMEQ 028	–	Milking robots The holding owns, rents or uses milking robots.
Detailed topic: storage for agricultural products		
MMEQ 029	–	Storage of seeds (cereals, oilseeds and pulses) Cubic meters of storage for cereals, oilseeds and pulses
MMEQ 030	–	Storage of roots, tubers and bulbs The holding has storage for roots, tubers and bulbs
MMEQ 031	–	Storage of vegetables and fruits The holding has dry storage for fruits and vegetables (refrigerator storage excluded)
MMEQ 032	–	Refrigerated storage Cubic meters of storage in refrigerators (regardless whether for vegetables, fruits, flowers, meat and meat products, milk and milk products or eggs)
Topic: equipment		
Detailed topic: equipment used for production of renewable energy on agricultural holdings		
MMEQ 033	–	Wind The holding uses wind turbines to produce energy
MMEQ 034	–	Biomass The holding uses biomass to produce energy
MMEQ 035	–	– Bio–gas from biomass The holding uses bio–gas from biomass to produce energy
MMEQ 036	–	Solar energy (thermal) The holding uses solar panels to produce thermal energy

MMEQ 037	–	Solar energy (photovoltaic) The holding uses solar panels to produce photovoltaic energy
MMEQ 038	–	Hydro-energy The holding uses hydraulic generators to produce energy
MMEQ 039	–	Other sources The holding produces renewable energy from other sources n.e.c.

MODULE 6. ORCHARD

DESCRIPTION OF ORCHARDS VARIABLES

For land variables, the use of the land shall refer to the reference year. In the case of successive crops from the same piece of land, the land use shall refer to a crop that is harvested during the reference year, regardless of when the crop in question is sown.

Member States with at least 1 000 hectares of any of the individual crops, referred to under the detailed topics of the 'Orchard' module in Annex IV to Regulation (EU) 2018/1091, producing entirely or mainly for the market, shall carry out the 'Orchard' module for that particular crop

Topic: pome fruits

Detailed topic: apples area by age of plantation			
MORC 001	–		Apples Hectares of apples
MORC 002	–	–	Apples in age class < 5 years Hectares of apples in age class < 5 years
MORC 003	–	–	Apples in age class 5 to 14 years Hectares of apples in age class 5 to 14 years
MORC 004	–	–	Apples in age class 15 to 24 years Hectares of apples in age class 15 to 24 years
MORC 005	–	–	Apples in age class >= 25 years Hectares of apples in age class >= 25 years
Detailed topic: apples area by density of trees			
MORC 006	–	–	Apples in density class < 400 trees/hectare Hectares of apples in density class < 400 trees/hectare
MORC 007	–	–	Apples in density class 400 to 1 599 trees/hectare Hectares of apples in density class 400 to 1 599 trees/hectare
MORC 008	–	–	Apples in density class 1 600 to 3 199 trees/hectare Hectares of apples in density class 1 600 to 3 199 trees/hectare
MORC 009	–	–	Apples in density class >= 3 200 trees/hectare Hectares of apples in density class >= 3 200 trees/hectare

Detailed topic: pears area by age of plantation			
MORC 010	–		Pears Hectares of pears
MORC 011	–	–	Pears in age class < 5 years Hectares of pears in age class < 5 years
MORC 012	–	–	Pears in age class 5 to 14 years Hectares of pears in age class 5 to 14 years
MORC 013	–	–	Pears in age class 15 to 24 years Hectares of pears in age class 15 to 24 years
MORC 014	–	–	Pears in age class >= 25 years Hectares of pears in age class >= 25 years
Detailed topic: pears area by density of trees			
MORC 015	–	–	Pears in density class < 400 trees/hectare Hectares of pears in density class < 400 trees/hectare
MORC 016	–	–	Pears in density class 400 to 1 599 trees/hectare Hectares of pears in density class 400 to 1 599 trees/hectare
MORC 017	–	–	Pears in density class 1 600 to 3 199 trees/hectare Hectares of pears in density class 1 600 to 3 199 trees/hectare
MORC 018	–	–	Pears in density class >= 3 200 trees/hectare Hectares of pears in density class >= 3 200 trees/hectare
Topic: stone fruits			
Detailed topic: peaches area by age of plantation			
MORC 019	–		Peaches Hectares of peaches
MORC 020	–	–	Peaches in age class < 5 years Hectares of peaches in age class < 5 years
MORC 021	–	–	Peaches in age class 5 to 14 years Hectares of peaches in age class 5 to 14 years
MORC 022	–	–	Peaches in age class >= 15 years Hectares of peaches in age class >= 15 years
Detailed topic: peaches area by density of trees			
MORC 023	–	–	Peaches in density class < 600 trees/hectare Hectares of peaches in density class < 600 trees/hectare
MORC 024	–	–	Peaches in density class 600 to 1 199 trees/hectare Hectares of peaches in density class 600 to 1 199 trees/hectare
MORC 025	–	–	Peaches in density class >= 1 200 trees/hectare Hectares of peaches in density class >= 1 200 trees/hectare

	Detailed topic: nectarines area by age of plantation		
MORC 026	–		Nectarines Hectares of nectarines
MORC 027	–	–	Nectarines in age class < 5 years Hectares of nectarines in age class < 5 years
MORC 028	–	–	Nectarines in age class 5 to 14 years Hectares of nectarines in age class 5 to 14 years
MORC 029	–	–	Nectarines in age class >= 15 years Hectares of nectarines in age class >= 15 years
	Detailed topic: nectarines area by density of trees		
MORC 030	–	–	Nectarines in density class < 600 trees/hectare Hectares of nectarines in density class < 600 trees/hectare
MORC 031	–	–	Nectarines in density class 600 to 1 199 trees/hectare Hectares of nectarines in density class 600 to 1 199 trees/hectare
MORC 032	–	–	Nectarines in density class >= 1 200 trees/hectare Hectares of nectarines in density class >= 1 200 trees/hectare
	Detailed topic: apricots area by age of plantation		
MORC 033	–		Apricots Hectares of apricots
MORC 034	–	–	Apricots in age class < 5 years Hectares of apricots in age class < 5 years
MORC 035	–	–	Apricots in age class 5 to 14 years Hectares of apricots in age class 5 to 14 years
MORC 036	–	–	Apricots in age class >= 15 years Hectares of apricots in age class >= 15 years
	Detailed topic: apricots area by density of trees		
MORC 037	–	–	Apricots in density class < 600 trees/hectare Hectares of apricots in density class < 600 trees/hectare
MORC 038	–	–	Apricots in density class 600 to 1 199 trees/hectare Hectares of apricots in density class 600 to 1 199 trees/hectare
MORC 039	–	–	Apricots in density class >= 1 200 trees/hectare Hectares of apricots in density class >= 1 200 trees/hectare
Topic: citrus fruits			
	Detailed topic: oranges area by age of plantation		
MORC 040	–		Navel oranges Hectares of navel oranges
MORC 041	–	–	Navel oranges in age class < 5 years Hectares of navel oranges in age class < 5 years

MORC 042	–	–	Navel oranges in age class 5 to 14 years Hectares of navel oranges in age class 5 to 14 years
MORC 043	–	–	Navel oranges in age class 15 to 24 years Hectares of navel oranges in age class 15 to 24 years
MORC 044	–	–	Navel oranges in age class >= 25 years Hectares of navel oranges in age class >= 25 years
MORC 045	–		White oranges Hectares of white oranges
MORC 046	–	–	White oranges in age class < 5 years Hectares of white oranges in age class < 5 years
MORC 047	–	–	White oranges in age class 5 to 14 years Hectares of white oranges in age class 5 to 14 years
MORC 048	–	–	White oranges in age class 15 to 24 year Hectares of white oranges in age class 15 to 24 years
MORC 049	–	–	White oranges in age class >= 25 years Hectares of white oranges in age class >= 25 years
MORC 050	–		Blood oranges Hectares of blood oranges
MORC 051	–	–	Blood oranges in age class < 5 years Hectares of blood oranges in age class < 5 years
MORC 052	–	–	Blood oranges in age class 5 to 14 years Hectares of blood oranges in age class 5 to 14 years
MORC 053	–	–	Blood oranges in age class 15 to 24 years Hectares of blood oranges in age class 15 to 24 years
MORC 054	–	–	Blood oranges in age class >= 25 years Hectares of blood oranges in age class >= 25 years
MORC 055	–		Other oranges n.e.c. Hectares of other oranges n.e.c.
MORC 056	–	–	Other oranges in age class < 5 years Hectares of other oranges in age class < 5 years
MORC 057	–	–	Other oranges in age class 5 to 14 years Hectares of other oranges in age class 5 to 14 years
MORC 058	–	–	Other oranges in age class 15 to 24 years Hectares of other oranges in age class 15 to 24 years
MORC 059	–	–	Other oranges in age class >= 25 years Hectares of other oranges in age class >= 25 years

Detailed topic: oranges area by density of trees			
			<i>Navel oranges</i>
MORC 060	–	–	Navel oranges in density class < 250 trees/hectare Hectares of navel oranges in density class < 250 trees/hectare
MORC 061	–	–	Navel oranges in density class 250 to 499 trees/hectare Hectares of navel oranges in density class 250 to 499 trees/hectare
MORC 062	–	–	Navel oranges in density class 500 to 749 trees/hectare Hectares of navel oranges in density class 500 to 749 trees/hectare
MORC 063	–	–	Navel oranges in density class >= 750 trees/hectare Hectares of navel oranges in density class >= 750 trees/hectare
			<i>White oranges</i>
MORC 064	–	–	White oranges in density class < 250 trees/hectare Hectares of white oranges in density class < 250 trees/hectare
MORC 065	–	–	White oranges in density class 250 to 499 trees/hectare Hectares of white oranges in density class 250 to 499 trees/hectare
MORC 066	–	–	White oranges in density class 500 to 749 trees/hectare Hectares of white oranges in density class 500 to 749 trees/hectare
MORC 067	–	–	White oranges in density class >= 750 trees/hectare Hectares of white oranges in density class >= 750 trees/hectare
			<i>Blood oranges</i>
MORC 068	–	–	Blood oranges in density class < 250 trees/hectare Hectares of blood oranges in density class < 250 trees/hectare
MORC 069	–	–	Blood oranges in density class 250 to 499 trees/hectare Hectares of blood oranges in density class 250 to 499 trees/hectare
MORC 070	–	–	Blood oranges in density class 500 to 749 trees/hectare Hectares of blood oranges in density class 500 to 749 trees/hectare
MORC 071	–	–	Blood oranges in density class >= 750 trees/hectare Hectares of blood oranges in density class >= 750 trees/hectare
			<i>Other oranges n.e.c.</i>
MORC 072	–	–	Other oranges in density class < 250 trees/hectare Hectares of other oranges in density class < 250 trees/hectare
MORC 073	–	–	Other oranges in density class 250 to 499 trees/hectare Hectares of other oranges in density class 250 to 499 trees/hectare
MORC 074	–	–	Other oranges in density class 500 to 749 trees/hectare Hectares of other oranges in density class 500 to 749 trees/hectare

MORC 075	-	-	Other oranges in density class \geq 750 trees/hectare Hectares of other oranges in density class \geq 750 trees/hectare
Detailed topic: small citrus fruit area by age of plantation			
MORC 076	-		Satsumas Hectares of satsumas
MORC 077	-	-	Satsumas in age class < 5 years Hectares of satsumas in age class < 5 years
MORC 078	-	-	Satsumas in age class 5 to 14 years Hectares of satsumas in age class 5 to 14 years
MORC 079	-	-	Satsumas in age class 15 to 24 years Hectares of satsumas in age class 15 to 24 years
MORC 080	-	-	Satsumas in age class \geq 25 years Hectares of satsumas in age class \geq 25 years
MORC 081	-		Clementines Hectares of clementines
MORC 082	-	-	Clementines in age class < 5 years Hectares of clementines in age class < 5 years
MORC 083	-	-	Clementines in age class 5 to 14 years Hectares of clementines in age class 5 to 14 years
MORC 084	-	-	Clementines in age class 15 to 24 years Hectares of clementines in age class 15 to 24 years
MORC 085	-	-	Clementines in age class \geq 25 years Hectares of clementines in age class \geq 25 years
MORC 086	-		Other small citrus fruits (including hybrids) n.e.c. Hectares of other small citrus fruits (including hybrids) n.e.c.
MORC 087	-	-	Other small citrus fruits (incl. hybrids) in age class < 5 years Hectares of other small citrus fruits (incl. hybrids) in age class < 5 years
MORC 088	-	-	Other small citrus fruits (incl. hybrids) in age class 5 to 14 years Hectares of other small citrus fruits (incl. hybrids) in age class 5 to 14 years
MORC 089	-	-	Other small citrus fruits (incl. hybrids) in age class 15 to 24 years Hectares of other small citrus fruits (incl. hybrids) in age class 15 to 24 years
MORC 090	-	-	Other small citrus fruits (incl. hybrids) in age class \geq 25 years Hectares of other small citrus fruits (incl. hybrids) in age class \geq 25 years

Detailed topic: small citrus fruit area by density of trees			
			<i>Satsumas</i>
MORC 091	–	–	Satsumas in density class < 250 trees/hectare Hectares of satsumas in density class < 250 trees/hectare
MORC 092	–	–	Satsumas in density class 250 to 499 trees/hectare Hectares of satsumas in density class 250 to 499 trees/hectare
MORC 093	–	–	Satsumas in density class 500 to 749 trees/hectare Hectares of satsumas in density class 500 to 749 trees/hectare
MORC 094	–	–	Satsumas in density class >= 750 trees/hectare Hectares of satsumas in density class >= 750 trees/hectare
			<i>Clementines</i>
MORC 095	–	–	Clementines in density class < 250 trees/hectare Hectares of clementines in density class < 250 trees/hectare
MORC 096	–	–	Clementines in density class 250 to 499 trees/hectare Hectares of clementines in density class 250 to 499 trees/hectare
MORC 097	–	–	Clementines in density class 500 to 749 trees/hectare Hectares of clementines in density class 500 to 749 trees/hectare
MORC 098	–	–	Clementines in density class >= 750 trees/hectare Hectares of clementines in density class >= 750 trees/hectare
			<i>Other small citrus fruits (including hybrids) n.e.c.</i>
MORC 099	–	–	Other small citrus fruits (incl. hybrids) in density class < 250 trees/hectare Hectares of other small citrus fruits (incl. hybrids) in density class < 250 trees/hectare
MORC 100	–	–	Other small citrus fruits (incl. hybrids) in density class 250 to 499 trees/hectare Hectares of other small citrus fruits (incl. hybrids) in density class 250 to 499 trees/hectare
MORC 101	–	–	Other small citrus fruits (incl. hybrids) in density class 500 to 749 trees/hectare Hectares of other small citrus fruits (incl. hybrids) in density class 500 to 749 trees/hectare
MORC 102	–	–	Other small citrus fruits (incl. hybrids) in density class >= 750 trees/hectare Hectares of other small citrus fruits (incl. hybrids) in density class >= 750 trees/hectare
Detailed topic: lemons area by age of plantation			
MORC 103	–		Lemons Hectares of yellow lemons and acid limes
MORC 104	–	–	Lemons in age class < 5 years Hectares of lemons in age class < 5 years

MORC 105	-	-	Lemons in age class 5 to 14 years Hectares of lemons in age class 5 to 14 years
MORC 106	-	-	Lemons in age class 15 to 24 years Hectares of lemons in age class 15 to 24 years
MORC 107	-	-	Lemons in age class >= 25 years Hectares of lemons in age class >= 25 years
Detailed topic: lemons area by density of trees			
MORC 108	-	-	Lemons in density class < 250 trees/hectare Hectares of lemons in density class < 250 trees/hectare
MORC 109	-	-	Lemons in density class 250 to 499 trees/hectare Hectares of lemons in density class 250 to 499 trees/hectare
MORC 110	-	-	Lemons in density class 500 to 749 trees/hectare Hectares of lemons in density class 500 to 749 trees/hectare
MORC 111	-	-	Lemons in density class >= 750 trees/hectare Hectares of lemons in density class >= 750 trees/hectare
Topic: olives			
Detailed topic: olives area by age of plantation			
MORC 112	-		Olives for table use Hectares of olives for table use
MORC 113	-	-	Olives for table use in age class < 5 years Hectares of olives for table use in age class < 5 years
MORC 114	-	-	Olives for table use in age class 5 to 11 years Hectares of olives for table use in age class 5 to 11 years
MORC 115	-	-	Olives for table use in age class 12 to 49 years Hectares of olives for table use in age class 12 to 49 years
MORC 116	-	-	Olives for table use in age class >= 50 years Hectares of olives for table use in age class >= 50 years
MORC 117	-		Olives for oil Hectares of olives for oil
MORC 118	-	-	Olives for oil in age class < 5 years Hectares of olives for oil in age class < 5 years
MORC 119	-	-	Olives for oil in age class 5 to 11 years Hectares of olives for oil in age class 5 to 11 years
MORC 120	-	-	Olives for oil in age class 12 to 49 years Hectares of olives for oil in age class 12 to 49 years
MORC 121	-	-	Olives for oil in age class >= 50 years Hectares of olives for oil in age class >= 50 years

Detailed topic: olives area by density of trees			
			<i>Olives for table use</i>
MORC 122	–	–	Olives for table use in density class < 140 trees/hectare Hectares of olives for table use in density class < 140 trees/hectare
MORC 123	–	–	Olives for table use in density class 140 to 399 trees/hectare Hectares of olives for table use in density class 140 to 399 trees/hectare
MORC 124	–	–	Olives for table use in density class >= 400 trees/hectare Hectares of olives for table use in density class >= 400 trees/hectare
			<i>Olives for oil</i>
MORC 125	–	–	Olives for oil in density class < 140 trees/hectare Hectares of olives for oil in density class < 140 trees/hectare
MORC 126	–	–	Olives for oil in density class 140 to 399 trees/hectare Hectares of olives for oil in density class 140 to 399 trees/hectare
MORC 127	–	–	Olives for oil in density class 400 to 699 trees/hectare Hectares of olives for oil in density class 400 to 699 trees/hectare
MORC 128	–	–	Olives for oil in density class 700 to 1 499 trees/hectare Hectares of olives for oil in density class 700 to 1 499 trees/hectare
MORC 129	–	–	Olives for oil in density class >= 1 500 trees/hectare Hectares of olives for oil in density class >= 1 500 trees/hectare

Topic: grapes for table use and raisins

Detailed topic: grapes for table use area by age of plantation			
MORC 130	–		Grapes for table use Hectares of grapes for table use
MORC 131	–	–	Grapes for table use in age class < 3 years Hectares of grapes for table use in age class < 3 years
MORC 132	–	–	Grapes for table use in age class 3 to 9 years Hectares of grapes for table use in age class 3 to 9 years
MORC 133	–	–	Grapes for table use in age class 10 to 19 years Hectares of grapes for table use in age class 10 to 19 years
MORC 134	–	–	Grapes for table use in age class 20 to 49 years Hectares of grapes for table use in age class 20 to 49 years
MORC 135	–	–	Grapes for table use in age class >= 50 years Hectares of grapes for table use in age class >= 50 years
Detailed topic: grapes for table use area by density of vines			
MORC 136	–	–	Grapes for table use in density class < 1 000 plants/hectare Hectares of grapes for table use in density class < 1 000 plants/hectare

MORC 137	–	–	Grapes for table use in density class 1 000 to 1 499 plants/hectare Hectares of grapes for table use in density class 1 000 to 1 499 plants/hectare
MORC 138	–	–	Grapes for table use in density class >= 1 500 plants/hectare Hectares of grapes for table use in density class >= 1 500 plants/hectare
Detailed topic: grapes for raisins area by age of plantation			
MORC 139	–		Grapes for raisins Hectares of grapes for raisins
MORC 140	–	–	Grapes for raisins in age class < 3 years Hectares of grapes for raisins in age class < 3 years
MORC 141	–	–	Grapes for raisins in age class 3 to 9 years Hectares of grapes for raisins in age class 3 to 9 years
MORC 142	–	–	Grapes for raisins in age class 10 to 19 years Hectares of grapes for raisins in age class 10 to 19 years
MORC 143	–	–	Grapes for raisins in age class 20 to 49 years Hectares of grapes for raisins in age class 20 to 49 years
MORC 144	–	–	Grapes for raisins in age class >= 50 years Hectares of grapes for raisins in age class >= 50 years
Detailed topic: grapes for raisins area by density of vines			
MORC 145	–	–	Grapes for raisins in density class < 1 000 plants/hectare Hectares of grapes for raisins in density class < 1 000 plants/hectare
MORC 146	–	–	Grapes for raisins in density class 1 000 to 1 499 plants/hectare Hectares of grapes for raisins in density class 1 000 to 1 499 plants/hectare
MORC 147	–	–	Grapes for raisins in density class >= 1 500 plants/hectare Hectares of grapes for raisins in density class >= 1 500 plants/hectare

COMMISSION IMPLEMENTING REGULATION (EU) 2021/2287**of 17 December 2021****imposing definitive countervailing duties on imports of aluminium converter foil originating in the People's Republic of China and amending Implementing Regulation (EU) 2021/2170 imposing definitive anti-dumping duties on imports of aluminium converter foil originating in the People's Republic of China**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1037 of the European Parliament and of the Council of 8 June 2016 on protection against subsidised imports from countries not members of the European Union ⁽¹⁾, and in particular Article 15 and 24(1) thereof,

Whereas:

1. PROCEDURE**1.1. Initiation**

- (1) On 4 December 2020, the European Commission ('the Commission') initiated an anti-subsidy proceeding with regard to imports of aluminium converter foil ('ACF') originating in the People's Republic of China ('China', 'PRC' or 'the country concerned') on the basis of Article 10 of Regulation (EU) 2016/1037 ('the basic Regulation'). It published a Notice of Initiation in the *Official Journal of the European Union* ('the Notice of Initiation') ⁽²⁾.
- (2) The Commission initiated the investigation following a complaint lodged on 21 October 2020 by six Union producers ('the complainants'), representing more than 50 % of the total Union production of aluminium converter foil. The complaint contained evidence of subsidisation and of a resulting injury that was sufficient to justify the initiation of the investigation.
- (3) Prior to the initiation of the anti-subsidy investigation, the Commission notified the Government of China ('GOC') ⁽³⁾ that it had received a properly documented complaint, and invited the GOC for consultations in accordance with Article 10(7) of the basic Regulation. Consultations were held on 30 November 2020. However, no mutually agreed solution could be reached.
- (4) On 22 October 2020, the Commission initiated a separate anti-dumping investigation of the same product originating in the PRC ('the separate anti-dumping investigation'). ⁽⁴⁾ The injury, causation and Union interest analyses performed in the present anti-subsidy investigation and the separate anti-dumping investigation are mutatis mutandis identical, since the definition of the Union industry, the sampled Union producers, the period considered and the investigation period are the same in both investigations.

1.1.1. Comments concerning initiation

- (5) The GOC claimed before and after initiation that the investigation should not be initiated because the complaint did not satisfy the evidentiary requirements of Articles 11(2) and 11(3) of the WTO Agreement on Subsidies and Countervailing Measures ('SCM Agreement') and of Article 10(2) of the basic Regulation. According to the GOC, there was insufficient evidence of countervailable subsidies, injury and a causal link between the subsidised imports and the injury. In its submission following initiation, the GOC reiterated that the complaint, with regard to a number

⁽¹⁾ OJ L 176, 30.6.2016, p. 55.

⁽²⁾ OJ C 419, 4.12.2020, p. 32.

⁽³⁾ The term 'GOC' is used in this Regulation in a broad sense, including the State Council, as well as all Ministries, Departments, Agencies, and Administrations at central, regional or local level.

⁽⁴⁾ OJ C 352 I, 22.10.2020, p. 1.

of claimed subsidy schemes, did not contain sufficient evidence to meet the evidentiary standard and, regardless of what information might be reasonably available to the complainant, there always needs to be sufficient evidence regarding the existence and nature of a subsidy, material injury and a causal link. The GOC also reiterated this claim after the final disclosure.

- (6) In its submission following the initiation and also after the final disclosure, the GOC also claimed that the Commission memorandum on sufficiency of evidence and the anti-subsidy questionnaires went beyond the allegations raised in the complaint and that the Commission had added additional evidence to the complaint to justify the initiation of the investigation. The GOC claimed that by adding such elements the Commission broadened the scope of the investigation. More specifically, the GOC alleged that by adding references to documents such as a 2018 “report on Aluminium”, the “Made in China 2025” strategy, a U.S. DOC determination on aluminium products of 2018, and by adding the Chinese Export & Credit Insurance Corporation (‘Sinasure’) to the list of financial institutions to be investigated or asking information regarding the China Banking and Insurance Regulatory Commission (the ‘CBIRC’), the Commission had broadened the scope of the investigation.
- (7) The Commission rejected the claim of the GOC concerning sufficiency of evidence. Indeed, the evidence submitted in the complaint constituted the information reasonably available to the complainant at that stage. As shown in the memorandum on sufficiency of evidence, which contains the Commission’s assessment on all the evidence at the disposal of the Commission concerning the PRC, and on the basis of which the Commission initiated the investigation, there was sufficient evidence at initiation stage that the alleged subsidies were countervailable in terms of their existence, amount and nature. The complaint also contained sufficient evidence of the existence of injury to the Union industry, which was caused by the subsidised imports.
- (8) The Commission also rejected the claim concerning the scope of the investigation. The memorandum on sufficiency of evidence contains an examination of the elements available to the Commission, including, but not limited to, those brought forward by the complainant. The elements in the complaint were indeed analysed together and corroborated with other facts known by the Commission in accordance with established practice. As mentioned in the Notice of Initiation, in view of Articles 10(2) and 10(3) of the basic Regulation, the Commission prepared a memorandum on sufficiency of evidence containing the Commission’s assessment on all the evidence at the disposal of the Commission concerning the PRC and on the basis of which the Commission initiated the investigation. Thus, the scope of the investigation is not narrowed to the evidence and allegations in the complaint, but can be complemented by other information available to the Commission. Furthermore, during the investigation, the Commission may examine all information that is relevant to the alleged subsidies and is not limited to the information contained in the complaint. This applies also to the financial institutions providing preferential financing such as Sinasure and relevant regulatory bodies such as the CBRC.
- (9) While the GOC reiterated its claims concerning sufficiency of evidence and the scope of the investigation also after final disclosure, it did not bring forward any new substantial arguments or evidence. Therefore, those claims were rejected.
- (10) In its submission following initiation, the GOC alleged that the complainant used Chinese laws selectively and misinterpreted their connection with respect to the ACF industry. The GOC stated that policy documents, such as the 10-13th Five Year Plans, the Catalogue for the Guidance of Industrial Structure Adjustment (2005) and the Nonferrous Metal Development Plan (2016-2020) are just guidance documents that are not binding. The GOC also stated that the Five Year Plans do not specifically refer to ACF.
- (11) The Commission noted that the GOC does not dispute the existence of such plans, programmes, or recommendations but only the extent to which they are binding for the ACF industry. The Commission further observed that the complainant provided evidence indicating that non-ferrous metals industries, of which the aluminium industry is part, are mentioned in several government documents. The GOC failed to produce any evidence showing that those documents would not be applicable to the product concerned.

- (12) The GOC also stated that State-owned enterprises ('SOEs'), State-owned banks ('SOBs') or Sinosure cannot be qualified as public bodies and that the complainant unjustifiably relied on formal indicia of control such as the GOCs ownership and alleged power to appoint or nominate management officials to draw an unwarranted conclusion that all SOEs/SOBs acted as public bodies. The GOC also claimed that the complainant relied on previous cases of the Commission or the Department of Commerce of the USA in evaluating the nature of functions that the banks performed and the nature and scope of the governmental authority vested in them. The GOC also claimed that past findings of the Commission for unrelated industries could not constitute sufficient evidence in the complaint and they also do not substantiate that State-owned banks and Sinosure acted as public bodies in the current investigation.
- (13) The Commission noted that this claim of the GOC is connected to the claim already mentioned above, and that the complaint, among others, mentioned the Bank Law in China, which the GOC does not dispute is Chinese legislation. The Commission highlights that recent EU anti-subsidy investigations related to the same subsidy programmes as those alleged in the complaint, that had also examined the whether SOEs/SOBs acted as public bodies, had concluded that this was the case⁽⁵⁾. The fact that these investigations covered industries unrelated to the ACF industry does not invalidate the qualification of the above institutions as public bodies. Moreover, evidence of government ownership may be considered to amount to evidence "tending to prove or indicating" that an entity is a public body capable of conferring a financial contribution.⁽⁶⁾
- (14) In its submission following initiation, the GOC furthermore submitted that substantial changes and reforms had occurred in the financial sector in recent years, and that the complaint could thus not rely on any pre-existing situation. However, the Commission noted that the complainant also provided additional evidence in the complaint of the continued existence of the subsidy programmes. The Commission further recalls that the GOC failed to provide evidence rebutting the continuation of the relevant programmes. Thus, at the stage of initiation, the evidence available tended to show that there was no relevant change in the subsidy programmes at issue.
- (15) In the same submission the GOC also claimed that some of the guidance documents including The Temporary Provisions on Promoting Industrial Structure Adjustment (Decision No 40 2005 of the State Council) ('Decision No 40') with reference to the "Eleventh Five-year Plans" are outdated and no longer applicable during IP.
- (16) Decision No 40, Chapter III refers to 'Catalogue for the Guidance of Industrial Structure Adjustment' which is composed of three kinds of contents, namely encouraged project contents, limited projects content and eliminated projects content.

⁽⁵⁾ Commission Implementing Regulation (EU) 2017/969 of 8 June 2017 imposing definitive countervailing duties on imports of certain hot-rolled flat products of iron, non-alloy or other alloy steel originating in the People's Republic of China and amending Commission Implementing Regulation (EU) 2017/649 imposing a definitive anti-dumping duty on imports of certain hot-rolled flat products of iron, non-alloy or other alloy steel originating in the People's Republic of China (OJ L 146, 9.6.2017, p. 17) ('HRF case'), Commission Implementing Regulation (EU) 2018/1690 of 9 November 2018 imposing definitive countervailing duties on imports of certain pneumatic tyres, new or retreaded, of rubber, of a kind used for buses or lorries and with a load index exceeding 121 originating in the People's Republic of China and amending Commission Implementing Regulation (EU) 2018/1579 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain pneumatic tyres, new or retreaded, of rubber, of a kind used for buses or lorries, with a load index exceeding 121 originating in the People's Republic of China and repealing Commission Implementing Regulation (EU) 2018/163 (OJ L 283, 12.11.2018, p. 1) ('Tyres case') and Commission Implementing Regulation (EU) 2019/72 of 17 January 2019 imposing a definitive countervailing duty on imports of electric bicycles originating in the People's Republic of China (OJ L 16, 18.1.2019, p. 5) ('E-bikes case'), Commission Implementing Regulation (EU) 2020/776 of 12 June 2020 imposing definitive countervailing duties on imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt and amending Commission Implementing Regulation (EU) 2020/492 imposing definitive anti-dumping duties on imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt (OJ L 189, 15.6.2020, p. 33) ('GFF case').

⁽⁶⁾ See Panel Report, United States – Countervailing Duty Measures on Certain Products from China, WT/DS437/R, adopted 16 January 2015, para. 7.152.

- (17) To the Commission's knowledge, the latest amendment of the Guiding Catalogue for Industry Restructuring was approved by Decree of the National Development and Reform Commission of the People's Republic of China No 29 of 27 August 2019 and entered into force on 1 January 2020 ⁽⁷⁾. This new 'Guiding Catalogue for Industry Restructuring (2019 Version)' was adopted and entered into effect during the investigation period. Therefore, 'The Guiding Catalogue for Industry Restructuring' referred to in Decision No 40 was applicable during the investigation period.
- (18) After final disclosure the GOC reiterated its claim that the Commission had misinterpreted the role of the Chinese Government's plans and projects and maintained that these are purely guidance documents and not legally binding. It also disagreed with relying on facts established in previous investigations, as well as with the use of references from the 2017 Commission staff working document on Significant Distortions in the Economy of the People's Republic of China for the purposes of Trade Defence Investigations ⁽⁸⁾, which the GOC considers to be inaccurate and not objective, as it was written specifically to facilitate the initiation of trade defence investigations. The GOC furthermore objected to the Commission's view that the laws, regulations and Government plans can reasonably be assumed to remain applicable unless it is demonstrated that they are repealed or replaced.
- (19) First, the Commission noted that the GOC did not bring forward any new substantial arguments or evidence concerning the general role of the Chinese Government's plans and projects, and their binding nature.
- (20) Second, concerning the use of information contained in the China Report, the fact that the document was issued bearing in mind its potential use in trade defence investigations does not render the objective evidence contained therein incorrect or impartial as such, as claimed by the GOC. The Commission also notes that it only referred twice to this document in the current investigation, once as a general introduction to the system of five-year plans, and once in the context of establishing a link between planning documents and encouraged sectors. These references were used in combination with and corroborated by other references, including documents issued by the GOC itself.
- (21) Third, the Commission maintains that established laws, regulations and Government plans can reasonably be assumed to remain applicable until it is demonstrated that they are repealed or replaced. Indeed, as part of the investigation the Commission sent to the GOC a list of reference documents concerning the general legal framework, rules and procedures applicable in the PRC, as well as some specific documents concerning the industry concerned. The GOC was requested to review the completeness and validity of these documents and to update or complement them wherever applicable. After receiving a substantiated reply and updated reference documents from the GOC, the Commission considered it could reasonably assume that those documents that were not repealed or replaced were still applicable.
- (22) Therefore, the claims of the GOC in this respect were rejected.
- (23) Following initiation, the GOC further argued that the complainant did not establish the conditions for applying an out-of-country benchmark for land use rights ('LUR'). The Commission found, however, that the allegations contained in the complaint are supported by recent EU anti-subsidy investigations concluding on those matters the need for external benchmarks adjusted to the prevailing conditions in the PRC ⁽⁹⁾.
- (24) Furthermore, the GOC claimed that various subsidy schemes alleged by the complainant could not be considered a subsidy as the complaint did not provide for detailed evidence concerning the existence, amount and nature of these subsidies, or the direct relationship between the subsidy and the product concerned. The GOC further claimed, in relation to various subsidies, that the complainant failed to provide evidence of benefit and specificity.

⁽⁷⁾ <http://www.gov.cn/xinwen/2019-11/06/5449193/files/26c9d25f713f4ed5b8dc51ae40ef37af.pdf>.

⁽⁸⁾ Commission Staff Working Document on Significant Distortions in the Economy of the People's Republic of China for the purposes of Trade Defence Investigations, 20 December 2017, SWD(2017) 483 final/2 (the 'China Report').

⁽⁹⁾ See the cases cited in footnote 5 before.

- (25) The Commission is of the view that the complainant provided sufficient evidence of the existence, amount, nature, benefit and specificity as was reasonably available to it. Furthermore, the Commission highlights that recent EU anti-subsidy investigations related to the same subsidy programmes alleged in the complaint had also examined benefit and specificity of the same programmes and had concluded differently on these matters⁹. In any event, the Commission examined the evidence in the complaint and provided its own assessment of all relevant elements in the memorandum of sufficiency of evidence, which was put on the open file upon initiation. The GOC reiterated its comments following initiation, but did not provide any further evidence.
- (26) Therefore, the Commission concluded that there was sufficient evidence provided in the complaint tending to show the existence of the alleged subsidisation by the GOC.
- (27) In its submission following initiation the GOC indicated that the tax scheme providing VAT rebates on domestically produced equipment had been terminated. The Commission took note of this comment, but highlighted the tax schemes relating to VAT rebates, or import tariff and VAT exemptions on imported equipment, could still procure ongoing benefits such as depreciation over the lifespan of the relevant equipment, possibly covering the investigation period.
- (28) Following initiation, the GOC also argued that the complainants incorrectly set aside the fact that the ACF industry in the Union benefits from several direct and indirect subsidies, support and incentives in various forms from the EU and Member State authorities and that the Commission should not apply double standards. After final disclosure the GOC also reiterated this claim.
- (29) This claim concerning subsidies in the EU had no weight on the Commission's assessment underlying the initiation of this case, as they do not fall within the factors considered for this purpose.

1.2. Registration of imports, non-imposition of provisional measures and subsequent procedure

- (30) The Union industry did not submit a request for registration of imports pursuant to Article 24(5) of the basic Regulation.
- (31) On 6 August 2021, in accordance with Article 29a(2) of the basic Regulation, the Commission informed the interested parties of its intention not to impose provisional countervailing measures and to continue the investigation. Since no provisional countervailing measures were imposed, the Commission did not register imports under Article 24(5a) of the basic Regulation. The Commission continued seeking and checking all information it deemed necessary for its definitive findings.

1.3. Investigation period and period considered

- (32) The investigation of subsidisation and injury covered the period from 1 July 2019 to 30 June 2020 ('the investigation period' or 'IP'). The examination of trends relevant for the assessment of injury covered the period from 1 January 2017 to the end of the investigation period ('the period considered').
- (33) Both the current anti-subsidy investigation and the separate anti-dumping investigation mentioned in recital (4) have the same investigation period and the same period considered.

1.4. Interested parties

- (34) In the Notice of Initiation, the Commission invited interested parties to contact it in order to participate in the investigation. In addition, the Commission specifically informed the complainant, the GOC, other known Union producers, the known exporting producers, known importers and users about the initiation of the investigation and invited them to participate.
- (35) Interested parties had an opportunity to comment on the initiation of the investigation and to request a hearing with the Commission and/or the Hearing Officer in trade proceedings.

- (36) Several parties requested a hearing with the Commission services. Parties who made a request within the stipulated deadlines were granted an opportunity to be heard. Xiamen Xiashun Aluminium Foil Co. Ltd. requested an intervention from the Hearing Officer, and a hearing with the Hearing Officer took place on 8 April 2021.

1.5. Sampling

1.5.1. *Sampling of Union producers*

- (37) In the Notice of Initiation, the Commission stated that it had provisionally selected a sample of Union producers. The Commission selected the sample on the basis of the volume of production and sales of the like product in the Union during the investigation period. The sample consisted of three Union producers. The sampled Union producers accounted for more than 50 % of the estimated total production and 40 % of the estimated total Union sales volume of the like product. The Commission invited interested parties to comment on the provisional sample. No comments were received and therefore the sample was confirmed.

1.5.2. *Sampling of importers*

- (38) To decide whether sampling was necessary and, if so, to select a sample, the Commission asked unrelated importers to provide the information specified in the Notice of Initiation.
- (39) Two unrelated importers provided the requested information and agreed to be included in the sample. Given the small number of replies, sampling of unrelated importers was not necessary.

1.5.3. *Sampling of exporting producers in China*

- (40) To decide whether sampling was necessary and, if so, to select a sample, the Commission asked all exporting producers in China to provide the information specified in the Notice of Initiation. In addition, the Commission asked the Mission of the People's Republic of China to identify and/or contact other exporting producers, if any, that could be interested in participating in the investigation.
- (41) Nine exporting producers or groups of exporting producers in the PRC provided the requested information and agreed to be included in the sample. In accordance with Article 27(1) of the basic Regulation, the Commission selected a sample of three groups of exporting producers on the basis of the largest representative volume of exports to the Union that could reasonably be investigated within the time available. These companies represented over 90 % of the estimated total Union imports of the product concerned.
- (42) In accordance with Article 27(2) of the basic Regulation, all known exporting producers concerned and the authorities of the country concerned were given the opportunity to comment on the selection of the sample. No comments were received.
- (43) The sample of groups of exporting producers is the following:
- Nanshan Group, including Yantai Donghai Aluminum Foil Co., Ltd
 - Wanshun Group, including Jiangsu Zhongji Lamination Materials Co., Ltd
 - Daching Group, including Xiamen Xiashun Aluminium Foil Co., Ltd.

1.6. Individual examination

- (44) Four of the Chinese exporting producers that returned the sampling form informed the Commission of their intention to request individual examination under Article 27(3) of the basic Regulation. The Commission made the questionnaire available online on the day of the initiation. Moreover, the Commission informed the non-sampled exporting producers that they were required to provide a questionnaire reply if they wished to be examined individually. However, none of the companies provided a questionnaire reply. As a result, no individual examinations were possible.

1.7. Questionnaire replies and verification visits

- (45) The Commission sent a questionnaire to the complainant and the questionnaires for the Union producers, importers, users, and exporting producers in China were made available online on the day of initiation ⁽¹⁰⁾.
- (46) The Commission also sent a questionnaire to the GOC, which included specific questionnaires for Sinosure, the banks and other financial institutions that provided financing or export credits to the sampled exporting producers, and for the top 10 producers and distributors of the input materials used by the sampled exporting producers. The GOC was also asked for administrative convenience to gather any responses provided by these financial institutions and producers or distributors of input materials, and to send them directly to the Commission.
- (47) The Commission received a questionnaire reply from the GOC, which included a questionnaire reply from the Export-Import Bank of China ('EXIM bank') and Sinosure. However, no reply was received from any of the other banks or financial institutions, or from the main producers and distributors of the input materials.
- (48) The Commission also received questionnaire replies from all sampled exporting producer groups, from the three sampled Union producers, nine users and one unrelated importer.
- (49) Without prejudice to the application of Article 28 of the basic Regulation, the Commission sought and crosschecked all the information deemed necessary for the determination of subsidy, resulting injury and Union interest. Due to the outbreak of the COVID-19 pandemic and the consequent measures taken to deal with the outbreak ('the COVID-19 Notice') ⁽¹¹⁾, the Commission was unable to carry out verification visits at the premises of the GOC, the sampled companies and the cooperating importers and users. Instead, the Commission performed a remote crosscheck ('RCC') of the information provided by the GOC, during which officials from the relevant ministries and other government authorities participated. The Commission furthermore carried out RCCs of the following companies via videoconference:
- (a) Union producers
- Carcano Antonio Spa, ('Carcano'), Italy
 - Eurofoil Luxembourg S.A. ('Eurofoil'), Luxembourg
 - Hydro Aluminium Rolled Products GmbH ('Hydro'), Germany
- (b) Users
- Manreal ('Manreal'), Spain
 - Walki Group Oy ('Walki'), Finland
- (c) Sampled exporting producers in China
- (1) Nanshan Group:
- Yantai Donghai Aluminium Foil Co., Ltd. ('Donghai Foil')
 - Yantai Jintai International Trade Co., Ltd.
 - Longkou Nanshan Aluminium New Material Co., Ltd.
 - Longkou Nanshan Aluminum Rolling New Material Co., Ltd.
 - Shandong Nanshan Aluminium Co., Ltd. ('Shandong Nanshan')
 - Nanshan Group Co., Ltd. ('Nanshan Group Co., Ltd.')
 - Nanshan Group Finance Co., Ltd. ('Nanshan Finance')
 - Longkou Donghai Alumina Co., Ltd
 - Shandong Yili Electric Industry Co., Ltd.

⁽¹⁰⁾ Available at https://trade.ec.europa.eu/tdi/case_details.cfm?id=2501.

⁽¹¹⁾ Notice on the consequences of the COVID-19 outbreak on anti-dumping and anti-subsidy investigations (2020/C 86/06) OJ C 86, 16.3.2020, p. 6.

(2) Wanshun Group:

- Jiangsu Zhongji Lamination Materials Co., Ltd.
- Jiangsu Zhongji Lamination Materials Co., (HK) Ltd.
- Anhui Maximum Aluminium Industries Co., Ltd
- Shantou Wanshun New Material Group Co., Ltd ('Shantou Wanshun')
- Jiangsu Huafeng Aluminium Industry Co., Ltd

(3) Daching Group and related companies:

- Xiamen Xiashun Aluminium Foil Co. Ltd ('Xiamen Xiashun')
- Xiamen Qishun Real Estate Co., Ltd
- Yunnan Yongshun Aluminum Co., Ltd ('Yongshun')
- Yunnan Yunlv Yongxin Metal Processing Co., Ltd ('Yongxin')
- Daching Enterprises Ltd.

- (50) The RCC scheduled with Manreal could not be finalized due to its insufficient cooperation. Manreal requested the intervention of the Hearing officer, who confirmed that the termination of the RCC did not violate Manreal's rights of defence. The questionnaire reply of Manreal was thus not considered for the definitive findings. However, this did not impact the conclusions on Union Interest. Despite the termination of the RCC, this company was still considered as an interested party and its comments in the investigation were taken into account.

1.8. Final disclosure

- (51) On 3 November 2021, the Commission informed all parties of the essential facts and considerations on the basis of which it intended to impose a definitive anti-subsidy duty on imports of the product concerned ('final disclosure').
- (52) All parties were granted a period within which they could make comments on the final disclosure. Interested parties had an opportunity to comment on the initiation of the investigation and to request a hearing with the Commission and/or the Hearing Officer in trade proceedings.
- (53) The Commission addressed in this regulation comments submitted during the anti-subsidy procedure. Comments submitted in the context of the separate anti-dumping investigation were not addressed in this regulation unless the parties explicitly indicated that the comments submitted covered both procedures.

2. PRODUCT CONCERNED AND LIKE PRODUCT

2.1. Product concerned

- (54) The product concerned is aluminium converter foil of a thickness of less than 0,021 mm, not backed, not further worked than rolled, in rolls of a weight exceeding 10 kg ('the product concerned').
- (55) The following products are excluded:
- (a) Aluminium household foil of a thickness of not less than 0,008 mm and not more than 0,018 mm, not backed, not further worked than rolled, in rolls of a width not exceeding 650 mm and of a weight exceeding 10 kg.
 - (b) Aluminium household foil of a thickness of not less than 0,007 mm and less than 0,008 mm, regardless of the width of the rolls, whether or not annealed.
 - (c) Aluminium household foil of a thickness of not less than 0,008 mm and not more than 0,018 mm and in rolls of a width exceeding 650 mm, whether or not annealed.
 - (d) Aluminium household foil of a thickness of more than 0,018 mm and less than 0,021 mm, regardless of the width of the rolls, whether or not annealed.

2.2. Like product

- (56) The investigation showed that the following products have the same basic physical, chemical and technical characteristics as well as the same basic uses:
- the product concerned;
 - the product produced and sold on the domestic market of the country concerned; and
 - the product produced and sold in the Union by the Union industry.
- (57) The Commission decided at this stage that those products are therefore like products within the meaning of Article 2(c) of the basic Regulation.

2.3. Claims regarding product scope

- (58) Several parties submitted product exclusion requests concerning the following products: ACF of gauge below 6 microns ('ACF< 6') and ACF for electric car batteries ('car battery ACF').

2.3.1. ACF of gauge below 6 microns

- (59) Several users, Walki, Gascogne and Alupol, claimed that Union producers do not offer ACF < 6. This is allegedly evidenced by the fact that Union producers do not promote such products on their webpages, in their brochures and by their refusal of orders of such products. Neither are the Union producers interested in offering ACF< 6, since their production capacity is filled with other product orders, taking into account also the expected demand for automotive battery foil. Union producers are not in a position to provide the requested "commercial" quality, especially regarding porosity/permeability, measured in maximum pinholes per square meters. The use of thinner ACF is furthermore more environmentally friendly and should also for this reason be excluded from the scope.
- (60) In addition, Huhtamäki argued that the Union industry has supply constraints for thinner ACF.
- (61) The Commission has requested all nine users that cooperate with the investigation to specify their current demand for and sources of ACF< 6. Only one user confirmed to have purchased during the IP an amount of ACF< 6 that surpassed the quality threshold for commercial production, from a single Chinese producer. However, even for this user ACF< 6 represents a very small part of its ACF consumption. Other users only indicated requests from their respective customers for products that included ACF< 6, which have triggered trial orders both to the Union ACF industry and to Chinese producers post IP.
- (62) The replies indicated that the demand for ACF< 6 has only very recently started and is in an increasing trend. There was some limited demand for it over the past 10 years, but no clear pattern. This is in line with explanations from the Union producers that in the past there was also a gradual movement into thinner gauges of ACF, from the 7-8 microns range being the lower range in the past into 6 and 6,35 microns becoming the current standard for many applications.
- (63) While a survey amongst the Union producers has shown that, apart from direct negotiations, none of them currently actively markets ACF< 6, the Commission has collected ample evidence that the Union producers are capable to produce ACF< 6. This includes test roll production post IP, which according to testing documentation met the purchaser's technical demands. Furthermore, the Commission could confirm sales of ACF< 6 of various Union producers in commercial production quantities, even if on a limited scale, over a period of 10 years prior to the IP. The Commission could also observe investments in quality control. The Commission therefore concluded that the Union industry can provide quality to fit the market demand.

- (64) Second, the capacity to produce ACF< 6 is limited by the last step i.e. the rolling mills. Therefore, the Commission has analysed the capacity of various Union producers in this last step, also taking into account the demand for other products in the various production steps. All sampled Union producers have sufficient free capacity to enable them to provide ACF< 6, even if demand for car battery foil increases in the future. The Commission could therefore not confirm the risk of a supply shortage for a future increase in ACF< 6 demand.
- (65) Third, regarding the argument that the use of thinner ACF is more environmentally friendly, the Commission recalled that the intended effect of trade defence measures in the form of duties is not to prevent imports of a given product but to ensure that those imports are traded at non-injurious prices. The Commission also recalled the capability of the Union producers to manufacture ACF< 6.
- (66) Finally, as to the argument of Huhtamäki concerning the supply constraint, the investigation revealed that the production capacity of the Union industry of ACF< 6 is considerably greater than the demand.
- (67) In view of the above considerations, the Commission rejected the request for exclusion of ACF < 6 from the product scope of the product under investigation.
- (68) Gascogne requested that its arguments made in the separate anti-dumping procedure concerning the same product originating from the PRC were incorporated into this anti-subsidy investigation. The Commission already addressed the same arguments in recitals 25 to 28 Regulation (EU) 2021/2170.
- (69) Walki also requested that its arguments made in the separate anti-dumping investigation were incorporated into this anti-subsidy investigation. In this respect, the Commission refers to its findings in recitals 29 to 32 of Regulation (EU) 2021/2170.
- (70) In addition, Walki explained during its hearing after final disclosure, that post-IP in October 2021, there was still no active open market sales or marketing of European producers for ACF< 6. Walki submitted evidence that post-IP it did not receive a positive response to its requests for quotation on ACF< 6 and explained that only one Union producer would be in the position to accept orders of ACF< 6 in commercial quantity. The Commission already addressed the same arguments in recital 28 Regulation (EU) 2021/2170

2.3.2. ACF for car batteries

- (71) One interested party, Xiamen, requested the exclusion of aluminium car battery foil on the following grounds:
- Aluminium car battery foil is a very different product with a different usage, as it uses the 1050/1060/1100/3003 alloys while the major alloys to produce ACF for packaging are 8079/8011 alloys;
 - the production equipment and processes is different, resulting in two bright surfaces as opposed to the dull/bright surface of other ACF. This also leads to different cost of production and sales prices;
 - it is not manufactured by the Union producers; and
 - it is currently not exported to the EU.
- (72) In response, the Commission first noted that all the alloys named by the interested party share the same characteristic in that they all contain more than 98 % of aluminium and the complaint is not limited to a specific alloy. The use of different alloys for different product variations is not unusual and cannot serve as an exclusion criteria.
- (73) Second, the bright/dull surface is a consequence of rolling two layers of ACF together in the last rolling mill, where the sides of ACF facing each other during the rolling turn out dull. This production method was covered by the complaint, which explicitly stated that both surfaces of ACF can be bright if specified by the customer. The intended use of ACF for car batteries cannot therefore justify any exclusion from the product scope as the physical characteristics of the product are the same. The same applies to the higher cost due to single layer rolling.

- (74) Third, the car battery production in the Union is still in its starting phase. The Commission collected evidence demonstrating that the Union producers are preparing to meet the demand of this emerging market segment. Furthermore, the argument runs counter to the claim made by Walki related to the exclusion of ACF < 6, that the Union industry might focus so much on car battery foil that they would potentially not be interested in dedicating sufficient production capacity to ACF < 6.
- (75) Fourth, the fact that currently there are no major exports from the PRC reflects the fact that the electric car battery production in the EU is still in its infancy, and this is thus not a viable argument for an exclusion.
- (76) The analysis has shown that ACF for electric car batteries is technically ACF included in the defined scope of the investigation.
- (77) In view of the above considerations, the Commission rejected the request for exclusion of ACF for electric car batteries from the product scope of the product under investigation.
- (78) Following the final disclosure, Xiamen Xiashun argued that the four arguments by the Commission in support of the rejection of the exclusion are erroneous, do not respond to the arguments raised by Xiamen Xiashun and fail to provide the substantive data based on which the Commission reached those conclusions. The Commission failed to provide any factual evidence that responds to Xiamen Xiashun's exclusion request in its submissions and the hearing on 23 February. The refusal to indicate on which evidence the Commission based its rejection on infringes Xiamen Xiashun's rights of defence. Xiamen Xiashun further argued that a late submission of evidence by the complainant in respect of the battery foil exclusion request in the anti-dumping proceeding raises doubts as to what evidence was actually considered by the Commission in the anti-subsidy investigation. Xiamen Xiashun argued that a submission of the complainant dated 19 July 2021 was made after the deadline of the deadline of comments at the provisional stage of the anti-dumping investigation and should not be considered. Further, an excessive confidentiality in the submission renders it impossible for Xiamen Xiashun to meaningfully respond.
- (79) The Complainants' submission of 19 July 2021 was a reaction to Xiamen Xiashun's submission of 5 July 2021, in which Xiamen Xiashun provided arguments for the exclusion of ACF for electric car batteries from the scope. The open version of that submission was not redacted excessively. The redaction of the name of the company, which prepared the technical details of the submission as well as the redaction of details on their technical production were necessary not to reveal confidential details on the company's business. The Commission therefore rejects the argument that it infringed Xiamen Xiashun's rights by considering that submission. Further the Commission rejects the claim that it did not specify, which evidence it took into account. The Commission necessarily took into account all evidence on the case file.
- (80) Xiamen Xiashun had argued that due to different usage and technical characteristics aluminium foil for electric car batteries would be a new product for the industry, even if it is aluminium foil. The Commission however, had responded to all of these arguments, clearly stating that also ACF for electric car batteries shares the technical characteristics and production steps. The technical differences on which Xiamen Xiashun had elaborated did only show a distinction to other kinds of ACF, but did not demonstrate that ACF for electric car batteries would not share the characteristics defined in the product scope of the investigation. The Commission also responded to the argument that the Union industry would not be capable to produce ACF for electric car batteries. The Commission therefore rejected the claim.
- (81) Xiamen Xiashun argued that the Commission committed manifest errors of assessment and acted in breach of the principle of sound administration, as it did not examine with all due care and impartiality the evidence provided and did not take due account of all relevant evidence when making its determinations by not providing a meaningful summary on the plans of Union producers to increase their capacity to meet the demand for battery foil and dismissing the evidence provided by Xiamen Xiashun in respect of the expected demand for battery foil.

- (82) Xiamen Xiashun claimed that the Commission's statements that the "substantial spare capacity of the Union industry can meet the demand on the emerging battery foil market" contradicted its statement that "data showing the preparation of Union producers to meet the demand of battery foil is highly confidential and not susceptible of being summarised since these projects are not yet public and thus highly sensitive".
- (83) Xiamen Xiashun also claimed that the Commission dismissed its comprehensive overview on the expected demand on the basis that the realisation of several battery projects was indicated to take place at an undetermined moment in the future. Xiamen Xiashun claimed that this is inherent to data relating to planned projects.
- (84) The Commission's statement that the Union industry can meet the demand on the emerging battery foil market relates to the overall spare capacity in the rolling mills. The data showing the preparation of Union producers to meet the demand of battery foil relates to the efforts of the Union industry to be able to produce according to the specific characteristics requested by battery producers. By providing a summary of these efforts, the Commission would reveal business strategies of Union producers. There is no thus contradiction between the aforementioned statements. The Commission therefore rejected this claim.
- (85) In assessing the overview on the expected future demand that Xiamen Xiashun provided from a publically available source, the Commission differentiated between projects in a planning phase with a specific timeframe and intended projects for which there is no indication of the year in which they will become operational. This is not a dismissal of evidence provided by Xiamen Xiashun, but a thorough analysis of the actual demand to be expected. Indeed, the assessment of whether the Union industry can fulfil the expected future demand was appropriately based on battery projects, whose realisation is scheduled to take place at a specific year in the future. The claim was thus rejected.

2.4. Withdrawal of the United Kingdom from the EU

- (86) This case was initiated during the transition period following the withdrawal of the United Kingdom ('UK') from the EU. During this transition period, the UK remained subject to Union law. The transition period ended on 31 December 2020. Consequently, as of 1 January 2021, companies and associations located in the UK no longer qualified as interested parties in this proceeding. In conclusion, as the UK is no longer subject to the Union law, the findings on subsidy and injury are based on the EU-27 market data.

3. SUBSIDISATION

3.1. Introduction: Presentation of Government plans, projects and other documents

- (87) Before analysing the alleged subsidisation in the form of subsidies or subsidy programmes, the Commission assessed government plans, projects, and other documents, which were relevant for the analysis of the investigated subsidy programmes. It found that all subsidies or subsidy programmes under assessment form part of the implementation of the GOC's central planning to encourage the ACF industry for the following reasons.
- (88) The direction of the Chinese economy is to a significant degree determined by an elaborate system of planning which sets out priorities and prescribes the goals the central and local governments must focus on. Relevant plans exist at all levels of government and cover all economic sectors. The objectives set by the planning instruments are of binding nature and the authorities at each administrative level monitor the implementation of the plans by the corresponding lower level of government. Overall, the system of planning in the PRC results in resources being allocated to sectors designated as strategic or otherwise politically important by the government, rather than being allocated in line with market forces ⁽¹²⁾.

⁽¹²⁾ Commission Staff Working Document on Significant Distortions in the Economy of the People's Republic of China for the purposes of Trade Defence Investigations, 20 December 2017, SWD(2017) 483 final/2 (the 'Report') – Chapter 4, p. 41-42, 83.

- (89) ACF is regarded as a key product by the GOC, as found in public policy documents and lists. Such categorisation is of significant importance as it qualifies given sectors for coverage by a variety of specific policies and support measures designed to spur development in each sector ⁽¹³⁾. ACF is also integrated within the new materials in the Made in China 2025 strategy ⁽¹⁴⁾ and is included in numerous plans, directives and other documents, which are issued at national, regional and municipal level, and are mutually interlinked. Examples of such key policy documents include the following plans, projects and other documents.
- (90) The “10th Five Year Plan of Economic and Social Development (2001-2005)” indicates that the acceleration of industrial restructuring and reorganization would be undertaken with the objective of the development of industrial products, including the raw materials industry, and more specifically, alumina ⁽¹⁵⁾.
- (91) The “National 11th Five-Year Plan of Economic and Social Development (2006-2010)” calls for the development of aluminium processing and enhancement of the “comprehensive utilization level of aluminium industrial resources.” ⁽¹⁶⁾
- (92) The “National 12th Five-Year Plans of Economic and Social Development (2011-2015)” indicates that the restructuring of key industries should include new progress in R & D, integrated resources utilization, energy conservation, and emission reduction by the smelting and building material industries ⁽¹⁷⁾.
- (93) The 13th Five Year Plan for National Economic and Social Development of the PRC (‘the 13th Five Year Plan’), which covers the period 2016-2020, highlights the strategic vision of the GOC for improvement and promotion of key industries. The 13th Five-Year Plan emphasised the GOC’s intention to strengthen the development of strategic high technologies and displays how the GOC favours “key” industries, which should be promoted and improved. This Plan identifies the nonferrous metals industry, of which the aluminium foil industry is a part, as one of such “key” industries for which the service supporting system, including finance, taxation, insurance, and investment platforms should be perfected ⁽¹⁸⁾.
- (94) The “Decision of the State Council on Promulgating the Interim Provisions Promoting Industrial Structure Adjustment for Implementation (Guo Fa (2005) No 40)” (‘Decision 40’) indicates that the “Catalogue for the Guidance of Industrial Structure Adjustment” is an important basis for investment guidance and government administration of policies such as public finance, taxation, and credit. Decision 40 further indicates that projects in “encouraged” industries shall be provided credit support in compliance with credit principles. ⁽¹⁹⁾
- (95) The “Catalogue for the Guidance of Industrial Structure Adjustment” specifically includes aluminium, and the development of production technology within it, as encouraged ⁽²⁰⁾. This is confirmed in the Guiding Catalogue for Industry Restructuring (2019 Version), according to which aluminium rolling processing, vacuum aluminizing for packing and aluminium alloy processing are all encouraged.
- (96) The “Nonferrous Metal Development Plan (2016-2020)” describes the nonferrous metal industry as an important foundation of the manufacturing industry and support for the “realization of manufacturing power.” Further, priority is indicated for the development of aluminium foil ⁽²¹⁾.

⁽¹³⁾ Report – Chapter 2, p. 17.

⁽¹⁴⁾ Made in China 2025 Roadmap – Chapter 9.

⁽¹⁵⁾ See 10th Five-Year Plan, page 11.

⁽¹⁶⁾ See 11th Five-Year Plan, page 16.

⁽¹⁷⁾ See 12th Five-Year Plan, page 10.

⁽¹⁸⁾ See 13th Five-Year Plan, page 1.

⁽¹⁹⁾ See Decision of the State Council on Promulgating the Interim Provisions Promoting Industrial Structure Adjustment of 2 December 2005, Chapter III Articles 12, 13, 14, and 17.

⁽²⁰⁾ See Directory Catalogue on Readjustment of Industrial Structure Adjustment (Version 2005), VIII.7.

⁽²¹⁾ See Development Planning of Non-ferrous Metals Industry (for 2016 to 2020), p 1. And 34.

- (97) The “Notice of Guidelines on Accelerating the Adjustment of Aluminium Industry Structure (2006)” indicates that, “Aluminium is an important raw material for the development of the national economy.”⁽²²⁾ This document indicates targeted financial support for the aluminium sector: “According to the national macro-control, industrial policy and credit requirements, the financial institutions shall conduct reasonable allocation of credit funds. For alumina enterprises and electrolytic aluminium enterprises that meet the national industrial policies, market access conditions and credit principles, it is required to continue to give credit support; for enterprises non-compliant with national industrial policy and market access conditions, with backward technology and listed in prohibited items or eliminated, they shall not be provided with any form of credit support.”⁽²³⁾
- (98) The China High-Tech Products Catalogue issued by the Ministry of Science and Technology, the Ministry of Foreign Trade and the General Administration of Customs lists 1 900 high-tech products in categories, which are targeted for preferential export policies provided by the government. One of the categories is the so-called “New materials” category, which includes ACF⁽²⁴⁾.
- (99) By being an encouraged industry in the Made in China 2025 strategy, the ACF industry is eligible to benefit from considerable State funding. A number of funds had been created to support the Made in China 2025 initiative⁽²⁵⁾ and hence the ACF industry⁽²⁶⁾.
- (100) Furthermore, The Made in China 2025 Roadmap⁽²⁷⁾ gives 10 strategic sectors, which are the key industries for the GOC. It includes in Sector 9 ‘New materials’ and spells out the objectives to “actively develop special new materials for both military and civilian use, speed up two-way transfer and transformation of technologies and promote integrated military and civilian development of new material industry as well as accelerate the upgrading of basic materials”⁽²⁸⁾. ACF as part of new materials fall under the development priorities of this sector. The new materials thus benefits from the advantages stemming from the support mechanisms listed in the document, including, among others, financial support policies, fiscal and taxation policy, and State council oversight and support.
- (101) The approach of the GOC to define encouraged industries and products in catalogues in order to allocate resources accordingly, based on their strategic or political importance as attributed by the GOC, and to implement and supervise the plans at each administrative level can be further observed by examining the Catalogue of Strategic and Emerging Products and Services of the National Development and Reform Commission (‘NDRC’) from 2016⁽²⁹⁾. ACF is included under new materials.
- (102) Decision No 40, Chapter III refers to ‘The Guiding Catalogue for Industry Restructuring’ which is composed of three kinds of contents, namely encouraged project contents, limited projects content and eliminated projects content. According to Article XVII of the Decision, if “the investment project belongs to the encouragement content it shall be examined and approved and put on records according to the relevant national regulations on investment; all financial institutions shall provide credit support according to the credit principles; the self-using equipment imported in the total amount of investment, with the exception of commodities in the Non-exempt Imported Commodities Content of Domestic Invested Projects (amended in 2000) issued by the Ministry of Finance, can be exempt from import duty and import links value-added tax, unless there are new regulations on the non-exempt investment projects content. Other favorite policies on the encouraged industrial projects shall be implemented according to relevant national Regulations”.
- (103) Consequently, Decision No 40 read together with the Guiding Catalogue for Industry Restructuring provides for specific treatment of certain projects within certain encouraged industries.

⁽²²⁾ See Notice of Guidelines Accelerating the Adjustment of Aluminum Industry Structure, p. 1.

⁽²³⁾ See Notice of Guidelines Accelerating the Adjustment of Aluminum Industry Structure, p. 4.

⁽²⁴⁾ See Catalogue of high and new technology products (2006).

⁽²⁵⁾ See US-China Economic and Security Review Commission: The 13th Five-Year Plan, page 12.

⁽²⁶⁾ https://www.ndrc.gov.cn/fzggw/jgsj/gjss/sjdt/201806/t20180612_1154987.html?code=&state=123, last accessed on 21 September 2021.

⁽²⁷⁾ <https://www.cae.cn/cae/html/files/2015-10/29/20151029105822561730637.pdf>, last accessed on 28 June 2021.

⁽²⁸⁾ Notice of the State Council on Promulgating “Made in China 2025” Plan, Sector 9 New materials.

⁽²⁹⁾ https://www.ndrc.gov.cn/xxgk/zcfb/gg/201702/t20170204_961174.html?code=&state=123, last accessed on 21 September 2021.

- (104) Considering the above-mentioned plans and programmes, the ACF industry is thus regarded as a key/strategic industry, whose development is actively pursued by the GOC as a policy objective. On the basis of the policy documents referred to in this section, the Commission concluded that the GOC intervenes in the ACF industry to implement the related policies and interferes with the free play of market forces in the ACF sector, notably by promoting and supporting the sector through various means.
- (105) Following final disclosure, the GOC claimed that the documents mentioned above in this section do not provide basis for specific support or encouragement for ACF industry. According to the GOC, there is insufficient evidence to prove that ACF industry is an encouraged industry and the documents that refer to nonferrous metals, aluminium industry and/or new materials do not cover ACF.
- (106) The Commission disagreed. Firstly it maintains that it can be reasonably assumed that the description of products such as new materials, nonferrous metals and aluminium industry also covers aluminium foil. Second, some of the documents listed above, such as the “Nonferrous Metal Development Plan (2016-2020)” referred to in recital (96) and the China High-Tech Products Catalogue in recital (98) also explicitly mention aluminium foil as such. Third, the investigation established that the cooperating exporting producers had benefited from subsidies that are only eligible to encouraged industries as stipulated in the Decision No 40 and analysed in detail in relevant sections below. The Commission therefore rejected the claims of the GOC.

3.2. Partial non-cooperation and use of facts available

- (107) Following final disclosure, the GOC made some general remarks concerning the Commission’s decision to apply the provisions of Article 28(1) of the basic Regulation with regard to preferential lending, export credit insurance, and input materials.
- (108) The GOC claimed that all of the Commission’s requests for information to which the GOC could not provide responses, were unreasonable, since these requests assumed the existence of legal powers which the GOC did not possess.
- (109) Furthermore, the GOC argued that the Commission did not properly evaluate the facts before it and did not provide a proper explanation of why the facts available reasonably replaced any necessary information that was missing.
- (110) As set out below in recital (118) the Commission was of the opinion that the GOC did have the legal power to obtain the requested information, as shareholder or responsible authority of the entities for which the Commission requested the information. The Commission did set out in its communication to the GOC, repeated in sections 3.2.1 to 3.2.3 below, why it had to rely on facts available. The Commission considered publicly available information to be a reasonable replacement for the information that was not provided by the GOC. The Commission therefore rejected the claims of the GOC.

3.2.1. *Application of the provisions of Article 28(1) of the basic Regulation in relation to preferential lending*

- (111) For administrative convenience, the Commission requested the GOC to forward specific questionnaires to any financial institution that provided loans or export credits to the sampled companies.
- (112) At first, only a reply from EXIM bank and Sinosure was received. The GOC did not respond to the Commission’s request to provide questionnaires to all financial institutions that provided loans or export credits to the sampled companies. In the deficiency letter, the Commission therefore repeated its request with regard to the financial institutions with a view to maximising their engagement in the investigation by providing the necessary information for the Commission to make findings on the existence and extent of the alleged subsidisation.

- (113) Following the deficiency letter, the GOC indicated that it was not authorized to request information from commercial banks. The Commission disagreed with this view. First, it is the Commission's understanding that the information requested from State-owned entities is available to the GOC for all entities where the GOC is the main or major shareholder. In addition, the GOC also has the necessary authority to interact with the financial institutions even when they are not State-owned, since they all fall under the jurisdiction of the CBIRC.
- (114) In the end, the Commission only received information on corporate structure, governance and ownership from EXIM bank but not from any of the other financial institutions, which had provided loans to the sampled companies. Moreover, the Commission did not receive any verifiable company-specific information from any of the banks or financial institutions.
- (115) Since it has received no information in relation to most of the banks that provided loans to the sampled companies, the Commission considers that it has not received crucial information relevant to this aspect of the investigation.
- (116) Therefore, the Commission informed the GOC that it might have to resort to the use of facts available under Article 28(1) of the basic Regulation when examining the existence and the extent of the alleged subsidisation granted through preferential lending.
- (117) In reply, the GOC objected to the application of Article 28(1) of the basic Regulation. It argued that the GOC is not obliged to provide the requested information, that questions should be asked directly to the entities concerned, and not to the GOC in its capacity as investor or shareholder, and that the requested information does not constitute necessary information.
- (118) The Commission agrees that answers should be received from the entities directly concerned. However, the Commission requested the GOC for administrative convenience to forward specific questionnaires to all relevant financial institutions, which it did not do. Furthermore, as mentioned in recital (113) above, the Commission maintained its position that as the regulatory body, the GOC is the authority to request answers to the specific questions from the financial institutions that provided financing to the sampled exporting producers.
- (119) Finally, the Commission considered the requested information to be crucial to assess the control of the GOC over the conduct of the financial institutions with respect to its lending policies and assessment of risk, where they provided loans to the ACF industry.
- (120) The Commission thus concluded that it had to rely partially on facts available when examining the existence and the extent of the alleged subsidisation granted through preferential lending.

3.2.2. *Application of the provisions of Article 28(1) of the basic Regulation in relation to export credit insurance*

- (121) For administrative convenience, the Commission requested the GOC to forward a specific questionnaire to Sinasure.
- (122) Although a questionnaire reply was received, Sinasure failed to give the supporting documentation requested concerning Sinasure's corporate governance, such as its Articles of Association. Furthermore, no specific information about the export credit insurance provided to the ACF industry, the level of its premiums or detailed figures relating to the profitability of its export credit insurance business were received from the GOC or Sinasure.
- (123) In the absence of such information, the Commission considered that it had not received crucial information relevant to this aspect of the investigation. Therefore, the Commission informed the GOC that it might have to resort to the use of facts available under Article 28(1) of the basic Regulation when examining the existence and the extent of the alleged subsidisation granted through export credit insurance.

- (124) In its reply, and following final disclosure, the GOC maintained its position that Sinasure did not provide subsidies specific to the ACF industry and that it follows market-oriented principle to carry out relevant insurance business and has no specific preferential treatment concerning the ACF industry. In addition, export credit insurance was not included in the complaint, therefore the information requested was not necessary or crucial for the Commission's determinations.
- (125) As mentioned in recital (8) above, during the investigation, the Commission has the discretion to investigate all information that is relevant to the alleged subsidies and is not limited to the information contained in the complaint. The Commission furthermore notes that more broadly, schemes related to preferential financing and to direct transfer of funds, which encompass also export credit insurance, were included in the complaint and in the Notice of Initiation. The Commission also considered that the information that the GOC provided with regard to Sinasure was incomplete and did not allow the Commission to draw conclusions on crucial parts of the investigation regarding export credit insurance, specifically whether Sinasure is a public body and whether the premiums charged to the sampled companies were market-based. This claim was thus rejected.
- (126) The Commission thus concluded that it had to rely partially on facts available for its findings concerning export credit insurance.

3.2.3. *Application of the provisions of Article 28(1) of the basic Regulation in relation to input materials*

- (127) The Commission requested the GOC to forward a specific questionnaire to the top 10 producers and distributors of the input materials used in the production of ACF, as well as to any other suppliers of the materials in question, which have provided inputs to the sampled companies. In its reply to the questionnaire, the GOC claimed that it did not have control over the input materials suppliers to provide the confidential information requested in the questionnaire, and that it would be an unreasonable burden for the GOC to coordinate the process with a very significant number of input materials suppliers of the sampled companies.
- (128) The GOC did not provide an overview with the names and the ownership structure of Chinese suppliers of input materials under investigation, claiming that this was confidential information. Furthermore, the GOC failed to provide detailed information on most of the characteristics of the domestic market in China of input materials for ACF, among which: the share of SOE in the domestic production and consumption, the size of the domestic market, the State's and/or SOEs' pricing policies, actual prices of input materials in the domestic market, and statistics.
- (129) Since the Commission received no information from the GOC concerning all elements listed above, among which the domestic market structure, price-setting mechanisms and prices, and shareholding of companies, the Commission considered that it had not received crucial information relevant to the investigation.
- (130) The Commission thus concluded that it had to rely partially on facts available for its findings concerning input materials.

3.2.4. *Application of the provisions of Article 28(1) of the basic Regulation concerning Yongxin*

- (131) According to the subsidy questionnaire, related companies providing inputs and assets for the production process of the sampled exporting producers are required to provide a reply to sections A and E of the questionnaire. However, Yongxin, a related input supplier of the sampled exporting producer Xiamen Xiashun, initially did not provide such a reply. Xiamen Xiashun stated that due to the nature of the relationship, it had no way to compel Yongxin to reply to a questionnaire and that the lack of cooperation by Yongxin should not have any impact on the present investigation.

- (132) The Commission noted that Xiamen Xiashun and Yongxin had set up a joint venture company, Yongshun, due to which these companies were related within the meaning of Article 127 of Commission Implementing Regulation (EU) 2015/2447⁽³⁰⁾. Furthermore, the joint venture company Yongshun was an important provider of raw materials for the production of ACF by Xiamen Xiashun. Consequently, it should submit a subsidy questionnaire reply, as per instructions of the questionnaire and the deficiency letter of 19 February 2021.
- (133) Concerning the lack of impact on the investigation, the Commission noted numerous intercompany transactions between Yongxin and Yongshun, relating to land, raw materials and financing. The Commission thus considered that in the absence of a reply from Yongxin, it was impossible to determine the full extent of the subsidies received by the group.
- (134) Therefore, on 15 March 2021 the Commission informed Xiamen Xiashun that it might have to resort to the use of facts available under Article 28(1) of the basic Regulation when examining the existence and the extent of the alleged subsidisation granted through Yongxin. In response to the Commission's letter, Xiamen Xiashun requested a hearing with the Hearing Officer on 23 March 2021. The Hearing Officer suggested that Xiamen Xiashun make a further effort with Yongxin to provide the requested information. Finally, a reply to the Commission's specific questions was received from Yongxin on 7 May 2021, and the data received were verified during a remote cross check on 2 June 2021.

3.2.5. *Application of the provisions of Article 28(1) of the basic Regulation concerning Nanshan Group*

- (135) According to the subsidy questionnaire, the sampled companies, as well as their related companies, were requested to provide data and supporting documentation as regards purchases of the LURs, including the LUR certificates and purchase contracts of the original transactions with the Land Bureau, specifying the conditions under which the LURs were received. However, the companies in the Nanshan Group had not provided the requested documentation, making it impossible for the Commission to verify the conditions, including the purchase price, of the LURs.
- (136) Also, some of the companies in the Nanshan Group had not filled in the requested tables concerning imported and domestic machinery and therefore not provided the requested information concerning purchases of imported and domestic machinery and the related VAT exemptions and import tariff rebates for the use of imported equipment and technology.
- (137) Finally, the cooperation by the parent company of the Nanshan Group, namely Nanshan Group Co., Ltd., was limited in terms of (i) availability of its staff to reply to the questions of the Commission and (ii) the documents provided. For example, documentation concerning purchase of land, attribution of a number of grants and loans was not provided at all, or it was incomplete. This limitation significantly impeded the investigation, notably since many of the companies within the Nanshan Group had received their LURs and financing through Nanshan Group Co., Ltd.
- (138) Therefore, by letter of 3 September 2021, the Commission informed Nanshan Group that it might have to resort to the use of facts available in accordance with Article 28(1) of the basic Regulation with respect to the missing information as mentioned in recitals (135) to (137) above.
- (139) In their comments to the abovementioned Article 28 letter, the Nanshan Group made several claims as described below.

⁽³⁰⁾ Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).

- (140) As regards the LURs, the Nanshan Group claimed that, as the other companies of the group reported their purchases from Nanshan Group Co. Ltd., the price of these intra-company transactions should be used to determine the purchase price of the LURs purchased by Nanshan Group Co. Ltd. from third parties. It also claimed that the prices of intra-company land transfers were established based on the land value provided in the Land Appraisal Report made by an independent evaluator. The Nanshan Group also claimed that, alternatively, other land use transactions by other group companies could be used as proxy in order to determine the price of the transactions of Nanshan Group Co. Ltd.
- (141) As regards the requested information concerning purchases of imported and domestic machinery and the related VAT exemptions and import tariff rebates for the use of imported equipment and technology, the Nanshan Group claimed that it had provided fixed assets register for most of the companies. It further claimed that the VAT exemption programme was terminated already in 2009 and that any benefit potentially received in this context would be fully depreciated before the start of the investigation period.
- (142) As regards the fact that the cooperation by Nanshan Group Co., Ltd., was only limited, the Nanshan Group argued that it had acted to the best of its ability and that the lack of cooperation was due to the timing of the RCC and other challenging conditions. The Nanshan Group claimed that the Commission should not discard all the information provided by Nanshan Group Co., Ltd., and that the Commission should complement this data by data from comparable land and loan transactions by the company or other companies of the group. The Commission disagreed with the comments concerning the LURs. It is the price of the original transaction with the Land Bureau which determines the amount of subsidisation for the group, not the intra-company transfers of land, and in the absence of the necessary documentation from the company which was party to the original purchase transaction, i. e. Nanshan Group Co., Ltd., it was impossible to determine the full extent of the subsidies received by the group..
- (143) As regards the requested information concerning purchases of imported and domestic machinery and the related VAT exemptions and import tariff rebates, the Commission disagreed with the comments made by Nanshan Group. First, although Nanshan Group provided a fixed assets register for some of the group companies, it failed to provide comprehensive data about the VAT exemptions and import tariff rebates that the Commission had requested. Second, the Commission identified exemptions of both VAT and import duty during the investigation period in the sampled companies. These included exemptions for equipment purchased in previous years, but for which the benefit was amortized over the lifespan of that equipment and was thus partially allocated to the investigation period. Thus, the Commission established that the sampled companies still availed itself of benefits under this programme.
- (144) Finally, the claim that other transactions by Nanshan Group Co., Ltd., or other companies of the Nanshan Group, could be used as a proxy for transactions concerning LURs or equipment where no sufficient data was provided was unsubstantiated, since none of the companies in the group provided the complete information requested.

3.3. Subsidies and subsidy programmes within the scope of the current investigation

- (145) On the basis of the information contained in the complaint, the Notice of Initiation and the replies to the Commission's questionnaires, the following subsidies by the GOC were investigated:
- (a) Provision of preferential financing, direct credits and funding through equity, quasi-equity and other capital instruments (e.g. policy loans, credit lines, bank acceptance drafts, export financing)
 - (b) Preferential export credit insurance
 - (c) Grant Programmes
 - Technology, innovation, research and development grants and funds;
 - Industrial transformation and upgrading funds;
 - Ad hoc subsidies provided by municipal/provincial authorities.

(d) Revenue foregone through Tax Exemption and Reduction programmes

- Enterprise Income Tax ('EIT') reduction for High and New Technology Enterprises;
- Preferential pre-tax deduction of research and development expenses;
- Accelerated depreciation of instruments and equipment used by High-Tech enterprises for High-Tech development and production;
- Dividend exemption between qualified resident enterprises;
- Exemption or waiving of real estate and land use taxes
- VAT exemptions and import tariff rebates for the use of imported equipment and technology
- VAT Rebates on Domestically-Produced Equipment.

(e) Government provision of goods and services for less than adequate remuneration ('LTAR')

- Government provision of land use rights for less than adequate remuneration;
- Provision of power for less than adequate remuneration;
- Government provision of input materials (aluminium and steam coal) for less than adequate remuneration.

3.4. Preferential financing

3.4.1. Financial institutions providing preferential financing

(146) According to the information provided by the three sampled groups of exporting producers, 48 financial institutions located within the PRC had provided financing to them. Of these 48 financial institutions, 47 were State-owned. The remaining financial institutions were either privately owned or the Commission was not able to determine whether they were State-owned or privately owned. However, only one State-owned bank filled in the specific questionnaire, despite a request to the GOC that covered all financial institutions which had provided loans to the sampled companies.

3.4.1.1. State-owned financial institutions acting as public bodies

(147) The Commission ascertained whether the State-owned banks were acting as public bodies within the meaning of Articles 3 and 2(b) of the basic Regulation. In this respect, the applicable test to establish that a State-owned undertaking is a public body is as follows ⁽³¹⁾: "What matters is whether an entity is vested with authority to exercise governmental functions, rather than how that is achieved. There are many different ways in which government in the narrow sense could provide entities with authority. Accordingly, different types of evidence may be relevant to showing that such authority has been bestowed on a particular entity. Evidence that an entity is, in fact, exercising governmental functions may serve as evidence that it possesses or has been vested with governmental authority, particularly where such evidence points to a sustained and systematic practice. It follows, in our view, that evidence that a government exercises meaningful control over an entity and its conduct may serve, in certain circumstances, as evidence that the relevant entity possesses governmental authority and exercises such authority in the performance of governmental functions. We stress, however, that, apart from an express delegation of authority in a legal instrument, the existence of mere formal links between an entity and government in the narrow sense is unlikely to suffice to establish the necessary possession of governmental authority. Thus, for example, the mere fact that a government is the majority shareholder of an entity does not demonstrate that the government exercises meaningful control over the conduct of that entity, much less that the government has bestowed it with governmental authority. In some instances, however, where the evidence shows that the formal indicia of government control are manifold, and there is also evidence that such control has been exercised in a meaningful way, then such evidence may permit an inference that the entity concerned is exercising governmental authority."

⁽³¹⁾ WT/DS379/AB/R (US – Anti-dumping and Countervailing Duties on Certain Products from China), Appellate Body Report of 11 March 2011, DS 379, paragraph 318. See also WT/DS436/AB/R (US – Carbon Steel (India)), Appellate Body Report of 8 December 2014, paragraphs 4.9 – 4.10, 4.17 – 4.20 and WT/DS437/AB/R (United States – Countervailing Duty Measures on Certain Products from China) Appellate Body Report of 18 December 2014, paragraph 4.92.

- (148) The Commission sought information about State ownership as well as formal indicia of government control in the State-owned banks. It also analysed whether control had been exercised in a meaningful way. For this purpose, the Commission had to partially rely on facts available due to the refusal of the GOC and the State-owned banks to provide evidence on the decision making process that had led to the preferential lending.
- (149) In order to carry out this analysis, the Commission first examined information from the State-owned bank that had filled in the specific questionnaire.

3.4.1.2. Cooperating State-owned financial institutions

- (150) Only one State-owned bank, namely EXIM bank, provided a questionnaire reply.

3.4.1.3. Ownership, formal indicia and exercise of control by the GOC

- (151) Based on the information received in the questionnaire reply, the Commission established that the GOC held, either directly or indirectly, more than 50 % of the shares in this financial institution.
- (152) Concerning the formal indicia of government control of the cooperating State-owned bank, the Commission qualified it as a 'key State-owned financial institution'. In particular, the notice 'Interim Regulations on the Board of Supervisors in Key State-owned Financial Institutions' ⁽³²⁾ states that: "*The key State-owned financial institutions mentioned in these Regulations refer to State-owned policy banks, commercial banks, financial assets management companies, securities companies, insurance companies, etc. (hereinafter referred to as State-owned financial institutions), to which the State Council dispatches boards of supervisors*".
- (153) The Board of Supervisors of the key State-owned financial institutions is appointed according to the 'Interim Regulations of Board of Supervisors of Key State-owned Financial Institutions'. Based on Articles 3 and 5 of these Interim Regulations, the Commission established that Members of the Board of Supervisors are dispatched by and accountable to the State Council, thus illustrating the institutional control of the State on the cooperating State-owned bank's business activities.
- (154) In addition to these generally applicable indicia, the Commission found the following with respect to EXIM bank. EXIM bank was formed and operates in accordance with 'The Notice of Establishing Export-Import Bank of China' issued by the State Council, as well as the Articles of Association of EXIM bank. According to its Articles of Association, the State directly nominates the management of EXIM bank. The Board of Supervisors is appointed by the State Council in accordance with the 'Interim Regulations on the Boards of Supervisors in Key State-owned Financial Institutions' and other laws and regulations, and it is responsible to the State Council.
- (155) The Articles of Association also mention that the Party Committee of EXIM bank plays a leading and political core role to ensure that policies and major deployment of the Party and the State are implemented by EXIM bank. The Party's leadership is integrated into all aspects of corporate governance.
- (156) The Articles of Association also state that EXIM bank is dedicated to supporting the development of foreign trade and economic cooperation, cross-border investment, the One Belt One Road Initiative, cooperation in international capacity and equipment manufacturing. Its scope of business includes short-term, medium-term and long-term loans as approved and in line with the State's foreign trade and "going out" policies, such as export credit, import credit, foreign contracted engineering loans, overseas investment loans, Chinese government foreign aid loans and export buyer loans.

⁽³²⁾ Decree of the State Council of the People's Republic of China (No 283).

- (157) Furthermore, in its annual report of 2019, EXIM bank stated that it fully implemented all major policies and decisions made by the CPC Central Committee and the State Council.
- (158) The Commission also found that State-owned financial institutions, including EXIM bank, have changed their Articles of Associations in 2017 to increase the role of the China Communist Party (‘CCP’) at the highest decision-making level of the banks ⁽³³⁾.
- (159) These new Articles of Association stipulate that:
- the Chairman of the Board of Directors shall be the same person as the Secretary of the Party Committee;
 - the CCP’s role is to ensure and supervise the Bank’s implementation of policies and guidelines of the CCP and the State; as well as to play a leadership and gate keeping role in the appointment of personnel (including senior management); and
 - the opinions of the Party Committee shall be heard by the Board of Directors for any major decisions to be taken.
- (160) This evidence shows that the GOC exercised meaningful control over the conduct of these institutions.
- (161) The Commission further sought information about whether the GOC exercised meaningful control over the conduct of EXIM bank with respect to its lending policies and assessment of risk, where they provided loans to the ACF industry. The following regulatory documents have been taken into account in this respect:
- Article 34 of the Law of the PRC on Commercial Banks (‘Bank law’);
 - Article 15 of the General Rules on Loans (implemented by the People’s Bank of China);
 - Decision No 40;
 - Implementing Measures of the China Banking and Insurance Regulatory Commission (‘CBIRC’) for Administrative Licensing Matters for Chinese-funded Commercial Banks (Order of the CBIRC [2017] No 1);
 - Implementing Measures of the CBIRC for Administrative Licensing Matters relating to Foreign-funded Banks (Order of the CBIRC [2015] No 4); and
 - Administrative Measures for the Qualifications of Directors and Senior Officers of Financial Institutions in the Banking Sector (CBIRC [2013] No 3)
 - Three-year action plan for improving corporate governance of the banking and insurance sectors (2020-2022) (CBIRC, 28 August 2020) ⁽³⁴⁾
 - Notice on the Commercial banks performance evaluation method, (CBIRC, 15 December 2020)
 - Notice on the Supervision regulations concerning the behaviour of large shareholders of bank and insurance institutions (CBIRC, [2021] No 43) ⁽³⁵⁾.
- (162) Reviewing these regulatory documents, the Commission found that financial institutions in the PRC are operating in a general legal environment that directs them to align themselves with the GOC’s industrial policy objectives when taking financial decisions, for the following reasons.
- (163) With respect to EXIM bank, its public policy mandate is established in the notice of establishing EXIM bank as well as in its Articles of Association.

⁽³³⁾ <https://www.reuters.com/article/us-china-banks-party-idUSKBN1JN0XN>, last accessed on 13 August 2021.

⁽³⁴⁾ Official policy document of the China Banking and Insurance Regulatory Commission (‘CBIRC’) of 28 August 2020: Three-year action plan for improving corporate governance of the banking and insurance sectors (2020-2022). <http://www.cbirc.gov.cn/cn/view/pages/ItemDetail.html?docId=925393&itemId=928> (last viewed on 3 April 2021)

⁽³⁵⁾ China Banking and Insurance Regulatory Commission (cbirc.gov.cn), last accessed 21 October 2021

- (164) At the general level, Article 34 of the Bank law, which applies to all financial institutions operating in China, provides that “commercial banks shall conduct their business of lending in accordance with the needs of the national economic and social development and under the guidance of the industrial policies of the State”. Although Article 4 of the Bank Law states that, “commercial banks shall, pursuant to law, conduct business operations without interference from any unit or individual. Commercial banks shall independently assume civil liability with their entire legal person property”, the investigation showed that Article 4 of the Bank law is applied subject to Article 34 of the Bank law, i.e. where the State establishes a public policy the banks implement it and follow State instructions.
- (165) In addition, Article 15 of the General Rules on Loans provides that “In accordance with the State’s policy, relevant departments may subsidize interests on loans, with a view to promoting the growth of certain industries and economic development in some areas”.
- (166) Similarly, Decision No 40 instructs all financial institutions to provide credit support specifically to ‘encouraged’ projects. As already explained in Section 3.1 and more specifically in recital (94), projects of the ACF industry belong to the ‘encouraged’ category. Decision No 40 hence confirms the previous finding with respect to the Bank law that banks exercise governmental authority in the form of preferential credit operations.
- (167) The Commission also found that the CBIRC has far-reaching approval authority over all aspects of the management of all financial institutions established in the PRC (including privately owned and foreign owned financial institutions), such as ⁽³⁶⁾:
- approval of the appointment of all managers of the financial institutions, both at the level of headquarters and at the level of local branches. Approval of the CBIRC is required for the recruitment of all levels of management, from the most senior positions down to branch managers, and even includes managers appointed in overseas branches as well as managers responsible for support functions (e.g. the IT managers); and
 - a very long list of administrative approvals, including approvals for setting up branches, for starting new business lines or selling new products, for changing the Articles of Association of the bank, for selling more than 5 % of their shares, for capital increases, for changes of domicile, for changes of organizational form, etc.
- (168) The Bank law is legally binding. The mandatory nature of the Five Year Plans and of Decision No 40 has been established above in Section 3.1. The mandatory nature of the CBIRC regulatory documents derives from its powers as the banking regulatory authority. The mandatory nature of other documents is demonstrated by the supervision and evaluation clauses which they contain.
- (169) Decision No 40 of the State Council instructs all financial institutions to provide credit support only to encouraged projects and promises the implementation of ‘other preferential policies on the encouraged projects’. On this basis, banks are required to provide credit support to the ACF industry.
- (170) Furthermore, even private commercial banking decisions must be overseen by the CCP and remain in line with national policies. In fact, one of the State’s three overarching goals in relation to banking governance is now to strengthen the Party’s leadership in the banking and insurance sector, including in relation to operational and management issues in companies. In this respect, the Three Year Action Plan of the CBIRC for the years 2020 to 2022 instructs to ‘further implement the spirit embodied in General Secretary Xi Jinping’s keynote speech on advancing the

⁽³⁶⁾ According to the Implementing Measures of the CBIRC for Administrative Licensing Matters for Chinese-funded Commercial Banks (Order of the CBIRC [2017] No 1), the Implementing Measures of the CBIRC for Administrative Licensing Matters relating to Foreign-funded Banks (Order of the CBIRC [2015] No 4) and the Administrative Measures for the Qualifications of Directors and Senior Officers of Financial Institutions in the Banking Sector (CBIRC [2013] No 3).

reform of corporate governance of the financial sector. Moreover, the Plan's section II aims at promoting the organic integration of the Party's leadership into corporate governance: *'we shall make the integration of the Party's leadership into corporate governance more systematic, standardised and procedure-based [...] Major operational and management issues must have been discussed by the Party Committee before being decided upon by the Board of Directors or the senior management.'*

- (171) Also, the GOC has recently stipulated that even shareholders of financial institutions need to facilitate the exercise of the GOCs control via the institution's corporate governance framework, as follows: *'Large shareholders of bank and insurance institutions shall support bank and insurance institutions in establishing an independent and sound corporate governance structure with effective checks and balances, and encourage and support banks and insurance institutions to ensure the organic integration of Party leadership with corporate governance'* ⁽³⁷⁾.
- (172) Finally, the performance evaluation criteria of the CBIRC for commercial banks now, notably, take into account how financial institutions 'serve the national development objectives and the real economy', and in particular how they 'serve strategic and emerging industries' ⁽³⁸⁾.
- (173) Therefore, the Commission concluded that the GOC has created a normative framework that had to be adhered to by the managers and supervisors of the cooperating State-owned bank, who are appointed by the GOC and accountable to the GOC. Therefore, the GOC relied on this normative framework in order to exercise control in a meaningful way over the conduct of the cooperating State-owned bank whenever it was providing loans to the ACF industry.
- (174) The Commission also sought concrete proof of the exercise of control in a meaningful way based on concrete loans provided to the sampled exporting producers. In its questionnaire reply, the cooperating State-owned bank explained that it uses sophisticated credit risk assessment policies and models (rating system) when granting the loans at issue. EXIM bank further explained that there is no policy difference regarding the industry in which the borrower operates, the credit situation and capital status, etc.; nevertheless, such factors impact the credit rating assessment and the cost of the risk of the borrower. It may refer to relevant plans and policies in providing loans; however, in determining individual loan projects it applies a market-based assessment.
- (175) However, the cooperating State-owned bank refused to provide concrete examples of its credit risk assessment relating to the sampled companies on the ground that the information requested is of internal nature and contains business confidential information that is not permitted to be disclosed even though the Commission had a written consent from the sampled companies waiving their confidentiality rights.
- (176) In the absence of concrete evidence of creditworthiness assessments, the Commission therefore examined the overall legal environment as set out above in recitals (161) to (169), in combination with the behaviour of the cooperating State-owned bank regarding loans provided to the sampled companies. The investigation revealed that this behaviour contrasted with the bank's official stance, as in practice the bank was not acting based on thorough market-based risk assessments.
- (177) In the course of the investigation, the Commission found that loans were provided to the three sampled groups of exporting producers at interest rates below or close to the People's Bank of China ('PBOC') Loan Benchmark Rate and below or close to the Loan Prime Rate as announced by the National Interbank Funding Center ('NIFC') that was introduced on 20 August 2019 ⁽³⁹⁾, regardless of the companies' financial and credit risk situation. Hence, the loans were provided below market rates when compared to the rate corresponding to the risk profile of the sampled exporting producers.

⁽³⁷⁾ Article 13 of the Notice on the Supervision regulations concerning the behaviour of large shareholders of bank and insurance institutions (CBIRC, [2021] No 43)

⁽³⁸⁾ See CBIRC's Notice on the Commercial banks performance evaluation method, issued on 15 December 2020. http://jrs.mof.gov.cn/gongzuotongzhi/202101/t20210104_3638904.htm (last viewed on 12 April 2021)

⁽³⁹⁾ <http://www.pbc.gov.cn/zhengcehuobisi/125207/125213/125440/3876551/de24575c/index2.html>, last accessed on 3 August 2021.

- (178) The Commission therefore concluded that the GOC exercised meaningful control over the conduct of the cooperating State-owned bank with respect to its lending policies and assessment of risk concerning the ACF industry.
- (179) Following final disclosure, the GOC claimed that the Commission did not demonstrate that the cooperating State-owned bank, namely EXIM bank, is a public body and that the GOC exercised meaningful control over EXIM bank. The GOC claimed that the formal links are not sufficient to demonstrate meaningful control by the government and the existence of a public body. Also, the GOC claimed that the Commission did not demonstrate the lack of independence of the management of EXIM bank by arguing that the GOC exercises control over EXIM bank only in supervising the appointment of the management of the bank and its board. Further GOC claimed that the Commission relied excessively on Article 34 of the Chinese Banking law, which it considers to be only a guiding document without specificity to deduct that EXIM or other financial institutions would be vested with public authority.
- (180) The GOC further claimed it has not exercised meaningful control over EXIM bank or has been provided with governmental authority. GOC claimed that although Article 34 of the Chinese Bank Law requires that commercial banks act “under the guidance of the industrial policies” of the GOC, this provision should be considered a guiding principle for Chinese banks. Furthermore, the GOC claimed that also Article 15 of the General Rules on loans as well as Decision No 40 are not mandatory but only of a guidance nature. Finally, the GOC disagreed with the assertion that EXIM bank “provided loans at below or close to relevant benchmark rates” and claimed that the Commission has not provided the data to support this statement.
- (181) The Commission disagreed with the allegations of the GOC. The Commission did not rely only on “formal links” in order to qualify the cooperating State-owned EXIM bank as a public body but also demonstrated that the GOC exercised meaningful control over the bank for the following reasons.
- (182) As explained in recital (168) above, the Commission considered that the Chinese Bank law and Decision No 40 are of a mandatory nature. Furthermore, the findings of this investigation as well as the Commission’s findings in previous investigations concerning the same subsidy programme did not support the claim that banks do not take government policy and plans into account when making lending decisions. For example, the Commission found that the exporting producers benefited from preferential lending at below-market interest rates.
- (183) The investigation showed that Article 15 of the General Rules on Loans was actually applied in practice, and that Articles 4, 5 and 41 of the Bank law were applicable subject to Article 34 of the Bank Law, i.e. where the State establishes a public policy the banks implement it and follow State instructions. In fact, while Articles 4 and 5 of the Bank Law are part of Chapter I, which sets the general provisions, Article 34 is part of Chapter IV, which establishes the basic rules governing loans. The wording of Article 34: “*commercial banks carry out their loan business upon the needs of national economy and the social development and under the guidance of the State industrial policies*”, demonstrates that this provision is not of a guiding nature but has rather a mandatory character and provides a clear instruction to banks to take into account the State industrial policies when carrying out their loan business. The Commission also noted that the Decision No 40 of the State Council instructs all financial institutions to provide credit support only to encouraged projects and promises the implementation of “other preferential policies on the encouraged projects”. While Article 17 of the same Decision requires banks to respect credit principles, the Commission could not establish during the investigation that this was done in practice. To the contrary, loans were provided to the exporting producers irrespective of their financial situation and creditworthiness.

- (184) Moreover, as concerns specifically EXIM Bank, it is undisputable that this is a policy bank directly pursuing government policies by its own admission. As explained on its website ⁽⁴⁰⁾, EXIM is a State-funded and State-owned policy bank directly under the leadership of the State Council and dedicated to supporting, inter alia, China's foreign trade and implementing the 'going global' strategy. The Board of Directors ⁽⁴¹⁾, the Board of Supervisors ⁽⁴²⁾, and top executives ⁽⁴³⁾ of EXIM Bank contain members with high ranking in the CCP and/or representing a Ministry.
- (185) On that basis, the Commission maintains its position that the GOC relied on the normative framework in order to exercise control in a meaningful way over the conduct of the cooperating State-owned bank whenever it was providing loans to the ACF industry as described in the recital (173) above. This is exemplified in recital (170) above, which clearly indicates that the GOC intervenes in all major decisions taken by the bank's management. This shows that the normative framework did not leave any margin of manoeuvre to the managers and supervisors of the bank as to whether to follow this framework or not with respect to the sampled exporting producers, thus putting the management of that bank in a position of dependence.
- (186) Finally, as mentioned in recital (177), in the course of the investigation, the Commission found that loans were provided to the three sampled groups of exporting producers at interest rates below or close to the People's Bank of China ('PBOC') Loan Benchmark Rate and below or close to the Loan Prime Rate, regardless of the companies' financial and credit risk situation. Therefore, considering the risk profile of the sampled exporting producers described in Section 3.4.2.3 below and that, according to the risk analysis performed by the Commission, the exporting producers should have received a lower credit rating and should thus have paid interest rates significantly above the risk-free rate, the Commission concluded that the loans at issue were provided below market rates. Due to the sensitive nature of the data the detailed information of these loans can be disclosed to only the respective exporting producers.
- (187) The Commission therefore concluded that the GOC has exercised meaningful control over the conduct of the cooperating State-owned bank with respect to its lending policies and assessment of risk concerning the ACF industry.

3.4.1.4. Conclusion on cooperating State-owned financial institutions

- (188) The Commission established that the cooperating State-owned bank implemented the legal framework set out above in the exercise of governmental functions with respect to the ACF sector. Therefore, it was acting as public body in the sense of Article 2(b) of the basic Regulation read in conjunction with Article 3(1)(a)(i) of the basic Regulation and in accordance with the relevant WTO case-law.

3.4.1.5. Non-cooperating State-owned financial institutions

- (189) As set out in recital (146) above, none of the other State-owned financial institutions, which provided loans to the sampled companies, replied to the specific questionnaire. The GOC provided some information on the ownership of a number of banks, but not on their governance structure, risk assessment or examples relating to specific loans to the ACF industry.
- (190) Therefore, in line with the conclusions reached in Section 3.2.1, the Commission decided to use facts available to determine whether those State-owned financial institutions qualify as public bodies.

⁽⁴⁰⁾ See <http://english.eximbank.gov.cn/Profile/AboutTB/Introduction/> as last checked on 30 November 2021.

⁽⁴¹⁾ See <http://english.eximbank.gov.cn/Profile/Organization/BoardOD/#heightXwyL> as last checked on 30 November 2021.

⁽⁴²⁾ See <http://english.eximbank.gov.cn/Profile/Organization/BoardOS/#heightXwyL> as last checked on 30 November 2021, also confirming that the board of supervisors reports directly to the State Council.

⁽⁴³⁾ See <http://english.eximbank.gov.cn/Profile/Organization/ExecutiveM/#heightXwyL> as last checked on 30 November 2021.

(191) In previous investigations ⁽⁴⁴⁾, the Commission established that the following banks, which had provided loans to the sampled groups of exporting producers in the investigation at hand, were partially or fully owned by the State itself or by State-held legal persons: Agricultural Bank of China, Bank of Beijing, Bank of China, Bank of Communications, Bank of Jiangsu, Bank of Kunlun, Bank of Nanjing, Bank of Ningbo, Bank of Qingdao, Bank of Shanghai, Bank of Tianjin, Bank of Yantai, CCB, China Bohai Bank, China CITIC Bank, China Construction Bank, China Development Bank, China Everbright Bank, China Guangfa Bank, China Industrial Bank, China Industrial International Trust Limited, China Merchants Bank, China Merchants Bank Financial Leasing Co., Ltd., China Minsheng Bank, Chongqing Rural Commercial Bank, Daye Trust Co., Ltd., Dongying Bank, EverGrowing Bank, Fudian Bank, Guangdong Development Bank, Guosen Securities Co., Hang Fung Bank, Ltd., Hangzhou Bank, Hankou Bank, Hengfeng Bank Co., Ltd., Huaxia Bank, Hubei Bank, Industrial and Commercial Bank of China (ICBC), Minsheng Securities Co.,Ltd., Postal Savings Bank, Qilu Bank, Shanghai Pudong Development Bank, Shanghai Rural Commercial Bank, Shenyang Rural Commercial Bank, Sinotruk Finance Co. Ltd. and Zheshang Bank. Since no information has been provided indicating otherwise, the Commission maintained the same conclusion in the present investigation.

(192) Using publicly available information, such as their websites, annual reports, information available in bank directories or on the internet, the Commission found that the following financial institutions that had provided loans to the three sampled groups of exporting producers were partially or fully owned by the State itself or by State-held legal persons:

Bank of Yantai	6,4 % of the bank's shares are state owned.
Huishang Bank	32,45 % are state-owned (Anhui province energy group, Anhui province Guoyuan Financial Group etc.).
Nanyang Commercial Bank	On 30 May 2016, the bank became a wholly-owned subsidiary of China Cinda Group, which is fully owned by the GOC.

(193) The Commission further established, in the absence of specific information from the financial institutions at issue indicating otherwise, the GOC's ownership and control based on formal indicia for the same reasons as set out above in section 3.4.1.3. In particular, based on facts available, managers and supervisors in the non-cooperating State-owned financial institutions would appear to be appointed by the GOC and be accountable to the GOC in the same manner as in the cooperating State-owned bank.

(194) With regard to the exercise of control in a meaningful manner, the Commission considered that the findings concerning the cooperating State-owned financial institution can be considered representative also for the non-cooperating State-owned financial institutions. The normative framework analysed in section 3.4.1.3 above applies to them in an identical manner. Absent any indication to the contrary, based on facts available, the lack of concrete evidence of creditworthiness assessments is valid for them in the same manner as for the cooperating State-owned bank.

(195) Following final disclosure the GOC claimed the insufficiency of the Commission's arguments concluding that all State-owned financial institutions also constituted public bodies. The GOC argued that the Commission relied on previous anti-subsidy cases and its own conclusions with respect to the State-owned financial institutions and lacked to perform a case-by-case analysis giving particular relevance to the specific circumstances of each case and with respect to each of the financial institutions. The GOC further argued that the Commission did not provide sufficient proof to determine the existence of meaningful control over the State-owned financial institutions, and relied merely on formal links constituting of ownership and control.

⁽⁴⁴⁾ See the cases cited in footnote 5 before.

(196) In this respect, the Commission recalled that in the absence of cooperation from the other State-owned banks than EXIM, the Commission had to rely on facts available. As already mentioned in its questionnaires, and in the absence of any new information provided by the GOC, the Commission concluded that the information from previous investigations, combined with formal indicia of control and additional findings of the investigation itself regarding EXIM bank and regarding the actual conduct of the banks towards the exporting producers constituted the best facts available in this case. In any event, the normative framework analysed in section 3.4.1.3 above applies to all banks in an identical manner. Furthermore, the GOC failed to put forward any evidence or argument to rebut the Commission's findings concerning the fact that the other State-owned banks which provided loans to the sampled companies are public bodies within the meaning of Article 2(b) read in conjunction with Article 3(1)(a)(i) of the basic Regulation. The Commission thus maintained its position.

3.4.1.6. Conclusion on all State-owned financial institutions

(197) In light of the above considerations, the Commission established that all State-owned Chinese financial institutions that provided financing to the three sampled groups of cooperating exporting producers are public bodies within the meaning of Article 2(b) read in conjunction with Article 3(1)(a)(i) of the basic Regulation.

(198) In addition, even if the State-owned financial institutions were not to be considered as public bodies, the Commission established that they would be considered entrusted or directed by the GOC to carry out functions normally vested in the government within the meaning of Article 3(1)(a)(iv) of the basic Regulation for the same reasons, as set out in Section 3.5.1.2 below. Thus, their conduct would be attributed to the GOC in any event.

3.4.1.7. Private financial institutions entrusted or directed by the State

(199) Overseas-Chinese Banking Corporation, Limited was considered to be privately owned, based on the findings established in previous anti-subsidy investigations⁽⁴⁵⁾ and complemented by publicly available information. The Commission analysed whether this financial institution had been entrusted or directed by the GOC to grant subsidies to the ACF sector within the meaning of Article 3(1)(a)(iv) of the basic Regulation.

(200) According to the WTO Appellate Body, 'entrustment' occurs where a government gives responsibility to a private body and 'direction' refers to situations where the government exercises its authority over a private body⁽⁴⁶⁾. In both cases, the government uses a private body as a proxy to make the financial contribution, and "*in most cases, one would expect entrustment or direction of a private body to involve some form of threat or inducement*"⁽⁴⁷⁾. At the same time, Article 3(1)(a)(iv) does not allow Members to impose countervailing measures to products "*whenever the government is merely exercising its general regulatory powers*"⁽⁴⁸⁾ or where government intervention "*may or may not have a particular result simply based on the given factual circumstances and the exercise of free choice by the actors in that market*"⁽⁴⁹⁾. Rather, entrustment or direction implies "*a more active role of the government than mere acts of encouragement*"⁽⁵⁰⁾.

(201) The Commission noted that the normative framework concerning the industry mentioned above in recitals (161) to (168) applies to all financial institutions in the PRC, including privately owned financial institutions. To illustrate this, the Bank Law and the various orders of the CBIRC cover all Chinese-funded and foreign-invested banks under the management of the CBIRC.

⁽⁴⁵⁾ See the cases cited in footnote 5 before.

⁽⁴⁶⁾ WT/DS/296 (DS296 United States – Countervailing duty investigation on Dynamic Random Access Memory (DRAMs) from Korea), Appellate Body Report of 21 February 2005, para. 116.

⁽⁴⁷⁾ Appellate Body Report, DS 296, para. 116.

⁽⁴⁸⁾ Appellate Body Report, DS 296, para. 115.

⁽⁴⁹⁾ Appellate Body Report, DS 296, para. 114 agreeing with the Panel Report, DS 194, para. 8.31. on that account.

⁽⁵⁰⁾ Appellate Body Report, DS 296, para. 115.

- (202) Furthermore, the majority of loan contracts with private financial institutions had similar conditions as the contracts with State-owned banks, and the lending rates provided by the private financial institutions were similar to the rates provided by the State-owned financial institutions.
- (203) In the absence of any divergent information received from the private financial institutions, the Commission concluded that, in so far as the ACF industry is concerned, all financial institutions (including private financial institutions) operating in China under the supervision of the CBIRC have been entrusted or directed by the State in the sense of Article 3(1)(a)(iv), first indent of the basic Regulation to pursue governmental policies and provide loans at preferential rates to the ACF industry.
- (204) Following final disclosure, the GOC claimed that the Commission failed to demonstrate entrustment or direction by the GOC, in particular a link between the government and the specific conduct of all financial institutions. The GOC argues that exercising its general regulatory powers by giving a mere guidance or encouragement are not sufficient to show entrustment and direction. In addition, the GOC claimed that the Commission failed to its duty to conduct such an analysis for each entity.
- (205) The Commission disagreed with this view. Since the normative framework explained in recitals (161) to (173), which applies to all banks in China i.e. whether publicly-owned or private, is legally binding as further confirmed in recitals (182) and (183), it does not amount to a mere encouragement or guidance by the government. The Commission already established in recital (169) above that Decision No 40 instructs all financial institutions to provide credit support only to encouraged projects even though Article 17 of the same Decision also asks the bank to respect credit principles. Furthermore, the Commission established in recital (185) that the GOC relied on this normative framework in order to exercise control in a meaningful way over the financial institutions not leaving them any margin of manoeuvre as to whether to implement it or not. Therefore, there is a clear link between the GOC and the specific conduct of the private banks, which demonstrates entrustment and direction by the GOC.
- (206) In addition, the Commission recalled that in the absence of cooperation from the private banks, it had to rely on facts available. Since there was partial cooperation from only one State-owned bank, the Commission used the information available for this bank, which was proven to be a public body, and compared it with the lending conditions offered by the non-cooperating private banks. Moreover, the RCCs with the sampled companies did not reveal any significant differences between loan conditions or rates provided by the private financial institutions and those provided by State-owned financial institutions. The fact that there was an overlap in rates shows that the private banks also provided loans below market terms in compliance with the normative framework referred to above. Therefore, the GOC's claim that the Commission failed to its duty to conduct such an analysis for each entity is unfounded.
- (207) After final disclosure, the Nanshan Group also argued that since financial institutions varied their rates, conditions and types of products depending on the company to which they extended financing, this indicated that they are not being entrusted and directed by the State to offer specific or preferential lending conditions, but rather provide financing following market terms and the financial position of their customer.
- (208) The fact that the sampled companies benefitted from different types of loans during the investigation period with variances in respect of rates and other conditions, does not necessarily mean that these loans were received at market conditions. Indeed, as mentioned already in recital (177) above, the Commission found that loans were provided to the three sampled groups of exporting producers at interest rates below or close to the People's Bank of China ('PBOC') Loan Benchmark Rate and below or close to the Loan Prime Rate as announced by the National Interbank Funding Center ('NIFC') that was introduced on 20 August 2019 ⁽⁵¹⁾, regardless of the companies' financial and credit risk situation. Hence, the loans were provided below market rates, and the claim is dismissed.

⁽⁵¹⁾ <http://www.pbc.gov.cn/zhengcehuobisi/125207/125213/125440/3876551/de24575c/index2.html>, last accessed on 3 August 2021.

- (209) Consequently, the Commission confirmed its conclusion that, in so far as the ACF industry is concerned, all financial institutions, including private financial institutions, operating in China have been entrusted or directed by the State in the sense of Article 3(1)(a)(iv), first indent of the basic Regulation to pursue governmental policies and provide loans at preferential rates to the ACF industry.

3.4.1.8. Credit ratings

- (210) In previous anti-subsidy investigations, the Commission already determined that domestic credit ratings awarded to Chinese companies were not reliable, based on a study published by the International Monetary Fund ⁽⁵²⁾, showing a discrepancy between international and Chinese credit ratings, combined with the findings of the investigation concerning the sampled companies. Indeed, according to the IMF, over 90 % of Chinese bonds are rated from AA to AAA by local rating agencies. This is not comparable to other markets, such as the Union or the USA. For example, less than 2 % of firms enjoy such top-notch ratings in the US market. Chinese credit rating agencies are thus heavily skewed towards the high end of the rating scale. They have very broad rating scales and tend to pool bonds with significantly different default risks into one broad rating category ⁽⁵³⁾. According to the China bond market insight 2021 by Bloomberg ⁽⁵⁴⁾, five Chinese local rating agencies dominate the bond market: China Chengxin, Dagong, Lianhe, Shanghai Brilliance, and Golden credit rating, and around 90 % of the bonds are rated AAA by local rating agencies. However, many of the issuers have received a lower 'S&P' (Standard and Poor) global issuer rating of A and BBB ⁽⁵⁵⁾.
- (211) In addition, foreign rating agencies, such as Standard and Poor's and Moody's, typically apply an uplift over the issuer's baseline credit rating based on an estimate of the firm's strategic importance to the Chinese Government and the strength of any implicit guarantee when they rate Chinese bonds issued overseas ⁽⁵⁶⁾.
- (212) The Commission also found further information to complement this analysis. First, the Commission determined that the State can exercise a certain influence over the credit rating market. According to the information provided by the GOC, during the investigation period, there were 12 domestic credit rating agencies active on China's bond market a majority of which are State-owned. In total, 60 % of all rated bonds in China had been rated by a State-owned ratings agency ⁽⁵⁷⁾.
- (213) Second, there is no free entrance on the Chinese credit rating market. It is essentially a closed market, since rating agencies need to be approved by the China Securities Regulatory Commission ('CSRC') or the PBOC before they can start operations ⁽⁵⁸⁾. The PBOC announced mid-2017 that overseas credit rating agencies would be allowed to carry out credit ratings on part of the domestic bond market, under certain conditions. The Commission also found that during the investigation period, there were two foreign-owned and two Sino-foreign joint venture credit rating agencies operating on the Chinese market. However, these credit rating agencies follow Chinese rating scales and are thus not exactly comparable with international ratings, as explained above.

⁽⁵²⁾ IMF Working Paper 'Resolving China's Corporate Debt Problem', by Wojciech Maliszewski, Serkan Arslanalp, John Caparuso, José Garrido, Si Guo, Joong Shik Kang, W. Raphael Lam, T. Daniel Law, Wei Liao, Nadia Rendak, Philippe Wingender, Jiangyan, October 2016, WP/16/203.

⁽⁵³⁾ Livingston, M. Poon, W.P.H. and Zhou, L. (2017). Are Chinese Credit Ratings Relevant? A Study of the Chinese Bond Market and Credit Rating Industry, in: *Journal of Banking & Finance*, p. 24.

⁽⁵⁴⁾ China bond market insight 2021, <https://assets.bbhub.io/professional/sites/10/China-bond-market-booklet.pdf>, last accessed on 8 August 2021.

⁽⁵⁵⁾ China bond market insight 2021, Footnote 59, p. 31.

⁽⁵⁶⁾ Price, A.H., Brightbill T.C., DeFrancesco R.E., Claey's, S.J., Teslik, A. and Neelakantan, U. (2017). *China's broken promises: why it is not a market-economy*, Wiley Rein LLP, p. 68.

⁽⁵⁷⁾ Lin, L.W. and Milhaupt, C.J. (2016). *Bonded to the State: A network Perspective on China's Corporate Debt Market*, Columbia Law and Economics Working Paper No 543, p. 20; Livingstone, *ibid*, p. 9

⁽⁵⁸⁾ See Tentative Measures for the Administration of the Credit Rating Business Regarding the Securities Market Promulgated by Chinese Securities Regulatory Commission, Order of the China Securities Regulatory Commission [2007] No 50, 24 August 2007; Notice of the People's Bank of China on Qualifications of China Cheng Xin Securities Rating Co., Ltd. and other Institutions Engaged in Corporate Bond Credit Rating Business, Yinfa [1997] No 547, 16 December 1997, and Announcement No 14 [2018] of the People's Bank of China and the China Securities Regulatory Commission on Issues Concerning the Provision of Bond Rating Services by Credit Rating Agencies on the Interbank Bond Market and the Stock Exchange Bond Market.

- (214) Finally, a 2017 study performed by the PBOC itself confirms the Commission's findings, stating in its conclusions that *"if the investment level of foreign bonds is set to international rating BBB-and above, then the domestic bond investment grade may be rated at AA-level and above, taking into account the difference between the average domestic rating and the international rating of 6 or more notches"* ⁽⁵⁹⁾.
- (215) In view of the situation described in recitals (210) to (214) above, the Commission concluded that Chinese credit ratings do not provide a reliable estimation of the credit risk of the underlying asset. On this basis, even if some sampled companies were awarded a good credit rating by a Chinese rating agency, the Commission concluded that such ratings are not reliable. Those ratings were also distorted by the policy objectives to encourage key strategic industries, such as the ACF industry.
- (216) Following final disclosure, the GOC contested that the terms of loans and financing are always connected with credit ratings and claimed that more reliable, i.e. less favourable, credit ratings would not mean that the loan would be issued at higher interest rates. The GOC also disagreed with Commissions reference to PBOC Working Paper No 2017/5 mentioned in the recital (214) above, which confirmed the difference between the average domestic rating and the international ratings. The GOC argued that it is not a working paper issued by the PBOC, instead, it is an academic paper co-authored by a staff member of the PBOC, and thus does not represent the views of the PBOC.
- (217) Furthermore, according to the GOC, the paper tries to explain that there is a difference in notches regarding a Chinese company's credit rating between the domestic system and the international system, due to the fact that the former is based on the company's risk ranking among Chinese domestic companies, while the latter is based on the same company's risk ranking among all the companies of the world. Finally, the GOC argued that several Chinese companies had received higher credit ratings by international agencies.
- (218) The Commission noted first that the claim that difference in credit ratings would not impact the pricing of loans does not have any support in financial literature. Indeed, the basic rationale of credit ratings is to assist financial operators to correctly price the credit risk in their lending decisions. An absence of correlation between credit rating and the price (interest rate) of loans, would indeed indicate that the market is distorted and that the financial institutions are entrusted or directed to provide loans to the companies irrespective of their financial situation and creditworthiness.
- (219) Second, the fact that some companies received higher credit ratings by international agencies does not put into question the Commission's overall assessment as such. Indeed, as mentioned in recital (211) above, foreign rating agencies typically apply an uplift over the issuer's baseline credit rating based on an estimate of the firm's strategic importance to the Chinese Government and the strength of any implicit guarantee when they rate Chinese bonds issued overseas.
- (220) Concerning the PBOC Working Paper No 2017/5, the Commission noted that it was found under the research section of the PBOC's website which indicates the following: *"Working Papers carry academic papers by the PBC staff. The views expressed in the papers are those of the authors and may not represent those of their organization. Reports and citations thereof should specify the source as "PBC working papers" ⁽⁶⁰⁾.*" Therefore, even though it may not represent as such the official view of the PBOC, it is correct to refer to it as a working paper of the PBOC. In addition, as these papers are released on the official website of the organization, one can reasonably assume that the PBOC at least considers that these papers meet the criteria for valid academic research.
- (221) The Commission also disagrees with the assumption that there is a difference in notches due to the fact that the domestic rating is based on a risk ranking among Chinese domestic companies, while the foreign rating is based on a risk ranking among all the companies of the world. Following this hypothesis, and in view of the fact that around 90 % of the bonds within China are rated AAA, this would lead to the conclusion that nearly all companies in China are ranked the same in terms of risk because they are all performing exceptionally well compared to each other, which seems highly unlikely in terms of economic reality.

⁽⁵⁹⁾ PBOC Working Paper No 2017/5, May 25, 2017, p. 28.

⁽⁶⁰⁾ Working_Paper (pbc.gov.cn) (last accessed 28 November 2021)

- (222) In any event, the Commission noted that since none of the banks providing the loans to the exporting producers cooperated with the investigation, it could not verify whether and how the risk assessment and the credit rating is taken into account. Therefore, it had to rely on facts available, which confirmed that the interest rates for the loans provided were well below market rates and thus that these governmental policies and working paper did play a role in the setting of interest rates as not linked to the real underlying risk.
- (223) Finally, the Commission recalled that its assessment of appropriate credit rating is not based on a mechanistic approach but that the Commission assessed individually the financial situation of each sampled group of exporting producers in order to reflect their particularities, as described in recital (237).

3.4.2. Preferential financing: loans

3.4.2.1. Types of loans

(1) Short-term and long-term loans

- (224) The Commission established that companies in all three sampled groups used various short-term and long-term loans to finance their activities. These loans were mainly used for daily operations, working capital needs, for special projects, investments or to replace other loans. Each group also used short-term and long-term export credits.

(2) Loans with the specific purpose to replace other loans

- (225) In the course of the investigation, the Commission found that all sampled groups contracted loans with the specific purpose of replacing loans from other banks. The Commission established that with this practice some companies could rearrange their liabilities and obtain the funds without which they would not be able to meet their repayment obligations, evidencing therefore problems to repay debt.
- (226) Following final disclosure, the GOC claimed that revolving loans are not necessarily a sign of liquidity issues. It claimed that such operations are common by any commercial company, including those in the Union. GOC further claimed that there are various reasons for such refinancing and that there is nothing suggesting that companies making use of such operations would be unable to repay debt.
- (227) The Commission disagreed with the assessment made by the GOC. The Chinese authorities themselves consider revolving loans to be an additional factor of credit risk. As stated in the CBRC's 'Guidelines on risk-based loan classification', revolving loans should be reported at least as a 'concerned' loan⁽⁶¹⁾. A loan falling under this category means that even though a borrower can pay the principal and interest of the loan now, there are some factors, which may negatively affect the repayment thereof.
- (228) Revolving credit facilities do indeed exist in Europe, but their terms and conditions are very different from the Chinese revolving loans. Revolving credit facilities in the Union are basically credit lines, with a pre-determined maximum amount that can be withdrawn and repaid on several occasions during a pre-specified time period. In addition, such credit facilities entail an additional cost, be it a contractual margin on top of the usual short-term market rates, or a predetermined management fee.
- (229) On the other hand, the revolving loans found at the Chinese sampled companies did not have conditions different from other short-term loans. They were not labelled as being a credit line or a revolving credit facility and there were no extra fees or margins attached to it. At first sight, they appeared to be normal short-term loans. However, sometimes the purpose of the loan referred to 'repayment of loans'. In addition, when verifying the repayments of such loans during the RCCs, it became clear that the capital amount was actually being repaid by fresh loans received from the same bank for the same amount within a week before or after the maturity date of the initial loan. The Commission then extended its analysis to the other loans in the loan tables and found in most cases other instances with exactly the same characteristics. For all these reasons, the Commission maintained its position on revolving loans.

⁽⁶¹⁾ Article X, point II of the CBRC's Guidelines on risk-based loan classification.

3.4.2.2. Specificity

- (230) As demonstrated in recitals (161) to (168), several legal documents, which specifically target companies in the sector, direct the financial institutions to provide loans at preferential rates to the ACF industry. These documents demonstrate that the financial institutions only provide preferential financing to a limited number of industries/companies, which comply with the relevant policies of the GOC. The Commission considered that the reference to the ACF industry is sufficiently clear as this industry is identified either by its name or by a reference to the product that it manufactures or the industry group that it belongs to.
- (231) Following final disclosure, the GOC disagreed with the Commission's finding of specificity within the meaning of Article 4(2)(a) of the basic Regulation. The GOC reiterated its claims that the legal framework under which the financial institutions are entrusted or directed to provide loans to encouraged industries is only of non-binding nature and that the ACF industry is not encouraged.
- (232) First, the binding nature of the legal framework is already confirmed under recitals (182) and (183). Second, the fact that ACF industry is encouraged has also already been extensively discussed and confirmed in section 3.1..
- (233) The Commission therefore maintained its conclusion that subsidies in the form of preferential lending are not generally available to all industries but are specific within the meaning of Article 4(2)(a) of the basic Regulation.

3.4.2.3. Calculation of the subsidy amount

- (234) The Commission calculated the amount of the countervailable subsidy based on the benefit conferred on the recipients during the investigation period. According to Article 6(b) of the basic Regulation, the benefit conferred on the recipients is the difference between the amount of interest that the company has paid on the preferential loan and the amount that the company would have paid for a comparable commercial loan, which the company could have obtained on the market.
- (235) As explained in Sections 3.4.1 and 3.4.2 above, the loans provided by Chinese financial institutions reflect substantial government intervention and do not reflect rates that would normally be found in a functioning market.
- (236) The sampled groups of companies differed in terms of their general financial situation. Each of them benefitted from different types of loans during the investigation period with variances in respect of maturity, collateral, guarantees and other conditions. For those two reasons, each company had an average interest rate based on its own set of loans received.
- (237) The Commission assessed individually the financial situation of each sampled group of exporting producers in order to reflect these particularities. In this respect, the Commission followed the calculation methodology for preferential financing through loans established in the anti-subsidy investigation on hot-rolled flat steel products originating in the PRC, as well as in the anti-subsidy investigations on tyres originating in the PRC and certain woven and/or stitched glass fibre fabrics originating in the PRC ⁽⁶²⁾, as explained in the recitals below. As a result, the Commission calculated the benefit from the preferential financing through loans practices for each sampled group of exporting producers on an individual basis, and allocated such benefit to the product concerned.
- (238) Following the final disclosure, the Daching group claimed that there was no analysis by the Commission provided as to whether any calculation methodology used in these anti-subsidy investigations on tyres originating in the PRC and certain woven and/or stitched glass fibre fabrics originating in the PRC ⁽⁶³⁾ should be legally and factually adequate to apply in the current investigation. Also, there was no indication that the calculation methodology was the same.

⁽⁶²⁾ See HRF case (recitals 152 to 244), Tyres case (recital 236) and GFF case (recital 300) cited in footnote 5.

⁽⁶³⁾ See HRF case (recitals 152 to 244), Tyres case (recital 236) and GFF case (recital 300) cited in footnote 5.

(239) The analysis of the preferential financing, as provided in the recitals (224) to (236) was comparative to the analysis made in the previous cases ⁽⁶⁴⁾ mentioned in the recital (237). The calculation methodology followed the same principles, while the benefit from the preferential financing through loans practices for each sampled group of exporting producers was made on an individual basis, as explained in recital (237) and disclosed to these producers. The claim of the party was therefore rejected.

(a) Nanshan Group

(240) The Commission noted that Donghai Foil, the exporting producer in the Nanshan Group, had not received a credit rating for the period considered. Other companies within the Nanshan Group were awarded credit ratings ranging between AA+ and AAA- by Chinese credit rating agencies. In light of the overall distortions of Chinese credit ratings mentioned in Section 3.4.1.8, the Commission concluded that these ratings are not reliable.

(241) As mentioned in recitals (176) to (178) above, the Chinese lending financial institutions did not provide any creditworthiness assessment in this investigation. Therefore, in order to establish the benefit, the Commission had to assess whether the interest rates for the loans accorded to the Nanshan Group were at market rates.

(242) Donghai Foil presented itself in a generally profitable financial situation with profit margins ranging between 0,5 % and 7,2 % according to its own financial accounts although the profit margins had declined in the recent years and since 2018 they remained below 1 %. This company only used short-term debt to finance its operations. The Commission assessed the short-term liquidity situation of the company.

(243) Regarding short-term liquidity, the Commission used liquidity ratios such as current ratio, quick ratio, cash ratio and cash flow ratio. These ratios measure the company's ability to pay short-term obligations, including short-term debt. The company presented an average current ratio of 1,6 during the IP. Although the current ratio is above 1, the company's current assets are just enough to pay the short-term obligations, which is not sufficient to justify a high credit rating, for which a company should present a ratio of at least 2. The quick ratio of the company was 1,3 in 2019 and 1,2 in 2020, while a quick ratio of at least 1 is considered as a reference. In fact, a company that has a quick ratio below 1 may not be able to pay off its current liabilities in the short-term. The cash ratio of the company was on average 0,01 in the IP; therefore, the company had insufficient cash at hand to pay its short-term debt. The company also showed a negative cash flow from operating activities ('CFO') in 2016, 2017 and 2019. The CFO ratio was extremely low, - 0,02 in 2019 and - 0,04 in 2020. A CFO ratio lower than 1 means that the company does not generate enough cash to cover its current liabilities.

(244) Considering the liquidity indicators described in recital (243), the Commission concluded that the company at issue presented short-term liquidity problems which results in having a high risk debtor profile.

(245) The Commission based the long-term solvency risk assessment on various solvency ratio such as debt ratios and coverage ratios. The solvency ratios measure the company's ability to meet its long-term debt obligations. They are used by lenders and bond investors when assessing the company's creditworthiness.

(246) Debt ratios measure the amount of liabilities, in particular long-term debt. The company had a high Debt-to-Assets ratio of 0,54, which means that 54 % of the assets of the company are financed by short-term debt. In addition, this ratio has been sharply increasing over the years. The Debt-to-Equity ratio also increased continuously from 0,3 in 2016 to 1,2 in 2020, which points to the fact the company is financing more and more of its activity mainly through debt. The higher the Debt-to-Assets and the Debt-to-Equity ratios are, the higher the financial risk of the company is, which means that the company may have a harder time servicing its existing debts.

⁽⁶⁴⁾ See HRF case (recitals 152 to 244), Tyres case (recital 236) and GFF case (recital 300) cited in footnote 5.

- (247) The coverage ratios measure the company's ability to serve its debt and meet its financial obligations. Since the company had a negative cash flow from operations in most years, the average CFO-to-Debt ratio of the company in the IP was also negative. This means that the company would not be able to repay its total debt with the operating cash flow it generates. The data from 2020 shows a slightly better situation. Nevertheless, it would still take the company 25 years to repay its debt, thus indicating serious problems of the company to generate enough cash in order to repay its debt.
- (248) Therefore, considering the liquidity and solvency issues described in recitals (242) to (247), the Commission considered that the company presented a fragile financial situation and a high risk profile for potential lenders and investors. In view of the precarious cash situation of the exporting producer, it is therefore not surprising to see that it had no external financing at all, but was financed exclusively via intercompany loans.
- (249) The Commission therefore also looked at the financial situation of the two parent companies of the group, Nanshan Group and Shandong Nanshan. Although their financial situation looked better at first sight, with higher profitability figures (around 8 to 10 %) and lower debt ratios (with a Debt-to-Assets ratio of around 25 % for both of them), similar liquidity issues could be observed. Indeed, the cash ratios of the parent companies stayed consistently below 1 and were on average 0,6 in the IP. Therefore, they had insufficient cash at hand to pay their short-term debt. The companies also showed a consistently low CFO-to-Debt ratio, amounting to 0,4 in the IP, meaning that they did not generate enough cash to cover their current liabilities.
- (250) Moreover, some companies in the group had contracted loans and bonds to repay preceding loans or loans from other banks. This type of loan is considered as an indication that the company is in a worse financial situation than what the financial statements would suggest at first sight, and that there is an additional risk related to their short and long term financing. Finally, the Commission found that Shandong Nanshan had undergone a debt restructuring exercise in the past, and had benefited from a debt-to equity swap deal, as further explained below in Section (358).
- (251) Taking into account the serious liquidity and solvency problems that the financial analysis of the companies in the Nanshan Group, as described in recitals (242) to (247) pointed out, the Commission considered that the overall financial situation of the Nanshan Group corresponds to a BB rating, which is the highest rating that does no longer qualify as 'investment grade'. 'Investment grade' means that bonds issued by the company are judged by rating agencies as likely enough to meet payment obligations and that banks are allowed to invest in them.
- (252) Based on publicly available data on Bloomberg, the Commission used as a benchmark the premium expected on bonds issued by firms with a BB rating, which was applied to the PBOC Loan Benchmark Rate, or after 20 August 2019 to the Loan Prime Rate as announced by the NIFC ⁽⁶⁵⁾ in order to determine the market rate.
- (253) That mark-up was determined by calculating the relative spread between the indices of US AA rated corporate bonds to US BB rated corporate bonds based on Bloomberg data for industrial segments. The relative spread thus calculated was then added to the Loan Benchmark Rate published by the PBOC or, after 20 August 2019, to the Loan Prime Rate published by the NIFC, at the date when the loan was granted ⁽⁶⁶⁾ and for the same duration as the loan in question. This was done individually for each loan provided to the group of companies
- (254) As for loans denominated in foreign currencies, the same situation in respect of market distortions and the absence of valid credit ratings applies, because these loans are granted by the same Chinese financial institutions. Therefore, as found before, BB rated corporate bonds in relevant denominations issued during the investigation period were used to determine an appropriate benchmark.
- (255) The benefit was established by applying the benchmark described in recital (252) – (253) to the period of loan financing during the investigation period.

⁽⁶⁵⁾ See recital (177) above.

⁽⁶⁶⁾ In case of fixed interest loans. For variable interest rate loans, the PBOC benchmark rate during the IP was taken.

- (256) Following final disclosure, the GOC considered that the Commission incorrectly disregarded the credit rating of the cooperating exporting producers and disagreed with the methodology used by the Commission to establish a benchmark, which should be based on finding a comparable benchmark on the domestic market instead of applying “out-of-country credit ratings”. The Commission should instead have used comparable loans not affected by the market distortions in the country concerned. The GOC also considered that the Commission reached an arbitrary conclusion when stating that most of the sampled Chinese exporters should correspond to a BB rating.
- (257) The GOC furthermore objected to the use of the relative spread between AA and BB rated bonds as the mark-up and its addition to the PBOC rates. According to the GOC, the method of the relative spread is flawed as the level of the upward adjustment in the first place depends on the level of the going interest rates, and as the PBOC reference rates in the PRC during the relevant years were much higher than the reference rate in the US. Moreover, the use of a relative spread entails that the mark-up becomes a variable figure.
- (258) In response to these claims, the Commission noted the following.
- (259) First, on the use of a benchmark outside the country, as explained above, domestic credit ratings awarded to Chinese companies were considered distorted by the policy objectives of the GOC to encourage key strategic industries and therefore unreliable. As a result, the Commission had to look for a benchmark based on undistorted credit ratings, which can only be found outside the country.
- (260) Second, on the BB rating applied to the companies, the Commission recalls that it did not make an arbitrary decision, but performed an individual financial analysis of all the companies concerned, which pointed to a financial situation corresponding to a BB rating.
- (261) Third, the use of the relative spread was already explained in previous investigations ⁽⁶⁷⁾. Indeed, the relative spread captures changes in the underlying country specific market conditions, which are not expressed when following the logic of an absolute spread. Often, as in the present case, the country- and currency-specific risk varies over time, and the variations are different for different countries. As a result, the risk-free rates vary significantly over time, and are sometimes lower in the US, sometimes in China. These differences relate to factors such as observed and expected GDP growth, economic sentiment, and inflation levels. Because the risk-free rate varies over time, the same nominal absolute spread can signify a very different assessment of the risk. For example, where the bank estimates the company-specific risk of default at 10 % higher than the risk-free rate (relative estimation), the resulting absolute spread can be between 0,1 % (at a risk-free rate of 1 %) and 1 % (at a risk-free rate of 10 %). From an investor perspective, the relative spread is hence a better measure as it reflects the magnitude of the yield spread and the way it is affected by the base interest-rate level. (332) Third, the relative spread is also country-neutral. For instance, where the risk-free rate in the US is lower than the risk-free rate in China, the method will lead to higher absolute mark-ups. On the other hand, where the risk-free rate in China is lower than in the US, the method will lead to lower absolute mark-ups.
- (262) After final disclosure, the Nanshan group also contested the BB rating established by the Commission for the companies in the group, arguing that credit ratings should have been looked at separately for each company, that the analysis was incorrectly limited to the IP, and that there is no evidence that Nanshan actually defaulted on its financial obligations.
- (263) Furthermore, the Commission's benefit analysis is also defective because the benchmark used by the Commission: (A) fails to reflect the market conditions prevailing in China, (B) contradicts the Commission assertions that financial markets in China are distorted (because the starting point is the PBOC benchmark rate), and (C) is based on two separate financing tools (loans and bonds), which an unrealistic hybrid benchmark that does not reflect standard market practices.

⁽⁶⁷⁾ HRF and Tyres cases, recitals (175) to (187) in the HRF case, and from recital (256) in the Tyres case

- (264) Nanshan Group also provided a list of RMB-dominated bonds issued in the Hong Kong market for foreign investors, obtained from Bloomberg, submitting that a Hong Kong-based benchmark (purely based on bond yield rates) would more closely reflect the market conditions in China than a constructed US-China loan-bond hypothetical model.
- (265) On Nanshan Group's credit ratings, the Commission noted that it did make an individual assessment of the main companies within the scope of the investigation, i.e. the exporting producer, and those with the largest proportion of financing in the group, i.e. the intermediate parent company and the ultimate parent company, as highlighted in recitals (242) and (249) to (250) above. Contrary to the assertions of the company, the Commission did take into account the evolution of the financial indicators over the entire period considered (i.e. 2017 to the IP). The Commission did not find any meaningful differences between the financial situation of these companies. It also did not find any meaningful differences in the interest rates. The fact that Nanshan did not default on its obligations does not in itself contradict the conclusions on the overall financial situation of Nanshan Group. Therefore, the Commission maintained its conclusions on the credit rating.
- (266) On the benchmark used for the calculation of the benefit, the Commission wishes to highlight that the use of the PBOC benchmark rate as a starting point for establishing the benchmark is exactly the way in which the benchmark is adjusted to prevailing market conditions in China, as it represents the risk-free rate in China, which is country-specific, as already mentioned in recital (261). Therefore, there is no contradiction as such. Furthermore, the Commission sees no issue with the combination of the risk-free rate on loans, and the use of a relative spread based on bonds. Indeed, the Commission does not simply add up the PBOC loan rate and the USD BB bond yield rate. Instead, it calculates a spread between AA and BB-rated bonds, which corresponds to a risk factor to be applied to the risk-free rate.
- (267) In addition, loans and corporate bonds are in principle similar financial debt instruments. In fact, a corporate bond is a kind of a loan used by large entities to raise capital. Both loans and corporate bonds are contracted/issued for a certain period of time and bear an interest/coupon rate. The fact that the financing through a loan is provided by a financial institution and that the financing through a corporate bond is provided by investors, which in most cases are also financial institutions, is irrelevant for the determination of the core characteristics of both instruments. Indeed, both instruments serve to finance business operations, bear the same kind of remuneration and have similar repayment term and conditions. One can thus reasonably assume that the risk factor between AA and BB rated companies remains the same, whether it be for the issuance of loans or bonds. This claim was thus rejected.
- (268) The Commission also examined the alternative benchmark proposed by the Nanshan Group. However, the RMB-denominated bonds issued in Hong Kong which were submitted concerned almost exclusively bonds issued by the government of China or financial institutions, and are thus not comparable to corporate bonds. Most of the bonds issued also did not provide any credit rating indication. The Commission thus found that this could not be used as a reasonable alternative for the benchmark currently used.
- (269) Finally, the Nanshan Group claimed that the Commission made some calculation errors for several companies in the group because of cell formatting, duplication of loans, incorrect initial amount of loans in the submitted tables or errors spotted in the formulas. The Commission indeed noticed that it had made some clerical errors and the calculation of the benefit from loans was thus adapted accordingly.

(b) Wanshun Group

- (270) The Commission noted that the Wanshun Group was awarded an AA+ rating by a Chinese credit rating agency in 2018.
- (271) As mentioned in recitals (176) to (178) above, the lending Chinese financial institutions did not provide any creditworthiness assessment. Hence, in order to establish the benefit, the Commission had to assess whether the interest rates for the loans accorded to the Wanshun Group were at market level.

- (272) The exporting producer of the Wanshun Group presented itself in a generally profitable financial situation according to its own financial accounts.
- (273) The exporting producer used short-term and long-term debt to finance its operations. The Commission assessed the short-term liquidity and the long-term solvency situation of the company.
- (274) Regarding short-term liquidity, the Commission used liquidity ratios such as (a) current ratio, (b) cash ratio, (c) quick ratio, and (d) cash from operations ratio. These ratios measure the company's ability to pay short-term obligations, including short-term debt.
- (275) The company's current ratio was at 1,04 in 2018, decreased to 0,96 in 2019 and then increased again to 0,98 in 2020). Despite the AA+ rating attributed to the company in 2019, the company's current assets were thus not enough to pay the short-term obligations. This does not justify a high credit rating, for which a company should present a ratio of at least 2.
- (276) The cash ratio of the company was on average 0,1 in 2016-2019 and 0,2 by the end of the IP; therefore, the company had insufficient cash at hand to pay its short-term debt.
- (277) The quick ratio of the company was 0,11 in 2018 and 0,14 in 2019 and 2020, while a quick ratio of at least 1 is considered as a reference. In fact, a company that has a quick ratio below 1 may not be able to pay off its current liabilities in the short-term.
- (278) The company showed a positive cash flow from operating activities since 2017, after having doubled in 2018, it decreased by 90 % until 2020. The operating cash ratio was 0,25 in 2018, 0,04 in 2019 and 0,02 by 2020. An operating cash ratio lower than 1 means that the company has not generated enough cash to cover its current liabilities.
- (279) Considering the short-term liquidity indicators described in recital (297), the Commission concluded that the company at issue presented short-term liquidity problems which results in having a high-risk debtor profile.
- (280) The Commission based the long-term solvency risk assessment on various solvency ratios such as (a) debt ratios and (b) coverage ratios. These ratios measure the company's ability to meet its long-term debt obligations. They are used by lenders and bond investors when assessing the company's creditworthiness.
- (281) Debt ratios measure the amount of liabilities, in particular long-term debt. The company had a high debt to assets ratio of 0,5, which means that 50 % of the assets of the company are financed by debt. The debt to equity ratio was 0,5 in the IP, which points to the fact the company is financing its activity through debt. The higher the debt to assets and the debt to equity ratios are, the higher the financial risk of the company is, which means that the company may have a harder time servicing its existing debts.
- (282) The coverage ratios measure the company's ability to serve its debt and meet its financial obligations. The Commission based its assessment on the interest coverage ratio and the cash from operations to debt ratio, which shows the ability of the company to repay its debt with cash generated from operating activities. The average CFO-to-Debt ratio of the exporter in the IP was 0,03. This means that the company would need 33 years to repay its total debt with the operating cash flow it generates in the IP. Therefore, there are indications of serious problems of the company to generate enough cash in order to repay its debt.
- (283) Therefore, considering the long-term solvency ratios described in recital (303), the Commission considered that the company was not in a solid financial situation and had a risky profile for potential lenders and investors.
- (284) Moreover, the company has contracted loans with the purpose to repay loans from other banks. This type of loan is considered as an indication that the company is in a worse financial situation than what the financial statements would suggest at first sight, and that there is an additional risk related to its short and long-term financing.

- (285) Following the above and in view of the overall distortions of Chinese credit ratings, mentioned in Section 3.5.2, the Commission concluded that the AA+ credit rating awarded to Wanshun Group is not reliable.
- (286) The Commission considered that the overall financial situation of the group corresponds to a BB rating, which is the highest rating that does no longer qualify as ‘investment grade’.
- (287) The benefit was established by applying the methodology described in recitals (252) to (255) to the period of loan financing during the investigation period.
- (288) Following the final disclosure, the Wanshun Group requested the Commission to clarify the factual basis for the allegation that the company of the group “contracted loans with the purpose to repay loans from other banks”. The party also claimed that:
- (a) the Commission relied on a number of ratios that were seemingly based on the financial statements of Jiangsu Zhongji Lamination Materials Co., Ltd., but not on the consolidated financial statements of the Wanshun group, which is erroneous, since Jiangsu Zhongji Lamination Materials Co., Ltd. ratios do not reflect the creditworthiness of the Wanshun group. The party also requested the Commission to confirm and disclose the basis on which the financial indicators were established.
 - (b) the Commission used the wrong date for calculating the benchmark for one of the loans provided to Shantou Wanshun.
 - (c) Jiangsu Huafeng Aluminium Industry Co., Ltd only borrowed from two group companies in the IP and that such intra-group borrowing should not be considered as a subsidy, since these group companies were neither public bodies, nor could they have been considered to be entrusted or directed by the GOC. In addition, countervailing both the loan from a commercial bank and the intra-group loan, resulted in double counting.
- (289) On the first point, the Commission confirmed that the indicators mentioned in this section are based on the financial statements of Zhongji Lamination Materials Co. Ltd. As already explained in recital (265), the Commission made an individual assessment of the main companies within the scope of the investigation, i.e. the exporting producer, and those with the largest proportion of financing in the group, i.e. the parent company. Indeed, this approach seems reasonable, as loans are provided to legal entities, not to the group as such. The Commission also took into account the evolution of the financial indicators over the entire period considered (i.e. 2017 to the IP).
- (290) In any event, the Commission did not find any meaningful differences between the financial situation of the companies in the group. Indeed, even taking into account the consolidated data provided by the company itself upon disclosure, we still see a fragile cash situation, with a low cash ration and cash from operations to debt ratio. The debt-to-assets ratio is also very similar to that of the sole exporting producer. The Commission also did not find any meaningful differences in the interest rates of the loans issued to the various companies in the group. This claim was thus rejected.
- (291) The Commission did not accept the claim presented under the second point, since the date proposed by the company post-dated the starting date of the loan, whereas the Commission used the benchmark figure for the date immediately preceding the starting date of the loan, and which was thus still applicable on that starting date.
- (292) The Commission agreed with the claim presented under the third point, and adapted the calculations accordingly.
- (c) Daching Group
- (293) The Commission noted that the Daching Group was awarded an AAA- rating by a Chinese credit rating agency in 2019.
- (294) As mentioned in recitals (176) to (178) above, the lending Chinese financial institutions did not provide any creditworthiness assessment. Hence, in order to establish the benefit, the Commission had to assess whether the interest rates for the loans accorded to the Daching Group were at market level.

- (295) The exporting producer Xiamen Xiashun presented itself in a generally profitable financial situation according to its own financial accounts.
- (296) Xiamen Xiashun used short-term and long-term debt to finance its operations. The Commission assessed the short-term liquidity and the long-term solvency situation of the company.
- (297) Regarding short-term liquidity, the Commission used liquidity ratios such as (a) current ratio, (b) cash ratio, (c) quick ratio, and (d) cash from operations ratio. These ratios measure the company's ability to pay short-term obligations, including short-term debt.
- (298) The company's current ratio was at 0,9 in 2018, increased to 1,0 in 2019 and then decreased again to 0,9 by the end of the IP (first half of 2020). Despite the AAA- rating attributed to the company in 2019, the company's current assets was just enough to pay the short-term obligations. This is not sufficient to justify a high credit rating, for which a company should present a ratio of at least 2.
- (299) The cash ratio of the company was on average 0,1 in 2016-2019 and 0,2 by the end of the IP; therefore, the company had insufficient cash at hand to pay its short-term debt.
- (300) The quick ratio of the company was 0,4 in 2017-2018 and 0,5 in 2019-by the end of the IP, while a quick ratio of at least 1 is considered as a reference. In fact, a company that has a quick ratio below 1 may not be able to pay off its current liabilities in the short-term.
- (301) The company showed a positive cash flow from operating activities, however it decreased nearly by half from 2016 to 2019 and the end of the IP. An operating cash ratio was 0,2 in 2019 and by the end of the IP. An operating cash ratio lower than 1 means that the company has not generated enough cash to cover its current liabilities.
- (302) Considering the short-term liquidity indicators described in recital (297), the Commission concluded that the company at issue presented short-term liquidity problems which results in having a high risk debtor profile.
- (303) The Commission based the long-term solvency risk assessment on various solvency ratios such as (a) debt ratios and (b) coverage ratios. These ratios measure the company's ability to meet its long-term debt obligations. They are used by lenders and bond investors when assessing the company's creditworthiness.
- (304) Debt ratios measure the amount of liabilities, in particular long-term debt. The company had a high debt to assets ratio of 0,6, which means that 60 % of the assets of the company are financed by debt. The debt to equity ratio was 1,5 in the IP, which points to the fact the company is financing its activity through debt. The higher the debt to assets and the debt to equity ratios are, the higher the financial risk of the company is, which means that the company may have a harder time servicing its existing debts.
- (305) The coverage ratios measure the company's ability to serve its debt and meet its financial obligations. The Commission based its assessment on the interest coverage ratio and the cash from operations to debt ratio. The interest coverage ratio shows the ability of the company to finance interest costs. This ratio of the exporter was around 1,2 in the IP. Such a ratio of less than 1,5 indicates that the company has difficulties meeting its interest expenses. A cash from operations to debt ratio shows the ability of the company to repay its debt with cash generated from operating activities. The average cash from operations to debt ratio of the exporter in the IP was 0,1. This means that the company would need 10 years to repay its total debt with the operating cash flow it generates in the IP. Therefore, there are indications of serious problems to generate enough cash in order to repay debt.
- (306) Moreover, the company has contracted loans with the purpose to repay loans from other banks. This type of loan is considered as an indication that the company is in a worse financial situation than what the financial statements would suggest at first sight, and that there is an additional risk related to its short and long-term financing.

- (307) Therefore, considering the long-term solvency ratios described in recital (276), the Commission considered that the company was not in a solid financial situation and had a risky profile for potential lenders and investors.
- (308) Taking into account the liquidity and solvency elements of the exporting producer, as described in recitals (297) to (305), the Commission considered that the overall financial situation of the Daching Group corresponds to a B/BB rating (where B rating was applied for loans with the purpose to repay loans from other banks), which is the highest rating that does no longer qualify as ‘investment grade’.
- (309) The benefit was established by applying the benchmark described in recitals (252) – (253) to the period of loan financing during the investigation period.
- (310) After final disclosure, the Daching group claimed that:
- (a) the PBOC Loan Benchmark Rate and the Loan Prime Rate rates apply to normal companies, which have a medium credit rating (the BBB rating), rather than to companies with the highest credit rating (the AA rating as used by the Commission). Therefore, in order to calculate a spread, the Commission should have compared the U.S. corporate bonds with the BBB rating against the rating assigned to the Daching group. The party re-evaluated its own rating using Bloomberg’s methodology;
 - (b) since the Commission derived the spread comparing the Bloomberg BB rated bonds and the AA rated bonds, it should have used the same credit rating methodology a Bloomberg (like Moody’s), rather than the Commission’s own methodology, to assign a credit rating to the companies in the group. The party added the valuation methodology of the Commission was highly questionable, because, based on the ratios used, such as current ratio, quick ratio, cash ratio and debt to asset ratio, the Commission concluded that the Daching group would not be able to pay off their debt, while these ratios needed to be judged according to the industry. Also, the Commission’s assessment was based on the assumption that the company was going to default and stop business activities ‘now’, while the group was operating on a going concern’ basis ⁽⁶⁸⁾, where it could pay off its debt by using its cash flow and profit before interest, taxes, and amortization;
 - (c) no spread should have been applied to the guaranteed loans of the Daching group, since they had much lower risk than loans which were not guaranteed loans. Even if the Commission considered to apply a spread to guaranteed loans, it should apply a negative spread, rather than a positive spread.
- (311) First, regarding the comment on the use of the Benchmark Interest Rate published by the PBOC or the Loan Prime Rate published by NIFC as a starting point in the calculation of the benchmark, the Commission pointed out that these rates are considered to be risk-free rates which, in a conservative approach, would be applied to companies having an AA rating. As found by the Commission in the current investigation, the PBOC Loan Benchmark Rate and the Loan Prime Rate published by NIFC rates applied to the best clients of these banks, thus the companies that were rated the highest. Indeed, as mentioned in the documentation submitted by the GOC during the course of the investigation, “LPR has been quoted by each LPR quoting bank in accordance with the loan rates issued **to their prime clients** (emphasis added) on the 20th of each month ⁽⁶⁹⁾” Also, the Commission noted that the rating of the companies in the group in the last four years, as re-evaluated by the party using Bloomberg’s methodology, was not classified as the ‘investment grade’.
- (312) Second, the credit rating methodology used by the Commission involved a number of ratios measuring the company’s current ability to pay the short-term obligations, which demonstrated to be not sufficient neither by selling the current assets (current ratio), nor using the cash at hand (cash ratio), not using the operating cash (operating cash ratio). All these ratios demonstrated short-term liquidity problems of the exporting producer, which resulted in having a high risk debtor profile, as explained in the recitals (296) – (302). At the same time the party did

⁽⁶⁸⁾ The company is continuing its business for the foreseeable future.

⁽⁶⁹⁾ “Promoting LPR Reform Orderly”, issued by the Monetary Policy Analysis Group of the People’s Bank of China, September 15, 2020, <http://www.pbc.gov.cn/en/3688110/3688172/4048269/4094018/2020091518070233600.pdf>, last accessed 30 November 2021.

not demonstrate why these ratios should have been treated in any other way specific to the ACF industry. In addition, these ratios indicate company's 'current' ability to pay the short-term obligations and are used for the purpose of the risk evaluation of the debtor only for the purpose of this investigation. This evaluation is separate and may be different from the assumption of the management in the preparation process of the financial statements, evaluating the company's ability of going concern.

- (313) Third, the guarantees provided to loans were provided by related parties in the group, to which the same credit rating applies. This should therefore have no impact as such on the Commission's assessment. The claims of the party were therefore rejected.
- (314) The Daching group further alleged that the Commission had used a wrong principal balance when calculating the loan interest benefit for the group on two loans. Namely, for the two loans initially borrowed, its principal was partially paid off and the principal applicable to the interest payment should have been less than the initial amount. Also, the actual interest payment for two other loans was paid after the IP and the Commission should have not treated the interest payment as zero in the calculation. The Commission reviewed the calculation and corrected it with regard to these claims.

3.4.2.4. Conclusion on preferential financing: loans

- (315) The Commission established that all sampled groups of exporting producers benefited from preferential financing through loans during the investigation period. In view of the existence of a financial contribution, a benefit to the exporting producers and specificity, the Commission considered preferential financing through loans a countervailable subsidy.
- (316) The subsidy rates established with regard to the preferential financing through loans during the investigation period for the sampled groups of companies amounted to:

Preferential financing: loans

Company name	Subsidy amount
Nanshan Group	1,45 %
Wanshun Group	1,93 %
Daching Group	4,36 %

3.5. Preferential financing: other types of financing

3.5.1. Credit lines

3.5.1.1. General

- (317) The purpose of a credit line is to establish a borrowing limit that the company can use at any time to finance its current operations thus making working capital financing flexible and immediately available when needed. Therefore, the Commission considered that in principle, all short-term financing of the sampled companies, such as short-term loans, bank acceptance drafts etc., should be covered by a credit line instrument.

3.5.1.2. Findings of the investigation

- (318) The Commission established that Chinese financial institutions provided credit lines to each sampled group in connection with the provision of financing. These consisted of framework agreements, under which the bank allows the sampled companies to use various debt instruments, such as working capital loans, bank acceptance drafts and other forms of trade financing within a certain maximum amount.

- (319) As mentioned in recital (317) above, all short-term financing should be covered by a credit line. Therefore, the Commission compared the amount of the credit lines available to the cooperating companies during the investigation period with the amount of short-term financing used by these companies during the same period to establish whether all short-term financing was covered by a credit line. Where the amount of the short-term financing exceeded the credit line limit, the Commission increased the amount of the existing credit line by the amount actually used by the exporting producers beyond that credit line limit.
- (320) Under normal market circumstances, credit lines would be subject to a so-called 'arrangement' or 'commitment' fee to compensate for the bank's costs and risks at the opening of a credit line, as well as to a 'renewal fee' charged on a yearly basis for renewing the validity of the credit lines. However, the Commission found that each sampled group of companies benefited from credit lines provided free of charge. Therefore, a benefit was conferred to the investigated groups of companies within the meaning of Article 6(d) of the basic Regulation.

3.5.1.3. Specificity

- (321) As mentioned in recital (99), according to Decision No 40, financial institutions shall provide credit support to encouraged industries.
- (322) The Commission considered that credit lines are a form of a preferential financial support by financial institutions to encouraged industries such as the ACF sector. As specified in Section 3.1 above, the ACF sector is among the encouraged industries and is therefore eligible for all possible financial support.
- (323) Following final disclosure, the GOC claimed that the credit lines allegedly being provided to the ACF industry procure no benefit and that they are not specific. The GOC reiterated its arguments concerning the non-binding nature of Decision 40, as well as the reasoning contesting the qualification of Chinese financial institutions as public bodies. In this respect, the Commission noted that the GOC failed to demonstrate that companies in the PRC can equally benefit from the preferential conditions observed as regards the ACF industry. Moreover, as credit lines are intrinsically linked to other types of preferential lending such as loans and as they are part of the credit support specifically provided to encouraged industries, the public body analysis and the specificity analysis as developed in Sections 3.4.1.1 to 3.4.1.5, as well as Section 3.4.2.2 above for loans is also applicable to credit lines. As a result, these claims were rejected.

3.5.1.4. Calculation of the subsidy amount

- (324) In accordance with Article 6(d)(ii) of the basic Regulation, the Commission considered the benefit conferred on the recipients to be the difference between the amount that they paid as a fee for the opening or the renewal of the credit lines by Chinese financial institutions, and the amount that they would pay for a comparable commercial credit line obtained at an undistorted market rate.
- (325) The appropriate benchmarks for the arrangement fee and for the renewal fee were established at 1,5 % and 1,25 % respectively by reference to publicly available data ⁽⁷⁰⁾ and benchmarks used in previous investigations ⁽⁷¹⁾.
- (326) In principle, the arrangement fee and the renewal fee are payable on a lump sum basis at the time of the opening of a new credit line or the renewal of an existing credit line respectively. However, for calculation purposes, the Commission took into account credit lines which had been opened or renewed before the investigation period but which were available to the sampled groups during the investigation period and also the credit lines that were opened during the investigation period. Then, the Commission calculated the benefit based on the period within the investigation period during which the credit line was available.

⁽⁷⁰⁾ See <https://www.barclays.co.uk/current-accounts/bank-account/overdrafts/overdraft-charges/>, last accessed on 18 August 2021, fees for executive overdrafts – "overdrafts over GBP 15 000 have a set-up fee of 1,5 % of the arranged overdraft limit, and a renewal fee of 1,5 %".

⁽⁷¹⁾ See GFF case cited in footnote 5 (recitals 354 and 355)

- (327) Following the final disclosure, the Daching group claimed that the Commission should not have calculated a subsidy benefit in respect of credit line agreements concluded by the Daching group, because:
- (a) the Commission provided no evidence with regard to countervailable subsidization of Daching Enterprises Ltd., since it was established and operating in Hong Kong, thus the assertions on ACF industry being treated specifically by the GOC did not apply and could not affect its' operations in Hong Kong;
 - (b) the creditworthiness of Daching Enterprises Ltd. must have been assessed separately and could not be amalgamated with the assertions on the creditworthiness of Xiamen Xiashun;
 - (c) a standard credit line agreement with Chinese Banks does not require any fee and there are no interest rates specified in such agreement. That is because the bank gives no guarantee or commitment to provide a bank loan when the customer wants to draw a loan, hence there is no funding cost incurred by the bank and no arrangement fee is charged. The absence of an arrangement fee in a credit line agreement did not apply to Daching Enterprises Ltd. in Honk Kong, where it applied to all industries and was sometimes waived and not significant, if charged.
- (328) First, the Commission noted that preferential financing to Daching Enterprises Ltd. was provided by the same Chinese banks, as in the analysis in section 3.4.1.5. Therefore, it considered that such preferential financing through loans was a countervailable subsidy. Second, the Commission has also noted that all the export turnover of Daching Enterprises Ltd was sourced from Xiamen Xiashun, thus the subsidy amount was calculated as a percentage of the turnover of Xiamen Xiashun and was linked to the creditworthiness assessment of Xiamen Xiashun. Third, the absence of an arrangement fee, as explained in recitals (320) was considered as the benefit conferred on the recipients. No evidence was collected during the investigation or provided by the claiming party that a bank incurs no cost or risks at the opening of a credit line and is, therefore, not charging any fee. The claims of the party were therefore rejected.
- (329) Following the final disclosure, the Nanshan Group claimed that the Commission should not have calculated a subsidy benefit in respect of credit line agreements concluded by the Nanshan group, because:
- (a) banks commonly waive that arrangement and renewal fee to secure large commercial clients or based on the client's borrowing history, regardless of the country where they are based. Thus the waiver has nothing to do with the provision of the subsidies to Chinese companies;
 - (b) the Commission partially quotes Barclays UK to establish the benchmark: "overdrafts over GBP 15 000 have a set-up fee of 1,5 % of the arranged overdraft limit, and a renewal fee of 1,5 %[.]" ⁽⁷²⁾ leaving out the rest of the sentence which states that: "unless we agree different terms with you. Overdrafts are subject to application, financial circumstances and borrowing history." ⁽⁷³⁾ Therefore, the common market practice is to negotiate the specific terms (including, if necessary, to waive the fees altogether). The Commission failed to prove that other financial institutions operate differently from Chinese ones.
 - (c) Alternatively, the Commission should use a more representative benchmark value in light of the size of Nanshan Group than HSBC UK price, because:
- (330) The renewal rate of 1,25 % and arrangement rate of 1,5 % cited in the Barclays price list used by the Commission apply to credit lines above 15 000 GBP. However, conditions applicable to credit lines of 40 000 GBP or even 100 000 GBP are not comparable to the conditions that would apply to the credit lines ranging from tens to hundreds of millions of USD taken out by Nanshan Group. It is thus apparent that the fees described in the Commission's price list for small businesses would be waived in the interest of securing a financing agreement of such size. The second source of benchmark provided by the commission in Annex 2.2 (HSBC UK) is also misleading because it does not contain any fees. As an alternative, Nanshan Group proposed to use fees charged by PNC Bank in the United States, which does not charge an arrangement fee and only charges an annual 0,25 % annual renewal fee for a committed credit line of between 100 001 and 3 million USD.

⁽⁷²⁾ GDD, footnote 55

⁽⁷³⁾ GDD, footnote 55.

- (331) On the first and second points, the Commission noted that even though individual fees of clients may vary, no evidence was provided by the claiming party that a bank incurs no cost or risks at the opening of a credit line and is, therefore, not charging any fee.
- (332) On the third point, regarding the benchmark fees used by the Commission, as stated in recital (325), the Commission used findings in previous anti-subsidy cases and publicly available data to conclude that the application of an arrangement fee benchmark of 1,5 % and a renewal benchmark fee of 1,25 % was reasonable. In this respect, the Commission pointed out that for instance Barclays Bank charges a set-up fee of 1,5 % of the arranged overdraft limit, and a renewal fee of 1,5 % for overdrafts over GBP 15 000. In this case, the renewal fee benchmark used by the Commission is lower. A further search also showed that Barkley charges higher business overdraft fees, from 1,6 % up to 2,5 % of the limits for the business bands GBP 15 001 – GBP 20 000 and GBP 20 001 – GBP 25 000. Finally, the Commission noted that the alternative benchmark proposed by Nanshan Group specifically related to small business clients, which is not relevant according to the statements of the company itself, and to secured credit lines, i.e. credit lines with lower risk as they are secured by certain collateral. Therefore, the Commission reiterated its conclusion that the benchmark fees it has used are reasonable and based on available market data and thus rejected the claim.
- (333) Finally, Nanshan submitted that the Commission should not calculate a credit line benefit for Nanshan Finance because all short-term borrowings obtained by Nanshan Finance were related to re-discounted notes, which do not warrant a credit line. The Commission accepted this claim because the re-discounted bills were provided through inter-bank borrowings, and adjusted calculations accordingly.

3.5.2. Bank acceptance drafts

3.5.2.1. General

- (334) Bank acceptance drafts are a financial product aimed at developing a more active domestic money market by broadening credit facilities. It is a form of short-term financing that might “*reduce fund cost and enhance capital efficiency*” of the drawer ⁽⁷⁴⁾. In addition, as stated by the PBOC on its website, “*the bank acceptance draft can guarantee the establishment and performance of the contract between the buyer and the seller, as well as promote the capital turnover via the intervention of Bank of China’s credit*” ⁽⁷⁵⁾. In addition, on its website DBS Bank advertises bank acceptance drafts as a means to “*improve working capital by deferring payments*” ⁽⁷⁶⁾.
- (335) The Commission already established in a previous investigation that bank acceptance drafts are largely used as a means of payment in commercial transactions as a substitute to a money order thus, facilitating the cash turnover and the working capital of the drawer ⁽⁷⁷⁾. From a cash point of view, the instrument *de facto* grants the drawer a deferred due date of payment of 6 months or 1 year because the actual cash payment of the transaction amount occurs at the maturity of the bank acceptance draft and not at the moment when the drawer had to pay its supplier. In the absence of such a financial instrument, the drawer would either use its own working capital, which has a cost, or contract a short-term working capital loan with a bank in order to pay its suppliers, which also has a cost. In fact, by paying with bank acceptance drafts, the drawer uses the supplied goods or services for a period of 3 months to 1 year without advancing any cash and without bearing any cost.
- (336) Under normal market circumstances, as a financial instrument, bank acceptance drafts would imply a cost of financing for the drawer. The investigation showed that all the sampled companies that used bank acceptance drafts during the investigation period only paid a commission for the acceptance service provided by the bank, which was in general 0,05 % of the face value of the draft. However, none of the sampled companies bore a cost for the

⁽⁷⁴⁾ See website of the People’s Bank of China: https://www.boc.cn/en/cbservice/cncb6/cb61/200811/t20081112_1324239.html, last accessed on 18 August 2021.

⁽⁷⁵⁾ Ibid.

⁽⁷⁶⁾ See website of DBS Bank: <https://www.dbs.com.cn/corporate/financing/working-capital/bank-acceptance-draft-bad-issuance>, last accessed on 18 August 2021.

⁽⁷⁷⁾ For a more specific description of the way in which bank acceptance drafts are generally used, see GFF case referenced in footnote 5 above, recitals 359 to 370

financing via bank acceptance drafts by deferring the cash payment of the supply of goods and services. Therefore, the Commission considered that the investigated companies benefitted from financing in the form of bank acceptance drafts for which they did not bear any cost.

- (337) Considering the above, the Commission concluded that the bank acceptance system put in place in the PRC provided all exporting producers a free financing of their current operations, which conferred a countervailable benefit as described in recitals (354) to (356) below, in accordance with Article 3(1)(a)(i) and 3(2) of the basic Regulation.
- (338) The Commission established in a previous investigation ⁽⁷⁸⁾ that bank acceptance drafts effectively have the same purpose and effects as short-term working capital loans, as they are used by companies to finance their current operations instead of using short-term working capital loans, and that consequently, they should bear a cost equivalent to a short-term working capital loan financing.
- (339) Following final disclosure, the GOC, Wanshun and Nanshan Group argued that bank acceptance drafts are actually credits provided by the supplier (i.e. the bearer of the draft) to the buyer (the drawer), not by a bank to the seller. This is due to the fact that the terms of payment of the contract clearly mention that the supplier agrees with the payment by way of a bank acceptance draft. Therefore, by signing such a contract, the supplier already anticipated that the payment will not be made at sight, but in a certain period of time (depending on the maturity of the bank acceptance draft). Any supplementary cost related to the late payment should already be included in the purchase cost. As such, the bank's acceptance is merely there to facilitate transactions between unacquainted parties. The role of the bank is to provide a guarantee, for which it charges a certain fee upon the opening of the bank acceptance draft. However, ultimately it is the money in the bank account of the company that will be used to pay for the transaction for which the bank acceptance draft was issued. The bank will only pay in case the company defaults on its obligation to have sufficient funds in its bank account for the payment.
- (340) The Commission observed that in fact, the bank acceptance draft is an actual means of payment acknowledged in the sales contract, and the payment obligation of the drawer towards the supplier is cancelled by the payment with a bank acceptance draft. The payment of the supplier by the drawer happens at the moment of the endorsement of the bank acceptance draft, while at maturity, the drawer honours its payment obligation towards the bank. In addition, as acknowledged by the GOC itself, the supplier has the option to endorse the draft towards other parties, and thus to use the bank acceptance draft immediately as a means of payment for its own purchases. Therefore, the bank acceptance draft cannot be classified as a credit by the supplier or as an additional guarantee of a future payment by the bank, and this claim was rejected.

3.5.2.2. Specificity

- (341) Concerning specificity, as mentioned in recital (102) according to Decision No 40, financial institutions shall provide credit support to encouraged industries.
- (342) The Commission considered that bank acceptance drafts are another form of preferential financial support by financial institutions to encouraged industries such as the ACF sector. Indeed, as specified in Section 3.1 above, the ACF sector is among the encouraged industries and is therefore eligible for all possible financial support. Bank acceptance drafts, as a form of financing, are part of the preferential financial support system by financial institutions to encouraged industries, such as the ACF industry.
- (343) No evidence was provided that any undertaking in the PRC (other than within encouraged industries) can benefit from bank acceptance drafts under the same preferential terms and conditions.

⁽⁷⁸⁾ See GFF case mentioned in footnote 5, recital 385.

- (344) Following final disclosure, both the GOC, Wanshun Group and Nanshan Group argued that bank acceptance drafts are not specifically provided to the ACF industry, as they are available to any company in China and are widely used. Furthermore, the GOC repeated its arguments concerning the non-binding nature of Decision 40, as well as the reasoning contesting the qualification of Chinese financial institutions as public bodies.
- (345) In this respect, the Commission noted that the GOC and Nanshan Group failed to demonstrate that all companies in the PRC can equally benefit from the preferential conditions observed as regards the ACF industry. Moreover, similar to credit lines, bank acceptance drafts are intrinsically linked to other types of preferential lending such as loans and as they are part of the credit support specifically provided to encouraged industries, so the public body analysis and the specificity analysis as developed in Sections 3.4.1.1 to 3.4.1.5, as well as Section 3.4.2.2 above for loans is equally applicable. Furthermore, even if a form of financing could be in principle available to companies in other industries, the concrete conditions, under which such financing is offered to companies from a certain industry, such as the financing remuneration and the volume of financing, might make it specific. There was no evidence submitted by any of the interested parties demonstrating that the preferential financing through bank acceptance drafts of companies in the aluminium sector is based on objective criteria or conditions in the sense of Article 4(2)(b) of the basic Regulation. As a result, these claims were rejected.
- (346) Both the Wanshun and the Nanshan Group requested that, even if the Commission were to maintain its decision to treat the bank acceptance draft as a subsidy, there should be the following changes in the calculation of the benefit, namely:
- (a) the benchmark for the bank acceptance draft should be the same as for the credit lines, because the bank acceptance draft does not provide any funds to the company, but a promise of credit by the bank (i.e. a guarantee to pay the payees holding the bank acceptance draft;
 - (b) any charges and fees paid to the bank for the opening of the bank acceptance draft should be deducted from the amount of benefit;
 - (c) the deposit paid upon the opening of the bank acceptance draft should be deducted from the principal, since the company has paid a deposit upon opening the bank acceptance draft, which was frozen at the bank;
 - (d) the bank acceptance drafts issued to company's affiliates and company's own branches should be removed from the calculation, otherwise they would cause double counting, since other financing of company's affiliates is countervailed.
- (347) On the first point, the Commission already established in recital (338) that bank acceptance drafts have the same purpose and effects as short-term working capital loans and that consequently, they should bear a cost equivalent to a short-term working capital loan financing. The party did not substantiated further why the benchmark for the bank acceptance draft should be the same as for the credit line. Therefore, the claim was rejected.
- (348) On the second point, the Commission already noted in recital that the sampled companies that used bank acceptance drafts during the investigation period only paid a commission for the acceptance service provided by the bank, which was in general 0,05 % of the face value of the draft. In fact, this commission paid for the processing of the bank acceptance draft by the bank, is a distinct element from the financing granted by the bank, for which the cooperating exporting producers did not bear any cost. This fee is paid in order to cover the bank's administrative costs of processing the bank acceptance drafts. Therefore, the claim was rejected.
- (349) On the third point, as the Commission concluded in previous investigations ⁽⁷⁹⁾, it should first be noted that it is common practice for banks to request guarantees and collaterals from their clients when granting financing. Furthermore, it should be noted that such guarantees are used to secure that the exporting producer will bear its financial responsibility vis-à-vis the bank and not vis-à-vis the supplier. The investigation also revealed that these guarantees are not systematically requested by Chinese banks and are not always linked to specific bank acceptance

⁽⁷⁹⁾ See *E-bikes* case, recital 316, and *GFF* case, recital 407, both cited in footnote 5.

drafts. In this respect, the alleged deposits do not amount to an advanced payment by the drawer to the banks but merely an additional guarantee requested at times by banks and which does not have any impact of the bank's decision to issue the bank acceptance drafts with no additional borrowing interests for the drawer. Furthermore, they can take various forms including term deposits and pledges. The deposits bear interests in favour of the drawer, and therefore, do not represent a cost for the drawer of the bank acceptance draft. On this basis, this claim was rejected.

- (350) On the last point, the Commission recalls that as stated above, a bank acceptance draft is a means of payment and therefore, it does not have the effect of extending the payment due date agreed with the supplier but it has the effect to defer the cash payment. As a means of payment, the bank acceptance draft can be endorsed by the payee (supplier) to settle its liabilities towards other parties. Therefore, there is no commensurate decrease in liquidity of the related parties that received the bank acceptance draft. There is also no double-counting, as bank acceptance drafts received as a means of payment were not countervailed at all in any of the companies. Consequently, the claim was dismissed.
- (351) Following final disclosure, the Nanshan Group also requested a correction of calculation errors due to formula errors. The Commission accepted the claim and adapted the calculations accordingly.

3.5.2.3. Calculation of the subsidy amount

- (352) For the calculation of the amount of the countervailable subsidy, the Commission assessed the benefit conferred on the recipients during the investigation period.
- (353) As mentioned in recitals (334) and (335), the Commission found that the sampled exporting producers used bank acceptance drafts to address their needs for short-term financing without paying a remuneration.
- (354) The Commission thus concluded that bank acceptance drawers should pay a remuneration for the period of financing. The Commission considered that the period of financing started on the date of the issuance of the bank acceptance draft and ended on the maturity date of the bank acceptance draft. Regarding bank acceptance drafts issued before the investigation period and bank acceptance drafts with a maturity date after the end of the investigation period, the Commission calculated the benefit only for the period of financing covered by the investigation period.
- (355) In accordance with Article 6(b) of the basic Regulation, considering that bank acceptance drafts are a form of short-term financing and that they effectively have the same purpose as short-term working capital loans, the Commission considered that the benefit thus conferred on the recipients is the difference between the amount that the company had actually paid as remuneration of the financing by bank acceptance drafts and the amount that it should pay by applying a short-term financing interest rate.
- (356) The Commission determined the benefit resulting from the non-payment of a short-term financing cost. The Commission considered, as established in previous investigations⁽⁸⁰⁾, that bank acceptance drafts should bear a cost equivalent to a short-term loan financing. Therefore, the Commission applied the same methodology as to short-term loans financing denominated in RMB, described in Section 3.4.2 above.

3.6. Convertible corporate bonds

- (357) Companies from two sampled groups have issued convertible corporate bonds before the investigation period. One company within the sampled groups (Shantou Wanshun) issued convertible corporate bonds before the investigation period, which were partly converted into capital during the investigation period. This convertible bond has a progressive interest rate structure with very low interest rates, ranging between 0,4 % and 2 %, which is far below the Loan Benchmark/Prime Rate set by the GOC.

⁽⁸⁰⁾ See GFF case mentioned in footnote 5, recital 399.

- (358) Another company (Shandong Nanshan) had issued convertible bonds before the investigation period, which had been converted into capital in 2015 as part of a debt-to-equity swap. The holders of the bonds of both companies were mainly state-owned financial institutions. The Commission also found that the convertible bonds of both companies were converted into capital at a significantly higher price than the prevailing market price of the shares at the time of conversion.
- (359) The Commission established that both sampled companies benefited from preferential financing in the form of convertible bonds.

3.6.1.1. Legal basis/Regulatory Framework

- Law of the People's Republic of China on Securities (version 2014) ('Securities Law') ⁽⁸¹⁾;
 - Administrative Measures on Issuance of Securities by Listed Companies (version 2008) ⁽⁸²⁾;
 - Administrative Measures on Sponsorship for Securities Issuance and Listing (version 2008) ⁽⁸³⁾;
 - Administrative Measures on Issue and Underwriting of Securities (version 2018);
 - Regulations on the Administration of Corporate Bonds, issued by the State Council on 18 January 2011;
 - Administrative Measures for the Issuance and Trading of Corporate Bonds, Order of the China Securities Regulatory Commission No 113, 15 January 2015;
 - Measures of the Administration of Debt Financing Instruments of Non-financial Enterprises on the Inter-bank Bond Market Issued by the People's Bank of China, Order of the People's Bank of China [2008] No 12, 9 April 2008.
- (360) The Regulations on the Administration of Corporate Bonds and the Administrative Measures for the Issuance and Trading of Corporate Bonds set the general legal framework applicable to corporate bonds. However, there is a set of specific legislation applicable to convertible corporate bonds, namely the Administrative Measures on Issuance of Securities by Listed Companies, the Administrative Measures on Issue and Underwriting of Securities and the Administrative Measures on Sponsorship for Securities Issuance and Listing.
- (361) Article 14 of the Administrative Measures on Issuance of Securities by Listed Companies defines 'convertible corporate bonds' as "*corporate bonds which are issued by an issuing company pursuant to law and which may be converted to shares during a certain period and under stipulated conditions*".
- (362) Pursuant to Article 11 of the Securities Law, which was applicable at the time of the issuance of the convertible bonds by the sampled companies, as well as Article 45 of the Administrative Measures on Issuance of Securities by Listed Companies and Article 2 of the Administrative Measures on Sponsorship for Securities Issuance and Listing, companies that want to issue convertible corporate bonds need to solicit the services of a securities sponsor, which acts as an underwriter. The sponsor organizes the issuance of the bonds, recommends the issuer, submits the application file to the CSRC for approval, negotiates the interest rates at which the bond will be presented to investors and is responsible for finding investors which would accept the agreed terms of issuance of the bond, including the interest rate.
- (363) In line with the regulatory framework, convertible bonds cannot be issued and traded freely in China. The issuance of each bond must be approved by the CSRC. Article 16 of the Securities Law stipulates that "*listed companies issuing convertible corporate bonds shall [...] satisfy the requirements stipulated in this Law for public offering of shares; and shall obtain the approval of the securities regulatory authorities of the State Council*". According to Article 3 of the

⁽⁸¹⁾ Lastly amended on 28 December 2019 by Presidential Decree No 37 with effect from 1 March 2020.

⁽⁸²⁾ Lastly amended on 14 February 2020 pursuant to the Decision on Revision of the "Administrative Measures on Securities Issuance by Listed Companies" of the China Securities Regulatory Commission with effect from 14 February 2020.

⁽⁸³⁾ Replaced by Administrative Measures on the Sponsor Service for Securities Issuances and Listings, Decree No 170 of the China Securities Regulatory Commission of 12 June 2020 with effect from 12 June 2020.

Administrative Measures on Issue and Underwriting of Securities, which applies to convertible bonds, “the CSRC shall supervise and administer the offering and underwriting of securities to the law”. Furthermore, according to Article 10 of the Regulations on the Administration of Corporate Bonds, there are annual quotas for the issuance of corporate bonds.

- (364) According to Article 16 of the Securities Law, the public issuance of bonds should satisfy the following requirements: “the usage purpose of the proceeds shall comply with State industrial policies” and “the proceeds from a public offering of corporate bonds shall be used for approved purpose(s) only”. Article 12 of the Regulations on the Administration of Corporate Bonds reiterates that the purpose of the raised funds must comply with the industrial policies of the State. Furthermore, Article 10(2) of the Administrative Measures for the Issuance of Securities by Listed Companies, which is a *lex specialis* applicable to convertible bonds, stipulates that “the purposes of use of the fund raised are in line with the industrial policies of the State”.
- (365) As explained in recital (100), Decision No 40 refers to ‘The Guiding Catalogue for Industry Restructuring’ and provides that if “the investment project belongs to the encouragement content it shall be examined and approved and put on records according to the relevant national regulations on investment; all financial institutions shall provide credit support according to the credit principles”. It follows that the issuance of convertible corporate bonds, which, as shown, necessarily target an encouraged industry, corresponds with the practice of financial institutions to support those industries.
- (366) The interest rates on corporate bonds are also strictly regulated. Article 16 of the Administrative Measures for the Issuance of Securities by Listed Companies provides that “the interest rate of a convertible corporate bond shall be determined by the issuing company and the leading underwriter through negotiations, but it shall satisfy the relevant provisions of the State”. According to Article 16(5) of the Securities Law, “the coupon rate of the corporate bonds shall not exceed the coupon rate stipulated by the State Council”. In addition, Article 18 of the Regulations on the Administration of Corporate Bonds, which is generally applicable to all bonds, provides further details by stating that, “the interest rate offered for any corporate bonds shall not be higher than 40 % of the prevailing interest rate paid by banks to individuals for fixed-term savings deposits of the same maturity”.
- (367) According to Article 17 of the Administrative Measures for the Issuance of Securities by Listed Companies, “to publicly issue convertible corporate bonds, a company shall entrust a qualified credit rating agency to make credit ratings and follow-up ratings”. In addition, Article 18 of the generally applicable Administrative Measures for the Issuance and Trading of Corporate Bonds stipulates that only certain bonds complying with strict quality criteria, such as an AAA credit rating, may be issued in a public manner to public investors or be issued in a public manner to qualified investors. The corporate bonds that fail to meet these standards can be issued in a public manner only to qualified investors.

3.6.1.2. Financial institutions acting as public bodies

- (368) According to the China bond market insight 2021 by Bloomberg, the bonds listed in the interbank bond market account for 88 % of the total trading volume of bonds ⁽⁸⁴⁾. According to the same study, most of the investors are institutional investors, including financial institutions. In particular, State-owned commercial banks represent 57 % of the investors and policy banks represent 3 % ⁽⁸⁵⁾. Furthermore, the Commission found that all of the investors of the convertible bonds issued by one of the sampled companies are institutional investors, a category of investors that includes financial institutions.
- (369) Furthermore, as an encouraged industry under the ‘Guiding Catalogue for Industry Restructuring’, the ACF industry is entitled to credit support by financial institutions based on Decision No 40. The fact that convertible bonds, such as the convertible bonds issued by the sampled companies, bear a low interest rate is a strong indication that financial institutions, which are the major investors in these bonds, are obliged to provide “credit support” to these companies and take into account other considerations than commercial considerations when taking the investment or financing decision, such as government policy objectives. Indeed, an investor operating in market conditions would be more sensitive to the financial return on the investment and would most probably not invest in

⁽⁸⁴⁾ See China bond market insight 2021, Footnote 59, p. 33.

⁽⁸⁵⁾ See China bond market insight 2021, Footnote 59, p. 33.

convertible bonds bearing very low interest rates. Moreover, the conclusions reached by the Commission about the financial situation of both groups of exporting producers in Section 3.4.2.3 above in terms of their liquidity and solvency profiles further indicate that investors operating in market conditions would not invest in financial instruments such as convertible bonds, offering low financial returns, while the issuer presents high liquidity and solvency risks. Therefore, in the Commission's view only investors having motivations other than a financial return on their investment, such as compliance with the legal obligation to provide financing to companies in encouraged industries, would make such an investment.

- (370) On the basis of the above, the Commission considered that there is a body of corroborating evidence, according to which a major proportion of the investors in the convertible bonds issued by the sampled companies, are financial institutions which have a legal obligation to provide credit support to ACF producers.
- (371) Furthermore, as described in Section 3.4.1 above, the financial institutions are characterized by a strong State presence, and the GOC has the possibility to exercise a meaningful influence on them. The general legal framework in which these financial institutions operate is also applicable to convertible bonds.
- (372) In Section 3.4.1 above, the Commission concluded that State-owned financial institutions are public bodies within the meaning of Article 2(b) read in conjunction with Article 3(1)(a)(i) of the basic Regulation and that they are in any event considered entrusted or directed by the GOC to carry out functions normally vested in the government within the meaning of Article 3(1)(a)(iv) of the basic Regulation. In Section 3.4.1.7 above, the Commission concluded that private financial institutions are also entrusted and directed by the government.
- (373) The Commission also sought concrete proof of the exercise of control in a meaningful way based on concrete issuances of convertible bonds. It therefore examined the overall legal environment as set out above in recitals (360) to (367), in combination with the concrete findings of the investigation.
- (374) The Commission found that the convertible bonds were issued by the two groups of sampled exporting producers at very low and similar interest rates, regardless of the companies' financial and credit risk situation. The Commission also found that a meaningful amount of these bonds were converted into shares at a significantly higher price than the prevailing market price of the shares. Thus, even when the bonds were converted into shares, the rate of return remained below market value.
- (375) In light of the above considerations, the Commission concluded that the Chinese financial institutions, which are the major investor in the convertible bonds issued by the sampled companies, followed the policy orientations laid down in Decision No 40 by providing preferential financing to companies pertaining to an encouraged industry and thus acted either as public bodies within the meaning of Article 2(b) of the basic Regulation or as bodies which are entrusted or directed by the government within the meaning of Articles 3(1)(a)(iv) of the basic Regulation.
- (376) By accepting to invest in convertible bonds with a very low rate of return irrespective of the risk profile of the issuer, including below the risk free reference rate offered by the PBOC or published by the NIFC as referred to in recital (387) below, and by agreeing to convert the bonds into shares at a price much higher than their current market value, the financial institutions provided a benefit to the sampled exporting producers.
- (377) Following final disclosure, the GOC claimed that the purchase of corporate bonds and convertible corporate bonds is a regular commercial practice that occurs in all major jurisdictions, including the European Union and the US. According to the GOC, the fact that many of the investors in bonds are institutional investors, including financial institutions, is also similar to the situation in the EU. The GOC argued that, in any event, even if the figures provided in the Disclosure are accepted, so that 57 % of the investors would be State-owned commercial banks, and 3 % would be policy banks, this would still leave a market share of 40 %, which should not be ignored.

- (378) According to the GOC, the Commission also failed to make a separate analysis of the roles carried out by financial institutions in the Chinese market for convertible bonds. As these are different types of instruments compared to loans, and the roles carried out by investing financial institutions are fundamentally different as well. The same reasoning was also applied to corporate bonds referred to in section 3.6.2 below.
- (379) The Commission disagreed with the statement of the GOC that it did not carry out a specific assessment of the conduct of financial institutions as public bodies for the function of buying bonds. In addition to the conclusions reached by the Commission in Section 3.4.1 above, the Commission also sought concrete proof of the exercise of control in a meaningful way based on the concrete issuances of convertible bonds and carried out a specific assessment in recitals (373) and (374). While the Commission agreed with the GOC that the purchase of corporate bonds and convertible bonds may be in principle a regular commercial practice that occurs in all major jurisdictions, it pointed out that the purchase of corporate bonds by Chinese financial institutions is characterised by a State interference as demonstrated in recital (375).

3.6.1.3. Specificity

- (380) The Commission considered that the preferential financing through convertible bonds is specific within the meaning of Article 4(2)(a) of the basic Regulation. Convertible bonds cannot be issued without the approval of the CSRC, which checks if all the regulatory conditions for the issuance of the convertible bonds are met. As explained in recital (364), according to the Securities Law and the Administrative Measures on Issuance of Securities by Listed Companies specifically applicable to convertible bonds, the issuance of convertible bonds must be in line with the State's industrial policies. The Commission considered in recital (366) that "*in line with the industrial policies of the State*" means that the investment project falls under the 'encouraged' content in the Guiding Catalogue of Industry Restructuring to which the ACF industry belongs.
- (381) No evidence was provided that any undertaking in the PRC (other than within encouraged industries) can benefit from convertible bonds at the same preferential terms and conditions.
- (382) Following final disclosure, the GOC submitted that the criteria that must be met by a company in order to issue bonds are financial in nature and are not policy-oriented. The GOC disagreed with the stance that the issuance of convertible bonds must be in line with the State's industrial policies and repeated that the ACF industry is not an encouraged industry. The same reasoning was also applied to corporate bonds referred to in section 3.6.2 below.
- (383) In this respect, although the Commission agreed that bonds markets are regulated in every country and that most of the criteria that must be met by a company in order to issue bonds are financial in nature, it disagreed with the claim of the GOC that the issuance of convertible bonds is not policy-oriented in China. First, the Commission reiterated its stance that the ACF sector is an encouraged industry. Second, the Commission considered that the wording of the Securities Law of the PRC (version 2014) and the Administrative Measures on Issuance of Securities by Listed Companies specifically applicable to convertible bonds, according to which the issuance of convertible bonds must be in line with the State's industrial policies is clear enough. Finally, the Commission established in recital (376) that by accepting to invest in convertible bonds with a very low rate of return irrespective of the risk profile of the issuer, the financial institutions provided a benefit to the sampled exporting producers. Therefore, the claims of the GOC were rejected.

3.6.1.4. Calculation of the subsidy amount

- (384) Convertible bonds are a hybrid debt instrument which have features of a bond such as interest payments while also providing the opportunity to convert the invested amount into shares under certain conditions.

- (385) The Commission found that the interest rate on the convertible corporate bond issued by the sampled companies in the IP was at such a low level that only investors having motivations other than a financial return on investment, for example compliance with the legal obligation to provide financing to companies in encouraged industries, would invest in them. This was supported by the fact that a major proportion of the investors in the convertible bonds issued by the sampled companies is constituted by state-owned financial institutions.
- (386) The Commission found that the part of the convertible bonds of both the sampled companies that has not been converted into shares provided investors a return in the form of an interest similarly to loans or standard bonds. Since the calculation methodology for loans described in recital (248) is based on bonds, the Commission decided to follow the same methodology ⁽⁸⁶⁾. This means that the relative spread between US AA corporate bonds and US BB corporate bonds with the same duration is applied to the Loan Benchmark Rates published by the PBOC or, after 20 August 2019, the Loan Prime Rate published by the NIFC ⁽⁸⁷⁾, to establish a market-based interest rate for bonds.
- (387) The benefit is the difference between the interest amount that the company should have paid by applying the market-based interest rate referred to in recital (419) and the actual interest paid by the company.
- (388) The Commission also found that a meaningful amount of these bonds were converted into shares. The Commission found that the convertible bonds of both companies were converted into capital at a significantly higher price than the prevailing market price of the shares. In this case, the Commission considered the debt converted into shares as a countervailable equity injection. The benefit of this capital injection was considered to be the difference between the stock price of the shares at the time of conversion, and the additional premium paid by the bondholders. This benefit was allocated to the IP using the average depreciation period of the assets of the companies.
- (389) Following final disclosure, the GOC and Wanshun Group objected the use of the same benchmark for bonds and convertible bonds as the one applied to loans, since the convertibility of a bond is an essential element thereof, which also makes it a substantially different loan instrument. The GOC also claimed that there is no basis for the Commission to use the PBOC benchmark as a starting point and then add a mark-up. According to the GOC, European ACF producers with a BB rating also issued bonds for a similar maturity period at significantly lower rates than the calculated benchmark rate during the same period. The same reasoning was also applied to corporate bonds referred to in section 3.6.2 below.
- (390) In addition, Wanshun pointed out that bonds are highly tradable in the market (a person holding the bond can sell it in the market without waiting for its maturity). By contrast, a loan is an agreement between two parties, where one party borrows money from the other. The loan is not generally tradable in the market. In addition, Shantou Wanshun's bond could be converted into shares, thus providing a further advantage to the bondholder. Accordingly, the interest rates for convertible bonds would logically be lower than for loans, as well as other types of bonds (investors would be willing to accept a lower coupon rate on a convertible bond because of its conversion feature). As an alternative, Wanshun proposed to use a Hong Kong-based benchmark based on bond yield rates, i.e. the same benchmark as the one proposed by the Nanshan Group for loans in recital (264).
- (391) The Commission pointed out that loans and corporate bonds are in principle similar financial debt instruments. In fact, a corporate bond is a kind of a loan used by large entities to raise capital. Both loans and corporate bonds are contracted/issued for a certain period of time and bear an interest/coupon rate. The fact that the financing through a loan is provided by a financial institution and that the financing through a corporate bond is provided by investors, which in most cases are also financial institutions, is irrelevant for the determination of the core characteristics of both instruments. Indeed, both instruments serve to finance business operations, bear the same

⁽⁸⁶⁾ As there were no data specific to convertible corporate bonds publicly available, the Commission used the data available for corporate bonds, which should also include convertible corporate bonds.

⁽⁸⁷⁾ See recital (177) above.

kind of remuneration and have similar repayment term and conditions. Furthermore, during the investigation, the Commission found out that the corporate bonds issued by the cooperating exporting producers had coupon rates and purposes which were very similar to the interest rates and purpose of loans with similar duration, and thus they could be considered interchangeable from the producer's perspective, thus justifying the application of the same benchmark for both instruments in the specific circumstances of this case.

- (392) Furthermore, the Commission considered the comments of the GOC referring to interest rates applicable to BB-rated companies in the European Union as unfounded since the risk-free rate in the European Union is not the same as the risk-free rate in the PRC and thus it is not possible to compare interest rates in absolute terms.
- (393) The Commission agreed that convertible corporate bonds are a hybrid debt instrument which also provides the opportunity to convert the invested amount into shares under certain conditions and are as such in principle different from corporate bonds. The Commission did look into the possibility to quantify this convertibility element. However, the benchmark proposed by Wanshun did not take into consideration such convertibility. In addition, it was not an appropriate benchmark in general for bonds for the reasons already set out in recital (268). No other possible benchmarks were submitted, and no further public information was available to provide for a more accurate benchmark for convertible bonds (e.g. indices for the premium on US AA rated convertible bonds and US BB rated convertible bonds) or for the convertibility aspect of these bonds. Moreover, the benchmark used as the basis for the conversion was in any event a risk-free rate. These claims were therefore rejected.
- (394) In relation to the convertible corporate bonds, the Wanshun Group claimed that:
- (a) the majority of investors of Shantou Wanshun convertible bonds were individuals operating on the Shenzhen Stock Market and not institutional investors (either public bodies or private bodies entrusted by the GOC). The Commission provided no evidence that all these investors were institutional investors. Thus, the Commission should not have treated these convertible bonds as a subsidy. Wanshun also made an identical claim as regards the equity injection (the conversion of some of Shantou Wanshun bonds into shares).
 - (b) the Commission did not deduct from its calculation the coupon payments from the benchmark interest payments, that were made by Shantou Wanshun and should have been deducted.
- (395) The Commission notes that Wanshun did not provide sufficient evidence to support its claim that a majority of investors of Shantou Wanshun convertible bonds were individuals operating on the Shenzhen Stock Market. Indeed, the source of this claim could not be verified, the supporting document did not provide a clear definition for what it considers to be private and state-owned investors, and it did not contain the individual names of the investors either. Therefore, this claim was rejected.
- (396) The Commission accepted the claim of Wanshun on the deduction of the coupon payments from the benchmark interest payments, and deducted the coupon payment regarding the investigation period from the benchmark interest payments.
- (397) The Wanshun Group further claimed that the Commission erred when countervailing the equity injection (the conversion of some of Shantou Wanshun bonds into shares), since:
- (a) The Commission could not have compared the initial conversion price set in July 2018 with the market stock price in June 2019, since the price per share was set at the time of investment, but the conversion (if it occurs) would take place at a later time. The investor then bore the risk, or had the advantages of evolutions in that share sales price over time,
 - (b) the bond conversion price used by the Commission was incorrect, since it changed from the beginning to the end of the IP.

- (398) The Commission disagreed with the comments regarding the initial conversion price set in July 2018. It noted that in case the stock market price of a given share at the moment of conversion is materially lower than its market price, a rational investor would refrain from converting the bonds into shares, and continue to keep the bonds instead. Thus, the rational investor would try to minimize the risk of an unfavourable price evolution.
- (399) The Commission disagreed also with the comment regarding the incorrect conversion price. From the information submitted to the Commission, it appeared that the price change claimed by the Wanshun Group actually only took place after the conversion of the shares. Therefore, the Commission maintained that it has used the correct conversion price when calculating the benefit.

3.6.2. Corporate bonds

- (400) One of the sampled groups benefited from preferential financing in the form of corporate bonds.

3.6.2.1. Legal basis/Regulatory Framework

- Securities Law;
- Administrative Measures for the Issuance and Trading of Corporate Bonds, Order of the China Securities Regulatory Commission No 113, 15 January 2015;
- Regulations on the Administration of Corporate Bonds, issued by the State Council on 18 January 2011;
- Measures of the Administration of Debt Financing Instruments of Non-financial Enterprises on the Inter-bank Bond Market Issued by the People's Bank of China, Order of the People's Bank of China [2008] No 12, 9 April 2008.

- (401) In line with the regulatory framework, bonds cannot be issued or traded freely in China. The issuance of each bond must be approved by various governmental authorities, such as the PBOC, the NDRC or the CSRC, depending on the type of bond and the type of issuer. In addition, according to the Regulations on the Administration of Corporate Bonds, there are annual quotas for the issuance of corporate bonds.
- (402) Furthermore, according to Article 16 of the Securities Law applicable during the IP, a public offering of corporate bonds should satisfy the following requirements: *“the usage purpose of the proceeds shall comply with State industrial policies [...]”* and *“the proceeds from a public offering of corporate bonds shall be used for approved purpose(s) only”*. Article 12 of the Regulations on the Administration of Corporate Bonds reiterates that the purpose of the raised funds must comply with the industrial policies of the State. As explained in recitals (364) and (365), the issuance of corporate bonds under such conditions targets an encouraged industry such as the ACF industry and corresponds with the practice of financial institutions to support those industries.
- (403) According to Article 16(5) of the Securities Law, *“the coupon rate of the corporate bonds shall not exceed the coupon rate stipulated by the State Council”*. In addition, Article 18 of the Regulations on the Administration of Corporate Bonds provides further details by stating that, *“the interest rate offered for any corporate bonds shall not be higher than 40 % of the prevailing interest rate paid by banks to individuals for fixed-term savings deposits of the same maturity”*.
- (404) Furthermore, Article 18 of the Administrative Measures for the Issuance and Trading of Corporate Bonds stipulates that only certain bonds complying with strict quality criteria, such as an AAA credit rating, may be issued in a public manner to public investors or be issued in a public manner to qualified investors only at the sole discretion of the issuer. The corporate bonds that fail to meet these standards can be issued in a public manner only to qualified investors. Therefore, it results that most corporate bonds are issued to qualified investors which have been approved by the CSRC and which are Chinese institutional investors.

3.6.2.2. Financial institutions acting as public bodies

- (405) As explained in recitals (369) and (370) above, the Commission considered that there is a body of corroborating evidence, according to which a major proportion of the investors in convertible bonds issued by the sampled companies are financial institutions, which have a legal obligation to provide credit support to ACF producers. The same reasoning and conclusion also applies to corporate bonds as the conditions of issuance are very similar, in particular the condition to comply with the requirements of national laws, regulations and policy, and with the industrial policy of the State.
- (406) As described in recital (403), Article 16 of the Securities Law and Article 12 of the Regulations on the Administration of Corporate Bonds require that a public offering of corporate bonds complies with the industrial policies of the State. This has the effect that corporate bonds can only be issued for purposes that are in line with the targets of the planning of the GOC regarding encouraged industries as explained in recitals (357) and (359). The institutional investors, which are, as shown in recital (368), to a large extent commercial banks and policy banks, have to follow the policy orientations laid down in Decision No 40, which read together with the Guiding Catalogue for Industry Restructuring, provides for specific treatment of certain projects within certain encouraged industries, such as the ACF industry. The beneficial treatment to one of the sampled groups resulted in the decision to invest in corporate bonds issued with an interest rate that does not reflect market based criteria.
- (407) As described in Section 3.4.1 above, the financial institutions are characterized by a strong State presence, and the GOC has the possibility to exercise a meaningful influence on them. The general legal framework in which these financial institutions operate is also applicable to corporate bonds.
- (408) In Section 3.4.1 above, the Commission concluded that State-owned financial institutions are public bodies within the meaning of Article 2(b) read in conjunction with Article 3(1)(a)(i) of the basic Regulation and that they are in any event considered entrusted or directed by the GOC to carry out functions normally vested in the government within the meaning of Article 3(1)(a)(iv) of the basic Regulation. In Section 3.4.1.7 above, the Commission concluded that private financial institutions are also entrusted and directed by the government.
- (409) The Commission also sought concrete proof of the exercise of control in a meaningful way based on concrete issuances of corporate bonds. It therefore examined the overall legal environment as set out above in recitals (402) to (405), in combination with the concrete findings of the investigation.
- (410) The Commission found that the corporate bonds were issued with an interest rate below the level that should have been expected given the companies' financial and credit risk situation, including below the risk free reference rate offered by the PBOC or published by the NIFC as referred to in recital (419) below.
- (411) In practice, interest rates on corporate bonds are influenced by the credit rating of the company, similar to loans. However, the Commission concluded in recital (215) that the local credit rating market is distorted and credit ratings are unreliable.
- (412) In light of the above considerations, the Commission concluded that the Chinese financial institutions followed the policy orientations laid down in Decision No 40 by providing preferential financing to companies pertaining to an encouraged industry and thus acted either as public bodies within the meaning of Article 2(b) of the basic Regulation or as bodies which are entrusted or directed by the government within the meaning of Articles 3(1)(a)(iv) of the basic Regulation.
- (413) By organising the issuance of a corporate bonds with the interest rate below the market rate corresponding to the actual risk profile of the issuer and by accepting to invest in such corporate bond, the financial institutions provided a benefit to the sampled exporting producer.

3.6.2.3. Specificity

- (414) As described in recital (380) above, the Commission considered that the preferential financing through bonds is specific within the meaning of Article 4(2)(a) of the basic Regulation as the bonds cannot be issued without approval from government authorities, and the Securities Law states that the issuance of bonds must comply with the State's industrial policies. As already mentioned in recital (104), the ACF industry is regarded as an encouraged industry in the Guiding Catalogue of Industry Restructuring.

3.6.2.4. Calculation of the subsidy amount

- (415) Since bonds are in essence another type of debt instrument, in principle similar to loans, and since the calculation methodology for loans is already based on a basket of bonds, the Commission decided to follow the calculation methodology for loans as described above in Section 3.4.2.3. This means that the relative spread between US AA corporate bonds and US BB corporate bonds with the same duration is applied to the PBOC Loan Benchmark Rate, or after 20 August 2019 to the Loan Prime Rate published by the NIFC, to establish a market-based interest rate for bonds, which is then compared with the actual interest rate paid by the company in order to determine the benefit.
- (416) Following the final disclosure, the Wanshun Group and the Nanshan Group claimed that the Commission wrongly assumed that all bondholders are financial institutions acting as public bodies. Since the Bloomberg report referred to by the Commission itself found that State-owned banks represents 57 % of the investors and policy banks represent 3 % of the holders of convertible corporate bonds in China, only 60 % (57 % + 3 %) of the institutional investor bonds are countervailable.
- (417) The Commission pointed out that there is a body of corroborating evidence, according to which a major proportion of the investors in the bonds issued by the sampled companies is constituted by financial institutions which have a legal obligation to provide credit support to ACF producers. In addition, the Commission wishes to highlight that the Bloomberg report also indicates that 27 % of the bonds are held by "fund products", which are essentially funds managed by the same financial institutions. Taking into account 3 % "other" financial institutions, the total proportion of financial institutions investing in bonds is actually 90 %. Considering the high proportion of institutional investors, including financial institutions, the Commission was of the opinion that they have determined the characteristics of the corporate bonds at issue, in particular the low coupon rate, and that other investors, such as private investors only adhered to such conditions. Finally, the Commission considered that the Chinese financial supervision system with respect to corporate bonds and convertible bonds is only an element, which together with the normative framework governing financing by financial institutions described in section 3.4.1, as well as with the concrete behaviour of the financial institutions pointed to the interference from the GOC. Therefore, these claims of were rejected
- (418) Finally, the Nanshan Group claimed that the Commission did not deduct from its calculation the coupon payments that were made by Nanshan Group Co., Ltd. The Commission did not accept this point, as no information on coupon payments was provided in the tables provided by the company, neither before nor during the RCC. The Commission also recalls that this information is part of the missing information for which Article 28 was applied. In any event, it is impossible to verify at this stage of the investigation the additional information provided as an Annex to the comments on disclosure.

3.6.3. Conclusion on preferential financing: other types of financing

- (419) The Commission established that all sampled groups of exporting producers benefited from preferential financing in the form of credit lines, bank acceptance drafts and convertible and corporate bonds. In view of the existence of a financial contribution, a benefit to the exporting producers and specificity, the Commission considered these types of preferential financing a countervailable subsidy.

- (420) The subsidy rate established with regard to the preferential financing described above during the investigation period for the sampled groups of companies amounted to:

Preferential financing: other types of financing

Company name	Subsidy amount
Nanshan Group	7,78 %
Wanshun Group	3,20 %
Daching Group	2,82 %

3.6.4. *Preferential insurance: export credit insurance*

- (421) The Commission found that Sinosure provided export credit insurances to the sampled groups of companies. On its website, Sinosure states that it promotes Chinese exports of goods, especially the exporting of high-tech products. According to a study undertaken by the Organisation for Economic Cooperation and Development ("OECD"), the Chinese high-tech industry, of which the ACF industry is part, received 21 % of the total export credit insurance provided by Sinosure⁽⁸⁸⁾. Furthermore, Sinosure has taken an active role in fulfilling the 'Made in China 2025' initiative, guiding enterprises to use national credit resources, carrying out scientific and technological innovation and technological upgrading, and helping "going out" enterprises become more competitive in the global market⁽⁸⁹⁾.

3.6.4.1. *Legal basis/Regulatory Framework*

- Notice on the Implementation of the Strategy of Promoting Trade through Science and Technology by Utilising Export Credit Insurance (Shang Ji Fa [2004] No 368), issued jointly by MOFCOM and Sinosure;
- 840 plan included in the Notice by the State Council of 27 May 2009;
- Notice on Cultivation and Development of the State Council on Accelerating Emerging Industries of Strategic Decision (GuoFa [2010] No 32 of 18 October 2010), issued by the State Council and its Implementing Guidelines (GuoFa [2011] No 310 of 21 October 2011)
- Notice on the issuance of the 2006 edition of China's High-tech Products Export Catalogue No 16 of the National Science and Technology Department (2006).

3.6.4.2. *Findings of the investigation*

- (422) The three sampled groups of companies had outstanding export insurance agreements with Sinosure during the investigation period.
- (423) As mentioned in recital (122) above, Sinosure failed to provide the supporting documentation requested concerning its corporate governance such as Articles of Association.
- (424) In addition, Sinosure did not provide more specific information about the export credit insurance provided to the ACF industry, the level of its premiums or detailed figures relating to the profitability of its export credit insurance business.
- (425) Therefore, the Commission had to complement the information provided by facts available.

⁽⁸⁸⁾ OECD Study on Chinese export credit policies and programmes, page 7, para 32, available at [https://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=TAD/ECG\(2015\)3&doclanguage=en](https://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=TAD/ECG(2015)3&doclanguage=en), last accessed on 18 August 2021.

⁽⁸⁹⁾ See Sinosure website, Company profile, Supporting 'Made in China', <https://www.sinosure.com.cn/en/Responsibility/smic/index.shtml>, last accessed on 17 August 2021.

- (426) According to information provided in previous anti-subsidy investigations ⁽⁹⁰⁾ and according to Sinosure's website ⁽⁹¹⁾, Sinosure is a policy-oriented insurance company established and supported by the State to support the PRC's foreign economic and trade development and cooperation. The company is 100 % owned by the State. It has a board of directors and a board of supervisors. The GOC has the power to appoint and dismiss the company's senior managers. Based on this information, the Commission concluded that there is formal indicia of government control with respect to Sinosure.
- (427) The Commission further sought information about whether the GOC exercised meaningful control over the conduct of Sinosure with respect to the ACF industry.
- (428) According to the Notice on the issuance of the 2006 edition of China's High-tech Products Export Catalogue No 16, "*products included in the 2006 edition of the Export Catalogue may enjoy preferential policies granted by the State for the export of high-tech products*". The Export Catalogue of High-Tech Products specifically mentions aluminium foil. ⁽⁹²⁾
- (429) Furthermore, according to the Notice on the Implementation of the Strategy of Promoting Trade through Science and Technology by Utilising Export Credit Insurance ⁽⁹³⁾, Sinosure should increase its support for key industries and products by strengthening its overall support for the export of high and new technology products, including 'new materials' products. It should treat high and new technology industries, such as the ACF industry, listed in the China's High-tech Products Export Catalogue, as its business focus and provide comprehensive support in terms of underwriting procedures, approval with limits, claims processing speed and rate flexibility. With regard to rate flexibility, it should give products the maximum premium rate discount within the floating range provided by the credit insurance company. As mentioned in recitals (89) and (98), the ACF industry is included in the more general category of 'new materials'. Furthermore, the Annual Report of Sinosure for 2019 states that Sinosure has "*supported steady development of key Industries*" and "*accelerated growth of strategic emerging Industries*" ⁽⁹⁴⁾.
- (430) On this basis, the Commission concluded that the GOC has created a normative framework that had to be adhered to by Sinosure's managers and supervisors appointed by the GOC and accountable to the GOC. Therefore, the GOC relied on such a normative framework in order to exercise control in a meaningful way over the conduct of Sinosure.
- (431) The Commission also sought concrete proof of the exercise of control in a meaningful way based on concrete insurance agreements. However, no specific examples with respect to the ACF industry or the sampled companies were provided.
- (432) In the absence of concrete evidence, the Commission therefore examined the concrete behaviour of Sinosure with regard to the insurance provided to the sampled companies. This behaviour contrasted with Sinosure's official stance, as Sinosure was not acting based on market principles.
- (433) After comparing the total claims paid with the total insured amounts, based on the data in the Sinosure's Annual Report for 2019 ⁽⁹⁵⁾, the Commission concluded that on average Sinosure would need to charge 0,33 % of the insured amount as a premium to cover the cost of the claims (without even taking into account overhead expenses). However, in practice, the premiums paid by the sampled companies were lower than the minimum fee needed to cover operational costs.
- (434) Following final disclosure, the GOC repeated that Sinosure is not a public body, that it follows market principles in its business operations. In assessing the possibility of granting export credit insurance, Sinosure considers factors such as the national risks, industry risks, importer's credit risks in a comprehensive way. The GOC also noted again that the Commission should have used an in-country benchmark.

⁽⁹⁰⁾ See Tyres case cited in footnote 5, recital 429.

⁽⁹¹⁾ <https://www.sinosure.com.cn/en/Sinosure/Profile/index.shtml>, last accessed on 18 August 2021.

⁽⁹²⁾ China's High-tech Products Export Catalogue, No 417.

⁽⁹³⁾ <http://www.mofcom.gov.cn/aarticle/b/g/200411/20041100300040.html>, last accessed on 12 August 2021.

⁽⁹⁴⁾ Sinosure Annual Report 2019, p. 11, <https://www.sinosure.com.cn/images/xwzx/ndbd/2020/08/27/38BBA5826A689D7D5B1DAE8BB66FACF8.pdf>, last accessed on 18 August 2019.

⁽⁹⁵⁾ Ibid, p. 38.

- (435) Since the GOC did not present any new evidence concerning the function of Sinosure as a public body, the Commission maintained its conclusions in this respect. Furthermore, as Sinosure held a predominant market position during the investigation period, the Commission could not find a market-based domestic insurance premium, as highlighted in section 3.6.4.3 below. This claim was thus also rejected.
- (436) Therefore, the Commission concluded that the legal framework set out above is being implemented by Sinosure in the exercise of governmental functions with respect to the ACF sector. Sinosure acted as a public body in the sense of Article 2(b) read in conjunction with Article 3(1)(a)(i) of the basic Regulation and in accordance with the relevant WTO case-law. Furthermore, the sampled exporting producers received a benefit, since the insurance was provided at rates below the minimum fee needed for Sinosure to cover its operational costs.
- (437) The Commission also determined that the subsidies provided under the export insurance programme are specific, because they could not be obtained without exporting and are thus export contingent within the meaning of Article 4(4)(a) of the basic Regulation.

3.6.4.3. Calculation of the subsidy amount

- (438) As Sinosure held a predominant market position during the investigation period, the Commission could not find a market-based domestic insurance premium. Therefore, in line with previous anti-subsidy investigations, the Commission used the most appropriate external benchmark for which information was readily available, i.e. the premium rates applied by the Export-Import Bank of the United States of America to non-financial institutions for exports to OECD countries.
- (439) The Commission considered that the benefit conferred on the recipients is the difference between the amount that they had actually paid as insurance premium and the amount that they should have paid by applying the external benchmark premium rate mentioned in recital (438).
- (440) In relation to the export credit insurance, Wanshun Group claimed that the Commission should have examined whether the premium rates charged were adequate to cover the insurer's operating costs and losses. The party provided information that the annual premiums collected by Sinosure during these years were adequate to cover its long-term operating costs and losses.
- (441) Wanshun also claimed that the Commission should not only consider the insured amount and the claims paid to calculate an appropriate fixed premium rate, but should have also considered the recoveries of the claims. In addition, the party requested the Commission to disclose its exact calculation. It also stressed that not all companies paid insurance premiums at a fixed rate.
- (442) It further claimed that if the Commission maintains its decision to treat the export credit insurance given by Sinosure as a countervailable subsidy, it should revise the unreasonably high premium rate. The Commission did not provide any analysis or explanations as regards the reasonableness of the selected benchmark and invited the Commission to at least explain on what basis it considered the US EXIM rates to be more appropriate.
- (443) The Commission disagrees with the claims of Wanshun concerning export credit insurance. Sinosure did not cooperate in the investigation and did not submit any specific information about the export credit insurance provided to the ACF industry, the level of its premiums or detailed figures relating to the profitability of its export credit insurance business. Therefore, it was not possible to make a comparison between the premium rates charged by Sinosure and the insurer's operating cost and losses on the level of any given industry, let alone on the level of exporting producers. Therefore, any cross subsidisation between industries and companies could not be assessed. Also, due to non-cooperation by Sinosure, it was not possible to make a comparison between claims and recoveries of claims as suggested by Wanshun. Finally, Wanshun did not provide any evidence or substantiated arguments to support its claim that the external benchmark, i.e. the premium rates applied by the Export-Import Bank of the United States of America to non-financial institutions for exports to OECD countries as explained in the recital (438), would be unreasonable or manifestly erroneous. Therefore these claims were rejected.

- (444) The subsidy rate established with regard to the scheme described above during the investigation period for the sampled groups of companies amounted to:

Preferential financing: export credit insurance

Company name	Subsidy amount
Nanshan Group	0,11 %
Wanshun Group	0,27 %
Daching Group	0,13 %

3.7. Grant programmes

- (445) The Commission found that the sampled groups of companies benefitted from a variety of grants programmes such as grants related to technology, innovation and development, asset-related grants, interest discounts on loans and grants supporting exports. Grants related to technology, innovation and development constituted a significant part of the grants reported by the sampled groups of companies. Therefore, the Commission grouped the grants in two categories: (i) grants related to technology, innovation and development and (ii) other grants.

3.7.1. Grants related to technology, innovation and development

- (446) All sampled groups received grants related to research and development ('R&D') and industrialisation, technological upgrading and innovation during the investigation period.

3.7.1.1. Legal basis/Regulatory Framework

- The 13th Five-year Plan on Technological Innovation;
- Guiding Opinions on Promoting Enterprise Technology Renovation, State Council, Guo Fa (2012) 44;
- Industry Revitalization and Technology Renovation Work Plan, NDRC, MIIT, 2015
- Industry support funds and special funds for R & D and industrialization, Dong Ban Fa (2018) No 62;
- National High-Tech Research and Development Program (863) Management Measures;
- Notice on Issuing the First Batch of Provincial Industrial and Information Industry Transformation and Upgrading Special Fund Indicators in 2019;
- Notices on allocating special funds for technical renovation, special funds for industrial revitalization, special funds for technical transformation, and special funds for industrial development.

3.7.1.2. Findings of the investigation

- (447) The Commission found that the grants related both to technological upgrading, renovation or transformation of the manufacturing process as well as to research and development of high, 'advanced' and new technologies.
- (448) According to the Guiding Opinions on Promoting Enterprise Technology Renovation, central and local governments are called upon to further increase the amount of financial support and increase investment with a focus on industrial transformation and upgrading in key areas and critical issues of technology renovation. Furthermore, authorities should continuously innovate and improve fund management methods, flexibly carry out multiple types of support and raise the usage efficiency of fiscal funds.

- (449) The Industry Revitalization and Technology Renovation Work Plan implements the above mentioned Guiding Opinions in practice by setting up special funds for promoting technological progress and technological transformation projects. These funds include investment subsidies and loan discounts. The use of the funds must be in line with national macroeconomic policies, industrial policies and regional development policies
- (450) The grant programmes from which the sampled groups of companies benefitted are to a large extent similar in their design. Depending on the purpose, criteria are set upon which enterprises can apply and if the criteria are complied with, the financial support is granted.
- (451) For example, some of the grants that were provided to the sampled companies have their legal basis in the National High-Tech Research and Development Program which once more illustrate the functioning of State planning in the PRC as described above in recital (88). Article 2 states that "*The National High-Tech Research and Development Plan (863) is a science and technology program with clear national objectives, which is supported by central financial allocations.*" Article 29 of the same document establishes the procedure for the approval of projects that are eligible. It reflects the mechanism described above: after an application, the acceptance and evaluation of it, an expert group will put forward the proposals of the project and the project funding estimates and eventually a joint office will approve and sign the grant.

3.7.1.3. Specificity

- (452) The grants related to technology, innovation and development, including the grants for R & D projects described above, constitute subsidies within the meaning of Article 3(1)(a)(i) and Article 3(2) of the basic Regulation, i.e. a transfer of funds from the GOC to the producers of the product concerned in the form of grants. As mentioned in recital (445) above, these funds are booked as government subsidies in the accounts of the sampled exporting producers.
- (453) These subsidies are specific within the meaning of Article 4(2)(a) of the basic Regulation because only companies operating in key areas or technologies, as listed in the guidelines, administrative measures and catalogues that are published on a regular basis, are eligible to receive them and ACF is among the eligible sectors. In any event, the grants reported by the companies and cross-checked by the Commission are company-specific.
- (454) Following final disclosure, the GOC argued that the Commission did not demonstrate that the R & D grants at issue are specific within the meaning of Article 4(2)(a), since attributing R & D grants is common across the world, and not limited to certain enterprises.
- (455) The Commission has already demonstrated the specificity of grants, since only companies operating in key areas or technologies as listed in the guidelines, administrative measures and catalogues are eligible. Furthermore, the cooperating exporting producers provided grants-related documents, such as legal documents and granting notices, which demonstrated that the grants were provided to companies belonging to certain specified industries or sectors and/or involved in specific industrial projects encouraged by the State. Therefore, the Commission reiterated its conclusion that these grants are only available to a clearly specified subset of certain enterprises and/or sectors of the economy. In addition, the Commission found that the eligibility conditions of these grants were not clear and objective and they did not apply automatically; consequently, they did not meet the non-specificity requirements of Article 4(2)(b) of the basic Regulation.

3.7.1.4. Calculation of the subsidy amount

- (456) In order to establish the benefit during the investigation period, the Commission considered grants received during the investigation period as well as grants received before the investigation period but for which the depreciation period continued during the investigation period. Regarding grants which are not depreciated, the benefit was considered the amount received during the investigation period. Concerning project-related grants and asset-related grants, the benefit was considered the portion of the total grant amount that was depreciated during the investigation period.
- (457) The Commission considered whether to apply an additional annual commercial interest rate in accordance with section F.a) of the Commission's Guidelines for the calculation of the amount of subsidy ⁽⁹⁶⁾. However, such an approach would have involved a variety of complex hypothetical factors for which there was no accurate information available. Therefore, the Commission found it more appropriate to allocate amounts to the investigation period according to the depreciation rates of the R & D projects and assets, in line with the calculation methodology used in previous cases ⁽⁹⁷⁾.

3.7.2. Other grants

- (458) The Commission found that the three sampled groups of companies also received other grants, such as asset-related grants, interest discounts on loans, grants supporting exports, and other one-off or recurring grants from different levels of government authorities.

3.7.2.1. Legal basis/Regulatory Framework

- (459) These grants were awarded to the companies by national, provincial, city, county or district government authorities and all appeared to be specific to the sampled companies, or specific in terms of geographical location or type of industry. The information regarding the legal basis under which these grants were awarded was not disclosed by all sampled companies. However, the Commission received from some companies a copy of documents issued by a government authority which awarded the funds, referred to as 'the notice'.

3.7.2.2. Findings of the investigation

- (460) Examples of such other grants are asset-related grants, patent funds, science and technology funds and awards, business development funds, export promotion funds, grants for industry quality increase and efficiency enhancement, municipal commerce support funds, foreign economic and trade development funds and production safety awards.
- (461) Given the large amount of grants that the Commission found in the books of the sampled groups of companies, only a summary of the key findings is presented in this Regulation. Evidence of the existence of numerous grants and the fact that they had been granted by government authorities at various levels was initially provided by the three sampled groups. Detailed findings on these grants were provided to the individual companies in their specific disclosure documents.
- (462) These other grants constitute subsidies within the meaning of Article 3(1)(a)(i) and (2) of the basic Regulation as a transfer of funds from the government in the form of grants to the sampled groups of companies took place and a benefit was thereby conferred.

⁽⁹⁶⁾ OJ C 394, 17.12.1998, p. 6.

⁽⁹⁷⁾ Such as e.g. Council Implementing Regulation (EU) No 452/2011, OJ L 128, 14.5.2011, p. 18 (*Coated fine paper*), Council Implementing Regulation (EU) No 2013/215, OJ L 73, 11.3.2013, p. 16 (*Organic coated steel*), Commission Implementing Regulation (EU) 2017/366, OJ L 56, 3.3.2017, p. 1, (*Solar panels*), Commission Implementing Regulation (EU) No 1379/2014, OJ L 367, 23.12.2014, p. 22. (*Filament glass fibre*), Commission Implementing Decision 2014/918, OJ L 360, 16.12.2014, p. 65 (*Polyester Staple Fibers*).

- (463) The sampled groups of companies provided information as to the amount of the grants and the authority that awarded and paid each grant. The companies concerned also mostly booked this income under the heading 'subsidy income' in their accounts and had these accounts independently audited. The information on these grants has been taken by the Commission as positive evidence of a subsidy that conferred a benefit.
- (464) Following final disclosure, the GOC argued that the Commission has not sufficiently provided detail on which grants it refers to, since it did not point to specific grants or legal sources. As mentioned in recitals (459) and (461), the grants referred to in this section consisted of numerous small amounts, provided at various levels of the government, and for which in many cases no supporting documentation was provided by the sampled companies, except for some high-level designations. As such, the Commission is not in a position to provide a precise legal basis to the GOC. However, as mentioned in recital (461) above, detailed findings on these grants were provided to the individual companies in their specific disclosure documents.

3.7.2.3. Specificity

- (465) These grants are also specific within the meaning of Articles 4(2)(a) and 4(3) of the basic Regulation given that, from the documents provided by the cooperating exporting producers, they appear to be limited to certain companies, certain industries, such as the ACF industry, or specific projects in specific regions. In addition, some of the grants are contingent upon export performance within the meaning of Article 4(4)(a) of the basic Regulation.
- (466) Furthermore, these grants do not meet the non-specificity requirements of Article 4(2)(b) of the basic Regulation, given that the eligibility conditions and the actual selection criteria for enterprises to be eligible are not transparent, not objective and do not apply automatically.
- (467) Following the final disclosure, the Nanshan Group claimed that regarding grants:
- (a) the Commission wrongly included non-depreciable subsidies received before the investigation period in the subsidy margin when calculating the benefit for grants. The company required the Commission to exclude non-depreciable grants received before the investigation period from the subsidy margin.
 - (b) for grants received by one of the companies of the Nanshan Group, the Commission used an incorrect depreciation period.
- (468) The Commission noted that the non-depreciable subsidies referred to in recital (467) are related to fixed assets. Consequently, the Commission has allocated the benefit to the same time period over which the fixed assets are depreciated. Therefore, the comment is rejected.
- (469) Following the comments by Nanshan Group the Commission reviewed the depreciation periods used in the calculations. In the cases where an incorrect period had been used, the calculation was corrected.
- (470) Following the final disclosure Wanshun Group claimed that the Commission had made an error when calculating the benefit of one grant to one of its group companies. More specifically, it claimed that one of the projects for which the grant was given only started from the third quarter of 2019 and therefore it was wrong to allocate one fifteenth of the value (corresponding to the depreciation period of 15 years) to the investigation period.
- (471) The Commission notes that according to the established practice, grants related to the investigation period are allocated using the number of calendar years as the basis of the calculation. Therefore this claim was rejected.

3.7.2.4. Calculation of the subsidy amount

- (472) The Commission calculated the benefit in accordance with the methodology described in recital (457) above.
- (473) The subsidy rates established with regard to all grants during the investigation period for the sampled exporting producers were as follows:

Grants

Company name	Subsidy amount
Nanshan Group	1,22 %
Wanshun Group	0,42 %
Daching Group	0,25 %

3.8. Revenue foregone through tax exemptions and reduction programmes

3.8.1. Direct tax exemptions and reductions

3.8.1.1. EIT privileges for High and New Technology Enterprises

3.8.1.2. Legal basis/Regulatory Framework

(474) The legal basis of this programme is Article 28 of the EIT Law ⁽⁹⁸⁾ and Article 93 of the Implementation Rules for the Enterprise Income Tax Law of the PRC ⁽⁹⁹⁾, as well as:

- Circular of the Ministry of Science and Technology, Ministry of Finance and the State Administration of Taxation on revising and issuing Administrative Measures for the Recognition of High-Tech Enterprises, G.K.F.H. [2016] No 32;
- Circular of the Ministry of Science and Technology, the Ministry of Finance and the State Administration of Taxation on Revising and Issuing the Guidelines for the Administration of Accreditation of High-tech Enterprises, Guo Ke Fa Huo [2016] No 195;
- Announcement [2017] No 24 of the State Administration of Taxation on the Application of Preferential Income Tax Policies to High-tech Enterprises;
- The 2016 Catalogue of High-tech Fields Supported by the State ⁽¹⁰⁰⁾; and
- Ministry of Finance and State Administration of Taxation Announcement [2019] No 68.

(475) Chapter IV of the EIT Law contains provisions regarding 'Preferential Tax Treatment'. Article 25 of the EIT Law, which is a chapeau for Chapter IV, provides that "The State will offer income tax preferences to Enterprises engaged in industries or projects the development of which is specially supported and encouraged by the State". Article 28 of the EIT law provides that "the rate of enterprise income tax on high and new technological enterprises needing special support of the State shall be reduced to 15 %".

(476) Article 93 of the Implementation Rules for the Enterprise Income Tax Law clarifies that:

"The important high and new technology enterprises to be supported by the state as referred to in Clause 2 of Article 28 of the Enterprise Income Tax Law refer to the enterprises which own key intellectual property rights and satisfy the following conditions:

1. Complying with the scope of the Key State Supported High and New Technology Areas;
2. The proportion of the research and development expense in the sales revenue shall be no less than the prescribed proportion;
3. The proportion of the income from high-tech technology/product/service in the enterprise's total revenue shall be no less than the prescribed proportion;

⁽⁹⁸⁾ http://www.npc.gov.cn/zgrdw/englishnpc/Law/2009-02/20/content_1471133.htm

⁽⁹⁹⁾ Implementing Regulations of the Enterprise Income Tax Law of the People's Republic of China (Revised in 2019) – Order of the State Council of the People's Republic of China No 714.

⁽¹⁰⁰⁾ http://kj.quanzhou.gov.cn/wsbs/xgz/201703/t20170322_431820.htm, last accessed on 17 August 2021.

4. *The proportion of the technical personnel in the enterprise's total employees shall be no less than the prescribed proportion;*
5. *Other conditions prescribed in the Measures for the Administration of High-Tech Enterprise Identification.*
6. *Measures for the Administration of High-Tech Enterprise Identification and Key State Supported High and New Technology Areas shall be jointly formulated by the technology, finance and taxation departments under the State Council and come into effect after approved by State Council".*

(477) The above-mentioned provisions clearly specify that the reduced enterprise income tax rate is reserved to "important high and new technology enterprises to be supported by the State" which own key intellectual property rights and satisfy certain conditions such as "complying with the scope of the Key State Supported High and New Technology Areas".

(478) According to Article 11 of the Administrative Measures for the Recognition of High-Tech Enterprises, to be recognized as high-tech an enterprise must simultaneously meet certain conditions among which: "it has obtained the ownership of intellectual property rights, which plays a central role in technically supporting its main products (services), through independent research, transfer, grant, mergers and acquisitions, etc." and "the technology that plays a central role in technically supporting its main products (services) is within the range predetermined in the high-tech fields supported by the state".

(479) The key high technology fields supported by the State are listed in the 2016 Catalogue of High-tech Fields Supported by the State. This catalogue clearly mentions under 'new materials'/metal materials' aluminium foil as a high technology product supported by the State.

3.8.1.3. Findings of the investigation

(480) The Commission found that companies within the sampled exporting producer groups qualified as high-tech companies during the investigation period and thus enjoyed a reduced EIT rate of 15 %.

(481) The Commission considered that the tax offset at issue is a subsidy within the meaning of Article 3(1)(a)(ii) and Article 3(2) of the basic Regulation because there is a financial contribution in the form of revenue foregone by the GOC that confers a benefit to the companies concerned. The benefit for the recipients is equal to the tax saving.

(482) This subsidy is specific within the meaning of Article 4(2)(a) of the basic Regulation as the legislation itself limits the application of this scheme only to enterprises that are operating in certain high technology priority areas determined by the State as demonstrated in recital (477) to (479). As pointed out in recital (479), the ACF industry is such a high technology priority.

3.8.1.4. Calculation of the subsidy amount

(483) The amount of countervailable subsidy was calculated in terms of the benefit conferred on the recipients during the investigation period. This benefit was calculated as the difference between the total tax payable according to the normal tax rate and the total tax payable under the reduced tax rate.

(484) The subsidy rate established for this specific scheme was 0,55 % for the Nanshan Group, 0,43 % for the Wanshun Group and 0,47 % for the Daching Group.

3.8.2. EIT offset for research and development expenses

(485) The tax offset for research and development entitles companies to preferential tax treatment for their R & D activities in certain high technology priority areas determined by the State when certain thresholds for R & D spending are met.

(486) More specifically, R & D expenditures incurred to develop new technologies, new products and new techniques, which do not form intangible assets and are accounted into the current term profit and loss, are subject to an additional 75 % deduction after being deducted in full in light of the actual situation. Where the above-mentioned R & D expenditures form intangible assets, they are subject to amortization based on 175 % of the intangible asset costs. Since January 2021, the additional pre-tax deduction for R & D expenses was increased to 100 % ⁽¹⁰¹⁾.

3.8.2.1. Legal basis/Regulatory Framework

(487) The legal basis for the programme is Article 30(1) of the EIT Law, and Article 95 of the Implementation Rules for the Enterprise Income Tax Law of the PRC as well as the following notices:

- Notice of the Ministry of Finance, the State Administration of Taxation and the Ministry of Science and Technology on Improving the Policy of Pre-tax Deduction of R & D Expenses (Cai Shui [2015] No 119);
- Circular on Raising the Proportion of Pre-tax Super Deduction of Research and Development Expenses (Cai Shui [2018] No 99)
- Announcement [2015] No 97 of the State Administration of Taxation on Relevant Issues concerning Policies of Additional Pre-tax Deduction of Research and Development Expenses of Enterprises;
- Announcement 2017 No 40 of the State Administration of Taxation on Issues Concerning the Eligible Scope of Calculation of Additional Pre-tax Deduction of Research and Development Expenses; and
- The 2016 Catalogue of High-tech Fields Supported by the State.

(488) In previous investigations ⁽¹⁰²⁾, the Commission established that the “*new technologies, new products and new crafts*”, which can benefit from the tax deduction, are part of certain high technology fields supported by the State. As mentioned in recital (480), the key high technology fields supported by the State are listed in the 2016 Catalogue of High-tech Fields Supported by the State.

(489) As set out in recital (479), Chapter IV of the EIT Law contains provisions regarding ‘Preferential Tax Treatment’, in particular Article 25. Article 30(1) of the EIT Law, which is also part of Chapter IV, provides that “*research and development expenses incurred by enterprises in the development of new technologies, new products and new techniques*” may be additionally deducted at the time of calculating taxable income. Article 95 of the Implementation Rules for the Enterprise Income Tax Law clarifies the meaning of “*R & D expenditures incurred for the purpose to develop new technologies, new products and new crafts*” laid down in Article 30(1) of the EIT Law.

(490) According to the Circular on Raising the Proportion of Pre-tax Super Deduction of Research and Development Expenses (Cai Shui [2018] No 99), “*with respect to research and development (R & D) expenses actually incurred by an enterprise from its R & D activities, an extra 75 % of the actual amount of expenses is deductible before tax, in addition to other actual deductions, during the period from January 1, 2018 till December 31, 2020, provided that the said expenses are not converted into the intangible asset and balanced into this enterprise’s current gains and losses; however, if the said expenses have been converted into the intangible asset, such expenses may be amortized at a rate of 175 % of the intangible asset’s costs before tax during the above-said period*”.

3.8.2.2. Findings of the investigation

(491) The Commission found out that the companies within the sampled groups enjoyed “*additional deduction on research and development expenses incurred from the research and development of new technologies, new products and new techniques*”.

⁽¹⁰¹⁾ Announcement [2021] No 13 of the Ministry of Finance and the State Taxation Administration on Further Improvements to the Policy of Weighted Pre-tax Deduction for Research and Development Expenses.

⁽¹⁰²⁾ See HRF, Tyres and GFF cases cited in footnote 5, recitals 330, 521 and 560 respectively.

(492) The Commission considered that the tax offset at issue is a subsidy within the meaning of Article 3(1)(a)(ii) and Article 3(2) of the basic Regulation because there is a financial contribution in the form of revenue foregone by the GOC that confers a benefit to the companies concerned. The benefit for the recipients is equal to the tax saving.

(493) This subsidy is specific within the meaning of Article 4(2)(a) of the basic Regulation as the legislation itself limits the application of this measure only to enterprises that incur R & D expenses in certain high technology priority areas determined by the State, such as the ACF sector.

3.8.2.3. Calculation of the subsidy amount

(494) The amount of countervailable subsidy was calculated in terms of the benefit conferred on the recipients during the investigation period. This benefit was calculated as the difference between the total tax payable according to the normal tax rate and the total tax payable after the additional 75 % deduction of the actual expenses on R & D.

(495) The amount of subsidy established for this specific scheme was 1,24 % for Nanshan Group, 0,14 % for Wanshun Group and 0,37 % for Daching Group.

3.8.3. Dividends exemption between qualified resident enterprises

(496) The EIT Law offers income tax preferences to Enterprises engaged in industries or projects the development of which is specifically supported and encouraged by the State and in particular, exempt from tax the income from equity investment, such as dividends and bonuses, between eligible resident enterprises.

3.8.3.1. Legal basis/Regulatory Framework

(497) The legal basis for the programme is Article 26(2) of the EIT Law, along with the Implementation Rules for the Enterprise Income Tax Law of the PRC.

(498) Article 25 of the EIT, which is a chapeau for Chapter IV 'Preferential Tax Policies', provides that "*The State will offer income tax preferences to Enterprises engaged in industries or projects the development of which is specially supported and encouraged by the State*". Furthermore, Article 26(2) specifies that the tax exemption is applicable to income from equity investments between "*eligible resident enterprises*", which appears to limit its scope of application to only certain resident enterprises.

3.8.3.2. Findings of the investigation

(499) The Commission found that one company in one of the sampled groups received an exemption from tax of dividend income between qualified resident enterprises.

(500) The Commission considered that this scheme constitutes a subsidy under Article 3(1)(a)(ii) and Article 3(2) of the basic Regulation because there is a financial contribution in the form of revenue foregone by the GOC that confers a benefit to the company concerned. The benefit for the recipient is equal to the tax saving.

(501) This subsidy is specific within the meaning of Article 4(2)(a) of the basic Regulation as the legislation itself limits the application of this exemption only to qualified resident enterprises engaged in industries or projects the development of which is specially supported and encouraged by the State, like the ACF industry.

(502) Following the final disclosure, the Nanshan Group claimed that the dividend tax exemption between resident enterprises is not a countervailable subsidy since it is not specific, is applicable to all enterprises and is aimed merely to avoid double taxation.

(503) Although the Commission agreed that the elimination of double taxation is a legitimate tax practice, Article 26(2) of the EIT is part of Chapter IV 'Tax Preferences', which provides for a number of preferential tax treatments that are exemptions to the general taxation rules. Furthermore, as explained in recital (491), Article 25 of the EIT, which stands as a chapeau for Chapter IV 'Preferential Tax Policies', provides that "*The State will offer income tax preferences to Enterprises engaged in industries or projects the development of which is specially supported and encouraged by the State*". In

addition, Article 26(2) specifies that the tax exemption is applicable to income from equity investments between “eligible resident enterprises”, which appears to limit its scope of application to only certain resident enterprises. Therefore, the Commission considered that such preferential tax policy is limited to certain industries, which are specifically supported and encouraged by the State, such as the ACF industry, and is therefore specific within the meaning of Article 4(2)(a) of the basic Regulation. Consequently, the Commission confirmed its conclusion that this scheme is a countervailable subsidy. This claim is therefore rejected.

3.8.3.3. 3. Calculation of the subsidy amount

- (504) The Commission has calculated the amount of the subsidy by applying the normal tax rate to the dividend income that has been deducted from taxable income.
- (505) The amount of subsidy established for this specific scheme was 0,15 % for Nanshan Group.

3.8.4. Land use tax exemption

- (506) An organisation or individual using land in cities, county towns and administrative towns and industrial and mining districts shall normally pay urban land use tax. Land use tax is collected by the local tax authorities where the land is used. However, certain categories of land, such as land reclaimed from the sea, land for the use of government institutions, people’s organisations and military units for their own use, land for use by institutions financed by government allocations from the Ministry of Finance, land used by religious temples, public parks and public historical and scenic sites, streets, roads, public squares, lawns and other urban public land are exempted from the land use tax.

3.8.4.1. Legal basis/Regulatory Framework

- (507) The legal basis for this programme is:
- Provisional Regulations of the People’s Republic of China on Real Estate Tax (Guo Fa [1986] No 90, as amended in 2011);
 - Interim Regulations of the People’s Republic of China on Urban Land Use Tax (Revised in 2019), Order of the State Council of the People’s Republic of China No 709; and
 - Several Opinions on Vigorously Supporting the Sustainable and Healthy Development of the Private Economy’ (EFa [2018] No 33).

3.8.4.2. Findings of the investigation

- (508) One company in one of the sampled groups benefited from a reduction in the land use tax amount of 50 % based on a special policy applicable to the high-tech companies in Shandong province pursuant to the ‘*Notice of the People’s Government of Shandong Province on Issuing Several Policies to Support the High-quality Development of the Real Economy*’.
- (509) The company at issue did not fall under any of the exempted categories set by Article 6 of the Interim Regulations of the People’s Republic of China on Urban Land Use Tax (Revised in 2019).

3.8.4.3. Specificity

- (510) The Commission considered that the land use tax reduction for high-tech companies described above constitutes a subsidy within the meaning of either Article 3(1)(a)(i) or Article 3(1)(a)(ii), and Article 3(2) of the basic Regulation because there is a financial contribution in the form of either direct transfer of funds (refund of the tax paid) or revenue foregone by the GOC (the non-paid tax) that confers a benefit to the company concerned. The subsidy is specific as it targets only high-tech companies in Shandong.

- (511) The benefit for the recipients is equal to the amount refunded/tax saving.
- (512) Following the final disclosure, the Wanshun Group claimed that:
- Jiangsu Zhongji Lamination Materials Co., Ltd. did not benefit from any tax exemption with respect to its land. The land class changed from one class to another, so the applicable tax rate also changed. Thus, the alleged partial payment of the land use tax by the company merely reflects the land class change,
 - The land tax paid by Jiangsu Huafeng Aluminium Industry Co., Ltd during the IP was more than the normal land use tax payable, as calculated by the Commission. Therefore, the company obtained no benefit in this respect,
 - The Commission made a clerical error when calculating the land tax paid by Shantou Whanshun,
- (513) The Commission disagrees with the first claim. Wanshun did not provide any documentation or further reasoning supporting its claim that the category of land had been changed from one class to another. This claim was therefore rejected.
- (514) As regards the second and third claim, the Commission accepted the claims and made a correction to the calculation of the benefit.

3.8.4.4. Calculation of the subsidy amount

- (515) The amount of countervailable subsidy was calculated in terms of the benefit conferred on the recipient during the investigation period. This benefit was considered the reduced amount during the investigation period. The amount of subsidy established for this specific scheme was 0,06 % for Nanshan Group and 0,01 % for Wanshun Group.

3.8.5. *Indirect tax and tariff exemption programmes*

3.8.5.1. VAT exemptions and import tariff rebates for the use of imported equipment and technology

- (516) This programme provides an exemption from VAT and import tariffs for imports of capital equipment used in their production. To benefit from the exemption, the equipment must not fall in a list of non-eligible equipment and the claiming enterprise has to obtain a Certificate of State-Encouraged project issued by the Chinese authorities in accordance with the relevant investment, tax and customs legislation.

3.8.5.2. Legal basis/Regulatory Framework

- (517) The legal basis for this programme is:
- Circular of the State Council on Adjusting Tax Policies on Imported Equipment, Guo Fa [1997] No 37;
 - Notice of the Ministry of Finance, the General Administration of Customs and the State Administration of Taxation on the Adjustment of Certain Preferential Import Duty Policies;
 - Announcement of the Ministry of Finance, the General Administration of Customs and the State Administration of Taxation [2008] No 43;
 - Notice of the NDRC on the relevant issues concerning the Handling of Confirmation letter on Domestic or Foreign-funded Projects encouraged to develop by the State, [2006] No 316; and
 - Catalogue on Non-duty-exemptible Articles of importation for either FIEs or domestic enterprises, 2008.

3.8.5.3. Findings of the investigation

- (518) Equipment imported in order to develop domestic or foreign investment projects in line with the policy of encouraging foreign or domestic investment projects may be exempted from payment of the VAT and/or import duty, unless the equipment category is listed in the catalogue of non-duty exemptible article.

- (519) The GOC claimed that with effect from 1 January 2009, only the import duty was exempted and VAT on importation of equipment for self-use was collected.
- (520) However, exemptions of both VAT and import duty during the investigation period were identified in the sampled companies. These included exemptions for equipment imported in previous years, but for which the benefit was amortized over the lifespan of that equipment and was thus partially allocated to the investigation period. While the Commission saw no evidence that this exemption was operating during the investigation period, the Commission established on the basis of the evidence on the file relating to the sampled companies that the sampled companies still availed themselves of benefits under this programme during that period.
- (521) This programme thus provides a financial contribution in the form of revenue forgone by the GOC within the meaning of Article 3(1)(a)(ii) of the basic Regulation as FIEs and other eligible domestic enterprises are relieved from payment of VAT and/or tariffs which would be otherwise due. It also confers a benefit on the recipient companies in the sense of Article 3(2) of the basic Regulation.
- (522) The programme is specific within the meaning of Article 4(2)(a) of the basic Regulation. The legislation pursuant to which the granting authority operates limits its access to enterprises that invest under specific business categories defined exhaustively by law and belonging either to the encouraged category or the restricted category B under the Catalogue for the guidance of industries for foreign investment and technology transfer or those which are in line with the Catalogue of key industries, products and technologies the development of which is encouraged by the State. In addition, there are no objective criteria to limit eligibility for this programme and there is no conclusive evidence to infer that eligibility is automatic under Article 4(2)(b) of the basic Regulation.
- (523) Following the final disclosure, the Wanshun group claimed that Anhui Maximum Aluminium Industries Co., Ltd did not benefit from the VAT exemption scheme, since it was terminated on 31 December 2008, while the machinery of Maximum was purchased in 2020. In addition, the difference between the VAT actually paid by the company the amount of VAT payable calculated by the Commission results from the fact that the purchase prices used by the Commission include other expenses.
- (524) The Commission accepted the claims made by Wanshun and adapted the calculations accordingly.
- (525) Nanshan Gropup also claimed that in establishing the benefit for the import duty exemptions on machinery, the Commission committed three errors which Nanshan Group elaborates upon below
- (526) the Commission wrongly allocated a benefit to the investigation period for certain equipment purchased far preceding the investigation period and thus fully depreciated.
- (527) for one of the companies in Nanshan Group, the Commission used the fixed asset registry for the entire company, which includes numerous machinery and devices used by other business units than those related to ACF. As such, the Commission should exclude import duty exemptions related to equipment not used for the product under investigation.
- (528) the Commission also improperly classified the equipment into imported and domestically procured.
- (529) The Commission accepted the claim concerning equipment that was fully depreciated before the investigation period and corrected the calculation accordingly. However, the Commission notes that Nanshan Group had not filled in the relevant part of the anti-subsidy questionnaire concerning its machinery and therefore Nanshan Group could not demonstrate by which business unit certain machinery was used nor could it provide sufficient evidence as regards the division between imported and domestically procured machinery. Therefore, these claims were rejected.

3.8.5.4. Calculation of the subsidy amount

- (530) The amount of countervailable subsidy is calculated in terms of the benefit conferred on the recipients, which is found to exist during the investigation period. The benefit conferred on the recipients is considered to be the amount of VAT and duties exempted on imported equipment. In order to ensure that the countervailable amount only covered the investigation period the benefit received was amortized over the useful life of the equipment according to the company's normal accounting procedures.
- (531) The subsidy rate established for this specific scheme was 0,47 % for Nanshan Group, 0,12 % for Wanshun Group and 0,21 % for Daching Group.

3.8.6. Total for all tax exemption schemes and reduction programmes

- (532) Following final disclosure, the GOC claimed that all abovementioned tax programmes contain objective criteria that govern the eligibility for accessing the benefit. Once these criteria are met, the attribution of the benefit is automatic. However, as explained for each programme separately in the preceding sections, these schemes only apply to enterprises that are operating in certain high technology priority areas or encouraged industries. This claim was thus rejected.
- (533) The Nanshan Group also claimed that the Commission made a clerical error, and erroneously included a tax exemption for one of the group companies. This claim was accepted and the calculations were changed accordingly.
- (534) The total subsidy rate established with regard to all tax schemes during the investigation period for the sampled exporting producers was as follows:

Tax exemptions and reductions

Company name	Subsidy amount
Nanshan Group	2,51 %
Wanshun Group	0,70 %
Daching Group	1,06 %

3.9. Government provision of goods and services for less than adequate remuneration

3.9.1. Provision of land for less than adequate remuneration

- (535) All land in the PRC is owned either by the State or by a collective, constituted of either villages or townships, before the land's legal or equitable title may be patented or granted to corporate or individual owners. All parcels of land in urbanized areas are owned by the State and all parcels of land in rural areas are owned by the villages or townships therein.
- (536) Pursuant to the PRC Constitution and the Land Law, companies and individuals may however purchase 'land use rights'. For industrial land, the leasehold is normally 50 years, renewable for a further 50 years.
- (537) According to the GOC, Article 137 of the Property Law of the People's Republic of China stipulates that "*the land used for purposes of industry, business, entertainment or commercial dwelling houses, etc. or the land for which there are two or more intended users shall be transferred by means of auction, bid invitation or any other public bidding method.*" Furthermore, the GOC refers to Article 3 of the Interim Regulations of the People's Republic of China Concerning the Assignment and Transfer of the Right to the Use of the State-owned Land in Urban Areas. This Article provides that "*any company, enterprise, other organization and individual within or outside the People's Republic of China may, unless otherwise provided by law, obtain the right to the use of the land and engage in land development, utilization and management in accordance with the provisions of these Regulations.*"

- (538) The GOC considers that there is a free market for land in the PRC, and that the price paid by an industrial enterprise for the leasehold title of the land reflects the market price.

3.9.1.1. Legal basis/Regulatory Framework

- (539) The land-use right provision in China falls under Land Administration Law of the People's Republic of China. In addition, the following documents also are part of the legal basis
- (1) Property Law of the People's Republic of China (Order of the President of the People's Republic of China No 62);
 - (2) Land Administration Law of the People's Republic of China (Order of the President of the People's Republic of China No 28);
 - (3) Law of the People's Republic of China on Urban Real Estate Administration (Order of the President of the People's Republic of China No 18);
 - (4) Interim Regulations of the People's Republic of China Concerning the Assignment and Transfer of the Right to the Use of the State-owned Land in the Urban Areas (Decree No 55 of the State Council of the People's Republic of China);
 - (5) Regulation on the Implementation of the Land Administration Law of the People's Republic of China (Order of the State Council of the People's Republic of China [2014] No 653);
 - (6) Provision on Assignment of State-owned Construction Land Use Right through Bid Invitation, Auction and Quotation (Announcement No 39 of the CSRC); and
 - (7) Notice of the State Council on the Relevant Issues Concerning the Strengthening of Land Control (Guo Fa (2006) No 31).

3.9.1.2. Findings of the investigation

- (540) According to Article 10 of the Provision on Assignment of State-owned Construction Land Use Right through Bid Invitation, Auction and Quotation, local authorities set land prices according to the urban land evaluation system, which is updated every three years, and the government's industrial policy.
- (541) In previous investigations, the Commission found that prices paid for LURs in the PRC were not representative of a market price determined by free market supply and demand, since the auctioning system was found to be unclear, non-transparent and not functioning in practice, and prices were found to be arbitrarily set by the authorities. As mentioned in the previous recital, the authorities set the prices according to the urban land evaluation system, which instructs them among other criteria to consider also industrial policy when setting the price of industrial land.
- (542) The current investigation did not show any noticeable changes in this respect. For instance, the Commission found that most of the sampled companies obtained their LUR through allocation by local authorities and not through a bidding procedure.
- (543) For the plots of land that were provided through bidding, the Commission found that in each case, there was only one bidder for the land, and the price paid corresponded to the starting price of the bidding process. In the absence of additional detailed information concerning the actual process of the auction, it was uncertain that the initial price was set independently and corresponded to the market value of the LUR.
- (544) Moreover, the Commission also found that some companies received refunds from local authorities to compensate for the prices which they paid for the LURs. Furthermore, some of the LURs obtained only had to be paid several years after the land had been put into use. Concerning LURs owned by companies within the Nanshan Group, as mentioned in recitals (135) to (137), no evidence of any purchasing process could be provided for most of the plots of land in the group.

- (545) The above evidence contradicts the claims of the GOC that the prices paid for LUR in the PRC are representative of price determined by free market supply and demand. To the contrary, the findings of this investigation show that acquisition of LUR in the PRC was non-transparent and the prices were arbitrarily set by the authorities.
- (546) Following final disclosure, the GOC claimed that no benefit has been conferred to the sampled companies through the provision of land use rights because there is a free market for land in the PRC. In this respect, the GOC referred to Article 347 of the Civil Code of the PRC, according to which, “*where land is used for industrial, commercial, tourist or entertaining purposes, as commodity residence, or for other profit-making purposes, or there are two or more persons who are willing to use the same piece of land, the right to the use of land for construction shall be assigned through bid invitation, auction or other open bidding. The price of the land is established through market competition*”.
- (547) However, the Commission found that, although there are legal provisions that aim at allocating land use rights in a transparent manner and at market prices, for instance by introducing bidding procedures, these provisions are regularly not respected, with certain buyers obtaining their land for free or below market rates. Moreover, authorities often pursue specific political goals including the implementation of the economic plans when allocating land. In any event, as mentioned in recital (543) above, in the rare cases where land was provided through an auction process, the information provided was insufficient to conclude that prices were set independently and corresponded to the market value of the land.
- (548) Therefore, the provision of LURs by the GOC constitutes a subsidy within the meaning of Article 3(1)(a)(iii) and Article 3(2) of the basic Regulation in the form of provision of goods, which confers a benefit upon the recipient companies. As explained in recitals (541) to (545) above, there is no functioning market for land in the PRC and the use of an external benchmark (see recitals (551) to (554) below) demonstrates that the amount paid for LURs by the sampled exporting producers is well below the normal market rate.

3.9.1.3. Specificity

- (549) In the context of preferential access to industrial land for companies belonging to certain industries, the Commission noted that the price set by local authorities has to take into account the government’s industrial policy, as mentioned above in recital (541). Within this industrial policy, the ACF industry is listed as an encouraged industry ⁽¹⁰³⁾. In addition, Decision No 40 requires that public authorities ensure that land is provided to encouraged industries. Article 18 of Decision No 40 makes clear that industries that are ‘restricted’ will not have access to LURs. It follows that the subsidy is specific under Article 4(2)(a) and 4(2)(c) of the basic Regulation because the preferential provision of land is limited to companies belonging to certain industries, in this case the ACF industry, and government practices in this area are unclear and non-transparent.
- (550) Following final disclosure, the GOC disagreed with the Commission that the measures are specific, but without providing any additional evidence. The Commission therefore maintained its conclusions.

3.9.1.4. Calculation of the subsidy amount

- (551) As in previous investigations ⁽¹⁰⁴⁾ and in accordance with Article 6(d)(ii) of the basic Regulation, land prices from the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (‘Chinese Taipei’) were used as an external benchmark ⁽¹⁰⁵⁾. The benefit conferred on the recipients is calculated by taking into consideration the difference between the amount actually paid by each of the sampled exporting producers (i.e., the actual price paid as stated in the contract and, when applicable, the price stated in the contract reduced by the amount of local government refunds/grants) for LURs and the amount that should normally have been paid on the basis of the Chinese Taipei benchmark.

⁽¹⁰³⁾ See section 3.1 above.

⁽¹⁰⁴⁾ See GFF, OCS, and Solar panels cases.

⁽¹⁰⁵⁾ Upheld by the General Court in Case T-444/11 Gold East Paper and Gold Huacheng Paper versus Council, Judgment of the General Court of 11 September 2014 ECLI:EU:T:2014:773.

- (552) For the plots of land of the Nanshan Group for which no supporting evidence could be provided, the price actually paid was considered to be 0.
- (553) The Commission considers Chinese Taipei as a suitable external benchmark for the following reasons:
- the comparable level of economic development, GDP and economic structure in Chinese Taipei and a majority of the provinces and cities in the PRC where the sampled exporting producers are based;
 - the physical proximity of the PRC and Chinese Taipei;
 - the high degree of industrial infrastructure in both Chinese Taipei and many provinces of the PRC;
 - the strong economic ties and cross border trade between Chinese Taipei and the PRC;
 - the high density of population in many of the provinces of the PRC and in Chinese Taipei;
 - the similarity between the type of land and transactions used for constructing the relevant benchmark in Chinese Taipei with those in the PRC; and
 - the common demographic, linguistic and cultural characteristics between Chinese Taipei and the PRC.
- (554) Following the methodology applied in previous investigations ⁽¹⁰⁶⁾, the Commission used the average land price per square meter established in Chinese Taipei corrected for inflation and GDP evolution as from the dates of the respective LUR contracts. The information concerning industrial land prices as of 2015 was retrieved from the website of the Industrial Bureau of the Ministry of Economic Affairs of Taiwan ⁽¹⁰⁷⁾. For the previous years, the prices were corrected using the inflation rates and evolution of GDP per capita at current prices in USD for Taiwan as published by the IMF for 2015.
- (555) Following the final disclosure, the GOC claimed that the Commission should have used a domestic benchmark for land. However, the GOC failed to provide any statistics or data that could be used for this purpose.
- (556) The GOC also maintained that prices in Chinese Taipei are not at all comparable to those in mainland China, for population and geographical reasons, but also because land in China is leased, not owned, whereas the Chinese Taipei land market is subject to purchasing rights. Therefore, the GOC claimed that an adjustment needs to be made to reflect these factors.
- (557) Furthermore, both the Wanshun Group and Nanshan Group claimed that the benchmark used by the Commission with respect to the land use rights was unreasonably high and did not reflect the prevailing market conditions in China. This was due to the fact that Taiwan was facing in recent years an exceptional situation of land shortage and industrial land-hoarding, inexistent in China. Therefore, such a high benchmark has artificially and unfairly increased the benefit with respect to the land use rights, and the whole subsidy amount determined for the group. They added that Taiwan did not have much available land for industry and was at a different economic level in comparison to China. Instead, the land prices in Thailand should be used as an appropriate benchmark with respect to the land use rights.
- (558) In this respect, the Commission noted that the selection of Chinese Taipei as a benchmark was based on the examination of several factors listed in recital (553). Although there are certain differences in the market conditions between land use rights in mainland China and sale of land in Chinese Taipei, these are not of such nature to invalidate the choice of Chinese Taipei as a reasonable benchmark. Moreover, looking closer at population density of the actual locations of the exporting producers, it appears that on average the population density figures are

⁽¹⁰⁶⁾ See GFF, OCS, and Solar panels cases.

⁽¹⁰⁷⁾ <https://idbpark.moeaidb.gov.tw/>, last accessed on 18 August 2021.

similar to Chinese Taipei. For example, the population density of Jiangyin was 1 600 people per m² in 2020 ⁽¹⁰⁸⁾; and the density of Xiamen was 3 036 people per m² ⁽¹⁰⁹⁾. The Commission also does not see the effects of the land crisis in the evolution of the benchmark prices. Although there was a steep increase in prices in the years 2015-2016, prices have remained rather stable in recent years. In any event, most land plots were acquired by the sampled companies long before that, and could thus not be affected by recent events. Therefore, the Commission considered that no adjustment was warranted.

- (559) The subsidy amount established with regard to LURs during the investigation period for the sampled exporting producers amounts to:

Provision of land for less than adequate remuneration

Company name	Subsidy amount
Nanshan Group	4,47 %
Wanshun Group	1,78 %
Daching Group	1,28 %

3.9.2. Provision of electricity at reduced rate

3.9.2.1. Legal basis/Regulatory Framework

- Circular of the National Development and Reform Commission and the National Energy Administration on Actively Promoting the Market-oriented Power Transactions and Further Improving the Trading Mechanism, Fa Gua Yun Xing [2018] No 1027, issued on 16 July 2018;
- Several Opinions of the Central Committee of the Communist Party of China and the State Council on Further Deepening the Reform of the Power System (Zhong Fa [2015] No 9);
- Notice on Fully Liberalizing the Electricity Generation and Consumption Plan for Commercially Operational Users (National Development and Reform Commission [2019] No 1105);
- Rules for Electricity Trading for Medium and Long Term Transactions in Jiangsu Province;
- Notice of the Price Bureau of Jiangsu Province about Reasonable Adjustment of the Electricity Price Structure, Su Jia Gong [2017] No 124; and
- Circular of the National Development and Reform Commission on Reducing Electricity Cost of Enterprises to Supporting Restoration of Work and Production Development and Reform Price [2020] No 258.

3.9.2.2. Findings of the investigation

- (560) Two of the sampled groups of companies purchased their electricity. In addition, Nanshan Group produced electricity in its own in house coal-fired power plant.
- (561) The Commission established that investigated companies within these two sampled groups benefitted from reductions or refunds/adjustments of part of their electricity cost because these companies participated in the pilot programme for market-oriented electricity transactions.

⁽¹⁰⁸⁾ Jiangyin - Wikipedia

⁽¹⁰⁹⁾ Xiamen - Wikipedia

- (562) The Commission further found that certain investigated companies are allowed to purchase electricity directly from power generators by signing direct purchasing agreements, instead of buying from the grid. Such contracts provide for a certain quantity of electricity at a certain price, which is lower than the official prices set at provincial level for large industrial users.
- (563) The possibility to enter into such direct contracts is currently not open to all large industrial consumers. At national level, the Opinions of the Central Committee of the Communist Party of China and the State Council on Further Deepening the Reform of the Power System specify for example that “enterprises that do not conform to the national industrial policy and whose products and processes are eliminated should not participate in direct transactions”⁽¹¹⁰⁾. The same Opinions also stipulate that “after the access standards are determined, we should also upgrade the catalogues of local power generation enterprises and electricity retailers that meet the standards that are annually publicized by governments and implement dynamic regulation of the user catalogue. The power generation enterprises, electricity retailers and users included in the catalogue can voluntarily register with the trading institutions to become market players”. Therefore, in order to participate in the direct trading system, a company should meet certain standards and be included in the “user catalogue”.
- (564) In practice, direct electricity trading is executed by the provinces. Companies have to apply to provincial authorities for approval to participate in the direct electricity pilot scheme, and they have to fulfil certain criteria. For certain companies, there is no actual market-based negotiation or bidding process, since the quantities purchased under direct contracts are not based on the real supply and demand. Indeed, power generators and power users are not free to sell or purchase all of their electricity directly. They are restricted by quantitative quotas, which are allocated to them by the local government. Furthermore, although prices are supposed to be negotiated directly between the power generators and the power users or through intermediary service companies, the invoices to the companies are actually issued by the State Grid Company. Finally, all signed direct purchase contracts need to be submitted to the local government for the record.
- (565) In 2018, the GOC issued the Circular of the National Development and Reform Commission and the National Energy Administration on Actively Promoting the Market-oriented Power Transactions and Further Improving the Trading Mechanism. Although the Circular aims to increase the number of direct transactions on the electricity market, it specifically mentions certain industries, including high-tech industries such as the ACF industry, as supported and benefitting from liberalisation of the electricity market. In particular, Section III. ‘Opening up to allow entry of user fulfilling requirements’, point (2) provides that “supporting emerging industries with high added value, such as high-tech, internet, big data and high-end manufacturing industries, as well as enterprises with distinct advantages and characteristics and high technology content, to participate in transactions, free from voltage levels and power consumption restrictions”.
- (566) Furthermore, according to the Notice on Fully Liberalizing the Electricity Generation and Consumption Plan for Commercially Operational Users, which aims to further liberalise the electricity market, provides that “among the commercial electricity users, those who do not comply with the national industry policies shall provisionally not participate in market-oriented transactions, and the electricity users whose products and processes belong to the eliminated and restricted categories of the ‘Guidance Catalogue for the Industry’s Structural Adjustment’ shall strictly implement the current differential prices policy for electricity.”
- (567) Therefore, the legislation provides for a selective application of direct transactions on the electricity market limited to certain industries such as the industries which comply with the national industry policies, with a particular focus on high-tech industries. As a result, these industries pay lower prices for electricity.

⁽¹¹⁰⁾ Several Opinions of the Central Committee of the Communist Party of China and the State Council on Further Deepening the Reform of the Power System (Zhong Fa [2015] No 9), Section III (4).

- (568) The Commission therefore considered that the reduced electricity rate and the refunds/adjustments resulting from the direct electricity trading, in which the sampled companies participated constitute a subsidy within the meaning of Article 3(1)(a)(ii) and Article 3(2) of the basic Regulation because there is a financial contribution in the form of revenue foregone by the GOC (i.e. the operator of the grid) that confers a benefit to the companies concerned. The benefit for the recipients is equal to the electricity cost saving, either through reduced electricity prices or through refunds/adjustments, since the electricity was provided at a price below the normal grid price paid by other large industrial users that could not benefit from the direct supply or were not part of the pilot project for direct supply.
- (569) Following the final disclosure, the GOC claimed that the mere presence of state-owned enterprises in the power generation is not sufficient evidence of subsidisation, and that European ACF producers also received subsidies from respective EU Member States. The GOC also emphasized that in recent years China has proactively promoted electricity market reform. The main aspects of the reform include the expedited establishment of a competitive and effective structure and system for the electricity market, as well as market-oriented pricing mechanisms including the direct purchasing contracts. For the power plants selling the electricity directly to industrial and other users, the electricity price is established through negotiations and market bidding process between suppliers and users.
- (570) The GOC referred to several legal documents underlying its reasoning. However, most of these documents concerned the formation of the grid price in China, which is not at issue here. Similarly, possible subsidies received by European companies are also outside the scope of this investigation. The only document referring more specifically to direct power purchase transactions only contained a general statement on “reasonable price formation”. As highlighted in recitals (561) to (567) above, this general statement does not correspond to what the Commission found in practice. These claims were therefore rejected.

3.9.2.3. Specificity

- (571) This subsidy is specific within the meaning of Article 4(2)(a) of the basic Regulation as the legislation itself limits the application of this scheme only to enterprises that conform with certain industrial policy objectives determined by the State and whose products or processes are deemed eligible.
- (572) Thus, the Commission concluded that the subsidy scheme was in place during the investigation period and that it is specific within the meaning of Articles 4(2)(a) and 4(3) of the basic Regulation.

3.9.2.4. Calculation of the subsidy amount

- (573) The amount of countervailable subsidy was calculated in terms of the benefit conferred on the recipients during the investigation period. This benefit was calculated as the difference between the total electricity price payable according to the standard electricity price and the total electricity price paid by the sampled groups of companies under the reduced rate and/or by deducting various forms of refunds/adjustments.
- (574) Following the final disclosure, the Daching group claimed that the power factor adjustment, as an evaluation mechanism to encourage the users to use power more efficiently, should not have been treated as a subsidy. The Commission confirmed that, indeed, as per final disclosure to the group, it was deducted from the benefit calculated.
- (575) The subsidy rate established with regard to this scheme during the investigation period for the sampled exporting producers amounts to:

Provision of electricity at reduced rate

Company name	Subsidy amount
Wanshun Group	0,18 %
Daching Group	0,20 %

3.9.3. Provision of input materials for less than adequate remuneration

- (576) As mentioned in section 3.2 above, the Commission informed the GOC that, given the absence of questionnaire replies from suppliers of input materials under investigation, namely primary aluminium and steam coal, it might have to base its findings on facts available pursuant to Article 28(1) of the basic Regulation as far as the information relating to suppliers of the above mentioned input materials was concerned. The Commission investigated whether the sampled companies received input materials for producing ACF at subsidised prices from the GOC.

3.9.3.1. Provision of primary aluminium for less than adequate remuneration

- (577) In the complaint, the complainants provided evidence that Chinese ACF producers operate in an encouraged industry and that it is reasonable to conclude that the subsidies provided to producers of primary aluminium used in the production of ACF ultimately benefit ACF producers. This benefit would be accrued by ACF manufacturers directly, to the extent that they are vertically integrated, and indirectly, to the extent those subsidies result in lower prices for inputs on the Chinese domestic market than would otherwise be the case.
- (578) Since the investigated groups of companies were vertically integrated, the related raw material suppliers have been included in the investigation by the Commission, and the subsidies received at the level of these related suppliers have been integrated into the calculations for each subsidy scheme. The Commission also found that since the three groups of sampled exporting producers were vertically integrated, only very minor quantities of primary aluminium (aluminium ingots and slabs) were purchased from unrelated suppliers. Furthermore, in the separate anti-dumping investigation ⁽¹¹⁾ the Commission found that primary aluminium had been purchased by the sampled companies at prices in line with international benchmarks.
- (579) In the absence of any evidence of material benefit conferred on the sampled exporting producers, the Commission therefore decided not to continue the investigation on this alleged subsidy scheme.

3.9.3.2. Provision of steam coal for less than adequate remuneration

- (580) The complaint contained allegations on the provision of steam coal for less than adequate remuneration. Indeed, almost all smelters in China, including ACF producers, use coal for generating at least part of the electricity they need in their captive power plants. Evidence available in the complaint showed that Chinese SOEs had provided steam coal to ACF producers for LTAR at prices that are intended to provide downstream aluminium producers, such as ACF, with a comparative advantage.
- (581) As explained in section 3.2.3 above, the Commission requested the GOC to forward the specific questionnaire intended for suppliers of steam coal to known suppliers in China. The GOC did not do so. Furthermore, the Commission also requested GOC to provide data on prices and pricing mechanisms, as well as the name and ownership structure of the Chinese suppliers of steam coal. However, the GOC did not provide any of the requested information. On this basis, the Commission was unable to verify how prices were established, which Chinese producers were state-owned and which share of the Chinese production they accounted for.

⁽¹¹⁾ Commission Implementing Regulation (EU) 2021/983 of 17 June 2021, imposing a provisional anti-dumping duty on imports of aluminium converter foil originating in the People's Republic of China, OJ L 216/142, 18 June 2021, recital 382.

(582) Only one of the sampled groups of companies purchased steam coal from unrelated suppliers. However, the Commission found that in view of the global price depression on the coal market caused by the Covid-pandemic during the IP, steam coal had been purchased by the sampled companies at prices in line with international benchmarks. In the absence of any evidence of material benefit conferred on the sampled exporting producers, the Commission therefore decided not to continue the investigation on this alleged subsidy scheme.

3.10. Conclusion on subsidisation

(583) Based on the information available, the Commission calculated the amount of countervailable subsidies for the sampled companies in accordance with the provisions of the basic Regulation by examining each subsidy or subsidy programme, and added these figures together to calculate a total amount of subsidisation for each exporting producer for the investigation period. To calculate the overall subsidisation, the Commission first calculated the percentage subsidisation, being the subsidy amount as a percentage of the company's total turnover. This percentage was then used to calculate the subsidy allocated to exports of the product concerned to the Union during the investigation period. The subsidy amount per tonne of the product concerned exported to the Union during the investigation period was then calculated, and the margins calculated as a percentage of the Costs, Insurance and Freight ('CIF') value of the same exports per tonne.

(584) Following the final disclosure, the Daching group claimed that the consolidated turnover of the exporting producer Xiamen Xiashun and its related company Daching Enterprises Ltd. should be used as the denominator for the calculation of the subsidy amount. The Commission noted that Daching Enterprises Ltd acted as a related exporter for the group, and that all the export turnover of Daching Enterprises Ltd was sourced from Xiamen Xiashun. The Commission thus considered that all subsidies found in Daching Enterprises Ltd. related to the goods exported by the exporting producer. Hence the subsidy amount was calculated as a percentage of the export turnover of Xiamen Xiashun. The claim of the party was therefore rejected.

(585) Following the final disclosure, the Wanshun Group claimed that the total company turnover of the exporting producer Jiangsu Zhongji used by the Commission was erroneous, since it failed to include the mark-up taken by Jiangsu Zhongji Lamination Materials Co., (HK) Ltd., who resold the product of Jiangsu Zhongji Lamination Materials Co., Ltd. to overseas markets. Indeed, countervailing duties are collected based on the CIF export value (which includes the mark-up of Zhongji HK).

(586) The Commission disagreed with this claim. For export-related subsidies, the Commission indeed used the export turnover of the related trader. However, for non-export-related subsidies, in accordance with the Commission's consistent practice, the Commission uses the total turnover of the exporting producer. The Commission is trying to establish the benefit at the level of the exporting producer. The turnover of the exporting producer is thus the relevant point of reference to establish the benefit of the subsidisation at the level of the exporting producer. This claim was therefore dismissed.

(587) The Wanshun Group further claimed that the Commission had automatically and without further analysis added the subsidy amount for each company of the group, namely:

(a) the loans and credit line facilities that were granted to Jiangsu Zhongji Lamination Materials Co., (HK) Ltd., as both of the parties to these transactions are based outside of China with the financial institution involved being a Singaporean, not Chinese, bank, and

(b) the subsidies given to Shantou Wanshun, while this company had no activities in relation to the product under the investigation. In accordance with the WTO Appellate Body Report ⁽¹¹²⁾, there is a requirement to conduct a pass-through analysis in cases where the subsidy is granted to a company, who is not an upstream input producer and is not providing anything in relation to the product concerned. Such pass-through analysis was not in the final disclosure. There are various alleged subsidies that by their nature cannot be passed through. This especially concerned the land of Shantou Wanshun used for production of other products and the grants

⁽¹¹²⁾ Appellate Body Report, US – Softwood Lumber IV, paras. 142-143.

received by Shantou Wanshun for other products..Concerning the first point, the Commission noted that irrespective of the status of Hong Kong in this investigation, the real center of activities and control of the company Jiangsu Zhongji Hong Kong was actually located in Mainland China. Indeed, 99 % of the activities of the trader related to the resales of goods produced by the exporting producer in China. Furthermore, the company reported no personnel located in Hong Kong in its accounts or in the Commission's questionnaire reply, and the subsidies received and benefiting the product concerned were granted by Chinese entities. For example, the export credit insurance relating to the goods exported by Jiangsu Zhongji Hong Kong was taken out from Sinosure by the mother company in China. Moreover, as confirmed by the Appellate Body in United States – Anti-Dumping and Countervailing Measures on Large Residential Washers from Korea, subsidies bestowed on the recipient in countries other than the subsidising Member may be relevant in order to calculate the amount of ad valorem subsidisation ⁽¹¹³⁾

(588) The financing in question was indeed provided via a Singaporean bank (OCBC), located in Singapore. However, the loan contracts also stipulated that the loan was secured by a letter of credit issued by the state-owned Bank of Ningbo (located in mainland China), and that “*the bank must receive the relevant SBLC (standby letter of credit) before it disburses a relevant advance proposed for drawdown by you*”. In addition, the contract specifically provided for the sharing of information with Bank of Ningbo related to the borrower, the borrower's accounts with OCBC, its credit standing and financial position, as well as the facilities granted to such entity. The loan was thus granted thanks to the intervention of a Chinese bank subject to the same normative framework as any other bank in the PRC. The claim was therefore rejected.

(589) Concerning the second point, the Commission found that Shantou Wanshun had taken out financing on behalf of its subsidiaries. For example, when reviewing loans and bonds, the Commission noted that the purpose of the financing also mentioned the financial needs of the subsidiaries. Furthermore, Shantou Wanshun acted as a guarantor for various loans taken out by the related companies in the group, and even provided intercompany loans itself. These transactions, as well as various other intercompany flows, show that there is a clear link between the subsidies received by Shantou Wanshun and the production and exportation of the product concerned. The fact that some of the subsidies received by Shantou Wanshun related to land or grants is in this respect irrelevant. The main point is that the benefits reaped from these subsidies could easily flow to the related companies in the group since money is fungible. In these circumstances, considering this close proximity between these group entities, the relevant WTO jurisprudence affirms that pass-through between related entities can be presumed, which is clearly the case here. The claim of the party was therefore rejected.

(590) Following the final disclosure, the Nanshan Group claimed that the Commission:

- (a) erred in establishing the allocation key for Shandong Nanshan Aluminium Co., Ltd ('Company A') by excluding the turnover of the other divisions of the company.
- (b) has wrongly carried out its pass-through analysis for Nanshan Group Co. Ltd, by dividing Nanshan Group Co. Ltd's subsidy amount by its consolidated turnover, and then allocating this subsidy margin to the exporting producer. Indeed, Nanshan Group Co. Ltd does not produce the product concerned and the Commission did not prove that it passed through any subsidy amount to the exporting producer, as there were no financial or other types of transactions during the IP between the parent company and its subsidiary. The Commission should at least, as was done in previous cases, allocate the subsidy based on the relevant intercompany percentage of shareholding, i.e. based on the percentage of equity it holds in Company A and then allocate such portion to the exporting producer.

(591) On the first point, the Commission noted that during the course of the investigation, the company presented the turnover of company A and the sales flows to related companies per division, instead of at the level of the full company. It was the Commission's understanding that Divisions A1 to A4 represented all relevant data of company A. However, it now seems that not all relevant information was submitted by the company during the course of the investigation. Indeed, the Commission cannot take into consideration the turnover of the missing divisions

⁽¹¹³⁾ Appellate Body Report, United States – Anti-Dumping and Countervailing Measures on Large Residential Washers from Korea (WT/DS464/AB/R), 7 September 2016, para. 5.298.

producing other products, since the company did not provide the corresponding information on sales to related parties originating from these missing divisions let alone being able to verify it, despite this being a crucial element to determine the allocation key. Therefore, in the absence of all relevant information submitted by the company, the Commission had to maintain the calculation as it is.

- (592) On the second point, the Commission disagreed with the statement that there were no financial or other types of transactions between the parent company and its subsidiaries. Indeed, during the investigation, the Commission found that Nanshan Group Co. Ltd. had originally obtained almost all the titles to the land that the related companies were using, and had then distributed these land plots among its subsidiaries via intercompany transfers. Furthermore, Nanshan Group Co. Ltd. had also taken out financing on behalf of its subsidiaries. For example, when reviewing loans and bonds, the Commission noted that the purpose of the financing also mentioned the financial needs of the subsidiaries. Furthermore, Nanshan Group Co. Ltd. acted as a guarantor for various loans taken out by the related companies in the group. Finally, a large part of the financing of the group occurred through the in-house bank, Nanshan Finance. This entity is financed mainly via deposits of the companies of the group, of which Nanshan Group Co. Ltd. constitutes a significant part. Through this in-house vehicle, external financing can thus be passed on to its subsidiaries. Since Nanshan Group Co. Ltd.'s subsidies benefitted all the related companies in the group, the Commission considered that calculating the subsidies as a proportion of the consolidated turnover was the most adequate approach. Contrary to the assertions of the company, this methodology is also identical to the one used in the GFF case, where subsidies received by the ultimate parent company in the CNBM Group, which was at the same level in the organisational structure of the group as Nanshan Group Co. Ltd., were also divided by the consolidated turnover and then allocated to the exporting producer. These claims were therefore rejected.
- (593) In accordance with Article 15(3) of the basic Regulation, the total subsidy amount for the cooperating companies not included in the sample was calculated on the basis of the total weighted average amount of countervailing subsidies established for the cooperating exporting producers in the sample with the exclusion of negligible amounts as well as the amount of subsidies established for items which are subject to the provisions of Article 28(1) of the basic Regulation. However, the Commission did not disregard findings partially based on facts available to determine those amounts. Indeed, the Commission considers that the facts available used in those cases did not affect substantially the information needed to determine the amount of subsidisation in a fair manner, so that exporters who were not asked to cooperate in the investigation will not be prejudiced by using this approach ⁽¹⁴⁾.
- (594) Given the high rate of cooperation of Chinese exporting producers and the representativeness of the sample also in terms of subsidy eligibility, the Commission set the amount for 'all other companies' at the level of the highest amount established for the sampled companies.

Company name	Subsidy amount
Nanshan Group	18,2 %
Wanshun Group	8,6 %
Daching Group	10,1 %
Other cooperating companies	12,3 %
All other companies	18,2 %

⁽¹⁴⁾ See also, *mutatis mutandis*, WT/DS294/AB/RW, US – Zeroing (Article 21.5 DSU), Appellate Body Report of 14 May 2009, para 453.

4. INJURY

4.1. Definition of the Union industry and Union production

- (595) As indicated in recital (86), the transition period for the UK withdrawal from the EU ended on 31 December 2020 and the UK ceased to be subject to Union law as of 1 January 2021. Consequently, the Commission requested the interested parties to provide updated information on EU27 basis. The indicators below as well as undercutting and underselling margins were consequently calculated exclusively based on EU27 data.
- (596) The like product was manufactured by eleven producers in the Union during the investigation period. They constitute the 'Union industry' within the meaning of Article 9(1) of the basic Regulation.
- (597) The total Union production during the investigation period was established at around 209 000 tonnes. The Commission established this figure on the basis of all the available information concerning the Union industry, such as the data provided by the sampled Union producers, as well as the non-sampled Union producers. This data was cross-checked with the figures in the complaint for reliability and completeness. As indicated in recital (37), the three sampled Union producers represented above 50 % of the total Union production of the like product.

4.2. Determination of the relevant Union market

- (598) To establish whether the Union industry suffered injury and to determine consumption and the various economic indicators related to the situation of the Union industry, the Commission examined whether and to what extent the subsequent use of the Union industry's production of the like product had to be taken into account in the analysis.
- (599) In doing so, and to provide a picture of the Union industry that was as complete as possible, the Commission obtained data for the entire ACF activity and determined whether the production was destined for captive use or for the free market.
- (600) The Commission found that a part of the total Union producers' production was destined for the captive market, as shown in Table 1 below. The captive market increased over the period considered but remained at a relatively low level of around 15 % of consumption in the IP. However, the Commission has no conclusive evidence whether the companies using ACF for downstream production have a free choice of supplier or not, as the information on captive sales and production is based on data collected from companies outside the sample. The Commission considered that there might be competition between them, and consequently all the market shares are calculated on the basis of total EU consumption. At this stage, this is the most conservative approach and in any event, it does not alter the findings on injury.
- (601) The Commission examined certain economic indicators relating to the Union industry exclusively on the basis of data for the free market. These indicators are: sales volume and sales prices on the Union market, growth, export volume and prices, profitability, return on investment, and cash flow. Where possible and justified, the findings of the examination were compared with the data for the captive market in order to provide a complete picture of the situation of the Union industry.
- (602) However, other economic indicators could meaningfully be examined only by referring to the whole activity, including the captive use of the Union industry. These are: production, production capacity, capacity utilisation, investments, stocks, employment, productivity, wages, and ability to raise capital. These indicators depend on the whole activity, whether the production is captive or sold on the free market.

4.3. Union consumption

- (603) The Commission established the Union consumption on the basis of the data provided by the sampled and non-sampled Union producers, as well as the imports based on the Eurostat data.

(604) Union consumption developed as follows over the period considered:

Table 1

Union consumption (tonnes)

	2017	2018	2019	IP
Total Union consumption	201 281	201 696	191 084	189 149
<i>Index</i>	100	100	95	94
Captive market	27 209	27 340	28 727	29 128
<i>Index</i>	100	100	106	107
Free market	174 073	174 356	162 358	160 021
<i>Index</i>	100	100	93	92

Source: sampled and non-sampled Union producers as well as Eurostat.

- (605) During the period considered, consumption first increased slightly by less than 1 % in 2018 before dropping by 5 % in 2019 and then by a further 1 % in the IP. As a result, consumption decreased by 6 % during the period considered. The decrease is at least partially caused by the general guidelines announced by the EU in 2019 for a Circular Economy including recyclability targets for basic materials such as aluminium, steel, glass etc. The laminates for which light gauge foils are used in combination with other basic materials like plastic films, paper, etc. are under severe scrutiny since they can hardly be recycled with the existing technologies. This had a negative effect on the demand for light gauge aluminium foil.
- (606) It appears that the consumption was not affected by the COVID-19 pandemic. According to the information supplied by the Union producers, food products stockpiling at the beginning of the pandemic actually initially increased the consumption, but then these products were consumed over the following months slightly decreasing the sales of the food packing.

4.4. Imports from the country concerned

4.4.1. Volume and market share of the imports from the country concerned

- (607) The Commission established the volume of imports on the basis of two TARIC codes ⁽¹¹⁵⁾ extracted from Eurostat database. The market share of the imports was established on the basis of import volume from the country concerned as compared to the volume of total Union consumption as shown in Table 2.
- (608) Imports from the country concerned developed as follows over the period considered:

Table 2

Import volume and market share

	2017	2018	2019	IP
Volume of imports from the country concerned (tonnes)	36 660	42 343	46 595	44 276
<i>Index</i>	100	115	127	121

⁽¹¹⁵⁾ TARIC codes 7607 11 19 60 and 7607 11 19 93 (which was numbered 7607 11 19 95 until 17 February 2017).

Market share	18 %	21 %	24 %	23 %
Index	100	115	134	129

Source: Eurostat.

- (609) The volume of imports from the PRC increased by 21 % over the period considered and their market share increased by 5 percentage points, reaching 23 % in the IP. Prior to the pandemic, i.e. in 2019, the market share of Chinese imports even reached 24 %.

4.4.2. Prices of the imports from the country concerned and price undercutting

- (610) The Commission established the prices of imports on the basis of Eurostat data, using the TARIC codes indicated in recital (607).
- (611) The weighted average price of imports from the country concerned developed as follows during the period considered:

Table 3

Import prices (EUR/tonne)

	2017	2018	2019	IP
Import price	2 869	2 893	2 801	2 782
Index	100	101	98	97

Source: Eurostat.

- (612) Average import prices from China decreased by 3 % over the period considered from 2 869 EUR/tonne to 2 782 EUR/tonne. Those prices remained significantly below the sampled Union producers' sales prices and cost of production during the period considered, as shown in Table 7.
- (613) The Commission determined the price undercutting during the investigation period by comparing:
- the weighted average sales prices per product type of the sampled Union producers charged to unrelated customers on the Union market, adjusted to an ex-works level; and
 - the corresponding weighted average prices per product type of the imports from the sampled cooperating Chinese producers to the first independent customer on the Union market, established on a cost, insurance, freight (CIF) basis, with appropriate adjustments for customs duties and post-importation costs.
- (614) The price comparison was made on a type-by-type basis for transactions at the same level of trade, duly adjusted where necessary, and after deduction of rebates and discounts. The result of the comparison was expressed as a percentage of the sampled Union producers' theoretical turnover during the investigation period. It showed a undercutting margins of between 3,9 % and 14,2 % by the imports from the country concerned on the Union market. The weighted average undercutting found was 10,8 %.

4.5. Economic situation of the Union industry

4.5.1. General remarks

- (615) In accordance with Article 8(3) of the basic Regulation, the examination of the impact of the subsidised imports on the Union industry included an evaluation of all economic indicators having a bearing on the state of the Union industry during the period considered.

- (616) As mentioned in recital (37), sampling was used for the determination of possible injury suffered by the Union industry.
- (617) For the injury determination, the Commission distinguished between macroeconomic and microeconomic injury indicators. The Commission evaluated the macroeconomic indicators on the basis of data provided by the sampled producers and non-sampled producers, crosschecked with the data in the complaint. The Commission evaluated the microeconomic indicators on the basis of data provided by the sampled Union producers. Both sets of data were found to be representative of the economic situation of the Union industry.
- (618) The macroeconomic indicators are: production, production capacity, capacity utilisation, sales volume, market share, growth, employment, productivity, magnitude of the subsidy margin, and recovery from past subsidisation.
- (619) The microeconomic indicators are: average unit prices, unit cost, labour costs, inventories, profitability, cash flow, investments, return on investments, and ability to raise capital.

4.5.2. Macroeconomic indicators

4.5.2.1. Production, production capacity and capacity utilisation

- (620) The total Union production, production capacity and capacity utilisation developed over the period considered as follows:

Table 4

Production, production capacity and capacity utilisation

	2017	2018	2019	IP
Production volume (tonnes)	240 005	240 349	212 713	208 976
<i>Index</i>	100	100	89	87
Production capacity (tonnes)	296 161	283 091	281 091	278 319
<i>Index</i>	100	96	95	94
Capacity utilisation	81 %	85 %	76 %	75 %
<i>Index</i>	100	105	93	93

Source: sampled and non-sampled Union producers.

- (621) The production volume remained almost unchanged between 2017 and 2018 then it went down in 2019 and then further in the IP. The overall production volume decreased over the period considered by 13 %. Considering the situation on the free market and diminishing sales (see Table 5), in order to maintain production and dilute fixed costs, the Union producers increased their captive sales (see Table 5), as well as their export sales (see Table 12). Despite these efforts, the production volume still went down.
- (622) Production capacity decreased over the period considered by 6 %. This was a measured response to limit the injury when faced with the diminishing sales on the free market that pulled down the production over the period considered. As production decreased more sharply than production capacity, capacity utilisation dropped by 7 % over the period considered reaching 75 % in the IP.

(c) Sales volume and market share

(623) The Union industry's sales volume and market share developed over the period considered as follows:

Table 5

Sales volume and market share

	2017	2018	2019	IP
Total sales volume on the Union market (tonnes)	148 840	144 726	130 060	132 227
<i>Index</i>	100	97	87	89
Market share	74 %	72 %	68 %	70 %
<i>Index</i>	100	97	92	95
Captive market sales (tonnes)	22 378	22 392	23 972	25 106
<i>Index</i>	100	100	107	112
Market share of captive market sales	11 %	11 %	13 %	13 %
<i>Index</i>	100	100	113	119
Free market sales (tonnes)	126 462	122 334	106 087	107 120
<i>Index</i>	100	97	84	85
Market share of free market sales	63 %	61 %	56 %	57 %
<i>Index</i>	100	97	88	90

Source: sampled and non-sampled Union producers.

(624) Total sales in the EU followed a downward trend over the period considered reaching (-11 %). Between 2018 and 2019 the drop was most significant (-10 %), followed by a slight increase by 2 %, which coincided with global supply chain disruptions due to the outbreak of the COVID-19 pandemic in the PRC.

(625) As mentioned in recital (600), a part of the total Union producers' production was destined for the captive market. That part accounted for 15 % of the Union consumption during the IP and increased over the period considered by 12 %. The growth occurred mainly between 2018 and 2019 and during the IP.

- (626) Total sales on the free market by the Union industry decreased by 15 % during the period considered. As a result, the market share of free market sales of the Union industry decreased from 63 % in 2017 to 57 % in the investigation period. After dropping by 5 percentage points in 2018-2019, it increased by 1 percentage point by the end of the IP.

4.5.2.2. Growth

- (627) In a context of decreasing consumption, the Union industry not only lost sales volumes in the EU but also market share on the free market as demonstrated in recital (623).

4.5.2.3. Employment and productivity

- (628) Employment and productivity developed over the period considered as follows:

Table 6

Employment and productivity

	2017	2018	2019	IP
Number of employees	2 220	2 151	2 072	2 003
<i>Index</i>	100	97	93	90
Productivity (tonne/FTE)	108	112	103	104
<i>Index</i>	100	103	95	97

Source: sampled and non-sampled Union producers.

- (629) Employment decreased by 10 % over the period considered as the Union industry tried to ensure its sustainability and align with the demand in the domestic market.
- (630) Consequently, its productivity first improved in 2018 from 108 to 112 tonnes/FTE before decreasing following the reduction of the production volume. Overall productivity thus deteriorated by 3 %. This is because in 2018 the employment was reduced whilst the production remained relatively stable. From 2019 to the end of the IP, however, production dropped quicker than employment due to the lower sales, which resulted in a corresponding decrease in productivity.

4.5.2.4. Magnitude of the subsidy margin and recovery from past subsidisation

- (631) All subsidy margins were significantly above the *de minimis* level. The impact of the magnitude of the actual margins of subsidisation on the Union industry was substantial, given the volume and prices of imports from the country concerned.
- (632) This is the first anti-subsidy investigation regarding the product concerned. Therefore, no data were available to assess the effects of possible past subsidisation.

4.5.3. Microeconomic indicators

4.5.3.1. 6. Prices and factors affecting prices

- (633) The weighted average unit sales prices of the sampled Union producers to unrelated customers in the Union developed over the period considered as follows:

Table 7

Sales prices in the Union

	2017	2018	2019	IP
Average unit sales price on the free market (EUR/tonne)	3 396	3 557	3 408	3 359
<i>Index</i>	100	105	100	99
Unit cost of production (EUR/tonne)	3 423	3 642	3 733	3 687
<i>Index</i>	100	106	109	108

Source: sampled Union producers.

- (634) Sales prices on the free market first increased from 3 396 to 3 557 EUR/tonne in 2018. Subsequently, they decreased to 3 408 in 2019 before dropping further to 3 359 EUR/tonne in the investigation period.
- (635) The unit cost of production of the sampled producers increased from 3 423 EUR/tonne by 6 % in 2018 and then further by 3 % in 2019, reaching 3 733 EUR/tonne. This figure remained more or less stable during the IP. One of the sampled Union producers incurred costs related to restructuring (mainly redundancy packages), which had an impact on cost of production in the IP. However, even without these costs, the unit cost of production of the sampled Union producers would be 3 % higher in the IP than in 2017.
- (636) The overall increase of the unit cost of production over the period considered was mainly caused by the drop in the production volume by 13 % (15 % for the sampled Union producers). Extraordinary restructuring costs aside, this is particularly visible in 2019, where these costs were minor but a production drop was very significant for the sampled Union producers (-19 %). Afterwards, all sampled Union producers started adapting, which resulted in the sales and production volume during the IP improving slightly also due to lower imports from the PRC following the outbreak of the pandemic. This elimination and dilution of some of the fixed costs resulted in lowering of unit cost of production in the IP (if the restructuring costs are not taken into consideration).

4.5.3.2. 7. Labour cost

- (637) The average labour costs of the sampled Union producers developed over the period considered as follows:

Table 8

Average labour costs per employee

	2017	2018	2019	IP
Average labour costs per employee (EUR)	75 686	80 542	74 897	94 489
<i>Index</i>	100	106	99	125

Source: Sampled Union producers.

- (638) The average labour costs per employee increased by 6 % in 2018 and then decreased by 7 % in 2019. It then increased by 26 % in the IP, which is a factor of the restructuring costs a Union producer incurred. If these extraordinary costs are disregarded, the figure in the IP would be [77 000 – 81 000], which is a [2 – 7] % increase from 2017.

4.5.3.3. Inventories

- (639) Stock levels of the sampled Union producers developed over the period considered as follows:

Table 9

Inventories

	2017	2018	2019	IP
Closing stocks (tonnes)	8 745	8 598	6 664	7 491
<i>Index</i>	100	98	76	86
Closing stocks as a percentage of production	7,9 %	7,9 %	7,3 %	8,2 %
<i>Index</i>	100	99	92	103

Source: sampled Union producers.

- (640) Closing stocks remained at a reasonable level throughout the period considered. Since the ACF industry generally operates on a production to order basis, this indicator is of a lesser importance in the overall injury analysis.
- (641) The percentage of closing stocks expressed on production shows a slight decrease in 2019 and a slight increase in the IP. These are however not extraordinary stock variations.

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

- (642) Profitability, cash flow, investments and return on investments of the sampled Union producers developed over the period considered as follows:

Table 10

Profitability, cash flow, investments and return on investments

	2017	2018	2019	IP
Profitability of sales in the Union to unrelated customers (% of sales turnover)	- 1,9 %	- 1,0 %	- 8,1 %	- 9,6 %
Cash flow (EUR)	1 714 095	12 673 563	2 805 796	- 11 241 877
<i>Index</i>	100	739	164	- 656
Investments (EUR)	21 447 204	19 751 766	19 457 392	16 592 531

<i>Index</i>	100	92	91	77
Return on investments	- 2 %	- 5 %	- 19 %	- 24 %
<i>Index</i>	- 100	- 210	- 769	- 997

Source: sampled Union producers.

- (643) The Commission established the profitability of the sampled Union producers by expressing the pre-tax net profit of the sales of the like product to unrelated customers in the Union as a percentage of the turnover of those sales.
- (644) The sales of the Union industry to unrelated customers turned from loss making in 2017 to slightly less loss making in 2018, to significantly loss making in 2019 and even more loss making in the IP (-9,6 %). It is of note that one of the sampled Union producers started restructuring during the IP. The cost of this restructuring, including severance payments negatively impacted the second part of the IP. However, even without these extraordinary expenses, the sampled producers would still be loss making at the rate of -5,6 % in the IP.
- (645) It is clear that the Union industry was already injured in 2017. This is not surprising considering the market share of the Chinese imports (18 % in 2017) at prices not only below the Union industry's prices but also below its costs of production. The costs of the Union producers increased more than their prices, which led to the decrease in profitability of the Union industry. The Union industry was unable to raise prices at the same rate as costs were increasing because of the downward pressure caused by imports from the PRC (both in terms of volumes and low prices). Indeed, throughout the period considered, Chinese prices were consistently low and significantly below Union industry prices (see Tables 3 and 7), limiting price increases. This resulted in price suppression and decreasing profitability, which continued during the IP. Indeed, following a slight increase of 1 % in 2018, Chinese prices decreased by 3 % in 2019 and then 0,7 % in the IP. They remained far below the price level achieved by the Union industry. This is also evidenced by the significant undercutting margins stated in recital (614).
- (646) The net cash flow is the ability of the Union producers to self-finance their activities. The trend in net cash flow developed negatively over the period considered in line with the evolution of the profitability.
- (647) Investment decreased over the period considered by 23 %. Ambitious investment plans were halted due to the insufficient profitability. Less ambitious plans were implemented in their stead.
- (648) The return on investments is the profit in percentage of the net book value of investments. It developed negatively over the period considered from -2 % in 2017 to -24 % in the IP. Such development follows the decreasing profitability of the Union industry.
- (649) As follows from the indicators in recital (642), it is becoming increasingly difficult for the sampled Union producers to raise capital for investment. With returns on investments falling so quickly, the sampled producers' ability to raise capital in the future is in even greater jeopardy.

4.6. Conclusion on injury

- (650) During the period considered, imports of ACF from the PRC, which were already significant in 2017, increased significantly both in absolute (+ 21 %) and relative terms (+ 5 percentage points in market share) while consumption in the EU decreased by 6 %. During the investigation period, the import prices of the sampled exporting producers undercut Union prices by 10,8 % on average. Regardless of the specific undercutting found, as

regards the sampled exporting producers, the Commission also observed that Chinese prices were consistently low and significantly below Union industry prices during the entire period considered (see Tables 3 and 7). The Union industry was unable to raise prices to the same extent as costs were increasing because of the downward pressure caused by imports from the PRC (both in terms of volumes and low prices).

- (651) Already at the beginning of the period considered, the Union industry showed signs of injury. This not surprising, considering the market share of Chinese imports of 18 % in 2017 and their price being significantly below the price of the Union industry (see Tables 3 and 7).
- (652) All macroeconomic indicators, such as production, capacity, capacity utilization, sales volume in the EU market, market share, employment and productivity, showed a negative trend over the period considered. Similarly, virtually all microeconomic indicators, such as sales prices in the EU free market, cost of production, labour costs, profitability, closing stocks, cash flow, investment and return on investments, showed a negative trend over the period considered. The same injury indicators also developed negatively when looking at the period 2017-2019, that is, before the start of the COVID-19 pandemic. For many indicators the situation in the IP was better than in 2019. This is mainly due to the lower level of imports from the PRC, that was caused by the pandemic outbreak at the end of 2019 and beginning of 2020. This further emphasises the impact these imports have on the overall situation of the Union industry.
- (653) On the basis of the above, the Commission concluded that the Union industry suffered material injury within the meaning of Article 8(4) of the basic Regulation.

5. CAUSATION

- (654) In accordance with Article 8(5) of the basic Regulation, the Commission examined whether the subsidised imports from the country concerned caused material injury to the Union industry. In accordance with Article 8(6) of the basic Regulation, the Commission also examined whether other known factors could at the same time have injured the Union industry and ensured that any possible injury caused by factors other than the subsidised imports from the country concerned was not attributed to the subsidised imports. The following potential factors were identified: consumption; COVID-19 pandemic; alleged lack of investment; restructuring of the Union industry; high production costs in the Union; imports from third countries; export performance of the Union industry.

5.1. Effects of the subsidised imports

- (655) The deterioration in the situation of the Union industry coincided with the significant penetration by imports from China, which consistently undercut the Union industry's prices and suppressed Union market price. As mentioned in recital (614), the import prices of the sampled exporting producers undercut Union prices by 10,8 % on average.
- (656) The volume of imports from the PRC increased (as shown in Table 2) from around 36 660 tonnes in 2017 to around 44 276 in the investigation period, an increase by 21 %. In turn, the market share increased by 29 %, i.e. from 18 % to 23 %. Over the same period (as shown in Table 5), the Union industry sales on the free market decreased by 15 % and its market share on the free market fell from 63 % to 57 %, a decrease by 10 %.
- (657) The situation in the period 2017-2019 is even more telling as Chinese imports increased by 27 % (from 36 660 tonnes to 46 595 tonnes) reaching a 24 % market share while the free market share of the Union industry dropped to 56 % (a fall of 12 %). Indeed, despite a decrease in consumption between 2018 and 2019, Chinese imports continued to increase and gain market share from the Union industry.

- (658) The prices of the subsidised imports decreased by 3 % over the period considered (as shown in Table 3) from 2 869 to 2 781 EUR/tonne. In comparison, the Union industry prices decreased only by 1 % over the same period, from 3 396 EUR/tonne in 2017 to 3 359 EUR/tonne in the investigation period. Hence, although starting from a lower price level in 2017, Chinese prices decreased more (-88 EUR/tonne) than Union industry prices (-37 EUR/tonne) over the period considered. Also, in the period 2017-2019, the decrease in Chinese prices amounted to 2 % while the Union industry prices increased by less than 1 % (12 EUR/tonne).
- (659) The pressure exerted by the subsidised imports thereby caused significant price suppression to the Union industry. The Union industry was unable to raise prices at the same rate as costs were increasing because of the downward pressure caused by imports from China (both in terms of volumes and low prices). Indeed, the degree of such downward pressure is, to the least, apparent from the fact that throughout the period considered, Chinese prices were consistently low and significantly below Union industry prices and cost of production, limiting the possibility of increasing prices (see recital (614)) This resulted in a drop of the profitability of the Union industry.
- (660) The difference between 2019 and the IP is particularly telling in terms of the nexus between the imports from the PRC and the situation of the Union industry. When the imports diminished following to the disruption of production and exports in the PRC due to the pandemic, production of the sampled Union procures, sales, unit cost of production and profitability of the Union industry improved slightly (disregarding extraordinary restructuring costs).
- (661) On the basis of the above, the Commission concluded that the imports from China caused material injury to the Union industry. Such injury had both volume and price effects.

5.2. Effects of other factors

5.2.1. Consumption

- (662) One exporting producer argued that ACF being replaced in certain segments by other products could be the source of injury of the Union industry.
- (663) Indeed, as indicated in recital (605), the Union consumption contracted in 2019 and in the IP. Nevertheless, imports from the PRC increased throughout the period considered, whilst consumption decreased. Indeed, when demand is decreasing, one would normally expect all producers to be affected in a similar way or even exports to decrease more in comparison to domestic (Union) sales in view of the proximity between domestic producers and customers. Still, throughout the period considered, the imports from the PRC increased by 21 % (27 % in 2019) whilst the Union sales to the free market decreased by 15 % (16 % in 2019). Furthermore the slight improvement of some indicators discussed in recital (630) coincided with the continuous consumption contraction as seen in Table 2. The only significant difference between these two periods were lower levels of cheap imports from the PRC due to the pandemic.
- (664) Following the final disclosure the GOC argued that the market contraction should be considered a cause of injury as the market decreased by 6 % during the period considered. The Commission had already taken the market contraction into account and the GOC did not provide any evidence to rebut the Commission's conclusion in the previous recital. The Commission therefore rejected that claim.

5.2.2. COVID-19 pandemic

- (665) The COVID-19 pandemic that started in the first half of 2020 affected the situation on the EU market in various ways. As mentioned in recital (605) **Error! Reference source not found.**, the overall consumption was not affected while there was a slight decrease in the imports from the PRC.

- (666) As explained in recital (657), the subsidised Chinese imports had already increased steadily on a year-on-year basis in the period 2017-2019 leading to an increase of over 27 % until the start of the COVID-19 pandemic in the first half of 2020. In other words, the material injury caused to the Union industry by the subsidised imports had already materialised as evidenced by the negative development of all macro- and microeconomic indicators in the period 2017-2019 before COVID-19 came into the equation. Furthermore, as discussed in recital (636), lower volume of imports from the PRC due to the pandemic at the beginning of 2020 had positive impact on some of the injury indicators. This further exemplifies a strong nexus between the imports and the injurious situation of the Union industry.
- (667) In view of the above, the Commission concluded that the COVID-19 pandemic did not contribute to the material injury suffered by the Union industry.
- (668) Following the final disclosure the GOC argued that the Commission insufficiently investigated the effect of the COVID-19 pandemic. The GOC argued that the pandemic caused a demand side-crisis, which would also be visible in the 6 % Union GDP decrease in 2020. The Commission's own predictions in terms of an expected recovery of the economy would demonstrate the temporary effect of the pandemic.
- (669) With reference to recital (666), where the Commission summarises the COVID-19 pandemic impact, the Commission rejected this claim.

5.2.3. *Lack of investment*

- (670) One exporting producer and two users argued that lack of investment by the Union industry in their production facilities is one of the reasons for the injury.
- (671) It is true that, as mentioned in recital (647), some ambitious investments of the sampled Union producers were halted. However, this was the result of the injurious situation of the Union industry, not its cause. Despite the dire situation of the Union industry throughout the period considered, the investigation has shown investments into inline quality control mechanisms and other upgrades to the existing machine park. Furthermore, several companies invested into R & D to produce thinner ACF and ACF for electric car battery production. This demonstrates that the Union industry adapted to market requirements, within their financial possibilities.
- (672) While it cannot be excluded that additional investments in the latest technology may be needed to ensure the long-term sustainability of the Union industry, the Commission concluded that the state of the Union industry's production equipment and the development of its operating costs do not attenuate the causal link established between the subsidised imports and the material injury suffered by the Union industry.
- (673) In view of the above, the Commission concluded that limited investment did not contribute to the material injury suffered by the Union industry.
- (674) The consortium of importers requested that its comments made in the separate anti-dumping investigation should be incorporated into this anti-subsidy investigation, and also commented on the final disclosure in this procedure. The consortium of importers claimed that the Commission reiterated its conclusions from the provisional Regulation without providing evidence capable of rebutting the consortium's argument that the Union industry's injury resulted from a lack of investments, which resulted in an inability to provide the thin foil. The consortium claimed that while it had provided all the evidence it could reasonably gather, it would be for the Commission to verify the accuracy of these claims and, if need be, to further investigate these issues by requesting additional information from the Union producers. The lack of investments in the new machinery and technologies resulted in the Union producers' lines of production becoming obsolete as the vast majority of aluminium foil plants in the EU are over 20 years old.

(675) Contrary to what the consortium alleged, the Commission has verified the quality testing results specifically for ACF< 6 during the RCCs regarding the sampled Union producers, as the consortium had claimed quality issues with the thinner foils. While the Commission has acknowledged that some investments were halted, it has also verified the investments made into existing machine parks and the resulting quality tests. The Commission therefore rejected the claim that it did not make the necessary effort to assess the claims of the consortium, further to the evidence provided.

5.2.4. *Restructuring of the Union industry*

(676) One user pointed to Union producers exiting the market and restructuring as a reason for the Union industry's injurious situation.

(677) Most of the market exits noted by the user took place before the period considered. There were no reasons indicating that these closures would occur under fair market conditions. If anything, similarly to the situation regarding investments, closures of production facilities and business are a result of the injurious situation of the Union industry, not its cause. As part of restructuring and adaptation, such closures usually alleviate, not worsen the injury.

(678) It is true that cost of restructuring of one of the sampled Union producers in the second half of the IP may have had an impact on some indicators, such as cost of production, cost of employment and profitability. This is why the Commission also considered the injury picture disregarding those costs. Even without those cost elements, it is clear that the Union industry suffered injury throughout the period considered including in the IP. These claims were therefore rejected.

(679) In view of the above, the Commission concluded that restructuring of the Union industry did not contribute to the material injury suffered by the Union industry.

(680) Following the final disclosure Xiamen Xiashun argued that the restructuring of the Union industry and the ceasing of production by Novelis Lüdenscheid cannot be disregarded. Xiamen Xiashun claimed that the final disclosure did not specify how the restructuring costs were actually considered and accounted for and that the Commission did not provide more explicit reasoning.

(681) Contrary to Xiamen Xiashun's claim the Commission has clearly stated how it assessed the restructuring of the Union industry within the calculation of the injury indicators. As described in recitals of the final disclosure, in recital 510 of the final disclosure the Commission explained that first it regarded the restructuring as a part of the adaptation as a consequence of the injury and in principle included the restructuring in its calculation. Further in recital 511 of the final disclosure the Commission explained that the Commission made a parallel calculation fully disregarding the costs of restructuring of one of the sampled Union producers and assessing if this would have had an impact as repeated in recital (678) above. The Commission therefore rejected the claim by Xiamen Xiashun as it had not only described the applied method, but also stated that even if those costs were to be excluded the conclusion on the injury factors and causality would not change.

5.2.5. *High wages, energy costs and lack of vertical integration*

(682) One user argued that high wages and energy prices are the reasons for the injurious situation of the Union industry.

(683) The Union producers reduced from 2017 to the IP the number of employees in production and administration, decreasing their overall labour cost substantially, to maintain competitiveness with a smaller market share. As demonstrated in Table 8, the average cost per employee increased in the IP, but this was mainly due to the restructuring of one of the sampled producers. Disregarding these extraordinary expenses, the average cost per employee remained relatively stable throughout the period considered whilst the sampled Union producers were still loss making.

- (684) As to the costs of energy, they represent a relatively low portion of the cost of production (around 3 %) and as such do not have a significant impact on the increase of cost of production indicated in Table 7. Whilst energy cost per tonne of ACF produced by the sampled Union producers increased by 12 % throughout the period considered, they are partly due to the decreased volume of production and in any case, considering the portion of energy cost in the cost of production, cannot be responsible for the cost of production increase in Table 7.
- (685) One user argued that the lack of vertical integration is a source of material injury to the Union industry.
- (686) The Commission noted that lack of vertical integration does not break the chain of causation as this factor has not changed throughout the period considered. Furthermore, not all Chinese exporting producers are vertically integrated either. This claim was therefore rejected.
- (687) In view of the above, the Commission concluded that wages, energy costs and lack of vertical integration did not contribute to the material injury suffered by the Union industry.
- (688) Following the final disclosure the GOC argued that the Commission did not sufficiently take into account the labour costs, which increased by 25 % from 2019 to the end of the IP.
- (689) Contrary to the claim of the GOC, the Commission analysed the effect of increased labour costs and concluded that this has to be seen together with the decrease in personal of the Union producers, which has resulted in extraordinary costs. Disregarding the extraordinary expenses for adapting the cost per employee remained relatively stable as indicated already above in recital (683). The Commission therefore rejected this claim.

5.2.6. Imports from third countries

- (690) The volume of imports from other third countries developed over the period considered as follows:

Table 11

Imports from third countries

Country		2017	2018	2019	IP
Total of all third countries except the country concerned	Volume (tonnes)	10 950	9 680	9 675	8 625
	Index	100	88	88	79
	Market share	5 %	5 %	5 %	5 %
	Average price	3 192	3 386	3 474	3 575
	Index	100	106	109	112

Source: Eurostat.

- (691) Imports from third countries were relatively limited. Average prices of imports from third countries were consistently above the Chinese prices throughout the period considered. They were only slightly below the Union prices in 2017 and 2018 and then surpassed them in 2019 and the IP. Their volumes decreased (-21 %) over the period considered. Considering the contraction of the consumption, their market share remained at around 5 % throughout the period considered. Their prices increased by 12 % during the period considered.

- (692) On this basis, the Commission concluded that the evolution of imports from other countries over the period considered did not contribute to the material injury suffered by the Union industry.

5.2.7. Export performance of the Union industry

- (693) The volume of exports of the sampled Union producers developed over the period considered as follows:

Table 12

Export performance of the sampled Union producers

	2017	2018	2019	IP
Export volume (tonnes)	57 956	74 277	69 027	61 811
<i>Index</i>	100	128	119	107
Average price (EUR/tonne)	3 498	3 632	3 475	3 400
<i>Index</i>	100	104	99	97

Source: sampled and non-sampled Union industry.

- (694) Exports of the Union industry increased by 7 % over the period considered from 57 356 tonnes in 2017 to around 61 811 tonnes in the investigation period.
- (695) The average price of these exports first increased by 4 % in 2018 before progressively decreasing to a lower level than in 2017 (-3 %) in the IP. The average price of these exports remained consistently above the price that the Union industry could achieve on the EU market.
- (696) In view of the price levels of the Union industry exports to third countries, the Commission concluded that the export performance did not contribute to the material injury suffered by the Union industry.

5.3. Conclusion on causation

- (697) There is a clear nexus between the deterioration of the situation of the Union industry and the increase of imports from the PRC.
- (698) The Commission distinguished and separated the effects of all known factors on the situation of the Union industry from the injurious effects of the subsidised imports. None of the factors contributed, alone or in combination, to the negative developments of the injury indicators observed in the period considered.
- (699) On the basis of the above, the Commission concluded at this stage that the subsidised imports from the country concerned caused material injury to the Union industry and that the other factors, considered individually or collectively, did not attenuate the causal link between the subsidised imports and the material injury.

6. UNION INTEREST

6.1. Interest of the Union industry and suppliers

- (700) There are eleven known groups of companies producing ACF in the Union. The Union industry employs over 2 000 workers directly with many more relying on it indirectly. The producers are widely spread throughout the Union.

- (701) The absence of measures is likely to have a significant negative effect on the Union industry in terms of further price suppression, lower sales and further deterioration of the profitability. The measures will allow the Union industry to reach its potential on the Union market, recover lost market share, and improve profitability to levels to be expected under normal conditions of competition.
- (702) Consequently, the Commission concluded that the imposition of measures is in the interest of the Union industry and its upstream suppliers.

6.2. Interest of users

- (703) Nine users representing the flexible packaging industry, as well as construction material industry, replied to the questionnaire. The nine companies account for around 27 % of the Chinese imports during the IP. Three other users provided comments, but did not provide questionnaire replies. Based on these replies, the Commission did not find a significant dependency on ACF imported from the PRC. For most of the cooperating users, ACF from the PRC represented between zero and 7 % of the costs of production of the products that consumed ACF. The exception to this were two users (one in the construction and another in the packaging sector), who import [80 – 95] % and [85 – 100] % of their ACF from the PRC, representing, respectively, [15 – 25] % and [20 – 30] % of their cost of the relevant production.
- (704) Six users argued that the Union producers could not provide the same quality ACF as the Chinese producers due to a lack of investment in new machinery and in-line quality check equipment. While it is true that Union producers in general have an older machine park than Chinese producers, the Union producers have made investments and also apply in-line quality detection tools. As export figures of the Union industry show, Union producers are also able to compete successfully in third country markets, proving that their product is generally not inferior when compared to the global standard. Whilst some Chinese market leaders have facilities capable of producing efficiently high quality product, the quality analysis provided by a user has shown that this is not true for all of the ACF industry in the PRC and all its exporting producers.
- (705) Three users argued that Union producers would not supply large widths or at least would have supply constraints for specific dimensions. The investigation found that Union producers could provide all widths requested by the market. Specific widths might be more cost efficient than others, depending on the maximum width of the rolling mill, which is then reflected in the price negotiations, however this is normal business practice.
- (706) Three users argued that Union producers would not be able to provide quality ACF with a gauge below 6 microns. As explained in recital (63) the Commission found that the Union industry not only has existing capacity and made commercial sales in this segment, but that it also invests in the production of gauges below 6 microns, which was a developing market segment with a relatively low consumption during the IP.
- (707) Two users argued that countervailing duties would cause supply chain interruptions. While peak demand in specific situations can cause higher lead times and Chinese producers can have more financial flexibility for stocking raw materials, it is important to note that interruptions in the supply chain from the PRC can equally occur, as has been the case due to COVID 19, which makes the survival of the Union producers an important factor for supply stability in Europe. In any event, as indicated in table 4, there is a substantial spare production capacity in the Union available to the users.
- (708) Two users argued that countervailing duties would jeopardise the competitiveness of the converter industry on the Union market, competing against producers from countries outside the Union, as cost increases could not be passed on to their customers. European converters could therefore shift production to outside of the Union. However, no specific evidence of inability to pass on the additional costs to the converters was provided.

- (709) Two users argued that the duties would contravene the European sustainability goal as the use of thinner ACF would help to reach these goals. However, while the Commission already concluded above (see recital (63)) that the Union industry is perfectly in position to produce thinner ACF, it should be noted that the European Union cannot build a sustainable green policy, of which greener insulation materials for construction represent an element, on heavily subsidised and injurious imports from the PRC.
- (710) One user argued that duties would distort the market as two of the largest ACF producers, who are also converters, would have a captive consumption greater than 70 % of their production. In view of the number of Union producers, it is highly unlikely that the captive consumption of two integrated ACF producers, who are also converters, would distort the market. Moreover, there is significant spare ACF capacity available in the EU. Finally, not imposing anti-subsidy measures for this reason would mean favouring one business model (non-integrated production) over the other.
- (711) One user argued that instead of imposing duties, state-aid could be offered to the Union industry. The Commission noted that financial aid is, however, not the right instrument to counter injurious subsidisation.
- (712) In light of the above, the Commission concluded that there is no uniform interest of users either in favour or against the imposition of the measures. Those users who argued against the imposition of the measures may face certain negative consequences.
- (713) Manreal argued that measures would not benefit the Union producers. Instead they would benefit the producers of ACF in Turkey, Thailand, Brazil or Russia as the users would buy from these countries instead of the Union producers.
- (714) However, Manreal did not substantiate why the Union producers would not be able to compete with producers from other countries under fair conditions.
- (715) In addition, Manreal argued that in case the users would pass on their cost to their customers, this would put into jeopardy the competitiveness of their customers. The company did, however, not substantiate this claim further beyond making this general remark.
- (716) Manreal further argued that in recital (354) of the Regulation (EU) 2021/983 the Commission indicated that it would impose measures in favour of integrated producers. It requested the Commission to investigate the likely effects of the measures “in the EU fair competition”.
- (717) This interpretation of Regulation (EU) 2021/983 is incorrect as the Commission merely stated that the non-imposition of measures would favour non-integrated users. Indeed, in the absence of measures they can purchase dumped ACF, whereas integrated users producing ACF in the Union would not benefit from this unfair advantage. As regards Manreal’s request to investigate the likely effects of the measures “in the EU fair competition”, the Commission understands that Manreal claims the duties would constitute an unfair competitive advantage for integrated Union producers towards non-integrated businesses. The Commission recalled that in accordance with Article 31(1) of the basic anti-subsidy Regulation the need to eliminate trade distorting effects of injurious subsidisation and to restore effective competition is given special consideration in the Commission’s assessment of the Union interest.
- (718) Manreal further claimed that the Commission breached its rights of defence as Manreal did not have access to the analysis mentioned in recital (704).
- (719) The Commission is under the obligation to protect confidential business information of the parties, balancing access to that information with the interest of other parties to exercise their rights. A detailed quality analysis of products from different suppliers from the PRC and the Union over multiple years can rightfully be claimed as a business secret, which is not shared with competitors. Therefore, not sharing business secrets did not cause a breach Manreal’s of rights of defence.

- (720) Two companies, Gascogne and Manreal, argued that the statement of the Commission that there would be no uniform interest of the user against measures in recital (712) would be incorrect as all comments submitted by users were against measures.
- (721) For its assessment the Commission may also rely on confidential data submitted by users as questionnaire replies. From the data it follows that there are two users, which purchase a high percentage of their ACF from China and for whom ACF from China represents a very high part of their raw material costs but the other users mainly purchase ACF from Union producers and would not be affected in the same way by the measures. Revealing details about which percentage individual users purchase from concrete ACF producers would expose their supply chains. The parties can, however, already make their argument based on the information that users rely to a different extent on imports from the PRC.
- (722) In light of the above, the Commission confirms its assessment that there is no uniform interest of users either in favour or against the imposition of the measures, even if users who argued against the imposition of the measures, in particular the two users, for whom ACF represents a high percentage of their cost of production may face certain negative consequences.
- (723) Walki argued that the general disclosure document did not portray the users' interest correctly or fairly. Walki further claimed that the conclusion of the Commission on the lack of "uniform interest" of users based on the fact that "users rely to a different extent on imports from the PRC" is a misleading and discriminatory analysis against users.
- (724) The Commission concluded that there was no uniform interest of users due to the highly different levels on which users rely on ACF originating in the PRC. With this statement, the Commission did not deny that all cooperating users opposed the imposition of anti-dumping duties.
- (725) Walki further claimed that the Commission has not responded to its request for a more adequately reasoned analysis relating to crucial elements of the Union interest. Walki requested a correction of the Commission's statement with regard the reference to the arguments of users on the fact that the Union industry cannot provide the same quality ACF as the Chinese producers due to a lack of investment. Walki argued that six users submitted a common statement claiming "*that the Applicant producers do not have the production capability to supply certain important specifications of ACF. Their inability to commercially supply these specifications to the Union Users is attributed most clearly to the Applicants' long-term failure to invest in the production equipment and technology necessary to extend their existing ACF production range in order to supply the thinner specifications needed by these Users.*"
- (726) Indeed, six users submitted a common statement claiming that the Union industry had failed to invest, further to the four users which had already provided this argument individually. However, the Commission already addressed this claim on substance in sections 5.2.3 and 6.2. of the Regulation 2021/983. At this stage, no user has provided new factual information, but just reiterated the same claim. The Commission therefore confirmed its conclusions.
- (727) Walki further claimed that the Commission wrongfully concluded that the Union's products are not inferior on the basis of the Union producers' general ability to export and compete successfully in third country markets. Walki argued that this would only apply to the ability to produce quality thicker foil above 20 microns. It also claimed that the Commission did not indicate this would include all the thinner foils, which are at the centre of the Union supply constraint issue.
- (728) Walki further claimed that the statement that not all Chinese producers can produce efficiently high-quality product, has no bearing on the users' argument that the Union industry is not capable of efficiently producing high quality thinner foil.
- (729) The Commission cross-checked sales data of the Union producers at hand, which shows that there are exports of ACF below 20 microns to third countries. Walki's argument that the Union producers would only be competitive with ACF above 20 microns does therefore not stand.

- (730) Walki further claimed that the Commission's assessment of the spare production capacity does not equate to an ability to produce quantities of quality thin ACF.
- (731) The Commission duly analysed the capacity to produce thinner foil, which is limited by the machines capable of the last rolling step. Some Union producers presented test results, showing that the test roll production for ACF< 6 was successfully meeting the requirements of the respective customer. The Commission further points to its assessment that ACF< 6 is a developing new market and due to the very small demand during the IP, naturally not all Union manufacturers adapted their machine park yet for this market segment.
- (732) Walki further claimed that key elements of positive evidence submitted by Walki during the latter course of the investigation have been totally ignored or mistakenly represented. The Commission considered that claim to be inaccurate. The Commission took all arguments and evidence into consideration, but for confidentiality reasons, some very specific information could not be disclosed in the regulation.
- (733) Manreal claimed that the Commission breached the principle of good administration. Manreal argued that the Commission disregarded, with no reasoning, all Manreal's comments, claiming that the Commission used an unfair rebuttal technique by pointing out that Manreal did not substantiate its claims sufficiently.
- (734) Contrary to Manreal's claim, the Commission fulfilled its obligation to assess, for each of Manreal's comments, whether it was sufficiently substantiated, and has explained the reasons why it was not in each case in the recitals mentioned by Manreal. The Basic Regulation does not foresee an obligation of the Commission to further investigate comments which are not sufficiently substantiated.
- (735) Therefore, the Commission rejected this claim.

6.3. End-use exemption request

- (736) In the separate anti-dumping investigation Effegidi requested an end-use exemption for ACF for the use in the production of films for cable shielding and wine bottle capsules. Effegidi extended this request to this procedure.
- (737) The request is based on the percentage of the costs ACF represents in the production costs of films for cable shielding and wine capsules and the impact the measures would have on the company. According to Effegidi, films for cable shielding and wine capsules are niche markets and their consumption of ACF is equally negligible. This implies that an exemption from the duties for final use would not undermine the overall effectiveness of the anti-dumping duty.
- (738) However, the investigation revealed that Effegidi does not only produce the two products for which it requested the end-use exemption, but its portfolio includes a variety of other products like cable films which do not incorporate ACF, as well as other food and non-food packaging, some of which incorporate ACF. The Commission could therefore not determine the overall impact of the anti-dumping duties on the profitability of the company based on the data provided by Effegidi. Consequently, in the final disclosure, the Commission rejected the end-use exemption.
- (739) Following final disclosure, Effegidi provided the Commission with its financial statements for the years 2019, 2020 and for the first half of 2021. Effegidi further requested guidance from the Commission on what further documents it needed to provide in order to be able to be granted the end-use exemption.
- (740) The Commission found that the information sent after the final disclosure was not sufficient to allow the Commission to assess the overall impact of a potential exemption on the effectiveness of the duty. Effegidi did not provide any information about the cable shield and wine capsules industry.

(741) The Commission could therefore not assess whether the end use exemption would be in the Union interest and therefore confirmed its rejection of Effegidi's exemption request.

6.4. Interest of importers

(742) A consortium of five unrelated importers provided comments on initiation. However, only one unrelated importer, representing [15 – 25 %] of the imports from the PRC, submitted a reply to the importers' questionnaire.

(743) The consortium argued that the Union producers are not able to manufacture the full spectrum of ACF in the required quality and volume due to technical constraints originating in a lack of vertical integration of most Union producers. This would cause higher costs of production, lower quality, dependency on the raw material (foil stock) market and longer lead times due to a longer supply chain. They further claimed that a lack of investment, especially on in-line detection systems, has led to quality issues. Therefore, the consortium expects a supply shortage, especially for thin gauge ACF, if measures were imposed. This, together with higher prices, would undermine the competitiveness of the Union converters (users).

(744) As discussed in Section 4.5.2.1, the Union industry appears to have sufficient spare capacity, even taking into account the high level of captive use of two big Union producers. Contrary to the claim of the consortium of importers, investments in in-line quality control have been made and the data does not consistently demonstrate a higher quality of Chinese ACF.

(745) In light of the above, the Commission concluded that the imposition of measures would not necessarily be in the interest of importers. However, it further assessed their likely effects when weighing the different interests at stake (see Section 4.4).

(746) Following the final disclosure the consortium of importers reiterated the claim that the Union producers are not able to meet the existing ACF demand especially in the market segment of thin gauge ACF, in which they currently import from the PRC to meet the demand. The consortium claimed that it would take at least 2 years to make the production of thin gauge ACF effective and operational and that the Union producers do not appear to meet the demanded quality standards to replace current imports from China in this market segment.

(747) Further to the fact that the consortium has not substantiated why it would take 2 years to make the thin gauge ACF production operational, the Commission has already concluded in section 4.5.2.1 of Regulation (EU) 2021/983 that the Union industry appears to have sufficient spare capacity. Moreover, the Union industry has demonstrated with sales and test roll production to be able to meet the clients' demand as described in recitals (50) and (51) of Regulation (EU) 2021/983.

(748) In light of the above, the Commission confirmed its conclusion that the imposition of measures would not necessarily be in the interest of importers. However, it further assessed their likely effects when weighing the different interests at stake (see Section 6.4).

(749) Following the final disclosure, the consortium claimed that the Commission completely disregarded the fact that the gradual movement of the demand into thinner gauges of ACF resulted in an increase in demand for ACF of ≤ 7 microns. Furthermore, the Commission underestimated the fact that it would take at least two years to make the production of thin gauge ACF effective and operational in the EU.

(750) Further, the consortium claimed that the Commission failed to provide clarification on how the substantial spare capacity of the Union industry can satisfy the demand of thin gauge ACF.

- (751) The consortium also reiterated that the Union industry cannot meet the quality standards for thin gauge ACF in terms of porosity and runability and stressed that the rolling mills producing the ACF are the same as for the car battery industry, further reducing the capacity for ACF. It claimed that overlooking of those aspects led the Commission to the erroneous conclusion that the imposition of duties is in the Union interest.
- (752) As explained in recital (51) of Regulation (EU) 2021/983, the Commission assessed the capacity of the Union industry to produce thinner ACF, specifically ACF < 6 by assessing the capacity of the last rolling mill step, necessary to reach this thin gauge. The previous rolling steps proved to have sufficient spare capacity. Consequently the bottleneck for the production of ACF < 6 is in the last rolling step. The Commission has clarified how the Union industry can satisfy the demand of thin gauge ACF. The argument that it would take at least two years to make the production of thin gauge ACF effective and operational only applies to new capacities that the Union industry would install as a result of a restored fair price competition and a further increasing demand. As already the existing capacities can satisfy the expected demand in the near future, potential additional future capacities have not been taken into account in the Commission's calculation. It is not relevant that new capacities would require a period before becoming operational. The Commission therefore rejected the claim.

6.5. Weighing of the competing interests

- (753) In line with Article 31(1) of the basic Regulation, the Commission assessed the competing interests and gave special consideration to the need to eliminate the trade distorting effects of injurious subsidy and to restore effective competition.
- (754) As far as an increase in prices is concerned, the investigation revealed that Chinese prices were undercutting Union prices on average by 10,8 % and that the price suppression lead to a deterioration of the situation of the Union industry. Should prices rise again to sustainable levels, the Commission considered that such increase would be limited in view of the level of competition on the Union market. As already mentioned in Section 4.5.2.1, the Union industry has sufficient spare capacity. Accordingly, the negative effect on users would also remain limited. None of the specific arguments raised by the users and importers and discussed in sections 6.2 and 6.4 change this conclusion.
- (755) When assessing the significance of negative effects for the importers, the Commission first noted that the level of cooperation was relatively low as only one out of the five cooperating importers provided data.
- (756) Manreal argued that the analysis of the market and of the Union interest undertaken in Regulation (EU) 2021/983 was no longer valid, as a result of the drastic increase of prices and speculation in the commodities market, which are consequences of the investigation and the Covid-19 pandemic. The converting packaging industry is strongly hit not only by a 40 % price increase for aluminium, but also by a 40 % price increase for kraft paper and by container transport costs which have increased by 400 %. The average supply time for paper deliveries has increased from 3-4 weeks to 4 months. In some supply contracts, suppliers claim force majeure and deliver with a delay of 6 months while asking for 20 % higher prices than at the time of the order.
- (757) Supporting Manreal's arguments, Walki, Gascogne, and Effegidi also emphasized that post IP the market situation has fundamentally changed leading to supply shortages not only in ACF, but also their other raw materials. According to Gascogne, the aluminium price on the London Metal Exchange increased by 30 % from October 2020 to May 2021. Also under the current situation only 1 major Union producer appears to be able to supply new orders without a lead time of several months. Effegidi claimed that, according to quotes from Union producers in July 2021, supply of ACF for its production would not be available before 2022.
- (758) Another user, Alupol, argued that starting from December 2020 they noticed poor interest in contracts from the Union producers and even a 2-year supply contract concluded with one of the Union producers was terminated by the producer after half a year, which shows capacity constraints. Walki provided additional evidence relating to requests of 6,35 micron ACF, demonstrating that the supply difficulties faced in 2021 are continuing.

- (759) Also the consortium of importers argued that since the beginning of the investigation ACF prices have increased by 25 % and delivery times have increased from an average of 2 months to 4 months. Also the current supply shortage situation leads to integrated companies supplying their related entities on a preferential basis, leaving less capacity for the open market. The consortium expects the duties to disrupt supply-chains and lead to a supply shortage for the entire range of ACF, but in particular for gauges below 6 microns.
- (760) While these changes in the market indeed have an impact on the different interests of producers, users and importers, they are caused by the exceptional situation of the COVID-19 pandemic and the following strong economic recovery, which has caused an international transport shortage and supply shortages. Accordingly, it may require certain time for the markets to adapt until the economic recovery and growth would normalize and demand and supply would be in balance again, including in the ACF sector.
- (761) Manreal further argued that in line with Article 11 TFEU protection against subsidised imports should be balanced with other goals of the Union, such as environmental protection, and concluded that the imposition of measures will have a very negative impact on the environment. Manreal argued that irrespective of possible negative impacts on jobs or industrial policy, the disappearance of more polluting Union producers would be good for the EU environment. Consequently, Manreal requested the Commission to include in the investigation the likely effects of the measures on the environment.
- (762) The Commission noted, first, that Manreal has not substantiated in which way Union producers are more polluting than Chinese producers. Moreover, while the Union sets high environmental standards for its producers, the purpose of Article 11 TFEU is not to prevent economic activity but to integrate environmental protection requirements into the policy guiding the economic activity. Manreal's suggestion to reduce emissions in the Union by allowing its industry to be wiped out by unfair competition is not only incompatible with the EU's environmental goals but would go against a number of other policies. Consequently, Manreal's request to investigate the environmental impact of such a scenario was rejected.
- (763) Manreal further pointed to recital (355) of the provisional Regulation in the anti-dumping procedure, in which the Commission stated, in reply to Manreal's previous argument that State aid could be a more suitable measure than imposing duties, that financial aid is not the right instrument to counter injurious dumping. Manreal argued that this is a policy choice that should not be adopted without consulting the Directorate-General for Competition ('DG COMP'). Manreal further claimed that the Commission's argument would presuppose that any aid granted to Union producers would not be authorised by DG COMP.
- (764) The Commission recalled that Article 15(1), first paragraph, of the basic Regulation stipulates that where the facts as finally established show that the existence of countervailable subsidies, and injury caused thereby, and the Union interest calls for intervention, a definitive countervailing duty shall be imposed by the Commission. Indeed, the Commission cannot abstain from countering demonstrated injurious subsidisation by Chinese exporters through the legal instruments at the Commission's disposal merely because Union producers may also benefit from State aid. Moreover, State aid is granted by the Member States, not the Commission.
- (765) Consequently, none of the arguments following Regulation (EU) 2021/983 raised by the users and importers also in the context of the anti-subsidy investigation changed the Commission's conclusion.
- (766) Several parties suggested that the Commission, together with the comments to the final disclosure, assessed a potential suspension of the duties according to Article 24(4) of the basic anti-subsidy Regulation. The potential suspension of the duties may be considered by the Commission in due course as provided by Article 24(4) of the basic anti-subsidy Regulation.
- (767) Following the final disclosure the GOC argued that the global and EU economy are facing ongoing grave supply chain disruptions. In view of this situation it would not be in the Union interest to impose measures at this time. The GOC also asked the Commission to assess a suspension of potential duties.

- (768) As explained above in recital (760) the COVID 19-pandemic has had negative effects on the supply chains. However, this is a temporary situation, it is not considered by the Commission to cause a permanent overriding interest against the imposition of measures.
- (769) Following the final disclosure the consortium of importers argued that the imposition of definitive countervailing duties in addition to anti-dumping duties is clearly against the interest of importers and users in the EU since there was an increasing demand in ACF of ≤ 7 microns, the increase of battery foil production would decrease available capacity for other ACF and this would cause a relocation of production capacities of the converting industry outside of the EU.
- (770) The Commission had already concluded that the spare capacities of the Union producers would allow to fulfil the demand of ACF for thinner gauges and for car battery foil in the upcoming years. Anti-dumping duties are not calculated in a way that would automatically remedy also the subsidisation of imports. Especially different exporters can be involved differently in dumped imports and subsidisation. The Commission therefore rejected the claim that it would be against the Union interest to impose countervailing duties, in case of the imposition of anti-dumping duties.
- (771) Following the final disclosure Xiamen Xiashun argued it would be in the Union interest to exclude electric car battery foil from the scope as the Union producers would not have the capacities to fill the demand in the short- to medium term.
- (772) As Xiamen Xiashun did not provide new evidence for this claim and the Commission had already analysed the capacity of the Union producers in light of the short- to medium term demand, the Commission rejected this claim.

6.6. Conclusion on Union interest

- (773) On the basis of the above, the Commission concluded that there were no compelling reasons to conclude that it is not in the Union interest to impose definitive countervailing measures on imports of ACF originating in China.

7. PRICE UNDERTAKING OFFER

- (774) Following final disclosure, within the deadline specified in Article 13(2) of the basic Regulation, one exporting producer submitted an offer for a price undertaking: Jiangsu Zhongji Lamination Materials Co., Ltd., together with its related trader Jiangsu Zhongji Lamination Materials Co., (HK) Limited.
- (775) According to Article 13 of the basic anti-subsidy Regulation, the price undertaking offers must be adequate to eliminate the injurious effect of subsidisation and their acceptance must not be considered impractical. The Commission assessed the offer in view of these criteria and considered that its acceptance would be impractical for the following overarching reasons.
- (776) First, the company produces and sells various product types with significant differences in prices. Aluminium converter foil types cannot be easily distinguished from one another by a physical inspection. In particular, it would be very difficult to assess the thickness only by physical inspection. Without a detailed laboratory analysis the customs authorities would not be able to determine whether the imported product corresponds to what is being declared.
- (777) Second, the high number of product types entails a high risk of cross-compensation among the different product types, with more expensive product types possibly being misdeclared as cheaper product types also subject to the undertaking. This renders the undertaking unenforceable and thus impractical within the meaning of Article 13 of the basic Regulation. Third, Zhongji has a high number of related companies directly involved in production or sales of the product under investigation. Furthermore, Zhongji sells the product both directly and indirectly. Such a complex group structure implies a high risk of cross-compensation. The Commission would not be able to monitor and ensure compliance with the undertaking of the indirect sales via the related company in Hong Kong and possibly via the other related companies. This, on its own, would make the offer impractical.

- (778) The Commission also assessed the particular commitments of the undertaking offer that Zhongji had put forward to address the principal matters described above. As regards the various product types, the company had offered to export only the products types belonging to five PCNs. In addition, as regards the complex group structure, Zhongji offered to commit to exclusively sell to the Union directly through Zhongji Lamination Materials Co., Ltd, and not to sell any other product to the same customers in the Union to which the product under investigation is sold.
- (779) The Commission found that even these particular commitments put forward would not remove the elements making the undertaking offers unenforceable.
- (780) Even if Zhongji's commitment to export only five PCNs would reduce, but not eliminate, the risk of cross-compensation, it would be highly impractical to enforce. The customs authorities would not be able to determine whether the imported product corresponds to what is being declared only by physical inspection, without specific measuring tools.
- (781) For the same reason it would be extremely difficult to enforce Zhongji's commitment not to sell any other product than the product under investigation to the same customers in the EU. Moreover, Zhongji related companies export other aluminium products to the EU, that are also subject to anti-dumping measures and there are measures in force on aluminium products that are classified under the same CN code of the product under investigation ⁽¹¹⁶⁾. Finally, the product concerned itself is also subject to anti-dumping measures in the separate anti-dumping case, and an undertaking offer submitted by the same company in that case has already been rejected.
- (782) The Commission sent a letter to the applicant, setting out the above reasons for rejecting the undertaking offer.
- (783) The applicant submitted comments thereto. These comments were made available to interested parties on the case file.
- (784) Zhongji reiterated its arguments laid down in the undertaking offer and claimed that the particular commitments explained in recital (778) above would be sufficient to make the undertaking offer workable. Also, Zhongji did not consider that distinguishing different product types from one another by a physical inspection would be difficult or that the price adjustment mechanism it had proposed would be complex.
- (785) The Commission disagrees. As explained in the recitals (779) to (781), the particular commitments put forward would not remove the fundamental elements making the undertaking offer unenforceable.
- (786) Therefore, the Commission considered the undertaking offer unenforceable and thus impractical within the meaning of Article 13 of the basic Regulation, and therefore rejected the offer.

8. DEFINITIVE COUNTERVAILING MEASURES

- (787) In view of the conclusions reached with regard to subsidisation, injury, causation, and Union interest, and in accordance with Article 15 of the basic Regulation, a definitive countervailing duty should be imposed.

8.1. Level of the definitive countervailing measures

- (788) Article 15(1), third subparagraph of the basic Regulation provides that the amount of the definitive countervailing duty shall not exceed the amount of countervailable subsidies established.

⁽¹¹⁶⁾ Commission Implementing Regulation (EU) 2015/2384 of 17 December 2015 imposing a definitive anti-dumping duty on imports of certain aluminium foils originating in the People's Republic of China and terminating the proceeding for imports of certain aluminium foils originating in Brazil following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009.

- (789) Article 15(1), fourth subparagraph states that “where the Commission, on the basis of all the information submitted, can clearly conclude that it is not in the Union’s interest to determine the amount of measures in accordance with the third subparagraph, the amount of the countervailing duty shall be less if such lesser duty would be adequate to remove the injury to the Union industry”.
- (790) No such information has been submitted to the Commission, and therefore the level of the countervailing measures will be set with reference to Article 15(1), third subparagraph.
- (791) On the basis of the above, the definitive countervailing duty rates, expressed on the CIF Union border price, customs duty unpaid, should be as follows:

Company	Definitive countervailing duty
Daching Group, including Xiamen Xiashun Aluminium Foil Co., Ltd	10,1 %
Nanshan Group, including Yantai Donghai Aluminum Foil Co., Ltd.	18,2 %
Wanshun Group, including Jiangsu Zhongji Lamination Materials Co., Ltd.	8,6 %
Other cooperating companies listed in Annex	12,3 %
All other companies	18,2 %

- (792) The anti-subsidy investigation was carried out in parallel with a separate anti-dumping investigation concerning the same product concerned originating from the PRC, in which the Commission imposed anti-dumping measures at the level of the injury margin. The Commission made sure that the imposition of a cumulated duty reflecting the level of subsidisation and the full level of dumping would not result in offsetting the effects of subsidisation twice (‘double-counting’) in accordance with Article 24(1) and Article 15(2) of the basic Regulation.
- (793) In the separate anti-dumping investigation, the normal value was constructed in accordance with Article 2(6a) of 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 with reference to undistorted costs and profits in an appropriate external representative country. Consequently, in accordance with Article 15(2) of the basic Regulation and in order to avoid double counting, the Commission first imposed the definitive countervailing duty at the level of the established definitive amount of subsidisation and then imposed the remaining definitive anti-dumping duty, which corresponds to the relevant dumping margin reduced by the amount of the countervailing duty and up to the relevant injury elimination level established in the separate anti-dumping investigation. Since the Commission reduced the dumping margin found with the entire amount of subsidisation established in the PRC, there was no double counting issue within the meaning of Article 24(1) of the basic Regulation. Where the amount resulting from deducting the amount of subsidisation from the dumping margin is higher than the injury margin, the Commission capped the anti-dumping duty at the injury margin. Where the amount resulting from deducting the amount of subsidisation from the dumping margin is lower than the injury margin, the Commission set the level of the anti-dumping duty on the basis of the lower amount.
- (794) Given the high rate of cooperation of Chinese exporting producers, the Commission found that the level of the highest duty imposed on the sampled companies would be representative as the ‘all other companies’. The ‘all other companies’ duty will be applied to those companies, which did not cooperate in this investigation.

(795) As mentioned in Recital (594), the total subsidy amount for the cooperating exporting producers not included in the sample was calculated on the basis of the total weighted average amount of countervailing subsidies established for the cooperating exporting producers in the sample with the exclusion of negligible amounts as well as the amount of subsidies established for items, which are subject to the provisions of Article 28(1) of the basic Regulation. However, the Commission did not disregard findings based partially on facts available to determine those amounts. Indeed, the Commission considered that the facts available and used in those cases did not affect substantially the information needed to determine the amount of subsidisation in a fair manner, so that exporters who were not asked to cooperate in the investigation will not be prejudiced by using this approach.

(796) On the basis of the above, the rates at which such duties will be imposed are set as follows:

Company	Amount of subsidisation	Dumping margin	Injury elimination level	Countervailing duty rate	Anti-dumping duty rate
Wanshun Group, including Jiangsu Zhongji Lamination Materials Co., Ltd.	8,6 %	81,5 %	28,5 %	8,6 %	28,5 %
Daching Group, including Xiamen Xiashun Aluminium Foil Co., Ltd	10,1 %	16,1 %	15,4 %	10,1 %	6,0 %
Nanshan Group, including Yantai Donghai Aluminum Foil Co., Ltd.	18,2 %	98,5 %	24,6 %	18,2 %	24,6 %
Other companies cooperating in anti-dumping and in anti-subsidy investigation listed in Annex I	12,3 %	69,5 %	23,6 %	12,3 %	23,6 %
Other companies cooperating in anti-dumping investigation but not in anti-subsidy investigation listed in Annex II	18,2 %	69,5 %	23,6 %	18,2 %	23,6 %
All other companies	18,2 %	98,5 %	28,5 %	18,2 %	28,5 %

(797) The individual company countervailing duty rate specified in this Regulation was established on the basis of the findings of the present investigation. Therefore, it reflects the situation found during the investigation with respect to the company concerned. This duty rate (as opposed to the countrywide duty applicable to 'all other companies') is thus exclusively applicable to imports of products originating in the country concerned and produced by the company mentioned. Imported products produced by any other company not specifically mentioned in the operative part of this Regulation, including entities related to those specifically mentioned, cannot benefit from these rates and shall be subject to the duty rate applicable to 'all other companies'.

- (798) A company may request the application of these individual duty rates if it changes subsequently the name of its entity. The request must be addressed to the Commission. The request must contain all the relevant information enabling to demonstrate that the change does not affect the right of the company to benefit from the duty rate, which applies to it. If the change of name of the company does not affect its right to benefit from the duty rate, which applies to it, an amending Regulation replacing the previous name with the new name will be adopted and published in the *Official Journal of the European Union*.
- (799) To minimise the risks of circumvention due to the difference in duty rates, special measures are needed to ensure the application of the individual countervailing duties. The companies with individual countervailing duties must present a valid commercial invoice to the customs authorities of the Member States. The invoice must conform to the requirements set out in Article 1(4) of this Regulation. Imports not accompanied by that invoice should be subject to the countervailing duty applicable to 'all other companies'.
- (800) While presentation of this invoice is necessary for the customs authorities of the Member States to apply the individual rates of countervailing duty to imports, it is not the only element to be taken into account by the customs authorities. Indeed, even if presented with an invoice meeting all the requirements set out in Article 1(3) of this Regulation, the customs authorities of Member States should carry out their usual checks and should, like in all other cases, require additional documents (shipping documents, etc.) for the purpose of verifying the accuracy of the particulars contained in the declaration and ensure that the subsequent application of the lower rate of duty is justified, in compliance with customs law.
- (801) Should the exports by one of the companies benefiting from lower individual duty rates increase significantly in volume after the imposition of the measures concerned, such an increase in volume could be considered as constituting in itself a change in the pattern of trade due to the imposition of measures within the meaning of Article 23(1) of the basic Regulation. In such circumstances and provided the conditions are met an anti-circumvention investigation may be initiated. This investigation may, *inter alia*, examine the need for the removal of individual duty rate(s) and the consequent imposition of a countrywide duty.
- (802) In order to ensure a proper enforcement of the countervailing duty, the duty level for all other companies should not only apply to the non-cooperating exporting producers, but also to those producers, which did not have any exports to the Union during the investigation period.
- (803) Following the final disclosure, Xiamen Xiashun as well as Gascogne argued that the General Disclosure would not establish how the Commission would avoid double counting as provided by the basic regulation. Xiamen Xiashun referred to the Commission Regulation in GFF, in which the definitive countervailing duty was established at the level of the established definitive amount of subsidisation while the definitive anti-dumping duty was established at the level of the definitive dumping margin reduced by the definitive countervailing duty where the relevant dumping margin reduced by the countervailing duty is lower than the injury elimination level. Xiamen Xiashun requested the Commission to disclose the method it will apply in calculating the combined duties.
- (804) As acknowledged by Xiamen Xiashun, recital (555) of the General Disclosure Document establishes that, should anti-dumping duties be imposed, the Commission would make sure that the imposition of a cumulated duty reflecting the level of subsidisation and the full level of dumping would not result in offsetting the effects of subsidisation twice ("double counting"). As described in recital (793), the Commission followed the same approach that Xiamen Xiashun referred to from the GFF case. This is the standard practice of the Commission in the situation of anti-subsidy and anti-dumping investigations covering the same product. At the time of the final disclosure in this

case, no final duties have yet been imposed in the anti-dumping procedure. The Commission could therefore not possibly comment on amending imposed duties, as there were no duties formally in place at the time. However, Xiamen Xiashun and Gascogne had the full possibility of commenting on the avoidance of double counting in reaction to the final disclosure. In any event, parties have a possibility to make comments on potential double counting at this stage. The Commission therefore rejected the claim for a further disclosure.

- (805) Following the final disclosure, the consortium of importers and Nanshan requested the Commission to apply the lesser duty rule in Article 15(1) of the Basic Regulation and cap the combined anti-dumping and countervailing duties at the level of the injury margin, noting that there was ample information on file showing that the imposition of countervailing duties on top of the anti-dumping duties would disrupt the Union ACF market.
- (806) At the outset, the Commission recalls that the rationale for the rule under Article 15(1), fourth subparagraph of the basic Regulation in anti-subsidy proceedings is detailed in particular at recital (10) of Regulation 2018/825⁽¹¹⁷⁾, which sets out that “countervailable subsidies granted by third countries are particularly distortive of trade” and therefore “it is, in general, no longer possible to apply the lesser duty rule.” The default rule in countervailing duty proceedings is that the lesser duty rule does not apply, unless there is evidence that it is clearly in the Union interest to apply it. The standard of evidence to arrive to this conclusion is substantial and should specifically and positively demonstrate that it is in the Union interest to apply a lower level of duty than the amount of subsidisation found.
- (807) In the present case, the Commission has addressed all the arguments from the parties regarding Union interest, including those submitted by the consortium of importers and Nanshan, at Section 6 above. The Commission concluded that there are no compelling reasons to conclude that it is not in the Union interest to impose definitive countervailing measures setting the duty at the amount of countervailable subsidies established. The consortium of importers and Nanshan have provided no positive and specific evidence that would allow the Commission to conclude that it is clearly not in the Union interest to set the duty at such level, and instead that it should set it at the lower level capped by the injury margin. Therefore, the standard of evidence required in Article 15(1) fourth subparagraph is not met and the claim by these parties was rejected.

9. DISCLOSURE

- (808) Interested parties were informed on 3 November 2021 of the essential facts and considerations on the basis of which it was intended to recommend the imposition of a definitive countervailing duty on imports of ACF originating in the PRC. Interested parties were given the opportunity to provide comments on the accuracy of the calculations specifically disclosed to them.
- (809) Nine parties submitted comments on disclosure. Further, several interested parties had expressed their wish to incorporate the comments submitted in the context of the separate anti-dumping procedure into this anti-subsidy investigation. Upon request, hearings were held with the consortium of importers, Nanshan Group and Wanshun Group. The comments submitted by interested parties were duly considered, and, where appropriate, the findings have been modified accordingly.

⁽¹¹⁷⁾ OJ L 143, 7.6.2018, p. 1.

10. FINAL PROVISIONS

- (810) In view of Article 109 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council ⁽¹¹⁸⁾, when an amount is to be reimbursed following a judgment of the Court of Justice of the European Union, the interest to be paid should be the rate applied by the European Central Bank to its principal refinancing operations, as published in the C series of the *Official Journal of the European Union* on the first calendar day of each month.
- (811) As explained in recitals (788) to (793), the Commission deducted from the dumping margin part of the subsidy amount in order to avoid double counting. Thus, should any modification or removal of the definitive countervailing duties occur, the level of anti-dumping duties should be automatically increased by the same proportion in order to reflect the actual extent of double counting as a result of this modification or removal. This change of the anti-dumping duties should take place as from the entry into force of this regulation.
- (812) The measures provided for in this Regulation are in accordance with the opinion of the Committee, established by Article 25(1) of Regulation (EU) 2016/1037 of the European Parliament and of the Council of 8 June 2016 on protection against subsidised imports from countries not members of the European Union ⁽¹¹⁹⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive countervailing duty is imposed on imports of aluminium converter foil of a thickness of less than 0,021 mm, not backed, not further worked than rolled, in rolls of a weight exceeding 10 kg, currently falling under CN code ex 7607 11 19 (TARIC codes 7607 11 19 60 and 7607 11 19 91) and originating in People's Republic of China.
2. The following products are excluded:
 - Aluminium household foil of a thickness of not less than 0,008 mm and not more than 0,018 mm, not backed, not further worked than rolled, in rolls of a width not exceeding 650 mm and of a weight exceeding 10 kg.
 - Aluminium household foil of a thickness of not less than 0,007 mm and less than 0,008 mm, regardless of the width of the rolls, whether or not annealed.
 - Aluminium household foil of a thickness of not less than 0,008 mm and not more than 0,018 mm and in rolls of a width exceeding 650 mm, whether or not annealed.
 - Aluminium household foil of a thickness of more than 0,018 mm and less than 0,021 mm, regardless of the width of the rolls, whether or not annealed.
3. The rates of the definitive countervailing duty applicable to the net, free-at-Union-frontier price, before duty, of the product described in paragraph 1 and produced by the companies listed below shall be as follows:

Company	Definitive countervailing duty	TARIC additional code
Xiamen Xiashun Aluminium Foil Co., Ltd	10,1 %	C687

⁽¹¹⁸⁾ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

⁽¹¹⁹⁾ OJ L 176, 30.6.2016, p. 21, as last amended by Regulation (EU) 2018/825 of the European Parliament and of the Council of 30 May 2018 amending Regulation (EU) 2016/1036 on protection against dumped imports from countries not members of the European Union and Regulation (EU) 2016/1037 on protection against subsidised imports from countries not members of the European Union (OJ L 143, 7.6.2018, p. 1).

Yantai Donghai Aluminum Foil Co., Ltd.	18,2 %	C688
Jiangsu Zhongji Lamination Materials Co., Ltd.	8,6 %	C686
Other companies cooperating in both anti-subsidy and anti-dumping investigation listed in Annex I	12,3 %	See Annex I
Other companies cooperating in anti-dumping investigation but not in anti-subsidy investigation listed in Annex II	18,2 %	See Annex II
All other companies	18,2 %	C999

4. The application of the individual countervailing duty rates specified for the companies mentioned in paragraph 3 shall be conditional upon presentation to the Member States' customs authorities of a valid commercial invoice, on which shall appear a declaration dated and signed by an official of the entity issuing such invoice, identified by his/her name and function, drafted as follows: 'I, the undersigned, certify that the (volume) of (product concerned) sold for export to the European Union covered by this invoice was manufactured by (company name and address) (TARIC additional code) in the People's Republic of China. I declare that the information provided in this invoice is complete and correct.' If no such invoice is presented, the duty applicable to all other companies shall apply.

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

6. In cases where the countervailing duty has been subtracted from the anti-dumping duty for certain exporting producers, refund requests under Article 21 of Regulation (EU) 2016/1037 shall also trigger the assessment of the dumping margin for that exporting producer prevailing during the refund investigation period.

Article 2

Implementing Regulation (EU) 2021/2170 is amended as follows:

(1) Article 1(3) is replaced by the following:

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

Company	Definitive anti-dumping duty	TARIC additional code
Xiamen Xiashun Aluminium Foil Co., Ltd	6,0 %	C687
Yantai Donghai Aluminum Foil Co., Ltd.	24,6 %	C688
Jiangsu Zhongji Lamination Materials Co., Ltd.	28,5 %	C686

Other companies cooperating in both anti-subsidy and anti-dumping investigation listed in Annex I	23,6 %	See Annex I
Other companies cooperating in anti-dumping investigation but not in anti-subsidy investigation listed in Annex II	23,6 %	See Annex II
All other companies	28,5 %	C999'

(2) a new Article 1(6) is inserted:

'6. Should the definitive countervailing duties imposed by Article 1 of Commission Implementing Regulation (EU) 2021/2170 be modified or removed, the duties specified in paragraph 2 or in Annexes I and II will be increased by the same proportion limited to the actual dumping margin found or the injury margin found as appropriate per company and from the entry into force of this Regulation.'

(3) a new Article 1(7) is inserted:

'7. In cases where the countervailing duty has been subtracted from the anti-dumping duty for certain exporting producers, refund requests under Article 21 of Regulation (EU) 2016/1037 shall also trigger the assessment of the dumping margin for that exporting producer prevailing during the refund investigation period.'

(4) the Annex is replaced by Annex I and II.

Article 3

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

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

Done at Brussels, 17 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

Other companies cooperating in both anti-subsidy and anti-dumping investigation

Country	Name	TARIC additional code
People's Republic of China	Zhangjiagang Fineness Aluminum Foil Co., Ltd.	C689
People's Republic of China	Kunshan Aluminium Co., Ltd.	C690
People's Republic of China	Luoyang Wanji Aluminium Processing Co., Ltd.	C692
People's Republic of China	Shanghai Sunho Aluminum Foil Co., Ltd.	C693
People's Republic of China	Binzhou Hongbo Aluminium Foil Technology Co. Ltd.	C694

ANNEX II

Other companies cooperating in the anti-dumping investigation but not in the anti-subsidy investigation

Country	Name	TARIC additional code
People's Republic of China	Suntown Technology Group Corporation Limited	C691

COMMISSION DELEGATED REGULATION (EU) 2021/2288**of 21 December 2021****amending the Annex to Regulation (EU) 2021/953 of the European Parliament and of the Council as regards the acceptance period of vaccination certificates issued in the EU Digital COVID Certificate format indicating the completion of the primary vaccination series****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2021/953 of the European Parliament and of the Council of 14 June 2021 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) to facilitate free movement during the COVID-19 pandemic ⁽¹⁾, and in particular Article 5(2) and (4) thereof,

Whereas:

- (1) Regulation (EU) 2021/953 lays down a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) for the purpose of facilitating the holders' exercise of their right to free movement during the COVID-19 pandemic. It is also to contribute to facilitating the gradual lifting of restrictions to free movement put in place by the Member States, in accordance with Union law, to limit the spread of SARS-CoV-2, in a coordinated manner.
- (2) The EU Digital COVID Certificate framework established by Regulation (EU) 2021/953 allows for the issuance, cross-border verification and acceptance of three types of COVID-19 certificates. One of these is the vaccination certificate, that is, a certificate confirming that the holder has received a COVID-19 vaccine in the Member State issuing the certificate.
- (3) Pursuant to Regulation (EU) 2021/953, each Member State is to, automatically or upon request by the persons concerned, issue vaccination certificates to persons to whom a COVID-19 vaccine has been administered. In terms of categories of personal data, the vaccination certificate is to contain the identity of the holder, information about the COVID-19 vaccine and the number of doses administered to the holder, and certificate metadata, such as the certificate issuer or a unique certificate identifier. That data is to be included in the vaccination certificate in accordance with the specific data fields set out in point 1 of the Annex to Regulation (EU) 2021/953.
- (4) When Regulation (EU) 2021/953 was adopted, insufficient data was available as to the duration of protection resulting from the completion of the primary series of a COVID-19 vaccine. As a result, the data fields to be included in vaccination certificates in accordance with the Annex to Regulation (EU) 2021/953 do not include data concerning an acceptance period, unlike the data fields to be included in certificates of recovery.
- (5) On 4 October 2021, the European Medicines Agency's Committee for Medicinal Products for Human Use concluded that booster doses for Comirnaty may be considered at least six months after the second dose for people aged 18 years and older. On 25 October 2021, the Committee concluded that a booster dose of Spikevax may be considered in people aged 18 years and above at least six months after the second dose. On 15 December 2021, the Committee concluded that a booster dose of COVID-19 Vaccine Janssen may be considered at least two months after the first dose in people aged 18 years and above and that COVID-19 Vaccine Janssen may also be given after two doses of Comirnaty or Spikevax.

⁽¹⁾ OJ L 211, 15.6.2021, p. 1.

- (6) In this context, the European Centre for Disease Prevention and Control published, on 24 November 2021, a Rapid Risk Assessment of the current SARS-CoV-2 epidemiological situation, projections for the end-of-year festive season and strategies for response in the EU/EEA ^(?), in which it noted that emerging evidence showed a significant increase in protection against infection and severe disease following a booster dose in all age groups in the short term. According to the European Centre for Disease Prevention and Control, Member States of the Union and EEA countries should urgently consider a booster dose for those 40 years and over, targeting the most vulnerable and the elderly, and that countries could also consider a booster dose for all adults 18 years and older at least six months after completing their primary series to increase protection against infection due to waning immunity, which could potentially reduce the transmission of the virus in the population and prevent additional hospitalisations and deaths.
- (7) In its Rapid Risk Assessment of 15 December 2021 ^(?), the European Centre for Disease Prevention and Control noted that according to currently available evidence, booster doses will increase protection against severe outcomes caused by the 'Delta' variant of concern, and preliminary evaluations also suggest boosters could increase protection against the 'Omicron' variant of concern, with an expected higher population impact if the booster dose is given within a short interval of time to most of the adult population. According to the European Centre for Disease Prevention and Control, data currently available support safe and effective administration of a booster dose as early as three months from completion of the primary vaccination series.
- (8) In connection with the administration of booster doses, more and more Member States are adopting rules as to how long vaccination certificates indicating the completion of primary vaccination series should be accepted, taking into account that the resulting protection from infection with COVID-19 appears to be waning over time. These rules either apply to domestic use-cases only, or also apply to the acceptance of vaccination certificates for the purpose of travel.
- (9) Unilateral measures in that area have the potential to cause significant disruption as Union citizens and businesses are confronted with a wide array of diverging measures. In the absence of a uniform approach at Union level, citizens would be obliged to verify each Member State's rules in order to determine whether their vaccination certificates continue to be accepted. This uncertainty also bears the risk of impairing trust in the EU Digital COVID Certificate and compliance with the necessary public health measures being undermined. Particularly stringent rules in one Member State could make it impossible for citizens travelling from another Member State to benefit from the lifting of restrictions for vaccinated travellers, as they might not yet be in a position to obtain the necessary booster dose before travelling. These risks are particularly harmful in a situation where the economy of the Union has already been significantly affected by the virus.
- (10) To avoid diverging and disruptive measures, it is thus necessary to establish, for the purpose of travel, a standard acceptance period of 270 days for vaccination certificates indicating the completion of the primary vaccination series. This takes into account the guidance of the European Centre for Disease Prevention and Control regarding the administration of booster doses as of six months after completion of the primary vaccination series, and provides for an additional period of three months to ensure that national vaccination campaigns can adjust and citizens can have access to the administration of boosters. To ensure a coordinated approach, Member States should not accept vaccination certificates indicating the completion of the primary vaccination series if more than 270 days have passed since the administration of the dose indicated therein. At the same time, and in order to ensure a coordinated approach, Member States should not, for the purpose of travel, provide for an acceptance period shorter than 270 days. Within this standard acceptance period, vaccination certificates indicating the completion of the primary vaccination series should continue to be accepted by a Member State even if it is already administering booster doses.
- (11) Member States should immediately take all necessary steps to ensure the availability of and access to vaccination for those population groups whose previously issued vaccination certificates approach the limit of the standard acceptance period, with full regard for domestic decisions on prioritisation for different population groups in the vaccination roll-out in light of national policy and the epidemiological situation. Member States should also inform citizens about the standard acceptance period and the need to obtain booster doses.

^(?) <https://www.ecdc.europa.eu/en/publications-data/rapid-risk-assessment-sars-cov-2-november-2021>

^(?) <https://www.ecdc.europa.eu/en/publications-data/covid-19-assessment-further-emergence-omicron-18th-risk-assessment>

- (12) The standard acceptance period of 270 days should apply to certificates indicating the completion of the primary vaccination series, be it a single-dose primary course, a two-dose primary series, or, in line with the vaccination strategy of the Member State of vaccination, a single dose primary course of a two-dose vaccine after having previously been infected with SARS-CoV-2. It should apply to all vaccination certificates, that is, regardless of the COVID-19 vaccine indicated therein.
- (13) As reported by the European Centre for Disease Prevention and Control, the follow-up times after administration of the booster dose in the available studies are short, and further monitoring of data is needed to determine the duration of immunity following the booster dose against infection, mild disease and severe disease. As of yet, there are no studies expressly addressing the effectiveness of boosters on transmission of SARS-CoV-2 and therefore it is not possible for now to determine an acceptance period for certificates indicating the administration of booster doses. However, the emerging data on the effectiveness of booster doses on restoring a high protection against infection indicate that they are also likely to have an important impact on limiting onward transmission. It can reasonably be expected that protection from booster vaccinations may last longer than that resulting from the primary series. Therefore, no acceptance period should, at this stage, apply to certificates indicating the administration of a booster dose, regardless whether the booster dose was administered during the 270-day acceptance period applicable to certificates indicating the completion of the primary vaccination series or whether it was administered afterwards.
- (14) In addition, no acceptance period should be established for additional doses administered to better protect individuals who mount inadequate immune responses following the completion of the primary vaccination series. A need to distinguish between such additional doses and booster doses would create a risk that the health status of such vulnerable groups is disclosed inadvertently. References in this Regulation to booster doses should thus be understood as also covering such additional doses.
- (15) It is necessary to monitor and to regularly re-evaluate the approach regarding the acceptance period to assess whether adaptations might be needed on the basis of newly emerging scientific evidence, including in relation to the acceptance period for certificates indicating the administration of a booster dose. As there are currently no recommendations from the European Medicines Agency to administer booster doses to persons below the age of 18, this re-evaluation should also assess whether exemptions from the standard acceptance period might be justified for this age group.
- (16) The standard acceptance period should not be included as a new data field in the vaccination certificate, but should be applied at the level of verification, by adapting the mobile applications used to verify EU Digital COVID Certificates. If a relevant vaccination certificate indicating a date of vaccination exceeding the acceptance period of 270 days is presented to the verifier, the mobile application used for verification should indicate the certificate as expired. Applying the standard acceptance period at the level of verification allows for easier follow-up of further evolution in scientific evidence than if a set expiry date is included in the certificates. For the purpose of applying the standard acceptance period at the level of verification, the data field on the date of vaccination should be modified. Doing so is preferable to adding a new data field specifically on the expiry date of a vaccination certificate. Adding a new data field would imply the need either to re-issue already issued vaccination certificates or to establish technical systems capable of interpreting, at the same time, already issued vaccination certificates without an expiry date and newly issued vaccination certificates featuring an expiry date. To ensure its uniform application, the standard acceptance period of vaccination certificates should be incorporated into the verification applications of all Member States.
- (17) In accordance with Articles 3(10) and 8(2) of Regulation (EU) 2021/953, vaccination certificates covered by an implementing act adopted pursuant to these provisions are to be accepted under the same conditions as EU Digital COVID Certificates. Accordingly, such certificates should not be accepted if they have been indicating the completion of the primary vaccination series and if more than 270 days have passed since the administration of the dose indicated therein.
- (18) Regulation (EU) 2021/953 should therefore be amended accordingly.
- (19) Pursuant to Article 5(4) of Regulation (EU) 2021/953, where, in the case of newly emerging scientific evidence, imperative grounds of urgency so require, the urgency procedure provided for in Article 13 of that Regulation is to apply to delegated acts adopted pursuant to Article 5(2).

- (20) In light of the already evident diverging responses from Member States to the newly emerging scientific evidence on the duration of protection resulting from the completion of the primary series of a COVID-19 vaccine, imperative grounds of urgency require the use of the procedure provided for in Article 13 of Regulation (EU) 2021/953. Delaying immediate action would risk aggravating these divergences and would be detrimental to the trust in the EU Digital COVID Certificate. In addition, citizens would be faced with an extended period of unilateral rules as to the acceptance of their vaccination certificates.
- (21) Given the urgency of the situation related to the COVID-19 pandemic, this Regulation should enter into force on the third day following that of its publication in the *Official Journal of the European Union*. To allow for sufficient time for the technical implementation of the standard acceptance period, this Regulation should apply from 1 February 2022.
- (22) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council⁽⁴⁾ and delivered formal comments on 14 December 2021,

HAS ADOPTED THIS REGULATION:

Article 1

In point 1 of the Annex to Regulation (EU) 2021/953, point (h) is replaced by the following:

‘(h) date of vaccination, indicating the date of the latest dose received (certificates indicating the completion of the primary vaccination series shall be accepted only if not more than 270 days have passed since the date of the latest dose in that series);’.

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 from 1 February 2022.

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

Done at Brussels, 21 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

⁽⁴⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

COMMISSION IMPLEMENTING REGULATION (EU) 2021/2289**of 21 December 2021****laying down rules for the application of Regulation (EU) 2021/2115 of the European Parliament and of the Council on the presentation of the content of the CAP Strategic Plans and on the electronic system for the secure exchange of information**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 ⁽¹⁾, and in particular Article 117 and Article 150(3) thereof,

Whereas:

- (1) Pursuant to Article 104(1) of Regulation (EU) 2021/2115 Member States are to establish CAP Strategic Plans in accordance with that Regulation to implement the Union support financed by the EAGF and the EAFRD. Rules for the presentation of the content of those CAP Strategic Plans, based in particular on the requirements set out in Articles 107 to 115 of that Regulation should be laid down.
- (2) In order to allow a consistent and complete assessment by the Commission of the content of the CAP Strategic Plans, Member States should have the possibility to include additional annexes not required pursuant to Article 115 of Regulation (EU) 2021/2115 and not subject to approval in accordance with Articles 118 and 119 of that Regulation.
- (3) Article 150(1) of Regulation (EU) 2021/2115 provides that the Commission, in collaboration with Member States, is to establish an information system to enable the secure exchange of data of common interest between the Commission and each Member State. It is necessary to provide for rules for the operation of that system, and in particular on the share of responsibilities of the Commission and the Member States in this regard. Those rules should apply to the information to be submitted in accordance with Regulation (EU) 2021/2115 or with the delegated or implementing acts adopted pursuant to that Regulation.
- (4) Since Member States need to have rules on the presentation of the elements of the CAP Strategic Plans and on the transmission of those plans when submitting them to the Commission for approval, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Common Agricultural Policy Committee,

HAS ADOPTED THIS REGULATION:

*Article 1***Content of the CAP Strategic Plan**

Member States shall present the content of the CAP Strategic Plan provided for in Title V, Chapter II, of Regulation (EU) 2021/2115 as set out in Annex I to this Regulation.

⁽¹⁾ OJ L 435, 6.12.2021, p. 1.

*Article 2***Additional annexes to the CAP Strategic Plan**

Member States may submit additional information as separate annexes to their CAP Strategic Plan in addition to the ones set out in Article 115 of Regulation (EU) 2021/2115.

The approval of the CAP Strategic Plan in accordance with Article 118 of Regulation (EU) 2021/2115 and the approval of an amendment of the CAP Strategic Plan in accordance with Article 119(10) of that Regulation shall not apply to those additional annexes.

*Article 3***Electronic system for the secure exchange of information**

Member States shall carry out exchanges of information to be made in accordance with Regulation (EU) 2021/2115 or in accordance with the delegated or implementing acts adopted pursuant to that Regulation by means of the electronic system for the secure exchange of information called 'SFC2021', for which the responsibilities of the Commission and the Member States are set out in Annex II to this Regulation.

By way of derogation from paragraph 1, information related to Title III, Chapter III, of Regulation (EU) 2021/2115 to be sent by Member States pursuant to the implementing act to be adopted on the basis of Article 143(4) of that Regulation shall be transmitted in accordance with the rules laid down in Commission Implementing Regulation (EU) 2017/1185 ⁽²⁾ and by means of the information-technology-based system made available by the Commission pursuant to that Implementing Regulation.

*Article 4***Entry into force**

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

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

Done at Brussels, 21 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

⁽²⁾ Commission Implementing Regulation (EU) 2017/1185 of 20 April 2017 laying down rules for the application of Regulations (EU) No 1307/2013 and (EU) No 1308/2013 of the European Parliament and of the Council as regards notifications to the Commission of information and documents and amending and repealing several Commission Regulations (OJ L 171, 4.7.2017, p. 113).

ANNEX I

Presentation of the content of the CAP Strategic Plan**1. Strategic statement**

The overview of the CAP Strategic Plan shall outline what the CAP aims to achieve in the Member State's territory. It shall focus on the main expected results and interventions, including relevant elements of the green architecture, in light of the identified needs, and summarise key choices on financial allocation. It shall demonstrate how these aspects relate to each other. Highlights may be provided as to how the main elements provided in the Commission Recommendations for the CAP Strategic Plan have been addressed.

2. Assessment of needs, intervention strategy, context indicators and target plan**2.1. Assessment of needs**

For each specific objective referred to in Article 6(1) and (2) of Regulation (EU) 2021/2115, this subsection of the CAP Strategic Plan shall contain:

- (a) a summary of the analysis of the situation in terms of strengths, weaknesses, opportunities and threats ('the SWOT analysis') into four parts (strengths, weaknesses, opportunities and threats);
- (b) an identification and description of each need regardless of whether they are addressed with CAP Strategic Plan interventions. This shall include:
 - (i) a description of the need, including types of areas or territories concerned where relevant;
 - (ii) the link of each need with one or more specific objectives referred to in Article 6(1) and (2) of Regulation (EU) 2021/2115;
 - (iii) with regard to the specific objective referred to in Article 6(1), point (a), of Regulation (EU) 2021/2115, an assessment of those needs in relation to a fairer distribution and more effective and efficient targeting of direct payments, where relevant taking into account the farm structure, and an assessment of needs in relation to risk management;
 - (iv) with regard to needs linked to the specific objectives referred to in Article 6(1), points (d), (e) and (f), of Regulation (EU) 2021/2115, how the relevant targets and other elements of the national environmental and climate plans emanating from the legislative acts referred to in Annex XIII to that Regulation have been taken into account. The description shall make clear which needs relate to which of the relevant targets or national environmental and climate plans.

This subsection shall define at the level of the CAP Strategic Plan:

- (a) prioritisation of needs, including a sound justification of the choices made and the method and criteria used;
- (b) where relevant, an explanation of the reasons why certain needs are not addressed or partially addressed in the CAP Strategic Plan;
- (c) where relevant, an assessment of needs of specific geographical areas, such as the outermost regions, mountainous and island areas.

2.2. Intervention strategy

This subsection shall contain for each specific objective referred to in Article 6(1) and (2) of Regulation (EU) 2021/2115:

- (a) a description of the intervention strategy, explaining how the combination of interventions, and other relevant key elements of the CAP Strategic Plan are expected to work together in addressing the needs, including territorial aspects, how interventions contribute in a direct and significant way to the specific objective and how they combine with other relevant instruments outside the CAP Strategic Plan;

- (b) a selection of the result indicator(s) on the basis of the assessment of needs, including a justification of the targets and related milestones relevant for the entire CAP Strategic Plan, based on the list in Annex I to Regulation (EU) 2021/2115. The links between result indicators and objectives shall be consistent with both the needs assessment and intervention logic, and shall take into account the links between interventions and result indicators.

Member States shall set one target value per result indicator for the whole CAP Strategic Plan period.

When the target is a ratio, Member States shall provide the numerator and the denominator. The values of targets and annual milestones shall be coherent and compatible with the needs and also with the values of planned outputs of the interventions linked to the corresponding result indicators and shall include, where relevant, the additional national financing referred to in Article 115(5) of Regulation (EU) 2021/2115;

- (c) an explanation on how the interventions allow reaching the targets and how they are mutually coherent and compatible;
- (d) a justification that the financial allocations to the interventions are adequate to achieve the targets set and are consistent with the financial plan;
- (e) where relevant, a justification of the use of the InvestEU and its contribution to the achievement of one or more of the specific objectives set out in Article 6(1) and (2) of Regulation (EU) 2021/2115 and selected under the CAP Strategic Plan.

This subsection shall also include an explanation of the national contribution to achieving the Union's targets for 2030 set out in the Farm to Fork Strategy and the EU Biodiversity Strategy with a view to allowing the Commission to assess the consistency and contribution of the proposed CAP Strategic Plan to the Union's environmental and climate legislation and commitments and, in particular, to the relevant Union targets. Member States may add further information in an additional annex to the CAP Strategic Plan as referred to in Article 2 of this Regulation.

2.3. *Context indicators*

This subsection shall provide, for the context indicators listed in Annex I to Regulation (EU) 2021/2115 used as denominators of result indicators, the baseline value and year, using the latest available data.

2.4. *Target plan*

This subsection shall display in a recapitulative table, for each result indicator selected for the intervention logic in accordance with subsection 2.2, point (b), the target value and annual milestones.

3. **Consistency of the strategy**

For each subsection, this section shall provide an overview of synergies and complementarities emerging from a combination of interventions and conditions set in the CAP Strategic Plan.

This section shall contain the following subsections:

3.1. *An overview of the environmental and climate architecture*

This subsection shall include a description on:

- (a) the overall contribution of conditionality to the specific environmental and climate-related objectives;
- (b) the complementarity between the relevant baseline conditions, as referred to in Articles 31(5) and 70(3) of Regulation (EU) 2021/2115, conditionality and the different interventions addressing environmental and climate-related objectives set out in Article 6(1), points (d), (e), and (f), of that Regulation;
- (c) the way the increased ambition with regard to environmental and climate-related objectives, as set out in Article 105 of Regulation (EU) 2021/2115 is expected to be achieved;

- (d) an explanation of how the environmental and climate architecture contributes to, and is consistent with the long-term national targets set out or derived from the legislative acts referred to in Annex XIII to Regulation (EU) 2021/2115;
- (e) for each GAEC, a description of the way the Union standard is implemented, including the following elements: a summary of the on-farm practice, territorial scope, type of farmers subject to the standard and, where necessary, a description of how the practice contributes to achieving the GAEC standard's main objective.

This description shall include the following information:

- (i) for GAEC 1: a summary of the on-farm obligations such as authorisation and reconversion and other rules in case that the ratio of permanent grassland in relation to total agricultural area falls below the reference ratio, the territorial level (national, regional, sub-regional, holding level) for the calculation of the reference ratio of permanent grassland in relation to total agricultural area, the value of the reference ratio at the applicable levels as well as an explanation of its calculation;
- (ii) for GAEC 2, an indication of:
 - the main types of agricultural areas present in the peatland and wetland areas identified and designated;
 - the requirements that will be applied to the different types of agricultural land to protect carbon-rich soils;
 - the starting year of the application of the GAEC; if the application is planned for claim year 2024 or 2025, a justification of this delay shall be provided based on the needs and planning as regards the management system referred to in footnote 1 to GAEC 2 in Annex III to Regulation (EU) 2021/2115;
 - if the application of this GAEC is planned for claim year 2024 or 2025, the description of the type of agricultural areas in the designated area and the summary of the on-farm practices shall be provided at the latest in the CAP Strategic Plan amendment as approved by the Commission in accordance with Article 119 of Regulation (EU) 2021/2115 prior to the first year of application of the GAEC;
- (iii) for GAEC 3: an indication of the conditions for the derogation for plant health reasons;
- (iv) for GAEC 4:
 - the minimal width of buffer strips and the definition of water courses to be protected by applying this standard, where relevant, to be provided in the territorial scope;
 - explanation of the specific local circumstances, if Member States adjust the minimum width of buffer strips in areas with significant dewatering and irrigation ditches;
- (v) for GAEC 5: a summary of the on-farm practice specifying the slope gradient and, identifying, where relevant, the areas at risk of erosion;
- (vi) for GAEC 6:
 - a summary of the on-farm practice specifying the most sensitive period(s) concerned and the type of soil cover;
 - if Member States apply footnote 2 to GAEC 6 of Annex III to Regulation (EU) 2021/2115, explanation of the specific conditions of the regions concerned;
- (vii) for GAEC 7:
 - a summary of the on-farm practice specifying the rotation practices and the definition of crop and secondary crop;
 - the type of farmers concerned including the exemptions applied referred to in Annex III to Regulation (EU) 2021/2115;

- where Member State authorise practices related to enhanced crop rotation with leguminous crops and crop diversification in specific regions of their territory as referred to in footnote 3 to GAEC 7 in Annex III to Regulation (EU) 2021/2115, an explanation of the contribution of these practices to preserve the soil potential in line with the objectives of the GAEC on the basis of the diversity of farming methods and agro-climatic conditions in the regions concerned and a justification of the choice made;
- (viii) for GAEC 8:
- an explanation of the choice of options made by Member States for the minimum share of arable land devoted to non-productive areas or features, particularly if not all three options laid down in Annex III to Regulation (EU) 2021/2115 are applicable;
 - the specific share(s) of arable land subject to the standard;
 - an indication of landscape features and non-productive areas from the following indicative list: land lying fallow, hedgerows, individual or groups of trees, trees rows, field margins, patches, buffer strips, ditches, streams, small ponds, small wetlands, stonewalls, cairns, terraces, cultural features, other;
 - for each type of landscape feature and non-productive areas selected by Member States among the ones of the indicative list under the second indent of this point, an indication of the minimum size and weighting factors or conversion factors used for the calculation of the minimum share of landscape features and non-productive areas in arable land according to their contribution to the biodiversity objective, where applicable;
 - the information on the type of farmers concerned, including the exemptions applied referred to in footnote 1 to GAEC 8 in Annex III to Regulation (EU) 2021/2115;
 - the list of landscape features concerned by the standard on retention of landscape features;
 - the measures for avoiding invasive plant species where applicable;
- (ix) for GAEC 9: elements to designate environmentally-sensitive permanent grassland and the corresponding indicative number of hectares;
- (f) when Member States set additional GAEC standards to those laid down in Annex III concerning the main objectives of that Annex, pursuant to Article 13(2) of Regulation (EU) 2021/2115, an explanation of the on-farm practice, territorial scope, type of farmers subject to the standard and description of how the standard contributes to achieving the objective;
- (g) where relevant, an explanation of the CAP contribution to leverage support and upscale integrated Strategic Nature Projects benefiting farmers' communities as provided for in Regulation (EU) 2021/783 of the European Parliament and of the Council ⁽¹⁾.

3.2. Overview of the relevant interventions and conditions for young farmers

This subsection shall provide the elements laid down in Article 109(2), point (b), of Regulation (EU) 2021/2115 and, where relevant, an explanation of the CAP contribution in respect of transnational learning mobility of people in the field of agricultural and rural development with a focus on young farmers and women in rural areas, in accordance with Regulation (EU) 2021/817 of the European Parliament and of the Council ⁽²⁾.

⁽¹⁾ Regulation (EU) 2021/783 of the European Parliament and of the Council of 29 April 2021 establishing a Programme for the Environment and Climate Action (LIFE), and repealing Regulation (EU) No 1293/2013 (OJ L 172, 17.5.2021, p. 53).

⁽²⁾ Regulation (EU) 2021/817 of the European Parliament and of the Council of 20 May 2021 establishing Erasmus+: the Union Programme for education and training, youth and sport and repealing Regulation (EU) No 1288/2013 (OJ L 189, 28.5.2021, p. 1).

3.3. *Overview of relationship between coupled income support and Directive 2000/60/EC of the European Parliament and of the Council* ⁽³⁾

This subsection shall provide the elements laid down in Article 109(2), point (c), of Regulation (EU) 2021/2115.

3.4. *Overview as regards the aim of fairer distribution and more effective and efficient targeting of income support*

This subsection shall provide the elements laid down in Article 109(2), point (d), of Regulation (EU) 2021/2115.

3.5. *Overview of the sector-related interventions*

This subsection shall provide the elements laid down in Article 109(2), point (e), of Regulation (EU) 2021/2115. In addition, the overview per sector shall include where relevant, complementarity with the elements of conditionality.

3.6. *Overview of the interventions that contribute to ensure a coherent and integrated approach to risk management*

This subsection shall explain the combination of interventions, including, where relevant, the option laid down in Article 19 of Regulation (EU) 2021/2115, intended to contribute to ensure a coherent and integrated approach to risk management.

3.7. *Interplay between national and regional interventions and elements*

This subsection shall include:

- (a) where relevant, a description of the interplay between national and regional interventions, including the distribution of financial allocations per intervention and per fund;
- (b) where elements of the CAP Strategic Plan are established at regional level, an explanation on how the intervention strategy ensures the coherence and the consistency of these elements with the elements of the CAP Strategic Plan established at national level.

3.8. *Overview of contribution to the objective of improving animal welfare and combatting antimicrobial resistance, referred to in Article 6(1), point (i), of Regulation (EU) 2021/2115*

This subsection shall provide the elements laid down in Article 109(2), point (h), of Regulation (EU) 2021/2115.

3.9. *An explanation of how the interventions and elements common to several interventions contribute to simplification for final beneficiaries and reducing the administrative burden*

This explanation shall notably include measures taken in the implementation of the CAP through technology and data that help simplify management and administration of the CAP, and through the simplification of the design of interventions in the CAP Strategic Plan.

4. **Elements common to several interventions**

4.1. Definitions and minimum requirements

This subsection shall include the following:

(a) **agricultural activity**

As regards the definition of agricultural production, Member States shall only provide information where they amend the definition compared to Article 4(1), point (c)(i), of Regulation (EU) No 1307/2013 of the European Parliament and of the Council ⁽⁴⁾.

⁽³⁾ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

⁽⁴⁾ Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 (OJ L 347, 20.12.2013, p. 608).

As regards the definition of maintenance of agricultural area, such definition shall be provided for all types of agricultural area (arable land, permanent crops and permanent grassland). Where Member States define separate requirements for land laying fallow, this shall be specified;

(b) **agricultural area**

Complementary elements of the definition laid down in Regulation (EU) 2021/2115 shall be provided where relevant.

In particular information shall be provided on the following elements, where relevant:

- (i) elements of agroforestry systems when it is established or maintained on the agricultural area, specifying these elements for each type of agricultural area (arable land, permanent crops and permanent grassland);
- (ii) the definition of nurseries;
- (iii) the definition of short rotation coppice, which shall include at least the harvest cycle, the list of species or categories of plants and the planting density;
- (iv) for permanent grassland, a description of each individual element used for its definition, such as tilling, ploughing, reseeding with different types of grasses, or established local practices;

(c) **eligible hectare**

Complementary elements of the definition laid down in Regulation (EU) 2021/2115 shall be provided, notably on the following elements, where relevant:

- (i) criteria to establish the predominance of agricultural activity in case the land is also used for non-agricultural activities;
- (ii) criteria to ensure that the land is at the disposal of the farmer;
- (iii) period during which an area has to comply with the definition of 'eligible hectare';
- (iv) if areas may be used for agricultural activity only every second year, a justification for such a decision based on environment, biodiversity and climate-related reasons;
- (v) if landscape features not protected under GAEC may be included, a description of these, such as their maximum size and the maximum share of the parcel these landscape features may occupy where applicable;
- (vi) if fixed reduction coefficients are applied to permanent grassland with scattered ineligible features to determine the area considered eligible, a description of principles applied behind the reduction coefficients;
- (vii) where it is decided to maintain the eligibility of previously eligible areas when they no longer meet the definition of 'eligible hectare' pursuant to Article 4(4), points (a) and (b), of Regulation (EU) 2021/2115 as a result of implementation of national schemes, a description of these national schemes including:
 - their compliance with the integrated administration and control system (IACS) requirements;
 - the applicability for the cultivation of products not listed in Annex I to the Treaty on the Functioning of the European Union (TFEU) by way of paludiculture; and
 - the contribution to the specific objectives referred to in Article 6(1), points (d), (e) and (f), of Regulation (EU) 2021/2115;

(d) **active farmer**

Regarding the definition of active farmer, the following shall be provided:

- (i) criteria to identify those farmers who have a minimum level of agricultural activity;
- (ii) where, as a complementary tool, a negative list of non-agricultural activities is used, its description;
- (iii) where relevant, the amount and the justification for an amount of direct payments (not higher than EUR 5 000) under which farmers are in any event to be considered as 'active farmers';

(e) ***young farmer***

Regarding the definition of young farmer, the following shall be provided:

- (i) the maximum age limit;
- (ii) the conditions for being 'head of the holding';
- (iii) the appropriate training and/or skills required;

(f) ***new farmer***

Regarding the definition of new farmer, the following shall be provided:

- (i) the conditions for being 'head of the holding' for the first time;
- (ii) the appropriate training or skills required;

(g) ***minimum requirements for receiving direct payments***

Regarding the minimum requirements for receiving direct payments, a description and justification of the threshold(s) shall be provided; these thresholds shall be provided, where applicable, in hectares with two decimals and/or, in euros with two decimals;

(h) ***rural area***

The definition(s) of rural areas and applicability across the CAP Strategic Plan shall be included;

(i) ***other definitions for the CAP Strategic Plan***

Where other definitions applicable for direct payments, rural development or sectoral support are used throughout the CAP Strategic Plan, these shall be described, including a description of the specific scope of their applicability.

4.2. *Elements related to interventions in the form of direct payments*

This subsection shall include:

(a) ***territorialisation***

Where relevant, a description of each group of territories including the explanation of the similar socioeconomic or agronomic conditions;

(b) ***payment entitlements***

If applicable, regarding the description of the system of the payment entitlements, and functioning of the reserve, an indication of the first year without entitlements if a phasing out of entitlements is planned;

(c) ***system of internal convergence***

For each group of territories if relevant, and unless a flat rate is used from the first year, a description of the method of internal convergence, including the following elements:

- (i) target year for the maximum level for the value of payment entitlements and maximum level for the value of individual payment entitlements, as referred to in Article 24(3) of Regulation (EU) 2021/2115;
- (ii) convergence steps, as referred to in Article 24(4) of Regulation (EU) 2021/2115;
- (iii) where relevant, the flat rate value reached in the target year, as referred to in Article 24(4) of Regulation (EU) 2021/2115;
- (iv) target year for the minimum convergence percentage and minimum unit value as percentage of the planned average unit amount for the basic income support for sustainability for the target year, as referred to in Article 24(5) of Regulation (EU) 2021/2115;

- (v) financing of convergence, as referred to in Article 24(6) of Regulation (EU) 2021/2115;
- (vi) where relevant, a description of the reduction of only a part of the payment entitlements exceeding the average planned unit amount, as referred to in Article 24(6), second subparagraph, of Regulation (EU) 2021/2115;
- (vii) where relevant, the percentage of maximum decrease of the unit value of entitlement, as referred to in Article 24(7) of Regulation (EU) 2021/2115.

(d) **functioning of the reserve**

For each group of territories if relevant, the functioning of the reserve shall be explained, specifying notably the following elements:

- (i) a description of the system for the establishment of the reserve;
- (ii) a description of the different categories of eligible farmers, their related access to the reserve, the allocation of new payment entitlement or increase of existing payment entitlement value and their priority order;
- (iii) rules on financial replenishment of the reserve;
- (iv) rules on payment entitlements expiration and reversion to reserve;

(e) **rules related to transfers of payment entitlements**

Where relevant, rules related to transfers of payment entitlements;

(f) **reduction of direct payments**

Where relevant, a description of the reduction of payments and capping, including notably:

- (i) the tranches, the percentages of reduction and their explanation;
- (ii) where relevant, the method for subtracting labour costs;
- (iii) the estimated product of the reduction of direct payments and capping for each year, and its planned allocation;

(g) **application of thresholds or limits at the level of member of legal persons, groups of natural or legal persons or at the level of groups of affiliated entities**

The decisions and justifications of thresholds or limits set at the level of members of legal persons or of groups of natural or legal persons, or at the level of group of affiliated legal entities, pursuant to Article 110, point (d)(iii), of Regulation (EU) 2021/2115, for all types of interventions where relevant, indicating which interventions are concerned;

(h) **contribution to risk management tools**

Where relevant, a description of the planned implementation of Article 19 of Regulation (EU) 2021/2115, including the decision as regards the percentage of the direct payments to be assigned for it.

4.3. Technical assistance

This subsection on the description of the use of technical assistance shall include notably:

- (a) its objectives;
- (b) its scope and indicative planning of activities;
- (c) beneficiaries of technical assistance;
- (d) the percentage of the total European Agriculture Fund for Rural Development (EAFRD) contribution to the CAP Strategic Plan to be used to finance the actions of technical assistance as a single percentage over the CAP Strategic Plan period, with two decimals.

4.4. CAP network

This subsection on the description of the CAP network shall notably include:

- (a) a summary overview and the objectives of the national CAP network, including a description of activities to support European Innovation Partnership (EIP) and knowledge flows within the AKIS and the networking of Local Action Groups under LEADER/community-led local development;
- (b) structure, governance and operation of the national CAP network, including whether the network includes any regional-level components; the indicative share of technical assistance funding allocated to the network and indicative budget for the period and the indicative timeline for launch of the national CAP network.

4.5. Coordination, demarcation and complementarities between EAFRD and other Union Funds active in rural areas

This subsection shall include an overview of the coordination, demarcation and complementarities between EAFRD and other Union funds active in rural areas, including description of the overall consistency of support in rural areas provided by Union Funds, highlighting how their use is optimised and explain the demarcation and coordination mechanisms.

4.6. Financial instruments

This subsection shall provide a general description of the financial instruments where relevant and the justification for their use, including:

- (a) type of implementation, including the governance;
- (b) potential Fund manager;
- (c) type of financial products offered (loan, guarantee, equity);
- (d) benefits offered by the financial instrument to final recipients;
- (e) territorial coverage, where relevant;
- (f) other technical rules common to all interventions, such as combination aspects.

4.7. Common elements for interventions for rural development or interventions in certain sectors

This subsection shall include:

- (a) choices as regards the EAFRD contribution rate applicable at national or regional level, depending on the types of regions referred to in Article 91(2) of Regulation (EU) 2021/2115, and for certain categories of interventions referred to in Article 91(3) of that Regulation;
- (b) general list of ineligible investments, beyond those laid down in Article 73(3) of Regulation (EU) 2021/2115, where relevant;
- (c) other elements relevant for the implementation of several interventions for rural development or interventions in certain sectors which are not part of the description of interventions, where relevant.

5. Description of the interventions

This section on the interventions specified in the strategy referred to in Article 111 of Regulation (EU) 2021/2115, including the interventions established at regional level, shall include the following information:

- (a) identification of the intervention:
 - (i) the type of intervention to which the intervention belongs;
 - (ii) where applicable, the sector covered;
 - (iii) the single output indicator used for the intervention, as well as the units used where relevant;

- (iv) whether the whole intervention fully contributes to the minimum financial allocations referred to in Articles 92, 93 and 95 of Regulation (EU) 2021/2115;
 - (v) the territorial scope and, where relevant, indication if the intervention is implemented at national, regional level, at national level with regional elements or if it is transnational;
- (b) contribution to the strategy:
- (i) a link with the needs addressed by the intervention, from the list of needs identified in the assessment of needs referred to in subsection 2.1;
 - (ii) related specific objective(s) referred to in Article 6(1) and (2) of Regulation (EU) 2021/2115 with which the intervention has direct and significant links; and where appropriate for interventions in certain sectors, the relevant sectoral objective(s) referred to in Articles 46 and 57 of that Regulation;
 - (iii) linked result indicator(s) to which the intervention shall contribute directly and significantly;
- (c) description and eligibility conditions:
- (i) specific design, requirements and eligibility conditions of the intervention, including where applicable:
 - description of the aim and overall description of the intervention, including specific targeting, principles of selection, links with relevant legislation and other interventions;
 - description of eligible beneficiaries and eligible area and related eligibility criteria or, when support is provided in the form of financial instruments, general categories of final recipients;
 - description of commitments or type(s) of operation eligible for support;
 - description of other obligations for beneficiaries, where relevant;
 - (ii) for national interventions with regional elements, specific regional eligibility conditions complementary to the common ones, if planned;
 - (iii) where relevant, identification of all relevant baseline elements among GAEC and statutory management requirements (SMRs), and provision of the relevant mandatory national standards. An explanation shall be included of how the commitments to be fulfilled by beneficiaries go beyond the mandatory requirements referred to in Article 31(5), points (b), (c) and (d) and, Articles 70(3) and 72(5) of Regulation (EU) 2021/2115;
- (d) financial information:
- (i) for interventions for rural development, the applicable EAFRD contribution rate(s) for the intervention, where relevant for each region;
 - (ii) for interventions for rural development and for schemes for the climate, the environment and animal welfare according to Article 31(7), point (b), of Regulation (EU) 2021/2115, an indication as to whether the intervention is fully or partly including carried-over expenditure from rural development programmes for the period 2014–2022;
 - (iii) for the interventions which contribute to the minimum amount referred to in Article 95 of Regulation (EU) 2021/2115 and laid down in Annex XII thereto, the part of the financial allocation of the intervention(s) which counts against the amounts referred to in that Annex;
- (e) support to beneficiaries:
- (i) for interventions for rural development not covered by IACS, the form(s) of support (grant or financial instrument);
 - (ii) depending on the type of intervention, an indication of:
 - for schemes for the climate, the environment and animal welfare:
 - payment additional to the basic income support for sustainability in accordance with Article 31(7), point (a), of Regulation (EU) 2021/2115; or

- payment compensating all or part of the additional costs incurred and income foregone as a result of the commitments in accordance with Article 31(7), point (b), of Regulation (EU) 2021/2115 and the possible inclusion of transaction costs,
 - for interventions for rural development not covered by IACS: reimbursement of eligible costs incurred, unit costs, lump-sums or flat-rate financing;
 - for interventions for rural development covered by IACS: compensations, one off payments, lump-sums, and the possible inclusion of transaction costs;
- (iii) where applicable, the different range of support rates and the range of support in view of the targeting of the intervention;
- (iv) where payments are granted on the basis of additional costs and income foregone, a reference to the certified method for calculating the amounts of support to be provided in an annex to the CAP Strategic Plan, and an indication as to whether full or a partial compensation is granted, where relevant;
- (v) the planned unit amounts, including:
- unit amount code and name;
 - type of unit amount (uniform or average);
 - where relevant the related contribution rate(s);
 - where relevant, the result indicator(s) with which the planned unit amount has direct and significant links, out of the result indicators selected for the entire intervention;
 - where the intervention includes both forms of support, i.e. grants and financial instrument, an indication of the form of support corresponding to this unit amount;
 - where relevant, an indication if the planned unit amount corresponds to carried over expenditure from a rural development programme in the period 2014–2022;
 - where territorialisation referred to in Article 22(2) of Regulation (EU) 2021/2115 is applied, an indication of the group of territories corresponding to this unit amount;
 - where the output indicator selected for the intervention may represent different units of measurement, an indication of the unit of measurement corresponding to this unit amount;
 - the annual planned value of this unit amount;
 - an explanation of the value, including where relevant the variation in terms of maximum and minimum levels. Such explanation is not necessary for uniform unit amounts corresponding to payments granted on the basis of additional costs and income foregone, for which a certified method is provided in accordance with Article 82 of Regulation (EU) 2021/2115;
- (vi) a table setting out the annual planned unit amounts and the annual planned outputs, and where relevant the maximum or the minimum planned unit amounts. The planned outputs shall include additional national financing, where relevant. The table shall also contain the annual indicative expected level of payments for the intervention and, where relevant, the break-down for carried-over expenditure or for financial instruments. Where the outputs of an intervention are planned to be paid over several years, in order not to count them several times over the period, the annual planned outputs shall correspond only to number of outputs which are indicatively planned to receive their first payment in that financial year;
- (vii) information regarding State aid assessment, specifying notably if the intervention falls outside the scope of Article 42 of the TFEU, and indicating the type of State aid instrument to be used for the clearance of the aid;

- (f) additional information specific to certain types of intervention:
- (i) in relation to interventions in the form of direct payment:
- for the basic income support for sustainability referred to in Title III, Chapter II, Section 2, Subsection 2, of Regulation (EU) 2021/2115, specific information and explanation for the payment to small farmers including maximum amount and type of payment (lump sum or per hectare);
 - for the complementary redistributive income support for sustainability referred to in Article 29 of Regulation (EU) 2021/2115, specific information and explanation including eligibility, maximum hectare paid, ranges and groups of territory;
 - for the complementary income support for young farmers referred to in Article 30 of Regulation (EU) 2021/2115, specific information and explanation of:
 - conditions applied for the definition of newly setting-up;
 - type and duration of support;
 - maximum hectare paid if applied;
 - information if continuity with previous scheme is applied;
 - for schemes for the climate, the environment and animal welfare, an indication of the areas of actions referred to in Article 31(4) of Regulation (EU) 2021/2115 which are covered by the intervention; an indication whether the schemes contribute to compliance with new mandatory requirements for a maximum of 24 months from the date on which they become mandatory for the holding;
 - for each coupled income support intervention referred to in Title III, Chapter II, Section 3, Subsection 1, of Regulation (EU) 2021/2115:
 - information related to the interventions for protein crops;
 - justifications of the sectors targeted, their difficulty(ies), their importance, the aim of the intervention (improve competitiveness, quality or sustainability) and how this aim will address difficulty(ies) and consistency with Directive 2000/60/EC, where applicable, unit of measurement for silkworms and their respective conversion rate to number of 'heads';
- (ii) in relation to interventions for rural development:
- for interventions referred to in Article 70 of Regulation (EU) 2021/2115:
 - a description of the type of area eligible;
 - an indication of the type of commitments (result based, management based or hybrid) and the implementation mechanism;
 - an indication of the duration of the contracts;
 - an indication whether the intervention contributes to compliance with new mandatory requirements for a maximum of 24 months from the date on which they become mandatory for the holding;
 - for interventions referred to in Article 71 of Regulation (EU) 2021/2115, a link to the national list of the designated local administrative units and to the Areas under Natural Constraints (ANC) map ⁽⁵⁾ for each category of areas referred to in Article 32(1) of Regulation (EU) No 1305/2013 of the European Parliament and of the Council ⁽⁶⁾;
 - for interventions referred to in Article 72 of Regulation (EU) 2021/2115, an indication of the type of area eligible;

⁽⁵⁾ Map of all areas, designated pursuant to Article 32(1) of Regulation (EU) No 1305/2013.

⁽⁶⁾ Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487).

- for interventions referred to in Article 73 of Regulation (EU) 2021/2115, the list of ineligible investments related to the scope of the intervention if they are not already listed in subsection 4.7, point (b), and for interventions in the forestry sector, the size of holdings for which the support is conditional on the presentation of the relevant information from a forest management plan or equivalent instrument;
 - for interventions referred to in Article 74 of Regulation (EU) 2021/2115, an indication as to whether the investment results in an increase of the irrigated area, and:
 - for investments in the improvement of existing irrigation installations, what is the potential water saving(s) required expressed in percentage;
 - for investments in the improvement of existing irrigation installations affecting water bodies whose status is less than good, what is/are the requirement(s) for an effective reduction in water use expressed in percentage;
 - for interventions referred to in Article 76 of Regulation (EU) 2021/2115:
 - an indication of threshold triggering compensation;
 - an indication of the methodology for the calculation of losses and triggering factors for compensation;
 - a description of the particular losses coverage as well as the provisions planned to avoid overcompensation;
 - for LEADER interventions referred to in Article 77 of Regulation (EU) 2021/2115:
 - a description of the expected added value of the LEADER approach and how its principles are applied;
 - an indication as to whether support from more than one fund referred to in Article 31(4) of Regulation (EU) 2021/1060 of the European Parliament and of the Council ⁽⁷⁾ is planned and with which lead fund;
- (g) WTO compliance, including:
- (i) for interventions listed in Annex II to Regulation (EU) 2021/2115, an indication of the paragraph of Annex 2 to the WTO Agreement on Agriculture (Green Box) the conditions of which the intervention is fulfilling;
 - (ii) possible option for coupled income support, referred to in Title III, Chapter II, Section 3, Subsection 1, of Regulation (EU) 2021/2115: an indication that the intervention fulfils the conditions provided for in Article 6.5 of the WTO Agreement on Agriculture (Blue Box);
 - (iii) an explanation of how the intervention under points (i) or (ii) complies with the criteria of the Green Box or Blue Box;
 - (iv) for interventions referred to in Article 11(1) of Regulation (EU) 2021/2115, as regards the compliance with the EU WTO schedule limits on oilseeds set out in the Memorandum of Understanding between the European Economic Community and the United States of America on oil seeds under GATT ⁽⁸⁾: an indication whether the intervention targets any of the crop(s) covered by the agreement (i.e. soybean, rapeseed, sunflower seed, excluding confectionary sunflower seed), and if yes, an indication of the planned support area per relevant claim year.

⁽⁷⁾ Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (OJ L 231, 30.6.2021, p. 159).

⁽⁸⁾ OJ L 147, 18.6.1993, p. 26.

6. Financial plan

This section shall include the following:

6.1. Overview table

Member States shall provide the elements laid down in Article 112(2) of Regulation (EU) 2021/2115.

Member States that wish to make use of the possibility to transfer allocations between the Funds as provided for in Article 103 of Regulation (EU) 2021/2115 shall provide this information for each year of the period of the CAP Strategic Plan for which they want to use this flexibility. Member States may review their decision in 2025 concerning their allocations for financial year 2027.

The information provided in the overview table shall allow to check that the necessary allocations to respect the minimum spending requirements provided for in Articles 92, 93, 95, 97 and 98 of Regulation (EU) 2021/2115 have been properly reserved.

That information shall serve as a basis to calculate the financial ceilings resulting from the deduction of the amounts reserved by Member States to respect the minimum spending requirements set out in Articles 92, 93, 95, 97 and 98 of Regulation (EU) 2021/2115 (reverse ceilings).

Minimum and maximum amounts referred to in Articles 92 to 98 of Regulation (EU) 2021/2115 shall be always calculated based on the Member States envelopes referred to in Articles 87, 88 and 89 of Regulation (EU) 2021/2115 after possible transfers.

However, if Member States decide to allocate funds to InvestEU, LIFE and/or Erasmus, the respective annual amounts shall be provided in the overview table. Annex XI to Regulation (EU) 2021/2115 will not be amended and all obligations for minimum allocations will be checked against amounts in Annex XI to that Regulation, which will not exclude those specific allocations.

Because the minimum financial allocation requirement for young farmers may be met by both the EAGF and the EAFRD, Member States that decide to allocate a higher amount than the minimum set out in Annex XII to Regulation (EU) 2021/2115 shall indicate the amounts to be used, under each of the Funds, to reach the minimum allocation requirement. This shall serve as a basis to calculate the reverse ceilings.

6.2. Detailed financial information and breakdown per intervention and planning of output

The detailed financial plan referred to in Article 112(3) of Regulation (EU) 2021/2115 shall provide for an overview of the indicative expected level of payments of Member States' allocations during the period of implementation of CAP Strategic Plan and information on EAFRD co-financing rates.

7. Governance systems and coordination systems

7.1. Identification of governance bodies, managing authority(ies) and other bodies

This subsection shall include:

- (a) for each body type (competent authority(ies), managing authority(ies), paying agency(ies), coordinating body, where relevant, and certification body(ies) an indication of the fund(s) for which they are responsible, as well as the name(s) and contact information of the responsible person(s);

the same information shall be provided for other bodies such as the monitoring committee(s), delegated and intermediate bodies where relevant, as well as the relevant coordinating structures for the AKIS, for the CAP Plan Communication officer, as referred to in Article 48 of Regulation (EU) 2021/1060, and for the CAP network. The role of delegated and intermediate body(ies) shall also be specified;

- (b) a brief description of the set up and organisation of the competent authority;
- (c) when the implementation of financial instruments is delegated to regional authorities, a description of the governance arrangements for the financial instrument operation (delegation of tasks of managing authority and paying agency, such as selection of beneficiary, reporting, payments, control).

7.2. Description of the monitoring and reporting systems

Brief description of the monitoring and reporting systems established to record, maintain, manage and report the information needed for assessing the performance of the CAP Strategic Plan, including the reporting system put in place for the purposes of the annual performance report under Article 134 of Regulation (EU) 2021/2115.

7.3. Information on the control systems and penalties

(a) **IACS**

The information on IACS shall include:

- (i) specifications on the scope, notably whether it is used for the wine sector, as laid down in Article 65 of Regulation (EU) 2021/2115 and for conditionality;
- (ii) a definition of agricultural parcel, including agricultural land, where relevant;
- (iii) a confirmation of the operation of IACS as from 1 January 2023, and that the requirements set out in Title IV, Chapter II of Regulation (EU) 2021/2116 of the European Parliament and of the Council (*) are fulfilled;
- (iv) information on the system(s) for the identification and registration of animals referred to in Articles 65(4), point (c), and 66(1), point (g), of Regulation (EU) 2021/2116;
- (v) whether an automatic claim system is applied;
- (vi) a description of the control and penalty system(s), explaining notably if the system includes systematic checks which also target areas where the risk of errors is the highest, and how the level of checks ensures an effective management of the risks as referred to in Article 60(1) of Regulation (EU) 2021/2116. On penalties, the information shall explain penalties provided for non-compliances with the eligibility criteria for interventions defined in the CAP Strategic Plan. If different controls and penalty systems are applied for different interventions, information on each of the systems shall be provided.

Additional information may be provided on the identification system for agricultural parcels, on the geo-spatial and animal-based application system and on the area monitoring system where this is considered important by the Member State.

(b) **Control and penalty system for interventions not covered by IACS**

For EAGF and EAFRD interventions not covered by IACS, the information shall include:

- (i) a brief description on the penalty system in line with the principles of effectiveness, proportionality and dissuasiveness;
- (ii) a brief description of the control system(s), including specificities for financial instruments, where relevant;
- (iii) a brief explanation as to how the compliance with public procurement rules is fulfilled.

(c) **The control and penalty system for conditionality**

This subsection shall include:

- (i) a description of the control system for conditionality;
- (ii) an indication of the types of checks for each SMR and GAEC;

(*) Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013 (OJ L 435, 6.12.2021, p. 187).

- (iii) a description of the penalty system;
- (iv) the definition and application of the principles of reoccurrence and intentionality;
- (v) an indication of the application of a simplified control system for small farmers;
- (vi) information on the competent control bodies responsible for the checks of conditionality standards and statutory management requirements.

(d) **Social conditionality**

This subsection shall include:

- (i) a description of the control system for social conditionality;
- (ii) a description of the penalty system for social conditionality.

Where social conditionality is applied from 2024 or 2025, the description referred to in points (i) and (ii) shall be provided at the latest in the CAP Strategic Plan amendment as approved by the Commission in accordance with Article 119 of Regulation (EU) 2021/2115 prior to the first year of application of social conditionality.

8. **Modernisation: AKIS and digitalisation**

8.1. *Overall organisational set-up of the AKIS*

This subsection shall include an explanation of the overall AKIS strategic approach based on the SWOT and assessment of needs outlining how the interventions and actions will work together to contribute to the cross-cutting objective referred to in Article 6(2) of Regulation (EU) 2021/2115.

8.2. *Description of how advisory services, research, CAP networks and interventions will work together within the framework of the AKIS*

This subsection shall include an explanation of the organisation of the collaboration of advisors, researchers and CAP networks. It shall be indicated if the envisaged actions are combined with other relevant measures or instruments in and outside the scope of the CAP Strategic Plan.

8.3. *Description of the organisation of farm advisors*

This subsection shall include an explanation of how the delivery of advice is organised, integrating all advisors and covering all elements referred to in Article 15(2) and (4) of Regulation (EU) 2021/2115, complying also with the requirements for impartiality laid down in Article 15(3) of that Regulation.

8.4. *Description of how innovation support is provided*

This subsection shall include an explanation of how innovation support and knowledge flows within the AKIS are organised.

8.5. *Digitalisation strategy*

This subsection shall include an explanation of the strategic approach to boost digitalisation, including a description of the approach how measures under the digitalisation strategy are tailored to avoid or mitigate digital divides between regions, types of businesses and population groups.

9. **Annexes to the CAP Strategic Plan**

9.1. *Annex I on the ex-ante evaluation and the strategic environmental assessment (SEA) referred to in Directive 2001/42/EC of the European Parliament and of the Council⁽¹⁰⁾*

Annex I to the CAP Strategic Plan referred to in Article 115(1) of Regulation (EU) 2021/2115 shall contain a summary of ex ante evaluation results and the main recommendations of the ex ante evaluation and the SEA.

⁽¹⁰⁾ Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (OJ L 197, 21.7.2001, p. 30).

According to the elements of the CAP Strategic Plan to be assessed in that *ex ante* evaluation, the recommendations shall be categorised by:

- SWOT analysis, needs assessment;
- intervention logic/contribution to objectives;
- external/internal coherence;
- allocation of budgetary resources;
- outputs, results and establishment of milestones and targets;
- measures to reduce the administrative burden;
- financial instruments;
- SEA specific recommendations;
- other.

It shall be clearly mentioned how the recommendations have been addressed or a justification of why they have not been taken into account shall be included.

Links to the complete *ex ante* evaluation and SEA reports shall be provided.

9.2. *Annex II on the SWOT analysis of the current situation of the area covered by the CAP Strategic Plan*

Annex II to the CAP Strategic Plan referred to in Article 115(2) of Regulation (EU) 2021/2115 shall set out in a SWOT analysis the elements laid down in that provision for each objective according to Article 6(1) and (2) of that Regulation. The SWOT analysis shall be articulated by the four key elements: strengths, weaknesses, opportunities and threats and shall indicate the sources for the data used other than context indicators.

9.3. *Annex III on consultation with partners*

Annex III to the CAP Strategic Plan referred to in Article 115(3) of Regulation (EU) 2021/2115 shall include the outcomes of the consultation of the partners, and in particular the relevant authorities at regional and local level, and a brief description of how the consultation was carried out.

9.4. *Annex IV on interventions for crop-specific payment for cotton*

Annex IV to the CAP Strategic Plan referred to in Article 115(4) of Regulation (EU) 2021/2115 shall contain the following:

<p>Eligibility conditions to ensure consistency with the SWOT/needs assessment and other interventions, in particular:</p> <ul style="list-style-type: none"> — objective criteria on the basis of which agricultural land and varieties are authorised for cotton production; — authorised varieties; — minimum plant density and its justification. 	<p>text</p>
<p>Complementarity of the crop-specific payment for cotton intervention with the other CAP Strategic Plan interventions.</p>	<p>text</p>

9.5. *Annex V on additional national financing*

In Annex V to the CAP Strategic Plan referred to in Article 115(5) of Regulation (EU) 2021/2115, the following information shall be completed for each intervention in rural development for which additional national financing referred to in Article 115(5), points (a), (b) and (c), and Article 146, first paragraph, of Regulation (EU) 2021/2115 is granted:

<p>The Article in Title III, Chapter IV, of Regulation (EU) 2021/2115 according to which the financing is granted</p>	<p>text</p>
<p>The national legal basis for granting the financing</p>	<p>text</p>

The intervention in the CAP Strategic Plan for which financing is granted	text
The total budget of financing (in euro)	number
Indication of compliance with the relevant requirements of Regulation (EU) 2021/2115	Y/N
Complementarity: (a) a higher number of beneficiaries; (b) a higher aid intensity; (c) providing financing to certain operations within the intervention.	Indicate those that apply and provide additional information, if relevant.
Covered by Article 42 of the TFEU	Y/N (if NO, indicate the State aid clearance instrument)

In relation to the fruit and vegetables sector, the following information shall be completed for the national financial assistance referred to in Article 53 of Regulation (EU) 2021/2115:

The annual estimated amount of national financial assistance in the fruit and vegetables sector per region concerned and the total for the Member State.	text
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9.6. Annex VI on transitional national aid (where applicable)

Annex VI to the CAP Strategic Plan referred to in Article 115(6) of Regulation (EU) 2021/2115 shall include the elements laid down in that provision for each individual transitional national aid per sector, where applicable.

(a) the annual sector-specific financial envelope for each sector for which transitional national aid is granted;

Sector	The sector-specific financial envelope (in euro)				
	2023	2024	2025	2026	2027
	<i>To be filled in by Member State</i>	...			
...	...				

(b) where relevant, for each sector, the maximum unit rate of support for each year of the period, respecting the maximum unit rate;

Sector	Unit rate
	<i>To be filled in by Member State</i>
...	

(c) where relevant, information as regards the reference period modified in accordance with Article 147(2), second subparagraph, of Regulation (EU) 2021/2115;

Sector	Information as regards the reference period modified
...	

(d) a brief description of the complementarity of the transitional national aid with CAP Strategic Plan interventions.

ANNEX II

Responsibilities of the Commission and the Member States relating to SFC2021**1. Responsibilities of the Commission**

- 1.1. Ensuring the operation of an electronic system for the official and secure exchange of information between the Member State and the Commission, hereinafter referred to as 'SFC2021'. SFC2021 shall contain at least the information specified in the templates established pursuant to Regulation (EU) 2021/2115.
- 1.2. Ensuring the following characteristics of SFC2021:
 - (a) interactive forms or forms pre-filled by the system on the basis of the data already recorded in the system previously;
 - (b) automatic calculations, where they reduce the encoding effort of users;
 - (c) automatic embedded controls to verify internal consistency of transmitted data and consistency of this data with applicable rules;
 - (d) system generated alerts warning SFC2021 users that certain actions can or cannot be performed;
 - (e) online status tracking of the treatment of information entered into the system;
 - (f) availability of historical data in respect of all information entered for a programme;
 - (g) availability of a compulsory electronic signature within the meaning of Regulation (EU) No 910/2014 of the European Parliament and of the Council ⁽¹⁾ which will be recognised as evidence in legal proceedings.
- 1.3. Ensuring an information technology security policy for SFC2021 applicable to the personnel using the system in accordance with relevant Union rules, in particular Commission Decision (EU, Euratom) 2017/46 ⁽²⁾.
- 1.4. Designating a person or persons responsible for defining, maintaining and ensuring the correct application of the security policy to SFC2021.

2. Responsibilities of Member States

- 2.1. Ensuring that the programme authorities of the Member State identified in accordance with Title VI of Regulation (EU) 2021/2115 as well as the bodies identified to carry out certain tasks under the responsibility of the managing authority enter into SFC2021 the information for the transmission of which they are responsible and any updates thereto.
- 2.2. Ensuring the verification of information submitted by a person other than the person who entered the data for that transmission.
- 2.3. Providing arrangements for the separation of the tasks referred to in points 2.1 and 2.2 through the Member State's management and control information systems connected automatically with SFC2021.
- 2.4. Appointing a person or persons responsible for managing access rights to fulfil the following tasks:
 - (a) identifying users requesting access, making sure those users are employed by the organisation;
 - (b) informing users about their obligations to preserve the security of the system;

⁽¹⁾ Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).

⁽²⁾ Commission Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of communication and information systems in the European Commission (OJ L 6, 11.1.2017, p. 40).

- (c) verifying the entitlement of users to the required privilege level in relation to their tasks and their hierarchical position;
 - (d) requesting the termination of access rights when those access rights are no longer needed or justified;
 - (e) promptly reporting suspicious events that may bring prejudice to the security of the system;
 - (f) ensuring the continued accuracy of user identification data by reporting any changes;
 - (g) taking the necessary data protection and commercial confidentiality precautions in accordance with Union and national rules;
 - (h) informing the Commission of any changes affecting the capacity of the Member State authorities or users of SFC2021 to carry out the responsibilities referred to in point 2.1 or their personal capacity to carry out responsibilities referred to in points (a) to (g).
- 2.5. Providing arrangements for the respect of the protection of privacy and of personal data for individuals, and of commercial confidentiality for legal entities in accordance with Directive 2002/58/EC ⁽³⁾, and Regulations (EU) 2016/679 ⁽⁴⁾ and (EU) 2018/1725 ⁽⁵⁾ of the European Parliament and of the Council.
- 2.6. Adopting national, regional or local information security policies on access to SFC2021 based on a risk assessment applicable to all authorities using SFC2021 and addressing the following aspects:
- (a) the IT security aspects of the work performed by the person or persons responsible for managing the access rights referred to in point 2.4 in case direct use is applied;
 - (b) for national, regional or local computer systems connected to SFC2021, through a technical interface as part of the Member State's management and control information systems as referred to in point 2.3, the security measures for those systems allowing to be aligned with SFC2021 security requirements and covering:
 - (i) physical security;
 - (ii) data media and access control;
 - (iii) storage control;
 - (iv) access and password control;
 - (v) monitoring;
 - (vi) interconnection with SFC2021;
 - (vii) communication infrastructure;
 - (viii) human resources management prior to employment, during employment and after employment;
 - (ix) incident management.
- 2.7. Making the document(s) containing the policies referred to in point 2.6 available to the Commission upon request.
- 2.8. Appointing a person or persons responsible for maintaining and ensuring the application of the national, regional or local IT security policies and acting as a contact point with the person or persons designated by the Commission and referred to in point 1.4.

⁽³⁾ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).

⁽⁴⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

⁽⁵⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

3. Joint responsibilities of the Commission and the Member States

- 3.1. Ensuring accessibility either directly through an interactive user-interface (i.e. a web-application) or via a technical interface using pre-defined protocols (i.e. web-services) that allows for automatic synchronisation and transmission of data between Member States information systems and SFC2021.
- 3.2. Providing for the date of electronic transmission of the information by the Member State to the Commission and vice-versa in electronic data exchange, which constitutes the date of submission of the document concerned.
- 3.3. Ensuring that official data is exchanged through SFC2021, except where *force majeure* occurs, and that information provided in the electronic forms embedded in SFC2021 ('structured data') is not replaced by non-structured data and, in the event of inconsistency, that structured data prevails over non-structured data.

In the event of *force majeure*, a malfunctioning of SFC2021 or a lack of a connection with SFC2021, the Member State may, with the prior approval of the Commission, send the documents in another form, under the conditions laid down by the Commission. When the cause of the *force majeure* ceases, the party concerned enters in SFC2021 without delay the information already provided in paper form.

- 3.4. Ensuring compliance with the IT security terms and conditions published in the SFC2021 portal and the measures that are implemented in SFC2021 by the Commission to secure the transmission of data, in particular in relation to the use of the technical interface as part of the Member State's management and control information systems as referred to in point 2.3.
 - 3.5. Implementing and ensuring the effectiveness of the security measures adopted to protect the data stored and transmitted through SFC2021.
 - 3.6. Updating and reviewing annually the SFC2021 IT security policy and the relevant national, regional and local IT security policies in the event of technological changes, the identification of new threats or other relevant developments.
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COMMISSION IMPLEMENTING REGULATION (EU) 2021/2290
of 21 December 2021

laying down rules on the methods for the calculation of the common output and result indicators set out in Annex I to Regulation (EU) 2021/2115 of the European Parliament and of the Council establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 ⁽¹⁾, and in particular Article 133 thereof,

Whereas:

- (1) Regulation (EU) 2021/2115 lays down a new legal framework for the common agricultural policy (CAP) to improve its delivery on the Union objectives. That Regulation sets the Union objectives for the CAP and defines the types of intervention as well as the common Union requirements applicable to Member States, while leaving flexibility for Member States in the design of the interventions to be provided in their CAP Strategic Plans. Member States have to draw up those CAP Strategic Plans and to submit their proposals for those plans to the Commission by 1 January 2022.
- (2) Pursuant to Article 128 of Regulation (EU) 2021/2115, a performance framework is to be established to allow reporting, monitoring and evaluation of the performance of the CAP Strategic Plan during its implementation. For that purpose, common output and result indicators are set out in Annex I to Regulation (EU) 2021/2115, which are the basis for the mechanisms of performance clearance and performance review, as well as for the monitoring and evaluation of the CAP. Clear and common rules on the methods for the calculation of those indicators need to be laid down.
- (3) Since Member States need to have rules on the methods for the calculation of the common output and result indicators when developing their draft CAP Strategic Plans for submission to the Commission by 1 January 2022, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Common Agricultural Policy Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The methods for the calculation of the common output and result indicators set out in Annex I to Regulation (EU) 2021/2115 are laid down in the Annex to this Regulation.

⁽¹⁾ OJ L 435, 6.12.2021, p. 1.

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, 21 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

**METHODS FOR THE CALCULATION OF THE COMMON OUTPUT AND RESULT INDICATORS SET OUT IN
ANNEX I TO REGULATION (EU) 2021/2115**

OUTPUT INDICATORS

Calculation methods for output indicators to be used for performance clearance

1. When calculating indicators for the purpose of performance clearance, Member States shall take into account the following:
 - (a) planning of outputs shall be per agricultural financial year and shall be done as follows:
 - (i) per intervention. If several unit amounts are established for an intervention, outputs may be planned either per unit amount, for groups of unit amounts, or for all unit amounts. If more than one unit of measurement is established for the output indicator of the intervention, planning shall be done per unit of measurement;
 - (ii) per sector for interventions in the fruit and vegetables sector, the hops sector, the olive oil and table olives sector and in the other sectors referred to in Article 42, point (f) of Regulation (EU) 2021/2115;
 - (b) reporting of outputs shall be per agricultural financial year and shall be done for all interventions for which payments have been made in the agricultural financial year concerned as follows:
 - (i) per unit amount;
 - (ii) per operational programme in the fruit and vegetables sector, the hops sector, the olive oil and table olives sector and in the other sectors referred to in Article 42, point (f) of Regulation (EU) 2021/2115;
 - (c) outputs generated by an intervention shall be planned and reported only once under the output indicator associated with that intervention in the CAP Strategic Plan;
 - (d) where an intervention includes support in the form of grants and financial instrument, the output indicator shall be calculated for each form of support;
 - (e) reported output value shall correspond to the proportion of the expenditure effectively paid for that output in the agricultural financial year concerned. Partial outputs shall be reported for partially completed interventions in the given agricultural financial year.

Reporting of advances in output indicators to be used for performance clearance

2. Interventions for which payments have been made in the form of advances as referred to in Article 32(4) point (a), and (5) and Article 44(3) of Regulation (EU) 2021/2116 of the European Parliament and of the Council⁽¹⁾ prior to the delivery of the corresponding full output shall not be included in the annual performance report in accordance with Article 128 of Regulation (EU) 2021/2115 for the agricultural financial year in which the advance was paid. Those advances shall be reported for the agricultural financial year in which the output is fully paid.

Reporting of aggregated values of output indicators and values of output indicators O.3 and O.34 to be used for monitoring, communication and evaluation purposes

3. The following shall apply when reporting aggregated values of output indicators and other output values:
 - (a) when reporting output indicators used for performance clearance, Member States shall also include the following aggregated values:

⁽¹⁾ Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013 (OJ L 435, 6.12.2021, p. 187).

- (i) the total output per intervention where several unit amounts are established for an intervention;
 - (ii) the total output per unit of measurement where several units of measurement are established for an intervention;
 - (iii) the total output per type of intervention where a type of intervention has several interventions;
 - (iv) the total output per unit of measurement and, where appropriate, the total output using a common unit of measurement where the type of intervention includes several interventions the output of which is measured with different units of measurement;
 - (v) for output indicators O.4, O.36 and O.37, where interventions do not belong to the same type of intervention, the total output for those interventions;
- (b) Member States shall annually provide values for the following output indicators not used for performance clearance:
- (i) output indicator O.3:
 - the value of this indicator shall be provided per intervention and per type of intervention;
 - the total number of CAP support beneficiaries that are farmers and the total number of farmers that receive direct payments shall be provided;
 - the total number of CAP support beneficiaries that are farmers shall be provided split by gender;
 - beneficiaries shall be counted in full;
 - (ii) output indicator O.34:
 - the total number of hectares receiving CAP support covered by the relevant statutory management requirements (SMR), good agricultural and environmental conditions (GAEC) established under Title III, Chapter I, Section 2 of Regulation (EU) 2021/2115 and under environmental practices established pursuant to Articles 31 and 70 and Title III, Chapter III, of that Regulation shall be provided, except for interventions planned in other units;
 - the total number of hectares under environmental practices established under Articles 31 and 70 and Title III, Chapter III, of Regulation (EU) 2021/2115 shall be provided, except for interventions planned in other units;
 - hectares shall be counted in full.

Calculation methods for aggregated values of output indicators to be used for monitoring, communication and evaluation purposes

4. When calculating the aggregated values of output indicators, outputs shall be counted as follows:
- (a) for aggregated values of output indicators relating to interventions covered by the integrated administration and control system referred to in Article 65(1) of Regulation (EU) 2021/2116 (the 'integrated system') and to interventions paid in full within the financial year and not covered by the integrated system, outputs shall always be counted in full;
 - (b) for aggregated values of output indicators relating to interventions not covered by the integrated system that are paid in different instalments over several years, partial outputs shall be counted.

Additional national financing for output indicators

5. When support is granted as additional national financing referred to in Article 115(5) of Regulation (EU) 2021/2115 ('the additional national financing') the following shall apply:
- (a) the planned outputs shall include the outputs generated by additional national financing;

- (b) outputs generated by additional national financing shall be reported separately from the outputs generated by public expenditure other than additional national financing;
- (c) outputs generated by additional national financing shall not be taken into account for the purpose of performance clearance;
- (d) outputs generated by additional national financing shall be taken into account in the calculation of aggregated values of output indicators for the purpose of monitoring, communication and evaluation.

Rules to avoid double counting in output indicators to be used for monitoring, communication and evaluation purposes

6. In order to calculate aggregated values of output indicators without double counting, the following shall apply:
- (a) where a unit of output is covered by multiple relevant interventions, or several operations within the same intervention that unit of output shall be counted only once when calculating the aggregated value;
 - (b) aggregated values for output indicators relating to intervention covered by the integrated system and reported in the annual performance report for the agricultural financial year N-1 shall include the number of units that have received partial or full payment in agricultural financial year N-1 in relation to interventions claimed in year N-2;
 - (c) where payment entitlements or maximum thresholds are applied, Member States shall report the relevant area determined as eligible for payment after administrative controls and before applying those limits under the relevant output indicators.

RESULT INDICATORS

Link between specific objectives, result indicators and interventions

7. In their CAP Strategic Plan, Member States shall identify links between specific objectives, result indicators and interventions as follows:
- (a) Member States shall identify a link between result indicators and specific objectives. A result indicator may be linked to more than one specific objective;
 - (b) interventions shall be linked to all result indicator(s) to which they contribute directly and significantly;
 - (c) only operations within an intervention that contribute directly and significantly to a result indicator shall be attributed to this result indicator;
 - (d) a single intervention, or a single operation within one intervention, may contribute to more than one result indicator;
 - (e) the value of the output generated by an operation shall always be attributed in full to the relevant result indicator(s), including when it is linked to more result indicators;
 - (f) management commitments and investments contributing to the same purpose shall be linked to separate result indicators, except for result indicator R.43 and R.44;
 - (g) result indicator R.35 shall be linked to interventions in the apiculture sector included in the type of intervention referred to in Article 55(1), point (b), of Regulation (EU) 2021/2115. These interventions shall be reported only under result indicator R.35;
 - (h) areas that are only subject to SMR and GAEC shall not be included in the calculation of result indicators, except for result indicator R.4, which is specifically designed to capture the share of agricultural area receiving CAP income support and subject to conditionality.

Detailed calculation methods for result indicators

8. When planning and reporting result indicators in the annual performance report, the following points shall be taken into account:
- (a) values for result indicators shall be calculated in full for the agricultural financial year of the first payment, even if only a partial payment was made in the agricultural financial year concerned;
 - (b) by way of derogation from point (a), for result indicator R.37, values shall be counted in full at the time of operation completion;
 - (c) values related to payments in the form of advances referred to in Article 32(4), point (a), and (5) and Article 44(2), second subparagraph, and (3) of Regulation (EU) 2021/2116 shall not be counted in the quantification of the related result indicators prior to the delivery of the corresponding output;
 - (d) annual values shall be calculated for result indicators R.4, R.5, R.6, R.7, R.8, R.11, R.12, R.13, R.14, R.19, R.20, R.21, R.22, R.23, R.24, R.25, R.29, R.30, R.31, R.33, R.34, R.43 and R.44;
 - (e) cumulative values shall be calculated for result indicators R.1, R.2, R.3, R.9, R.10, R.15, R.16, R.17, R.18, R.26, R.27, R.28, R.32, R.35, R.36, R.37, R.38, R.39, R.40, R.41 and R.42;
 - (f) result indicator R.4 relates to the area covered by all the types of intervention in the form of direct payments referred to in Title III, Chapter II of Regulation (EU) 2021/2115 as well as support for area under natural or other area-specific constraints referred to in Article 71 of that Regulation and for area-specific disadvantages resulting from certain mandatory requirements referred to in Article 72 of that Regulation;
 - (g) result indicator R.6 relates to all the types of intervention in the form of direct payments referred to in Title III, Chapter II, of Regulation (EU) 2021/2115, except the crop-specific payment for cotton referred to in Article 36 of that Regulation;
 - (h) result indicator R.7 relates to all the types of intervention in the form of direct payments referred to in Title III, Chapter II of Regulation (EU) 2021/2115 except the crop-specific payment for cotton referred to in Article 36 of that Regulation, as well as support for areas under natural or other area-specific constraints referred to in Article 71 of that Regulation and for area-specific disadvantages resulting from certain mandatory requirements referred to in Article 72 of that Regulation;
 - (i) by way of derogation from point (h), when Member States design interventions in accordance with Article 72 of Regulation (EU) 2021/2115 supporting forest areas only, such interventions may be linked to result indicator R.30, subject to the following:
 - no interventions are designed for agricultural areas under natural or other area-specific constraints referred to in Article 71 of Regulation (EU) 2021/2115; and
 - Article 22(2) of Regulation (EU) 2021/2115 is not applied in respect of areas designated pursuant to Article 32 of Regulation (EU) No 1305/2013 of the European Parliament and of the Council ⁽²⁾;
 - (j) result indicator R.38 relates to interventions for LEADER referred to in Article 77(1), point (b) of Regulation (EU) 2021/2115. In their CAP Strategic Plan, when submitting it for approval in accordance with Article 118 of Regulation (EU) 2021/2115, Member States shall set for result indicator R.38 a target indicating the expected rural population covered by community-led local development strategies as referred to in Article 32 of Regulation (EU) 2021/1060 of the European Parliament and of the Council ⁽³⁾. Once all local development strategies under a CAP Strategic Plan have been selected, the Member State concerned shall modify the CAP

⁽²⁾ Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487).

⁽³⁾ Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (OJ L 231, 30.6.2021, p. 159).

Strategic Plan where relevant to add to the existing target values the additional contribution expected from the implementation of the selected local development strategies. This may include additional links between the interventions for LEADER and the common result indicators set out in Annex I to Regulation (EU) 2021/2115;

- (k) the area-related result indicators R.12, R.14, R.19, R.20, R.21, R.22, R.23, R.24, R.29, R.31, R.33 and R.34 only relate to voluntary environmental practices going beyond mandatory requirements paid in hectares under eco-schemes referred to in Article 31 of Regulation (EU) 2021/2115, agri-environment-climate commitments referred to in Article 70 of Regulation (EU) 2021/2115, as well as relevant interventions in certain sectors referred to in Title III, Chapter III of Regulation (EU) 2021/2115;
- (l) by way of derogation from point (k), Member States may also link result indicators R.12, R.14, R.19, R.20, R.21, R.22, R.23, R.24, R.29, R.31, R.33 and R.34 to interventions other than those referred to in point (k), provided that the supported practices go beyond relevant mandatory requirements and contribute significantly and directly to the relevant result indicators;
- (m) additional national financing shall be taken into account for the calculation of result indicators.

Rules to avoid double counting in result indicators

9. In order to calculate result indicators without double counting, the following shall apply:
- (a) where a unit that contributes to the quantification of a result indicator is covered by several interventions, or several operations within the same intervention, which are linked to the same result indicator, this unit shall only be counted once in the quantification of that result indicator;
 - (b) result indicators relating to intervention covered by the integrated system and reported in the annual performance report for the agricultural financial year N-1 shall include the number of units that have received partial or full payment in agricultural financial year N-1 in relation to interventions claimed in year N-2;
 - (c) where payment entitlements or maximum thresholds are applied, Member States shall report the relevant area determined as eligible for payment after administrative controls and before applying those limits under the relevant result indicators;
 - (d) by way of derogation from point (a), double counting may be accepted for result indicators R.1, R.2, R.3, R.10 and R.28.

Denominators of result indicators

10. The following shall apply to denominators:
- (a) the values of the context indicators that are used as denominators of result indicators shall be fixed for the entire CAP Strategic Plan period. If duly justified, Member States may update these values as part of a CAP Strategic Plan amendment in accordance with Article 119 of Regulation (EU) 2021/2115;
 - (b) by way of derogation from point (a), for reporting, denominators for result indicators R.6, R.7, and R.11 shall be updated every year.

Breakdown of result indicators for reporting

11. Member States shall report only one value per relevant result indicators. By way of derogation from the first sentence, the following breakdowns are required:
- (a) by sector for result indicator R.11;
 - (b) by subcategories for result indicator R.17;
 - (c) by conversion to and maintenance of organic farming for result indicator R.29;

- (d) by land type for result indicator R.33;
- (e) by gender for result indicator R.36;
- (f) by livestock species for result indicators R.43 and R.44.

Coefficients to convert animals in livestock units

12. The following points shall apply to the use of conversion coefficients:

- (a) Eurostat coefficients to convert animals in livestock units shall be used for output indicators and result indicators, where relevant;
- (b) By way of derogation from point (a), the simplified conversion coefficients provided in the following table may be used:

Species	Age/category	Coefficient
Bovine animals	below six months	0,4
	from six months to 2 years	0,6
	over 2 years	1,0
Equine animals	over 6 months	1,0
Sheep and goats		0,15
Pigs	breeding sows > 50kg	0,5
	other pigs	0,3
Poultry	laying hens	0,014
	other poultry	0,03

- (c) the conversion coefficients provided in the table set out in point (b) may be increased or decreased in duly justified cases and explained in the CAP Strategic Plan taking into account scientific evidence;
- (d) other categories of animals may exceptionally be added in the table set out in point (b) in duly justified cases, and the conversion coefficient for any such categories shall be established and explained in the CAP Strategic Plan taking into account scientific evidence.

COMMISSION IMPLEMENTING REGULATION (EU) 2021/2291**of 21 December 2021****amending Annexes V and XIV to Implementing Regulation (EU) 2021/404 as regards the entries for the United Kingdom in the lists of third countries authorised for the entry into the Union of consignments of poultry, germinal products of poultry and fresh meat of poultry and game birds****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') ⁽¹⁾, and in particular Article 230(1) thereof,

Whereas:

- (1) Regulation (EU) 2016/429 requires that consignments of animals, germinal products and products of animal origin must come from a third country or territory, or zone or compartment thereof, listed in accordance with Article 230(1) of that Regulation in order to enter the Union.
- (2) Commission Delegated Regulation (EU) 2020/692 ⁽²⁾ lays down the animal health requirements with which consignments of certain species and categories of animals, germinal products and products of animal origin from third countries or territories, or zones thereof, or compartments thereof, in the case of aquaculture animals, must comply with in order to enter the Union.
- (3) Commission Implementing Regulation (EU) 2021/404 ⁽³⁾ establishes the lists of third countries, or territories, or zones or compartments thereof, from which the entry into the Union of the species and categories of animals, germinal products and products of animal origin falling within the scope of Delegated Regulation (EU) 2020/692 is permitted.
- (4) More particularly, Annexes V and XIV to Implementing Regulation (EU) 2021/404 set out the lists of third countries, or territories, or zones thereof authorised for the entry into the Union, respectively, of consignments of poultry, germinal products of poultry, and of fresh meat from poultry and game birds.
- (5) The United Kingdom notified the Commission of an outbreak of highly pathogenic avian influenza in poultry. The outbreak is located in a new establishment near Barrow upon Soar, Charnwood, Leicestershire in England and was confirmed on 30 November 2021 by laboratory analysis (RT-PCR).
- (6) The United Kingdom notified the Commission of outbreaks of highly pathogenic avian influenza in poultry. The outbreaks are located in a new establishment near Thirsk, Hambleton, North Yorkshire in England, near Tutbury, East Staffordshire, Staffordshire in England and near Leominster, North Herefordshire, Herefordshire in England and were confirmed on 2 December 2021 by laboratory analysis (RT-PCR).

⁽¹⁾ OJ L 84, 31.3.2016, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2020/692 of 30 January 2020 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for entry into the Union, and the movement and handling after entry of consignments of certain animals, germinal products and products of animal origin (OJ L 174, 3.6.2020, p. 379).

⁽³⁾ Commission Implementing Regulation (EU) 2021/404 of 24 March 2021 laying down the lists of third countries, territories or zones thereof from which the entry into the Union of animals, germinal products and products of animal origin is permitted in accordance with Regulation (EU) 2016/429 of the European Parliament and of the Council (OJ L 114, 31.3.2021, p. 1).

- (7) The United Kingdom notified the Commission of outbreaks of highly pathogenic avian influenza in poultry. The outbreaks are located near Gretna, Dumfriesshire, Dumfries and Galloway in Scotland, near Crickhowell, Powys in Wales and near Richmond, Richmondshire, North Yorkshire in England and were confirmed on 3 December 2021 by laboratory analysis (RT-PCR).
- (8) The United Kingdom notified the Commission of outbreaks of highly pathogenic avian influenza in poultry. The outbreaks are located near Newent, Forest of Dean, Gloucestershire in England and in a new establishment near Thirsk, Hambleton, North Yorkshire in England and were confirmed on 5 December 2021 by laboratory analysis (RT-PCR).
- (9) The United Kingdom notified the Commission of an outbreak of highly pathogenic avian influenza in poultry. The outbreak is located in a new establishment near Barrow upon Soar, Charnwood, Leicestershire in England and was confirmed on 6 December 2021 by laboratory analysis (RT-PCR).
- (10) The United Kingdom notified the Commission of outbreaks of highly pathogenic avian influenza in poultry. The outbreaks are located in a new establishment near Barrow upon Soar, Charnwood, Leicestershire in England and near Pocklington, East Yorkshire, East Riding of Yorkshire in England and were confirmed on 7 December 2021 by laboratory analysis (RT-PCR).
- (11) The United Kingdom notified the Commission of outbreaks of highly pathogenic avian influenza in poultry. The outbreaks are located near Sudbury, Babergh, South Suffolk in England and in a new establishment near Thirsk, Hambleton, North Yorkshire in England and were confirmed on 8 December 2021 by laboratory analysis (RT-PCR).
- (12) The United Kingdom notified the Commission of an outbreak of highly pathogenic avian influenza in poultry. The outbreak is located near Annan, Dumfriesshire, Dumfries and Galloway in Scotland and was confirmed on 9 December 2021 by laboratory analysis (RT-PCR).
- (13) The United Kingdom notified the Commission of outbreaks of highly pathogenic avian influenza in poultry. The outbreaks are located near Moffat, Dumfriesshire, Dumfries and Galloway in Scotland, near Highworth, Swindon, Wiltshire in England and near Clifford, Hereford and South Herefordshire, Herefordshire in England and were confirmed on 10 December 2021 by laboratory analysis (RT-PCR).
- (14) The United Kingdom notified the Commission of an outbreak of highly pathogenic avian influenza in poultry. The outbreak is located in a new establishment near Willington, South Derbyshire, Derbyshire in England and was confirmed on 11 December 2021 by laboratory analysis (RT-PCR).
- (15) The United Kingdom notified the Commission of an outbreak of highly pathogenic avian influenza in poultry. The outbreak is located near Alford, East Lindsey, Lincolnshire in England and was confirmed on 12 December 2021 by laboratory analysis (RT-PCR).
- (16) The United Kingdom notified the Commission of an outbreak of highly pathogenic avian influenza in poultry. The outbreak is located in a new establishment near Alford, East Lindsey, Lincolnshire in England and was confirmed on 13 December 2021 by laboratory analysis (RT-PCR).
- (17) The veterinary authorities of the United Kingdom established a 10 km control zone around the affected establishments and implemented a stamping-out policy in order to control the presence of highly pathogenic avian influenza and limit the spread of that disease.
- (18) The United Kingdom has submitted information to the Commission on the epidemiological situation on its territory and the measures it has taken to prevent the further spread of highly pathogenic avian influenza. That information has been evaluated by the Commission. On the basis of that evaluation, the entry into the Union of consignments of poultry, germinal products of poultry, and fresh meat from poultry and game birds from the areas under restrictions established by the veterinary authorities of the United Kingdom due to the recent outbreaks of highly pathogenic avian influenza should no longer be authorised.

- (19) Annexes V and XIV to Implementing Regulation (EU) 2021/404 should be therefore amended accordingly.
- (20) Taking into account the current epidemiological situation in the United Kingdom as regards highly pathogenic avian influenza, the amendments to be made to Implementing Regulation (EU) 2021/404 by this Regulation should take effect as a matter of urgency.
- (21) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes V and XIV to Implementing Regulation (EU) 2021/404 are amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 21 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annexes V and XIV to Implementing Regulation (EU) 2021/404 are amended as follows:

(1) Annex V is amended as follows:

(a) in Part 1, in the entry for the United Kingdom, the following rows for zones GB-2.40 to GB-60 are inserted after the row for zone GB-2.39:

GB United Kingdom	GB-2.40	Breeding poultry other than ratites and productive poultry other than ratites	BPP	N, P1		30.11.2021	
		Breeding ratites and productive ratites	BPR	N, P1		30.11.2021	
		Poultry intended for slaughter other than ratites	SP	N, P1		30.11.2021	
		Ratites intended for slaughter	SR	N, P1		30.11.2021	
		Day-old chicks other than ratites	DOC	N, P1		30.11.2021	
		Day-old chicks of ratites	DOR	N, P1		30.11.2021	
		Less than 20 heads of poultry other than ratites	POU-LT20	N, P1		30.11.2021	
		Hatching eggs of poultry other than ratites	HEP	N, P1		30.11.2021	
		Hatching eggs of ratites	HER	N, P1		30.11.2021	
		Less than 20 heads of poultry other than ratites	HE-LT20	N, P1		30.11.2021	
	GB-2.41	Breeding poultry other than ratites and productive poultry other than ratites	BPP	N, P1		02.12.2021	
		Breeding ratites and productive ratites	BPR	N, P1		02.12.2021	
		Poultry intended for slaughter other than ratites	SP	N, P1		02.12.2021	
		Ratites intended for slaughter	SR	N, P1		02.12.2021	
		Day-old chicks other than ratites	DOC	N, P1		02.12.2021	
		Day-old chicks of ratites	DOR	N, P1		02.12.2021	
		Less than 20 heads of poultry other than ratites	POU-LT20	N, P1		02.12.2021	
		Hatching eggs of poultry other than ratites	HEP	N, P1		02.12.2021	
		Hatching eggs of ratites	HER	N, P1		02.12.2021	
Less than 20 heads of poultry other than ratites	HE-LT20	N, P1		02.12.2021			

GB-2.42	Breeding poultry other than ratites and productive poultry other than ratites	BPP	N, P1		02.12.2021	
	Breeding ratites and productive ratites	BPR	N, P1		02.12.2021	
	Poultry intended for slaughter other than ratites	SP	N, P1		02.12.2021	
	Ratites intended for slaughter	SR	N, P1		02.12.2021	
	Day-old chicks other than ratites	DOC	N, P1		02.12.2021	
	Day-old chicks of ratites	DOR	N, P1		02.12.2021	
	Less than 20 heads of poultry other than ratites	POU-LT20	N, P1		02.12.2021	
	Hatching eggs of poultry other than ratites	HEP	N, P1		02.12.2021	
	Hatching eggs of ratites	HER	N, P1		02.12.2021	
	Less than 20 heads of poultry other than ratites	HE-LT20	N, P1		02.12.2021	
GB-2.43	Breeding poultry other than ratites and productive poultry other than ratites	BPP	N, P1		02.12.2021	
	Breeding ratites and productive ratites	BPR	N, P1		02.12.2021	
	Poultry intended for slaughter other than ratites	SP	N, P1		02.12.2021	
	Ratites intended for slaughter	SR	N, P1		02.12.2021	
	Day-old chicks other than ratites	DOC	N, P1		02.12.2021	
	Day-old chicks of ratites	DOR	N, P1		02.12.2021	
	Less than 20 heads of poultry other than ratites	POU-LT20	N, P1		02.12.2021	
	Hatching eggs of poultry other than ratites	HEP	N, P1		02.12.2021	
	Hatching eggs of ratites	HER	N, P1		02.12.2021	
	Less than 20 heads of poultry other than ratites	HE-LT20	N, P1		02.12.2021	

GB-2.44	Breeding poultry other than ratites and productive poultry other than ratites	BPP	N, P1		03.12.2021	
	Breeding ratites and productive ratites	BPR	N, P1		03.12.2021	
	Poultry intended for slaughter other than ratites	SP	N, P1		03.12.2021	
	Ratites intended for slaughter	SR	N, P1		03.12.2021	
	Day-old chicks other than ratites	DOC	N, P1		03.12.2021	
	Day-old chicks of ratites	DOR	N, P1		03.12.2021	
	Less than 20 heads of poultry other than ratites	POU-LT20	N, P1		03.12.2021	
	Hatching eggs of poultry other than ratites	HEP	N, P1		03.12.2021	
	Hatching eggs of ratites	HER	N, P1		03.12.2021	
	Less than 20 heads of poultry other than ratites	HE-LT20	N, P1		03.12.2021	
GB-2.45	Breeding poultry other than ratites and productive poultry other than ratites	BPP	N, P1		03.12.2021	
	Breeding ratites and productive ratites	BPR	N, P1		03.12.2021	
	Poultry intended for slaughter other than ratites	SP	N, P1		03.12.2021	
	Ratites intended for slaughter	SR	N, P1		03.12.2021	
	Day-old chicks other than ratites	DOC	N, P1		03.12.2021	
	Day-old chicks of ratites	DOR	N, P1		03.12.2021	
	Less than 20 heads of poultry other than ratites	POU-LT20	N, P1		03.12.2021	
	Hatching eggs of poultry other than ratites	HEP	N, P1		03.12.2021	
	Hatching eggs of ratites	HER	N, P1		03.12.2021	
	Less than 20 heads of poultry other than ratites	HE-LT20	N, P1		03.12.2021	

GB-2.46	Breeding poultry other than ratites and productive poultry other than ratites	BPP	N, P1		03.12.2021	
	Breeding ratites and productive ratites	BPR	N, P1		03.12.2021	
	Poultry intended for slaughter other than ratites	SP	N, P1		03.12.2021	
	Ratites intended for slaughter	SR	N, P1		03.12.2021	
	Day-old chicks other than ratites	DOC	N, P1		03.12.2021	
	Day-old chicks of ratites	DOR	N, P1		03.12.2021	
	Less than 20 heads of poultry other than ratites	POU-LT20	N, P1		03.12.2021	
	Hatching eggs of poultry other than ratites	HEP	N, P1		03.12.2021	
	Hatching eggs of ratites	HER	N, P1		03.12.2021	
	Less than 20 heads of poultry other than ratites	HE-LT20	N, P1		03.12.2021	
GB-2.47	Breeding poultry other than ratites and productive poultry other than ratites	BPP	N, P1		05.12.2021	
	Breeding ratites and productive ratites	BPR	N, P1		05.12.2021	
	Poultry intended for slaughter other than ratites	SP	N, P1		05.12.2021	
	Ratites intended for slaughter	SR	N, P1		05.12.2021	
	Day-old chicks other than ratites	DOC	N, P1		05.12.2021	
	Day-old chicks of ratites	DOR	N, P1		05.12.2021	
	Less than 20 heads of poultry other than ratites	POU-LT20	N, P1		05.12.2021	
	Hatching eggs of poultry other than ratites	HEP	N, P1		05.12.2021	
	Hatching eggs of ratites	HER	N, P1		05.12.2021	
	Less than 20 heads of poultry other than ratites	HE-LT20	N, P1		05.12.2021	

GB-2.48	Breeding poultry other than ratites and productive poultry other than ratites	BPP	N, P1		05.12.2021	
	Breeding ratites and productive ratites	BPR	N, P1		05.12.2021	
	Poultry intended for slaughter other than ratites	SP	N, P1		05.12.2021	
	Ratites intended for slaughter	SR	N, P1		05.12.2021	
	Day-old chicks other than ratites	DOC	N, P1		05.12.2021	
	Day-old chicks of ratites	DOR	N, P1		05.12.2021	
	Less than 20 heads of poultry other than ratites	POU-LT20	N, P1		05.12.2021	
	Hatching eggs of poultry other than ratites	HEP	N, P1		05.12.2021	
	Hatching eggs of ratites	HER	N, P1		05.12.2021	
	Less than 20 heads of poultry other than ratites	HE-LT20	N, P1		05.12.2021	
GB-2.49	Breeding poultry other than ratites and productive poultry other than ratites	BPP	N, P1		06.12.2021	
	Breeding ratites and productive ratites	BPR	N, P1		06.12.2021	
	Poultry intended for slaughter other than ratites	SP	N, P1		06.12.2021	
	Ratites intended for slaughter	SR	N, P1		06.12.2021	
	Day-old chicks other than ratites	DOC	N, P1		06.12.2021	
	Day-old chicks of ratites	DOR	N, P1		06.12.2021	
	Less than 20 heads of poultry other than ratites	POU-LT20	N, P1		06.12.2021	
	Hatching eggs of poultry other than ratites	HEP	N, P1		06.12.2021	
	Hatching eggs of ratites	HER	N, P1		06.12.2021	
	Less than 20 heads of poultry other than ratites	HE-LT20	N, P1		06.12.2021	

GB-2.50	Breeding poultry other than ratites and productive poultry other than ratites	BPP	N, P1		07.12.2021	
	Breeding ratites and productive ratites	BPR	N, P1		07.12.2021	
	Poultry intended for slaughter other than ratites	SP	N, P1		07.12.2021	
	Ratites intended for slaughter	SR	N, P1		07.12.2021	
	Day-old chicks other than ratites	DOC	N, P1		07.12.2021	
	Day-old chicks of ratites	DOR	N, P1		07.12.2021	
	Less than 20 heads of poultry other than ratites	POU-LT20	N, P1		07.12.2021	
	Hatching eggs of poultry other than ratites	HEP	N, P1		07.12.2021	
	Hatching eggs of ratites	HER	N, P1		07.12.2021	
	Less than 20 heads of poultry other than ratites	HE-LT20	N, P1		07.12.2021	
GB-2.51	Breeding poultry other than ratites and productive poultry other than ratites	BPP	N, P1		07.12.2021	
	Breeding ratites and productive ratites	BPR	N, P1		07.12.2021	
	Poultry intended for slaughter other than ratites	SP	N, P1		07.12.2021	
	Ratites intended for slaughter	SR	N, P1		07.12.2021	
	Day-old chicks other than ratites	DOC	N, P1		07.12.2021	
	Day-old chicks of ratites	DOR	N, P1		07.12.2021	
	Less than 20 heads of poultry other than ratites	POU-LT20	N, P1		07.12.2021	
	Hatching eggs of poultry other than ratites	HEP	N, P1		07.12.2021	
	Hatching eggs of ratites	HER	N, P1		07.12.2021	
	Less than 20 heads of poultry other than ratites	HE-LT20	N, P1		07.12.2021	

GB-2.52	Breeding poultry other than ratites and productive poultry other than ratites	BPP	N, P1		08.12.2021	
	Breeding ratites and productive ratites	BPR	N, P1		08.12.2021	
	Poultry intended for slaughter other than ratites	SP	N, P1		08.12.2021	
	Ratites intended for slaughter	SR	N, P1		08.12.2021	
	Day-old chicks other than ratites	DOC	N, P1		08.12.2021	
	Day-old chicks of ratites	DOR	N, P1		08.12.2021	
	Less than 20 heads of poultry other than ratites	POU-LT20	N, P1		08.12.2021	
	Hatching eggs of poultry other than ratites	HEP	N, P1		08.12.2021	
	Hatching eggs of ratites	HER	N, P1		08.12.2021	
	Less than 20 heads of poultry other than ratites	HE-LT20	N, P1		08.12.2021	
GB-2.53	Breeding poultry other than ratites and productive poultry other than ratites	BPP	N, P1		08.12.2021	
	Breeding ratites and productive ratites	BPR	N, P1		08.12.2021	
	Poultry intended for slaughter other than ratites	SP	N, P1		08.12.2021	
	Ratites intended for slaughter	SR	N, P1		08.12.2021	
	Day-old chicks other than ratites	DOC	N, P1		08.12.2021	
	Day-old chicks of ratites	DOR	N, P1		08.12.2021	
	Less than 20 heads of poultry other than ratites	POU-LT20	N, P1		08.12.2021	
	Hatching eggs of poultry other than ratites	HEP	N, P1		08.12.2021	
	Hatching eggs of ratites	HER	N, P1		08.12.2021	
	Less than 20 heads of poultry other than ratites	HE-LT20	N, P1		08.12.2021	

GB-2.54	Breeding poultry other than ratites and productive poultry other than ratites	BPP	N, P1		09.12.2021	
	Breeding ratites and productive ratites	BPR	N, P1		09.12.2021	
	Poultry intended for slaughter other than ratites	SP	N, P1		09.12.2021	
	Ratites intended for slaughter	SR	N, P1		09.12.2021	
	Day-old chicks other than ratites	DOC	N, P1		09.12.2021	
	Day-old chicks of ratites	DOR	N, P1		09.12.2021	
	Less than 20 heads of poultry other than ratites	POU-LT20	N, P1		09.12.2021	
	Hatching eggs of poultry other than ratites	HEP	N, P1		09.12.2021	
	Hatching eggs of ratites	HER	N, P1		09.12.2021	
	Less than 20 heads of poultry other than ratites	HE-LT20	N, P1		09.12.2021	
GB-2.55	Breeding poultry other than ratites and productive poultry other than ratites	BPP	N, P1		10.12.2021	
	Breeding ratites and productive ratites	BPR	N, P1		10.12.2021	
	Poultry intended for slaughter other than ratites	SP	N, P1		10.12.2021	
	Ratites intended for slaughter	SR	N, P1		10.12.2021	
	Day-old chicks other than ratites	DOC	N, P1		10.12.2021	
	Day-old chicks of ratites	DOR	N, P1		10.12.2021	
	Less than 20 heads of poultry other than ratites	POU-LT20	N, P1		10.12.2021	
	Hatching eggs of poultry other than ratites	HEP	N, P1		10.12.2021	
	Hatching eggs of ratites	HER	N, P1		10.12.2021	
	Less than 20 heads of poultry other than ratites	HE-LT20	N, P1		10.12.2021	

GB-2.56	Breeding poultry other than ratites and productive poultry other than ratites	BPP	N, P1		10.12.2021	
	Breeding ratites and productive ratites	BPR	N, P1		10.12.2021	
	Poultry intended for slaughter other than ratites	SP	N, P1		10.12.2021	
	Ratites intended for slaughter	SR	N, P1		10.12.2021	
	Day-old chicks other than ratites	DOC	N, P1		10.12.2021	
	Day-old chicks of ratites	DOR	N, P1		10.12.2021	
	Less than 20 heads of poultry other than ratites	POU-LT20	N, P1		10.12.2021	
	Hatching eggs of poultry other than ratites	HEP	N, P1		10.12.2021	
	Hatching eggs of ratites	HER	N, P1		10.12.2021	
	Less than 20 heads of poultry other than ratites	HE-LT20	N, P1		10.12.2021	
GB-2.57	Breeding poultry other than ratites and productive poultry other than ratites	BPP	N, P1		10.12.2021	
	Breeding ratites and productive ratites	BPR	N, P1		10.12.2021	
	Poultry intended for slaughter other than ratites	SP	N, P1		10.12.2021	
	Ratites intended for slaughter	SR	N, P1		10.12.2021	
	Day-old chicks other than ratites	DOC	N, P1		10.12.2021	
	Day-old chicks of ratites	DOR	N, P1		10.12.2021	
	Less than 20 heads of poultry other than ratites	POU-LT20	N, P1		10.12.2021	
	Hatching eggs of poultry other than ratites	HEP	N, P1		10.12.2021	
	Hatching eggs of ratites	HER	N, P1		10.12.2021	
	Less than 20 heads of poultry other than ratites	HE-LT20	N, P1		10.12.2021	

GB-2.58	Breeding poultry other than ratites and productive poultry other than ratites	BPP	N, P1		11.12.2021	
	Breeding ratites and productive ratites	BPR	N, P1		11.12.2021	
	Poultry intended for slaughter other than ratites	SP	N, P1		11.12.2021	
	Ratites intended for slaughter	SR	N, P1		11.12.2021	
	Day-old chicks other than ratites	DOC	N, P1		11.12.2021	
	Day-old chicks of ratites	DOR	N, P1		11.12.2021	
	Less than 20 heads of poultry other than ratites	POU-LT20	N, P1		11.12.2021	
	Hatching eggs of poultry other than ratites	HEP	N, P1		11.12.2021	
	Hatching eggs of ratites	HER	N, P1		11.12.2021	
	Less than 20 heads of poultry other than ratites	HE-LT20	N, P1		11.12.2021	
GB-2.59	Breeding poultry other than ratites and productive poultry other than ratites	BPP	N, P1		12.11.2021	
	Breeding ratites and productive ratites	BPR	N, P1		12.11.2021	
	Poultry intended for slaughter other than ratites	SP	N, P1		12.11.2021	
	Ratites intended for slaughter	SR	N, P1		12.11.2021	
	Day-old chicks other than ratites	DOC	N, P1		12.11.2021	
	Day-old chicks of ratites	DOR	N, P1		12.11.2021	
	Less than 20 heads of poultry other than ratites	POU-LT20	N, P1		12.11.2021	
	Hatching eggs of poultry other than ratites	HEP	N, P1		12.11.2021	
	Hatching eggs of ratites	HER	N, P1		12.11.2021	
	Less than 20 heads of poultry other than ratites	HE-LT20	N, P1		12.11.2021	

GB-2.60	Breeding poultry other than ratites and productive poultry other than ratites	BPP	N, P1		13.12.2021	
	Breeding ratites and productive ratites	BPR	N, P1		13.12.2021	
	Poultry intended for slaughter other than ratites	SP	N, P1		13.12.2021	
	Ratites intended for slaughter	SR	N, P1		13.12.2021	
	Day-old chicks other than ratites	DOC	N, P1		13.12.2021	
	Day-old chicks of ratites	DOR	N, P1		13.12.2021	
	Less than 20 heads of poultry other than ratites	POU-LT20	N, P1		13.12.2021	
	Hatching eggs of poultry other than ratites	HEP	N, P1		13.12.2021	
	Hatching eggs of ratites	HER	N, P1		13.12.2021	
	Less than 20 heads of poultry other than ratites	HE-LT20	N, P1		13.12.2021'	

(b) in Part 2, in the entry for the United Kingdom, the following descriptions of the zones GB-2.40 to GB-2.60 are inserted after the description of the zone GB-2.39:

'United Kingdom	GB-2.40	Near Barrow upon Soar, Charnwood, Leicestershire, England: The area contained within a circle of a radius of 10km, centred on WGS84 dec coordinates N52.77 and W1.12.
	GB-2.41	Near Thirsk, Hambleton, North Yorkshire, England: The area contained within a circle of a radius of 10km, centred on WGS84 dec, coordinates N54.22 and W1.42
	GB-2.42	Near Tutbury, East Staffordshire, Staffordshire, England: The area contained within a circle of a radius of 10km, centred on WGS84 dec, coordinates N52.87 and W1.76
	GB-2.43	Near Leominster, North Herefordshire, Herefordshire, England: The area contained within a circle of a radius of 10km, centred on WGS84 dec. coordinates N52.25 and W2.86
	GB-2.44	Near Gretna, Dumfriesshire, Dumfries and Galloway, Scotland: The area contained within a circle of a radius of 10km, centred on WGS84 dec coordinates N55.03 and W3.11.
	GB-2.45	Near Crickhowell, Powys, Wales: The area contained within a circle of a radius of 10km, centred on WGS84 coordinates N51.86 and W3.23.

GB-2.46	Near Richmond, Richmondshire, North Yorkshire, England: The area contained within a circle of a radius of 10km, centred on WGS84 dec, coordinates N54.47 and W1.79
GB-2.47	Near Newent, Forest of Dean, Gloucestershire, England: The area contained within a circle of a radius of 10km, centred on WGS84 dec: coordinates N51.91 and W2.33
GB-2.48	Near Thirsk, Hambleton, North Yorkshire, England: The area contained within a circle of a radius of 10km, centred on WGS84 dec, coordinates N54.2 and W1.43
GB-2.49	Near Barrow upon Soar, Charnwood, Leicestershire, England: The area contained within a circle of a radius of 10km, centred on WGS84 dec, coordinates N52.76 and W1.11
GB-2.50	Near Barrow upon Soar, Charnwood, Leicestershire, England: The area contained within a circle of a radius of 10km, centred on WGS84 dec, coordinates N52.77 and W1.08.
GB-2.51	Near Pocklington, East Yorkshire, East Riding of Yorkshire: England The area contained within a circle of a radius of 10km, centred on WGS84 dec, coordinates N53.91 and W0.72.
GB-2.52	Near Sudbury, Babergh, South Suffolk, England: The area contained within a circle of a radius of 10km, centred on WGS84 dec, coordinates N52.02 and E0.78.
GB-2.53	Near Thirsk, Hambleton, North Yorkshire, England: The area contained with a circle of a radius of 10km, centred on WGS84 dec, coordinates N54.19 and W1.32.
GB-2.54	Near Annan, Dumfriesshire, Dumfries and Galloway, Scotland: The area contained within a circle of a radius of 10km, centred on WGS84 dec, coordinates N55.05 and W3.21.
GB-2.55	Near Moffat, Dumfriesshire, Dumfries and Galloway, Scotland: The area contained within a circle of a radius of 10km, centred on WGS84 dec, coordinates N55.24 and W3.40.
GB-2.56	Near Highworth, Swindon, Wiltshire, England: The area contained within a circle of a radius of 10km, centred on WGS84 dec, coordinates N51.66 and W1.79
GB-2.57	Near Clifford, Hereford and South Herefordshire, Herefordshire, England: The area contained within a circle of a radius of 10km, centred on WGS84 dec, coordinates N52.11 and W3.10

	GB-2.58	Near Willington, South Derbyshire, Derbyshire, England: The area contained within a circle of a radius of 10km, centred on WGS84 dec, coordinates N52.86 and W1.52
	GB-2.59	Near Alford, East Lindsey, Lincolnshire, England: The area contained within a circle of a radius of 10km, centred on WGS84 dec, coordinates N53.28 and E0.21
	GB-2.60	Near Alford, East Lindsey, Lincolnshire, England: The area contained with a circle of a radius of 10km, centred on WGS84 dec, coordinates N53.26 and E0.19'

(2) in Annex XIV, in Part 1, in the entry for the United Kingdom, the following rows for zones GB-2.40 to GB-2.60 are inserted after the row for zone GB-2.39:

GB United Kingdom	GB-2.40	Fresh meat of poultry other than ratites	POU	N, P1		30.11.2021	
		Fresh meat of ratites	RAT	N, P1		30.11.2021	
		Fresh meat of game birds	GBM	N, P1		30.11.2021	
	GB-2.41	Fresh meat of poultry other than ratites	POU	N, P1		02.12.2021	
		Fresh meat of ratites	RAT	N, P1		02.12.2021	
		Fresh meat of game birds	GBM	N, P1		02.12.2021	
	GB-2.42	Fresh meat of poultry other than ratites	POU	N, P1		02.12.2021	
		Fresh meat of ratites	RAT	N, P1		02.12.2021	
		Fresh meat of game birds	GBM	N, P1		02.12.2021	
	GB-2.43	Fresh meat of poultry other than ratites	POU	N, P1		02.12.2021	
		Fresh meat of ratites	RAT	N, P1		02.12.2021	
		Fresh meat of game birds	GBM	N, P1		02.12.2021	
	GB-2.44	Fresh meat of poultry other than ratites	POU	N, P1		03.12.2021	
		Fresh meat of ratites	RAT	N, P1		03.12.2021	
		Fresh meat of game birds	GBM	N, P1		03.12.2021	
	GB-2.45	Fresh meat of poultry other than ratites	POU	N, P1		03.12.2021	
		Fresh meat of ratites	RAT	N, P1		03.12.2021	
		Fresh meat of game birds	GBM	N, P1		03.12.2021	

GB-2.46	Fresh meat of poultry other than ratites	POU	N, P1		03.12.2021	
	Fresh meat of ratites	RAT	N, P1		03.12.2021	
	Fresh meat of game birds	GBM	N, P1		03.12.2021	
GB-2.47	Fresh meat of poultry other than ratites	POU	N, P1		05.12.2021	
	Fresh meat of ratites	RAT	N, P1		05.12.2021	
	Fresh meat of game birds	GBM	N, P1		05.12.2021	
GB-2.48	Fresh meat of poultry other than ratites	POU	N, P1		05.12.2021	
	Fresh meat of ratites	RAT	N, P1		05.12.2021	
	Fresh meat of game birds	GBM	N, P1		05.12.2021	
GB-2.49	Fresh meat of poultry other than ratites	POU	N, P1		06.12.2021	
	Fresh meat of ratites	RAT	N, P1		06.12.2021	
	Fresh meat of game birds	GBM	N, P1		06.12.2021	
GB-2.50	Fresh meat of poultry other than ratites	POU	N, P1		07.12.2021	
	Fresh meat of ratites	RAT	N, P1		07.12.2021	
	Fresh meat of game birds	GBM	N, P1		07.12.2021	
GB-2.51	Fresh meat of poultry other than ratites	POU	N, P1		07.12.2021	
	Fresh meat of ratites	RAT	N, P1		07.12.2021	
	Fresh meat of game birds	GBM	N, P1		07.12.2021	
GB-2.52	Fresh meat of poultry other than ratites	POU	N, P1		08.12.2021	
	Fresh meat of ratites	RAT	N, P1		08.12.2021	
	Fresh meat of game birds	GBM	N, P1		08.12.2021	
GB-2.53	Fresh meat of poultry other than ratites	POU	N, P1		08.12.2021	
	Fresh meat of ratites	RAT	N, P1		08.12.2021	
	Fresh meat of game birds	GBM	N, P1		08.12.2021	
GB-2.54	Fresh meat of poultry other than ratites	POU	N, P1		09.12.2021	
	Fresh meat of ratites	RAT	N, P1		09.12.2021	
	Fresh meat of game birds	GBM	N, P1		09.12.2021	

GB-2.55	Fresh meat of poultry other than ratites	POU	N, P1		10.12.2021	
	Fresh meat of ratites	RAT	N, P1		10.12.2021	
	Fresh meat of game birds	GBM	N, P1		10.12.2021	
GB-2.56	Fresh meat of poultry other than ratites	POU	N, P1		10.12.2021	
	Fresh meat of ratites	RAT	N, P1		10.12.2021	
	Fresh meat of game birds	GBM	N, P1		10.12.2021	
GB-2.57	Fresh meat of poultry other than ratites	POU	N, P1		10.12.2021	
	Fresh meat of ratites	RAT	N, P1		10.12.2021	
	Fresh meat of game birds	GBM	N, P1		10.12.2021	
GB-2.58	Fresh meat of poultry other than ratites	POU	N, P1		11.12.2021	
	Fresh meat of ratites	RAT	N, P1		11.12.2021	
	Fresh meat of game birds	GBM	N, P1		11.12.2021	
GB-2.59	Fresh meat of poultry other than ratites	POU	N, P1		12.11.2021	
	Fresh meat of ratites	RAT	N, P1		12.11.2021	
	Fresh meat of game birds	GBM	N, P1		12.11.2021	
GB-2.60	Fresh meat of poultry other than ratites	POU	N, P1		13.12.2021	
	Fresh meat of ratites	RAT	N, P1		13.12.2021	
	Fresh meat of game birds	GBM	N, P1		13.12.2021'	

DECISIONS

COUNCIL DECISION (EU) 2021/2292

of 30 April 2021

on the submission, on behalf of the European Union, of a proposal for an Executive Body decision regarding the methodology for updates to reflect changes in the membership of the Union, with a view to the 41st session of the Executive Body of the Convention on Long-Range Transboundary Air Pollution, and on the position to be taken on behalf of the Union in that session

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The 1999 Protocol to Abate Acidification, Eutrophication and Ground-level Ozone to the Convention on Long-Range Transboundary Air Pollution, as amended on 4 May 2012 (the 'amended Gothenburg Protocol') was approved by the Union by Council Decision (EU) 2017/1757 ⁽¹⁾ and entered into force on 7 October 2019.
- (2) In the 36th session of the Executive Body of the Convention on Long-Range Transboundary Air Pollution (the 'Convention'), the Parties to the Convention called upon the Union and its Member States to propose a methodology for adjusting the Union emission ceilings set out in table 1 of Annex II to the original Gothenburg Protocol as adopted in 1999, to account for changes in the membership of the Union.
- (3) In the 37th session of the Executive Body of the Convention, a decision proposed by the Union and its Member States was adopted by Decision 2017/3 of the Executive Body.
- (4) The methodology for updating the Union values set out in tables 2 to 6 of Annex II to the amended Gothenburg Protocol, based exclusively on a mathematical calculation using only information that is already set out in those tables to account for changes in the membership of the Union, is required to enable such changes to be correctly reflected in view of the review of the Union's compliance with its obligations under the amended Gothenburg Protocol. This does not relate to any adjustment of national emission ceilings or national emission reduction commitments in the tables of Annex II to the amended Gothenburg Protocol.
- (5) Once the methodology for updates is adopted by the Executive Body of the Convention, the Commission should submit on behalf of the Union the necessary updates to the Executive Secretary of the United Nations Economic Commission for Europe implementing that methodology, to account for changes in the membership of the Union since the adoption of the amended Gothenburg Protocol. The Commission should also submit any updates required in the event of subsequent changes in the membership of the Union.
- (6) It is appropriate to establish the position to be taken on the Union's behalf in the Executive Body of the Convention as the decision of the Executive Body will be binding on the Union,

⁽¹⁾ Council Decision (EU) 2017/1757 of 17 July 2017 on the acceptance on behalf of the European Union of an Amendment to the 1999 Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution to Abate Acidification, Eutrophication and Ground-Level Ozone (OJ L 248, 27.9.2017, p. 3).

HAS ADOPTED THIS DECISION:

Article 1

1. At the 41st session of the Executive Body of the Convention, the Union shall pursue the objective of establishing the methodology to enable updates of the Union emission baselines and emission reduction commitments set out in tables 2 to 6 of Annex II to the amended Gothenburg Protocol, based exclusively on a mathematical calculation using only information that is already set out in those tables, in order to ensure that the Union values in those tables can be updated to correctly reflect the total sum of its Member States' emission baselines and emission reduction commitments, following changes in the membership of the Union.
2. With a view to the 41st session of the Executive Body of the Convention, and in order to achieve the objective set out in paragraph 1, the Union shall submit the proposal for the required methodology ^(?).
3. The Commission, on behalf of the Union, shall communicate that proposal to the Secretariat of the Convention.

Article 2

1. The Union may support amendments proposed by other Parties to the Convention provided they contribute to achieving the Union's objective as set out in Article 1.
2. Where other Parties to the Convention propose that the decision of the Executive Body use Article 13(2) of the Gothenburg Protocol as its legal basis, the Union may accept that proposal and engage in negotiations in this regard.
3. Where other Parties to the Convention request that the procedure for submitting the updated values for the Union be aligned with the procedure set out in in Article 13(4) and (5) of the Gothenburg Protocol, the Union may propose a simplified procedure.

Article 3

Refinement of the position set out in Articles 1 and 2 may be agreed to, in the light of developments at the 41st session of the Executive Body of the Convention, by representatives of the Union, in consultation with the Member States, during on-the-spot coordination meetings, without a further decision of the Council.

Article 4

Once the methodology to enable the updates referred to in Article 1(1) has been adopted by the Executive Body of the Convention, the Commission shall submit, on behalf of the Union, the necessary updates implementing that methodology.

Article 5

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

Done at Brussels, 30 April 2021.

For the Council
The President
A. P. ZACARIAS

^(?) See document ST 7683/21 on <http://register.consilium.europa.eu>

COUNCIL DECISION (EU) 2021/2293
of 20 December 2021

on the position to be taken on behalf of the Union in the Partnership Council established by the Trade and Cooperation Agreement with the United Kingdom regarding the extension of the derogation from the obligation to delete passenger name record data of passengers after their departure from the United Kingdom

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16(2) and Article 87(2), point (a), in conjunction with Article 218(9) thereof,

Having regard to Council Decision (EU) 2021/689 of 29 April 2021 on the conclusion, on behalf of the Union, of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, and of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland concerning security procedures for exchanging and protecting classified information ⁽¹⁾,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part ⁽²⁾ ('the TCA') lays down rules under which passenger name record ('PNR') data may be transferred to, processed and used by the United Kingdom competent authority for flights between the Union and the United Kingdom, and establishes specific safeguards in that regard.
- (2) Title III of Part Three of the TCA lays down rules under which PNR data may be transferred to, processed and used by the United Kingdom competent authority for flights between the Union and the United Kingdom, and establishes specific safeguards in that regard.
- (3) Article 552(4) of the TCA provides that the United Kingdom is to delete the PNR data of passengers after their departure from the country unless a risk assessment indicates the need to retain such PNR data.
- (4) Article 552(11) of the TCA provides that the United Kingdom may derogate from Article 552(4) of the TCA on a temporary basis for an interim period, pending the implementation by the United Kingdom of technical adjustments as soon as possible. During that interim period, the United Kingdom competent authority shall prevent the use of the PNR data that is to be deleted in accordance with Article 552(4) of the TCA by applying the additional safeguards to that PNR data listed in Article 552(11), points (a) to (d), of the TCA.
- (5) Article 552(10) of the TCA states that Article 552(11) of the TCA applies due to the special circumstances that prevent the United Kingdom from making the technical adjustments necessary to transform the PNR processing systems which the United Kingdom operated whilst Union law applied to it into systems which would enable PNR data to be deleted in accordance with Article 552(4) of the TCA.
- (6) Article 552(13) of the TCA provides that where the special circumstances referred to in Article 552(10) of the TCA persist, the Partnership Council is to extend the interim period referred to in Article 552(11) of the TCA for 1 year.

⁽¹⁾ OJ L 149, 30.4.2021, p. 2.

⁽²⁾ OJ L 149, 30.4.2021, p. 10.

- (7) Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime ⁽³⁾ applies within the Union in accordance with the Treaties.
- (8) On 1 October 2021, the United Kingdom submitted to the Specialised Committee on Law Enforcement and Judicial Cooperation established by the TCA the assessment referred to in Article 552(12), point (b), of the TCA.
- (9) In its assessment, the United Kingdom concluded that the special circumstances referred to in Article 552(10) of the TCA persist, referring to the specific situation faced by the United Kingdom in having to adapt PNR data processing systems configured for compliance with Union law as a Member State into a system configured to meet the requirements of the TCA as regards international transfers of PNR data from the Union to third countries. The United Kingdom described its efforts to transform its PNR processing systems into systems which would enable PNR data to be deleted in accordance with Article 552(4) of the TCA. The United Kingdom noted that it was carrying out an analysis of the legal, technical and operational requirements, including both functional and non-functional requirements, with a view to ensuring that the United Kingdom's PNR data processing systems will comply with Article 552(4) of the TCA. In accordance with Article 552(13) of the TCA, the Specialised Committee on Law Enforcement and Judicial Cooperation considered the United Kingdom's assessment on 19 October 2021.
- (10) On 1 October 2021, the United Kingdom also submitted to the Specialised Committee on Law Enforcement and Judicial Cooperation the report from the independent administrative body referred to in Article 552(12), point (a), of the TCA, including an annex by the United Kingdom supervisory authority as referred to in Article 525(3) of that agreement, as to whether the safeguards provided for in Article 552(11) of that agreement were applied effectively.
- (11) In accordance with Article 552(13) of the TCA, the Specialised Committee on Law Enforcement and Judicial Cooperation considered the United Kingdom's report on 19 October 2021. At that occasion, the United Kingdom stated that it intended to complement the annex to that report and that it would be done in November 2021, before the Partnership Council takes a decision on the extension of the interim period pursuant to Article 552(13) of the TCA.
- (12) It is therefore considered that the special circumstances referred to in Article 552(10) of the TCA persist, and that, pursuant to Article 552(13) of the TCA, the Partnership Council should extend the interim period referred to in Article 552(11) of the TCA by 1 year, until 31 December 2022.
- (13) The Trade and Cooperation Agreement is binding on all the Member States by virtue of Decision (EU) 2021/689, which is based on Article 217 TFEU as its substantive legal basis.
- (14) Denmark and Ireland are bound by Part III of the Trade and Cooperation Agreement by virtue of Decision (EU) 2021/689 and are therefore taking part in the adoption and application of this Decision, which implements the Trade and Cooperation Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the Partnership Council pursuant to Article 552(13) of the Trade and Cooperation Agreement shall be to agree to extend the interim period during which the United Kingdom may derogate from the obligation to delete the PNR data of passengers after their departure from the United Kingdom by 1 year, until 31 December 2022.

⁽³⁾ OJ L 119, 4.5.2016, p. 132.

Article 2

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

Done at Brussels, 20 December 2021.

For the Council
The President
A. VIZJAK

COUNCIL DECISION (EU) 2021/2294**of 20 December 2021****appointing a member and an alternate member, proposed by the Kingdom of the Netherlands, 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 Council Decision (EU) 2019/852 of 21 May 2019 determining the composition of the Committee of the Regions ⁽¹⁾,

Having regard to the proposal of the Dutch Government,

Whereas:

- (1) Pursuant to Article 300(3) of the Treaty, the Committee of the Regions is to consist of representatives of regional and local bodies who either hold a regional or local authority electoral mandate or are politically accountable to an elected assembly.
- (2) On 10 December 2019, the Council adopted Decision (EU) 2019/2157 ⁽²⁾, appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2020 to 25 January 2025.
- (3) A member's seat on the Committee of the Regions has become vacant following the end of the national mandate on the basis of which Mr Andy DRITTY was proposed for appointment.
- (4) The Dutch Government has proposed Mr Henk STAGHOUWER, representative of a regional body who is politically accountable to an elected assembly, *gedeputeerde provincie Groningen* (member of the Groningen Provincial Executive), as a member of the Committee of the Regions until 15 March 2023.
- (5) An alternate member's seat on the Committee of the Regions will become vacant following the appointment of Mr Henk STAGHOUWER as a member of the Committee of the Regions.
- (6) The Dutch Government has proposed Mr Maarten VAN GAANS-GIJBELS, representative of a regional body who is politically accountable to an elected assembly, *gedeputeerde provincie Limburg* (member of the Limburg Provincial Executive), as an alternate member of the Committee of the Regions until 15 March 2023,

HAS ADOPTED THIS DECISION:

Article 1

The following representatives of regional bodies who are politically accountable to an elected assembly are hereby appointed to the Committee of the Regions until 15 March 2023:

(a) as a member:

— Mr Henk STAGHOUWER, *gedeputeerde provincie Groningen* (member of the Groningen Provincial Executive),

⁽¹⁾ OJ L 139, 27.5.2019, p. 13.

⁽²⁾ Council Decision (EU) 2019/2157 of 10 December 2019 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2020 to 25 January 2025 (OJ L 327, 17.12.2019, p. 78).

and

(b) as an alternate member:

— Mr Maarten VAN GAANS-GIJBELS, *gedeputeerde provincie Limburg* (member of the Limburg Provincial Executive).

Article 2

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

Done at Brussels, 20 December 2021.

For the Council
The President
A. VIZJAK

DECISION (EU) 2021/2295 OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES

of 21 December 2021

appointing Judges to the General Court

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 19 thereof,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 254 and 255 thereof,

Whereas:

- (1) The terms of office of 26 Judges of the General Court are due to expire on 31 August 2022. Appointments to these posts should therefore be made for the period from 1 September 2022 to 31 August 2028.
- (2) It has been proposed that the terms of office of Mr Lauri MADISE, Mr Iko NÖMM, Ms Anna MARCOULLI, Mr Savvas S. PAPASAVVAS, Ms Tuula PYNÄ and Mr Heikki KANNINEN be renewed.
- (3) Furthermore, Article 48 of Protocol No 3 on the Statute of the Court of Justice of the European Union, as amended by Regulation (EU, Euratom) 2015/2422 of the European Parliament and of the Council⁽¹⁾, provides that the General Court is to consist of two Judges per Member State as from 1 September 2019. Article 2, point (c), of that Regulation provides that the term of office of five of the nine additional Judges to be appointed as from 1 September 2019 ends on 31 August 2025.
- (4) Mr Damjan KUKOVEC has been nominated for the post of additional Judge of the General Court.
- (5) Moreover, in accordance with Article 7 of Protocol No 3 on the Statute of the Court of Justice of the European Union and following the appointment of Mr Anthony COLLINS as Advocate-General of the Court of Justice, a judge should be appointed to the General Court for the remainder of the term of office of Mr Anthony COLLINS, which runs until 31 August 2025.
- (6) Ms Suzanne KINGSTON has been nominated for the vacant post.
- (7) In accordance with Article 7 of Protocol No 3 on the Statute of the Court of Justice of the European Union and following the appointment of Mr Dimitrios GRATSIAS as Judge to the Court of Justice, a judge should be appointed to the General Court for the remainder of the term of office of Mr Dimitrios GRATSIAS, which runs until 31 August 2022.
- (8) Mr Ioannis DIMITRAKOPOULOS has been nominated for the vacant post.
- (9) The panel set up under Article 255 of the Treaty on the Functioning of the European Union has given a favourable opinion on the suitability of those candidates to perform the duties of Judges of the General Court,

HAVE ADOPTED THIS DECISION:

Article 1

The following persons are hereby appointed to the General Court as Judges for the period from 1 September 2022 to 31 August 2028:

— Mr Lauri MADISE,

— Mr Iko NÖMM,

⁽¹⁾ Regulation (EU, Euratom) 2015/2422 of the European Parliament and of the Council of 16 December 2015 amending Protocol No 3 on the Statute of the Court of Justice of the European Union (OJ L 341, 24.12.2015, p. 14).

- Ms Anna MARCOULLI,
- Mr Savvas S. PAPASAVVAS,
- Ms Tuula PYNNÄ,
- Mr Heikki KANNINEN.

Article 2

The following persons are hereby appointed to the General Court as Judges for the period from the date of entry into force of this Decision until 31 August 2025:

- Mr Damjan KUKOVEC,
- Ms Suzanne KINGSTON.

Article 3

Mr Ioannis DIMITRAKOPOULOS is hereby appointed to the General Court as a Judge for the period from the date of entry into force of this Decision until 31 August 2022.

Article 4

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

Done at Brussels, 21 December 2021.

The President
I. JARC

COMMISSION IMPLEMENTING DECISION (EU) 2021/2296**of 21 December 2021****establishing the equivalence, for the purpose of facilitating the right of free movement within the Union, of COVID-19 certificates issued by the Republic of Tunisia to the certificates issued in accordance with Regulation (EU) 2021/953 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2021/953 of the European Parliament and of the Council of 14 June 2021 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) to facilitate free movement during the COVID-19 pandemic ⁽¹⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) Regulation (EU) 2021/953 lays down a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates ('EU Digital COVID Certificate') for the purpose of facilitating the holders' exercise of their right to free movement during the COVID-19 pandemic. It is also to contribute to facilitating the gradual lifting of restrictions to free movement put in place by Member States, in accordance with Union law, to limit the spread of SARS-CoV-2, in a coordinated manner.
- (2) Regulation (EU) 2021/953 allows for the acceptance of COVID-19 certificates issued by third countries to Union citizens and their family members where the Commission finds that those COVID-19 certificates are issued in accordance with standards that are to be considered as equivalent to those established pursuant to that Regulation. Furthermore, in accordance with Regulation (EU) 2021/954 of the European Parliament and of the Council ⁽²⁾, Member States are to apply the rules laid down in Regulation (EU) 2021/953 to third-country nationals who do not fall within the scope of that Regulation, but who are legally staying or residing in their territory and who are entitled to travel to other Member States in accordance with Union law. Therefore, any equivalence findings laid down in this Decision should apply to COVID-19 vaccination certificates issued by the Republic of Tunisia to Union citizens and their family members. Similarly, on the basis of Regulation (EU) 2021/954, such equivalence findings should also apply to COVID-19 vaccination certificates issued by the Republic of Tunisia to third-country nationals legally staying or residing in the territory of the Member States under the conditions laid down in that Regulation.
- (3) On 1 November 2021, the Republic of Tunisia provided the Commission with detailed information on the issuance of interoperable COVID-19 vaccination certificates under the system entitled 'EVAX'. The Republic of Tunisia informed the Commission that it considered that its COVID-19 certificates are being issued in accordance with a standard and a technological system, that are interoperable with the trust framework established by Regulation (EU) 2021/953 and that allow for the verification of the authenticity, validity and integrity of the certificates. In this regard, the Republic of Tunisia informed the Commission that COVID-19 vaccination certificates issued by the Republic of Tunisia in accordance with the 'EVAX' system contain the data set out in the Annex to Regulation (EU) 2021/953.

⁽¹⁾ OJ L 211, 15.6.2021, p. 1.

⁽²⁾ Regulation (EU) 2021/954 of the European Parliament and of the Council of 14 June 2021 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) with regard to third country nationals legally staying or residing in the territories of Member States during the COVID-19 pandemic (OJ L 211, 15.6.2021, p. 24).

- (4) The Republic of Tunisia also informed the Commission that it accepts vaccination and nucleic acid amplification test certificates issued by the Member States and EEA countries in accordance with Regulation (EU) 2021/953.
- (5) On 7 December 2021, following a request by the Republic of Tunisia, the Commission carried out technical tests that demonstrated that the COVID-19 vaccination certificates issued by the Republic of Tunisia are in accordance with a system, the 'EVAX' that is interoperable with the trust framework established by Regulation (EU) 2021/953, and allows for the verification of the authenticity, validity and integrity of the certificates. The Commission also confirmed that the COVID-19 vaccination certificates issued by the Republic of Tunisia in accordance with the 'EVAX' system contain the necessary data.
- (6) In addition, the Republic of Tunisia informed the Commission that it issues interoperable vaccination certificates for COVID-19 vaccines. Those vaccines currently include Comirnaty, Spikevax, Vaxzevria, COVID-19 Vaccine Janssen, CoronaVac, BBIBP-CorV, Sputnik V and Hayat-Vax.
- (7) The Republic of Tunisia also informed the Commission that it does not issue interoperable test certificates for nucleic acid amplification tests or rapid antigen tests.
- (8) Furthermore, the Republic of Tunisia informed the Commission that it does not issue interoperable certificates of recovery.
- (9) In addition, the Republic of Tunisia informed the Commission that when verifiers in Tunisia verify certificates, the personal data included in them will be processed only to verify and confirm the holder's vaccination, test result or recovery status and will not be retained afterwards.
- (10) The necessary elements for establishing that COVID-19 vaccination certificates issued by the Republic of Tunisia in accordance with the 'EVAX' system are to be considered as equivalent to those issued in accordance with Regulation (EU) 2021/953 are thus fulfilled.
- (11) Therefore, COVID-19 vaccination certificates issued by the Republic of Tunisia in accordance with the 'EVAX' system should be accepted under the conditions referred to in Article 5(5) of Regulation (EU) 2021/953.
- (12) In order for this Decision to be operational, the Republic of Tunisia should be connected to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953.
- (13) In order to protect the Union's interests, in particular in the area of public health, the Commission may use its powers to suspend application of this Decision or repeal it, if the conditions of Article 8(2) of Regulation (EU) 2021/953 are no longer met.
- (14) In order to connect the Republic of Tunisia to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953 as rapidly as possible, this Decision should enter into force on the day of its publication in the *Official Journal of the European Union*.
- (15) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 14 of Regulation (EU) 2021/953,

HAS ADOPTED THIS DECISION:

Article 1

COVID-19 vaccination certificates issued by the Republic of Tunisia in accordance with the 'EVAX' system shall, for the purpose of facilitating the right of free movement within the Union, be considered as equivalent to those issued in accordance with Regulation (EU) 2021/953.

Article 2

The Republic of Tunisia shall be connected to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953.

Article 3

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

Done at Brussels, 21 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING DECISION (EU) 2021/2297**of 21 December 2021****establishing the equivalence, for the purpose of facilitating the right of free movement within the Union, of COVID-19 certificates issued by Montenegro to the certificates issued in accordance with Regulation (EU) 2021/953 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2021/953 of the European Parliament and of the Council of 14 June 2021 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) to facilitate free movement during the COVID-19 pandemic ⁽¹⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) Regulation (EU) 2021/953 lays down a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates ('EU Digital COVID Certificate') for the purpose of facilitating the holders' exercise of their right to free movement during the COVID-19 pandemic. It is also to contribute to facilitating the gradual lifting of restrictions to free movement put in place by Member States, in accordance with Union law, to limit the spread of SARS-CoV-2, in a coordinated manner.
- (2) Regulation (EU) 2021/953 allows for the acceptance of COVID-19 certificates issued by third countries to Union citizens and their family members where the Commission finds that those COVID-19 certificates are issued in accordance with standards that are to be considered as equivalent to those established pursuant to that Regulation. Furthermore, in accordance with Regulation (EU) 2021/954 of the European Parliament and of the Council ⁽²⁾, Member States are to apply the rules laid down in Regulation (EU) 2021/953 to third-country nationals who do not fall within the scope of that Regulation, but who are legally staying or residing in their territory and who are entitled to travel to other Member States in accordance with Union law. Therefore, any equivalence findings laid down in this Decision should apply to COVID-19 vaccination, test and recovery certificates issued by Montenegro to Union citizens and their family members. Similarly, on the basis of Regulation (EU) 2021/954, such equivalence findings should also apply to COVID-19 vaccination, test and recovery certificates issued by Montenegro to third-country nationals legally staying or residing in the territory of the Member States under the conditions laid down in that Regulation.
- (3) On 31 August 2021, Montenegro provided the Commission with detailed information on the issuance of interoperable COVID-19 vaccination, test and recovery certificates under the system entitled 'SafeGO MNE'. Montenegro informed the Commission that it considered that its COVID-19 certificates are being issued in accordance with a standard and a technological system, that are interoperable with the trust framework established by Regulation (EU) 2021/953 and that allow for the verification of the authenticity, validity and integrity of the certificates. In this regard, Montenegro informed the Commission that COVID-19 vaccination, test and recovery certificates issued by Montenegro in accordance with the 'SafeGO MNE' system contain the data set out in the Annex to Regulation (EU) 2021/953.

⁽¹⁾ OJ L 211, 15.6.2021, p. 1.

⁽²⁾ Regulation (EU) 2021/954 of the European Parliament and of the Council of 14 June 2021 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) with regard to third country nationals legally staying or residing in the territories of Member States during the COVID-19 pandemic (OJ L 211, 15.6.2021, p. 24).

- (4) Montenegro also informed the Commission that it accepts vaccination, test and recovery certificates issued by the Member States and EEA countries in accordance with Regulation (EU) 2021/953.
- (5) On 14 December 2021, following a request by Montenegro, the Commission carried out technical tests that demonstrated that the COVID-19 vaccination, test and recovery certificates issued by Montenegro are in accordance with a system, the 'SafeGO MNE' that is interoperable with the trust framework established by Regulation (EU) 2021/953, and allows for the verification of the authenticity, validity and integrity of the certificates. The Commission also confirmed that the COVID-19 vaccination, test and recovery certificates issued by the Montenegro in accordance with the 'SafeGO MNE' system contain the necessary data.
- (6) In addition, Montenegro informed the Commission that it issues interoperable vaccination certificates for COVID-19 vaccines. Those vaccines currently include Comirnaty, Vaxzevria, CoronaVac, BBIBP-CorV and Sputnik V.
- (7) Montenegro also informed the Commission that it issues interoperable test certificates for nucleic acid amplification tests and rapid antigen tests listed in the common and updated list of COVID-19 rapid antigen tests agreed by the Health Security Committee, established by Article 17 of Decision No 1082/2013/EU of the European Parliament and of the Council ⁽³⁾, on the basis of the Council Recommendation of 21 January 2021 ⁽⁴⁾.
- (8) Furthermore, Montenegro informed the Commission that it issues interoperable certificates of recovery. Those certificates are valid for not more than 180 days after the date of the first positive test.
- (9) In addition, Montenegro informed the Commission that when verifiers in Montenegro verify certificates, the personal data included in them will be processed only to verify and confirm the holder's vaccination, test result or recovery status and will not be retained afterwards.
- (10) The necessary elements for establishing that COVID-19 vaccination, test and recovery certificates issued by Montenegro in accordance with the 'SafeGO MNE' system are to be considered as equivalent to those issued in accordance with Regulation (EU) 2021/953 are thus fulfilled.
- (11) Therefore, COVID-19 vaccination, test and recovery certificates issued by Montenegro in accordance with the 'SafeGO MNE' system should be accepted under the conditions referred to in Article 5(5), Article 6(5) and Article 7(8) of Regulation (EU) 2021/953.
- (12) In order for this Decision to be operational, Montenegro should be connected to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953.
- (13) In order to protect the Union's interests, in particular in the area of public health, the Commission may use its powers to suspend application of this Decision or repeal it, if the conditions of Article 8(2) of Regulation (EU) 2021/953 are no longer met.
- (14) In order to connect Montenegro to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953 as rapidly as possible, this Decision should enter into force on the day of its publication in the *Official Journal of the European Union*.
- (15) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 14 of Regulation (EU) 2021/953,

⁽³⁾ Decision No 1082/2013/EU of the European Parliament and of the Council of 22 October 2013 on serious cross-border threats to health and repealing Decision No 2119/98/EC (OJ L 293, 5.11.2013, p. 1).

⁽⁴⁾ Council Recommendation of 21 January 2021 on a common framework for the use and validation of rapid antigen tests and the mutual recognition of COVID-19 test results in the EU (OJ C 24, 22.1.2021, p. 1).

HAS ADOPTED THIS DECISION:

Article 1

COVID-19 vaccination, test and recovery certificates issued by Montenegro in accordance with the 'SafeGO MNE' system shall, for the purpose of facilitating the right of free movement within the Union, be considered as equivalent to those issued in accordance with Regulation (EU) 2021/953.

Article 2

Montenegro shall be connected to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953.

Article 3

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

Done at Brussels, 21 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING DECISION (EU) 2021/2298**of 21 December 2021****establishing the equivalence, for the purpose of facilitating the right of free movement within the Union, of COVID-19 certificates issued by the Eastern Republic of Uruguay to the certificates issued in accordance with Regulation (EU) 2021/953 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2021/953 of the European Parliament and of the Council of 14 June 2021 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) to facilitate free movement during the COVID-19 pandemic ⁽¹⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) Regulation (EU) 2021/953 lays down a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates ('EU Digital COVID Certificate') for the purpose of facilitating the holders' exercise of their right to free movement during the COVID-19 pandemic. It is also to contribute to facilitating the gradual lifting of restrictions to free movement put in place by Member States, in accordance with Union law, to limit the spread of SARS-CoV-2, in a coordinated manner.
- (2) Regulation (EU) 2021/953 allows for the acceptance of COVID-19 certificates issued by third countries to Union citizens and their family members where the Commission finds that those COVID-19 certificates are issued in accordance with standards that are to be considered as equivalent to those established pursuant to that Regulation. Furthermore, in accordance with Regulation (EU) 2021/954 of the European Parliament and of the Council ⁽²⁾, Member States are to apply the rules laid down in Regulation (EU) 2021/953 to third-country nationals who do not fall within the scope of that Regulation, but who are legally staying or residing in their territory and who are entitled to travel to other Member States in accordance with Union law. Therefore, any equivalence findings laid down in this Decision should apply to COVID-19 vaccination, test and recovery certificates issued by the Eastern Republic of Uruguay to Union citizens and their family members. Similarly, on the basis of Regulation (EU) 2021/954, such equivalence findings should also apply to COVID-19 vaccination, test and recovery certificates issued by the Eastern Republic of Uruguay to third-country nationals legally staying or residing in the territory of the Member States under the conditions laid down in that Regulation.
- (3) On 8 October 2021, the Eastern Republic of Uruguay provided the Commission with detailed information on the issuance of interoperable COVID-19 vaccination, test and recovery certificates under the system entitled 'Plataforma Nacional Coronavirus Uy'. The Eastern Republic of Uruguay informed the Commission that it considered that its COVID-19 certificates are being issued in accordance with a standard and a technological system, that are interoperable with the trust framework established by Regulation (EU) 2021/953 and that allow for the verification of the authenticity, validity and integrity of the certificates. In this regard, the Eastern Republic of Uruguay informed the Commission that COVID-19 vaccination, test and recovery certificates issued by the Eastern Republic of Uruguay in accordance with the 'Plataforma Nacional Coronavirus Uy' system contain the data set out in the Annex to Regulation (EU) 2021/953.

⁽¹⁾ OJ L 211, 15.6.2021, p. 1.

⁽²⁾ Regulation (EU) 2021/954 of the European Parliament and of the Council of 14 June 2021 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) with regard to third country nationals legally staying or residing in the territories of Member States during the COVID-19 pandemic (OJ L 211, 15.6.2021, p. 24).

- (4) The Eastern Republic of Uruguay also informed the Commission that it accepts vaccination, nucleic acid amplification test and recovery certificates issued by the Member States and EEA countries in accordance with Regulation (EU) 2021/953.
- (5) On 14 December 2021, following a request by the Eastern Republic of Uruguay, the Commission carried out technical tests that demonstrated that the COVID-19 vaccination, test and recovery certificates issued by the Eastern Republic of Uruguay are in accordance with a system, the 'Plataforma Nacional Coronavirus Uy' that is interoperable with the trust framework established by Regulation (EU) 2021/953, and allows for the verification of the authenticity, validity and integrity of the certificates. The Commission also confirmed that the COVID-19 vaccination, test and recovery certificates issued by the Eastern Republic of Uruguay in accordance with the 'Plataforma Nacional Coronavirus Uy' system contain the necessary data.
- (6) In addition, the Eastern Republic of Uruguay informed the Commission that it issues interoperable vaccination certificates for COVID-19 vaccines. Those vaccines currently include Comirnaty, Vaxzevria, Spikevax, COVID-19 Vaccine Janssen, Covishield, BBIBP-CorV, CoronaVac, Covaxin, Sputnik V and Convidecia.
- (7) The Eastern Republic of Uruguay also informed the Commission that it issues interoperable test certificates for nucleic acid amplification tests but not rapid antigen tests.
- (8) Furthermore, the Eastern Republic of Uruguay informed the Commission that it issues interoperable certificates of recovery. Those certificates are valid for not more than 180 days after the date of the first positive test.
- (9) In addition, the Eastern Republic of Uruguay informed the Commission that when verifiers in Uruguay verify certificates, the personal data included in them will be processed only to verify and confirm the holder's vaccination, test result or recovery status and will not be retained afterwards.
- (10) The necessary elements for establishing that COVID-19 vaccination, test and recovery certificates issued by the Eastern Republic of Uruguay in accordance with the 'Plataforma Nacional Coronavirus Uy' system are to be considered as equivalent to those issued in accordance with Regulation (EU) 2021/953 are thus fulfilled.
- (11) Therefore, COVID-19 vaccination, test and recovery certificates issued by the Eastern Republic of Uruguay in accordance with the 'Plataforma Nacional Coronavirus Uy' system should be accepted under the conditions referred to in Article 5(5), Article 6(5) and Article 7(8) of Regulation (EU) 2021/953.
- (12) In order for this Decision to be operational, the Eastern Republic of Uruguay should be connected to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953.
- (13) In order to protect the Union's interests, in particular in the area of public health, the Commission may use its powers to suspend application of this Decision or repeal it, if the conditions of Article 8(2) of Regulation (EU) 2021/953 are no longer met.
- (14) In order to connect the Eastern Republic of Uruguay to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953 as rapidly as possible, this Decision should enter into force on the day of its publication in the *Official Journal of the European Union*.
- (15) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 14 of Regulation (EU) 2021/953,

HAS ADOPTED THIS DECISION:

Article 1

COVID-19 vaccination, test and recovery certificates issued by the Eastern Republic of Uruguay in accordance with the 'Plataforma Nacional Coronavirus Uy' system shall, for the purpose of facilitating the right of free movement within the Union, be considered as equivalent to those issued in accordance with Regulation (EU) 2021/953.

Article 2

The Eastern Republic of Uruguay shall be connected to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953.

Article 3

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

Done at Brussels, 21 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING DECISION (EU) 2021/2299**of 21 December 2021****establishing the equivalence, for the purpose of facilitating the right of free movement within the Union, of COVID-19 certificates issued by Thailand to the certificates issued in accordance with Regulation (EU) 2021/953 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2021/953 of the European Parliament and of the Council of 14 June 2021 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) to facilitate free movement during the COVID-19 pandemic ⁽¹⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) Regulation (EU) 2021/953 lays down a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates ('EU Digital COVID Certificate') for the purpose of facilitating the holders' exercise of their right to free movement during the COVID-19 pandemic. It is also to contribute to facilitating the gradual lifting of restrictions to free movement put in place by Member States, in accordance with Union law, to limit the spread of SARS-CoV-2, in a coordinated manner.
- (2) Regulation (EU) 2021/953 allows for the acceptance of COVID-19 certificates issued by third countries to Union citizens and their family members where the Commission finds that those COVID-19 certificates are issued in accordance with standards that are to be considered as equivalent to those established pursuant to that Regulation. Furthermore, in accordance with Regulation (EU) 2021/954 of the European Parliament and of the Council ⁽²⁾, Member States are to apply the rules laid down in Regulation (EU) 2021/953 to third-country nationals who do not fall within the scope of that Regulation, but who are legally staying or residing in their territory and who are entitled to travel to other Member States in accordance with Union law. Therefore, any equivalence findings laid down in this Decision should apply to COVID-19 vaccination, test and recovery certificates issued by Thailand to Union citizens and their family members. Similarly, on the basis of Regulation (EU) 2021/954, such equivalence findings should also apply to COVID-19 vaccination, test and recovery certificates issued by Thailand to third-country nationals legally staying or residing in the territory of the Member States under the conditions laid down in that Regulation.
- (3) On 4 November 2021, Thailand provided the Commission with detailed information on the issuance of interoperable COVID-19 vaccination, test and recovery certificates under the system entitled 'MOHPROMT' (or 'Mor Prom'). Thailand informed the Commission that it considered that its COVID-19 certificates are being issued in accordance with a standard and a technological system, that are interoperable with the trust framework established by Regulation (EU) 2021/953 and that allow for the verification of the authenticity, validity and integrity of the certificates. In this regard, Thailand informed the Commission that COVID-19 vaccination, test and recovery certificates issued by Thailand in accordance with the 'MOHPROMT' (or 'Mor Prom') system contain the data set out in the Annex to Regulation (EU) 2021/953.

⁽¹⁾ OJ L 211, 15.6.2021, p. 1.

⁽²⁾ Regulation (EU) 2021/954 of the European Parliament and of the Council of 14 June 2021 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) with regard to third country nationals legally staying or residing in the territories of Member States during the COVID-19 pandemic (OJ L 211, 15.6.2021, p. 24).

- (4) Thailand also informed the Commission that it accepts vaccination, test and recovery certificates issued by the Member States and EEA countries in accordance with Regulation (EU) 2021/953.
- (5) On 24 November 2021, following a request by Thailand, the Commission carried out technical tests that demonstrated that the COVID-19 vaccination, test and recovery certificates issued by Thailand are in accordance with a system, the 'MOHPROMT' (or 'Mor Prom') that is interoperable with the trust framework established by Regulation (EU) 2021/953, and allows for the verification of the authenticity, validity and integrity of the certificates. The Commission also confirmed that the COVID-19 vaccination, test and recovery certificates issued by Thailand in accordance with the 'MOHPROMT' (or 'Mor Prom') system contain the necessary data.
- (6) In addition, Thailand informed the Commission that it issues interoperable vaccination certificates for COVID-19 vaccines. Those vaccines currently include Comirnaty, Spikevax, Vaxzevria, COVID-19 Vaccine Janssen, BBIBP-CorV and CoronaVac.
- (7) Thailand also informed the Commission that it issues interoperable test certificates for nucleic acid amplification tests and for rapid antigen tests listed in the common and updated list of COVID-19 rapid antigen tests agreed by the Health Security Committee established by Article 17 of Decision No 1082/2013/EU of the European Parliament and of the Council ⁽³⁾, on the basis of the Council Recommendation of 21 January 2021 ⁽⁴⁾.
- (8) Furthermore, Thailand informed the Commission that it issues interoperable certificates of recovery. Those certificates are valid for not more than 180 days after the date of the first positive test.
- (9) In addition, Thailand informed the Commission that when verifiers in Thailand verify certificates, the personal data included in them will be processed only to verify and confirm the holder's vaccination, test result or recovery status and will not be retained afterwards.
- (10) The necessary elements for establishing that COVID-19 vaccination, test and recovery certificates issued by Thailand in accordance with the 'MOHPROMT' (or 'Mor Prom') system are to be considered as equivalent to those issued in accordance with Regulation (EU) 2021/953 are thus fulfilled.
- (11) Therefore, COVID-19 vaccination, test and recovery certificates issued by Thailand in accordance with the 'MOHPROMT' (or 'Mor Prom') system should be accepted under the conditions referred to in Article 5(5), Article 6(5) and Article 7(8) of Regulation (EU) 2021/953.
- (12) In order for this Decision to be operational, Thailand should be connected to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953.
- (13) In order to protect the Union's interests, in particular in the area of public health, the Commission may use its powers to suspend application of this Decision or repeal it, if the conditions of Article 8(2) of Regulation (EU) 2021/953 are no longer met.
- (14) In order to connect Thailand to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953 as rapidly as possible, this Decision should enter into force on the day of its publication in the *Official Journal of the European Union*.
- (15) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 14 of Regulation (EU) 2021/953,

⁽³⁾ Decision No 1082/2013/EU of the European Parliament and of the Council of 22 October 2013 on serious cross-border threats to health and repealing Decision No 2119/98/EC (OJ L 293, 5.11.2013, p. 1).

⁽⁴⁾ Council Recommendation of 21 January 2021 on a common framework for the use and validation of rapid antigen tests and the mutual recognition of COVID-19 test results in the EU (OJ C 24, 22.1.2021, p. 1).

HAS ADOPTED THIS DECISION:

Article 1

COVID-19 vaccination, test and recovery certificates issued by Thailand in accordance with the 'MOHPROMT' (or 'Mor Prom') system shall, for the purpose of facilitating the right of free movement within the Union, be considered as equivalent to those issued in accordance with Regulation (EU) 2021/953.

Article 2

Thailand shall be connected to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953.

Article 3

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

Done at Brussels, 21 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING DECISION (EU) 2021/2300**of 21 December 2021****establishing the equivalence, for the purpose of facilitating the right of free movement within the Union, of COVID-19 certificates issued by Taiwan (*) to the certificates issued in accordance with Regulation (EU) 2021/953 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2021/953 of the European Parliament and of the Council of 14 June 2021 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) to facilitate free movement during the COVID-19 pandemic ⁽¹⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) Regulation (EU) 2021/953 lays down a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates ('EU Digital COVID Certificate') for the purpose of facilitating the holders' exercise of their right to free movement during the COVID-19 pandemic. It is also to contribute to facilitating the gradual lifting of restrictions to free movement put in place by Member States, in accordance with Union law, to limit the spread of SARS-CoV-2, in a coordinated manner.
- (2) Regulation (EU) 2021/953 allows for the acceptance of COVID-19 certificates issued by third countries to Union citizens and their family members where the Commission finds that those COVID-19 certificates are issued in accordance with standards that are to be considered as equivalent to those established pursuant to that Regulation. Furthermore, in accordance with Regulation (EU) 2021/954 of the European Parliament and of the Council ⁽²⁾, Member States are to apply the rules laid down in Regulation (EU) 2021/953 to third-country nationals who do not fall within the scope of that Regulation, but who are legally staying or residing in their territory and who are entitled to travel to other Member States in accordance with Union law. Therefore, any equivalence findings laid down in this Decision should apply to COVID-19 vaccination and test certificates issued by Taiwan to Union citizens and their family members. Similarly, on the basis of Regulation (EU) 2021/954, such equivalence findings should also apply to COVID-19 vaccination and test certificates issued by Taiwan to third-country nationals legally staying or residing in the territory of the Member States under the conditions laid down in that Regulation.
- (3) On 17 November 2021, Taiwan provided the Commission with detailed information on the issuance of interoperable COVID-19 vaccination and test certificates under the system entitled 'Taiwan Digital COVID-19 Certificate System'. Taiwan informed the Commission that it considered that its COVID-19 certificates are being issued in accordance with a standard and a technological system, that are interoperable with the trust framework established by Regulation (EU) 2021/953 and that allow for the verification of the authenticity, validity and integrity of the certificates. In this regard, Taiwan informed the Commission that COVID-19 vaccination and test certificates issued by Taiwan in accordance with the 'Taiwan Digital COVID-19 Certificate System' contain the data set out in the Annex to Regulation (EU) 2021/953.

(*) This Decision should not be interpreted as reflecting any official position of the European Union with regard to the legal status of Taiwan.

⁽¹⁾ OJ L 211, 15.6.2021, p. 1.

⁽²⁾ Regulation (EU) 2021/954 of the European Parliament and of the Council of 14 June 2021 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) with regard to third country nationals legally staying or residing in the territories of Member States during the COVID-19 pandemic (OJ L 211, 15.6.2021, p. 24).

- (4) Taiwan also informed the Commission that it accepts vaccination, nucleic acid amplification test and recovery certificates issued by the Member States and EEA countries in accordance with Regulation (EU) 2021/953.
- (5) On 10 December 2021, following a request by Taiwan, the Commission carried out technical tests that demonstrated that the COVID-19 vaccination and test certificates issued by Taiwan are in accordance with a system, the 'Taiwan Digital COVID-19 Certificate System' that is interoperable with the trust framework established by Regulation (EU) 2021/953, and allows for the verification of the authenticity, validity and integrity of the certificates. The Commission also confirmed that the COVID-19 vaccination and test certificates issued by Taiwan in accordance with the 'Taiwan Digital COVID-19 Certificate System' contain the necessary data.
- (6) In addition, Taiwan informed the Commission that it issues interoperable vaccination certificates for COVID-19 vaccines. Those vaccines currently include Comirnaty, Spikevax, Vaxzevria and MVC COVID-19 vaccine.
- (7) Taiwan also informed the Commission that it issues interoperable test certificates for nucleic acid amplification tests but not rapid antigen tests.
- (8) Furthermore, Taiwan informed the Commission that it does not issue interoperable certificates of recovery.
- (9) In addition, Taiwan informed the Commission that when verifiers in Taiwan verify certificates, the personal data included in them will be processed only to verify and confirm the holder's vaccination, test result or recovery status and will not be retained afterwards.
- (10) The necessary elements for establishing that COVID-19 vaccination and test certificates issued by Taiwan in accordance with the 'Taiwan Digital COVID-19 Certificate System' system are to be considered as equivalent to those issued in accordance with Regulation (EU) 2021/953 are thus fulfilled.
- (11) Therefore, COVID-19 vaccination and test certificates issued by Taiwan in accordance with the 'Taiwan Digital COVID-19 Certificate System' system should be accepted under the conditions referred to in Article 5(5) and Article 6(5) of Regulation (EU) 2021/953.
- (12) In order for this Decision to be operational, Taiwan should be connected to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953.
- (13) In order to protect the Union's interests, in particular in the area of public health, the Commission may use its powers to suspend application of this Decision or repeal it, if the conditions of Article 8(2) of Regulation (EU) 2021/953 are no longer met.
- (14) In order to connect Taiwan to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953 as rapidly as possible, this Decision should enter into force on the day of its publication in the *Official Journal of the European Union*.
- (15) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 14 of Regulation (EU) 2021/953,

HAS ADOPTED THIS DECISION:

Article 1

COVID-19 vaccination and test certificates issued by Taiwan in accordance with the 'Taiwan Digital COVID-19 Certificate System' system shall, for the purpose of facilitating the right of free movement within the Union, be considered as equivalent to those issued in accordance with Regulation (EU) 2021/953.

Article 2

Taiwan shall be connected to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953.

Article 3

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

Done at Brussels, 21 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING DECISION (EU) 2021/2301**of 21 December 2021****amending Implementing Decision (EU) 2021/1073 laying down technical specifications and rules for the implementation of the trust framework for the EU Digital COVID Certificate established by Regulation (EU) 2021/953 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2021/953 of the European Parliament and of the Council on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) to facilitate free movement during the COVID-19 pandemic ⁽¹⁾, and in particular Article 9(1), point (c), thereof,

Whereas:

- (1) Regulation (EU) 2021/953 sets out the EU Digital COVID Certificate the purpose of which is to serve as a proof that a person has received a COVID-19 vaccine, a negative test result or has recovered from infection for the purpose of facilitating the holders' exercise of their right to free movement during the COVID-19 pandemic.
- (2) In order for the EU Digital COVID Certificate to be operational throughout the Union, the Commission adopted Commission Implementing Decision (EU) 2021/1073 ⁽²⁾, laying down technical specifications and rules to populate, securely issue and verify EU Digital COVID Certificates, ensure the protection of personal data, lay down the common structure of the unique certificate identifier and issue a valid, secure and interoperable barcode.
- (3) On 17 November 2021, the Commission adopted Implementing Decision (EU) 2021/2014 ⁽³⁾ setting out uniform rules for populating vaccination certificates referred to in Article 3(1), point (a), of Regulation (EU) 2021/953 issued following the administration of booster COVID-19 vaccination doses.
- (4) As set out in Commission Delegated Regulation (EU) 2021/2288 ⁽⁴⁾, a standard acceptance period of 270 days is to apply to vaccination certificates indicating the completion of the primary vaccination series, be it a single-dose primary course, a two-dose primary series, or, in line with the vaccination strategy of the Member State of vaccination, a single dose primary course of a two-dose vaccine after having previously been infected with SARS-CoV-2. At the same time, no acceptance period is to be set for certificates indicating the administration of booster doses or additional doses administered to better protect individuals who mount inadequate immune responses following the completion of the primary vaccination series. References in this Regulation to booster doses should be understood as also covering such additional doses.

⁽¹⁾ OJ L 211, 15.6.2021, p. 1.

⁽²⁾ Commission Implementing Decision (EU) 2021/1073 of 28 June 2021 laying down technical specifications and rules for the implementation of the trust framework for the EU Digital COVID Certificate established by Regulation (EU) 2021/953 of the European Parliament and of the Council (OJ L 230, 30.6.2021, p. 32).

⁽³⁾ Commission Implementing Decision (EU) 2021/2014 of 17 November 2021 amending Implementing Decision (EU) 2021/1073 laying down technical specifications and rules for the implementation of the trust framework for the EU Digital COVID Certificate established by Regulation (EU) 2021/953 of the European Parliament and of the Council (OJ L 410, 18.11.2021, p. 180).

⁽⁴⁾ Commission Delegated Regulation (EU) 2021/2288 of 21 December 2021 amending the Annex to Regulation (EU) 2021/953 of the European Parliament and of the Council as regards the acceptance period of vaccination certificates issued in the EU Digital COVID Certificate format indicating the completion of the primary vaccination series (see page 459 of this Official Journal).

- (5) In order to be able to distinguish, in all cases, between certificates issued based on the completion of the primary vaccination series and certificates issued based on the administration of a booster dose, the uniform rules for populating vaccination certificates referred to in Article 3(1), point (a), of Regulation (EU) 2021/953 should be adapted.
- (6) Member States should re-issue certificates that follow different rules regarding the encoding of booster doses to avoid that the standard acceptance period of 270 days is applied to them.
- (7) Implementing Decision (EU) 2021/1073 should therefore be amended accordingly.
- (8) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council⁽⁵⁾ and delivered formal comments on 14 December 2021.
- (9) In the light of the need for rapid implementation of the amended technical specifications for the EU Digital COVID Certificate, this Decision should enter into force on the third day following that of its publication in the *Official Journal of the European Union*.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 14 of Regulation (EU) 2021/953,

HAS ADOPTED THIS DECISION:

Article 1

Annex II to Implementing Decision (EU) 2021/1073 is amended in accordance with the Annex to this Decision.

Article 2

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

Done at Brussels, 21 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

⁽⁵⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

ANNEX

Section 5.2 of Annex II to Implementing Decision (EU) 2021/1073 is replaced by the following:

‘5.2. Booster doses

Where the person is receiving doses following the primary vaccination series, such booster doses shall be reflected in the corresponding certificates as follows:

- 2/1 indicates the administration of a booster dose following a primary single-dose vaccination course, or the administration of a booster dose following the completion of a primary course consisting of one dose of a 2-dose vaccine administered to a recovered person in line with the vaccination protocol applied by a Member State. After that, doses (X) administered following the first booster dose shall be indicated by $(2+X)/(1) > 1$ (3/1, for example),
- 3/3 indicates the administration of a booster dose following a primary 2-dose vaccination series. After that, doses (X) administered following the first booster dose shall be indicated by $(3+X)/(3+X) = 1$ (4/4, for example).

Member States shall implement the encoding rules set out in this Section by 1 February 2022.

Member States shall, automatically or upon request by the persons concerned, re-issue certificates in which the administration of a booster dose following a primary single-dose vaccination course is encoded in such a way that it cannot be distinguished from the completion of the primary vaccination series.

For the purposes of this Annex, references to “booster doses” should be understood as also covering additional doses administered to better protect individuals who mount inadequate immune responses following the completion of the standard primary vaccination series. Within the legal framework established by Regulation (EU) 2021/953, Member States may take measures to address the situation of vulnerable groups who may receive additional doses as a matter of priority. For example, if a Member State decides to administer additional doses only to specific sub-groups of the population, it can choose, in accordance with Article 5(1) of Regulation (EU) 2021/953, to issue vaccination certificates indicating the administration of such additional doses only upon request and not automatically. Where such measures are taken, Member States shall inform the persons concerned accordingly, as well as that they may continue to make use of the certificate received following the completion of the standard primary vaccination series.’

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