

Official Journal of the European Union

L 170



English edition

Legislation

Volume 60

1 July 2017

Contents

II *Non-legislative acts*

INTERNATIONAL AGREEMENTS

- ★ **Council Decision (EU) 2017/1163 of 20 June 2017 on the conclusion, on behalf of the Union and its Member States, of the Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, to take account of the accession of the Republic of Croatia to the European Union** 1

REGULATIONS

- ★ **Commission Regulation (EU) 2017/1164 of 22 June 2017 amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for acrinathrin, metalaxyl and thiabendazole in or on certain products⁽¹⁾** 3
- ★ **Commission Delegated Regulation (EU) 2017/1165 of 20 April 2017 laying down temporary exceptional support measures for producers of certain fruits** 31
- ★ **Commission Implementing Regulation (EU) 2017/1166 of 26 June 2017 concerning the classification of certain goods in the Combined Nomenclature** 47
- ★ **Commission Implementing Regulation (EU) 2017/1167 of 26 June 2017 concerning the classification of certain goods in the Combined Nomenclature** 50
- ★ **Commission Implementing Regulation (EU) 2017/1168 of 26 June 2017 concerning the classification of certain goods in the Combined Nomenclature** 53
- ★ **Commission Implementing Regulation (EU) 2017/1169 of 26 June 2017 concerning the classification of certain goods in the Combined Nomenclature** 56
- ★ **Commission Implementing Regulation (EU) 2017/1170 of 26 June 2017 concerning the classification of certain goods in the Combined Nomenclature** 59

⁽¹⁾ Text with EEA relevance.

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

★ Commission Implementing Regulation (EU) 2017/1171 of 30 June 2017 imposing a definitive anti-dumping duty on imports of melamine originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council	62
★ Commission Implementing Regulation (EU) 2017/1172 of 30 June 2017 amending Implementing Regulation (EU) No 809/2014 as regards the control measures relating to the cultivation of hemp	87

DECISIONS

★ Council Decision (EU) 2017/1173 of 26 June 2017 on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms (Budget line 04 03 01 03)	89
★ Political and Security Committee Decision (CFSP) 2017/1174 of 13 June 2017 extending the mandate of the Head of Mission of the European Union CSDP Mission in Niger (EUCAP Sahel Niger) (EUCAP Sahel Niger/1/2017)	92
★ Political and Security Committee Decision (CFSP) 2017/1175 of 26 June 2017 on the acceptance of a third State's contribution to the European Union CSDP Military Training Mission in the Central African Republic (EUTM RCA) (EUTM RCA/3/2017)	93
★ Political and Security Committee Decision (CFSP) 2017/1176 of 26 June 2017 on the appointment of the EU Mission Force Commander of the European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali) (EUTM Mali/1/2017)	94
★ Political and Security Committee Decision (CFSP) 2017/1177 of 26 June 2017 on the appointment of the EU Mission Force Commander of the European Union CSDP Military Training Mission in the Central African Republic (EUTM RCA) (EUTM RCA/2/2017)	96
★ Commission Implementing Decision (EU) 2017/1178 of 2 June 2017 amending Implementing Decision (EU) 2016/2008 concerning animal health control measures relating to lumpy skin disease in certain Member States (notified under document C(2017) 3624) ⁽¹⁾	98

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

★ Decision No 1/2017 of 16 June 2017 of the Joint Committee established under the Agreement on Mutual Recognition between the European Community and Canada related to the listing of Conformity Assessment Bodies under the Sectoral Annex on Telecommunications Terminal Equipment, Information Technology Equipment and Radio Transmitters [2017/1179]	103
---	-----

⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2017/1163

of 20 June 2017

on the conclusion, on behalf of the Union and its Member States, of the Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, to take account of the accession of the Republic of Croatia to the European Union

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217, in conjunction with point (a)(i) of the second subparagraph of Article 218(6) and the second subparagraph of Article 218(8) thereof,

Having regard to the Act of Accession of the Republic of Croatia, and in particular the second subparagraph of Article 6(2) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽¹⁾,

Whereas:

- (1) In accordance with Council Decision (EU) 2017/75 ⁽²⁾, the Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, to take account of the accession of the Republic of Croatia to the European Union ('the Protocol') was signed on 15 December 2016, subject to its conclusion.
- (2) The conclusion of the Protocol is subject to a separate procedure as regards matters falling within the competence of the European Atomic Energy Community.
- (3) The Protocol should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, to take account of the accession of the Republic of Croatia to the European Union ⁽³⁾ is hereby approved on behalf of the Union and its Member States.

⁽¹⁾ Consent of 16 May 2017 (not yet published in the Official Journal).

⁽²⁾ Council Decision (EU) 2017/75 of 21 November 2016 on the signing, on behalf of the Union and its Member States, and provisional application of the Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, to take account of the accession of the Republic of Croatia to the European Union (OJ L 12, 17.1.2017, p. 1).

⁽³⁾ The text of the Protocol has been published in OJ L 12 of 17 January 2017 together with the decision on its signing.

Article 2

The President of the Council shall designate the person(s) empowered to deposit, on behalf of the Union and its Member States, the instrument of approval provided for in Article 7 of the Protocol ⁽¹⁾.

Article 3

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

Done at Luxembourg, 20 June 2017.

For the Council
The President
H. DALLI

⁽¹⁾ The date of entry into force of the Protocol will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

REGULATIONS

COMMISSION REGULATION (EU) 2017/1164

of 22 June 2017

amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for acrinathrin, metalaxyl and thiabendazole in or on certain products

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC ⁽¹⁾, and in particular Article 14(1)(a) and Article 49(2) thereof,

Whereas:

- (1) For acrinathrin, maximum residue levels (MRLs) were set in Part A of Annex III to Regulation (EC) No 396/2005. For metalaxyl and thiabendazole MRLs were set in Annex II and Part B of Annex III to that Regulation.
- (2) For acrinathrin, the European Food Safety Authority, hereinafter 'the Authority', submitted a reasoned opinion on the review of the existing MRLs in accordance with Article 12(1) of Regulation (EC) No 396/2005 ⁽²⁾. It proposed to change the residue definition. It identified concerning the MRLs for bananas, melons, peppers, watermelons, peaches and apricots a risk for consumers. It is therefore appropriate to lower these MRLs. For other products, it recommended raising or keeping the existing MRLs. It concluded that concerning the MRLs for lamb's lettuce, escarole, cress, rocket, red mustard, soya beans and all animal origin products, some information was not available and that further consideration by risk managers was required. As there is no risk for consumers, the MRLs for those products should be set in Annex II to Regulation (EC) No 396/2005 at the existing level or the level identified by the Authority. These MRLs will be reviewed; the review will take into account the information available within two years from the publication of this Regulation. The Authority concluded that regardless of the data gaps identified the critical good agriculture practice was not compliant with the approval restrictions for acrinathrin for pome fruits, apricots, cherries, peaches, plums, strawberries, bananas, garlic, onions, tomatoes, peppers, aubergines, okra (lady's fingers), cucurbits with edible peel, gherkins, courgettes, melons, pumpkins, watermelons, lettuce, beans (fresh, with pods) and soya beans and that further consideration by risk managers was required. The MRLs for these products should be set at the specific limit of determination.
- (3) For metalaxyl, the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(1) of Regulation (EC) No 396/2005 ⁽³⁾. It proposed to change the residue definition and recommended lowering the MRLs for head cabbage, Chinese cabbage, kohlrabi, spinach, beet leaves (chard), beans (fresh, with and without pods), peas (fresh, with and without pods), asparagus, leek, beans (dry), peas (dry), lupins (dry), linseed, poppy seed, rape seed, mustard seed, gold of pleasure seed, maize, swine meat and fat, bovine meat and fat, sheep meat and fat, goat meat and fat, poultry meat and fat, milk and birds eggs. It concluded that concerning the MRLs for grapefruits, oranges, lemons, limes, mandarins, apples, pears, table grapes, wine grapes, strawberries, onions, peppers, soya beans, swine liver and kidney, bovine liver and kidney, sheep liver and kidney and poultry liver some information was not available and that further consideration by risk managers was required. As there is no risk for consumers, the MRLs for those products should be set in Annex II to Regulation (EC) No 396/2005 at the existing level or the level identified by the Authority. These MRLs will be reviewed; the review will take into account the information available within two years from the publication of this Regulation. The Authority concluded that concerning the MRLs for quinces, medlars, loquat, avocados, gherkins, cotton seed, barley, buckwheat, millet, oats, rice, rye, sorghum, wheat, spices from seeds and sugar beet (root), no information was

⁽¹⁾ OJ L 70, 16.3.2005, p. 1.

⁽²⁾ European Food Safety Authority; Reasoned opinion on the review of the existing maximum residue levels (MRLs) for acrinathrin according to Article 12 of Regulation (EC) No 396/2005. *EFSA Journal* 2015;13(7):4203.

⁽³⁾ European Food Safety Authority; Reasoned opinion on combined review of the existing maximum residue levels (MRLs) for the active substances metalaxyl and metalaxyl-M. *EFSA Journal* 2015;13(4):4076.

available and that further consideration by risk managers was required. The MRLs for these products should be set at the specific limit of determination. The MRLs for spices from fruits should be set as temporary MRLs. These MRLs will be reviewed; the review will take into account the information available within four years from the publication of this Regulation.

- (4) For thiabendazole, the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(1) of Regulation (EC) No 396/2005 ⁽¹⁾. It identified concerning the MRLs for mangoes and cultivated fungi a risk for consumers. It is therefore appropriate to lower these MRLs. The Authority proposed to change the residue definition for milk and other animal origin products. It recommended lowering the MRLs for apples, pears, potatoes, witloof/Belgian endives, swine muscle and fat and poultry muscle and fat. For other products it recommended raising or keeping the existing MRLs. It concluded that concerning the MRLs for grapefruits, oranges, lemons, limes, mandarins, quinces, medlars, loquat, kumquats, avocados, bananas, papayas, potatoes, witloof/Belgian endives and all animal origin products some information was not available and that further consideration by risk managers was required. As there is no risk for consumers, the MRLs for those products should be set in Annex II to Regulation (EC) No 396/2005 at the existing level or the level identified by the Authority. These MRLs will be reviewed; the review will take into account the information available within two years from the publication of this Regulation.
- (5) As regards products on which the use of the plant protection product concerned is not authorised, and for which no import tolerances or Codex maximum residue limits (CXLs) exist, MRLs should be set at the specific limit of determination or the default MRL should apply, as provided for in Article 18(1)(b) of Regulation (EC) No 396/2005.
- (6) The Commission consulted the European Union reference laboratories for residues of pesticides as regards the need to adapt certain limits of determination. As regards several substances, those laboratories concluded that for certain commodities technical development requires the setting of specific limits of determination.
- (7) Based on the reasoned opinions of the Authority and taking into account the factors relevant to the matter under consideration, the appropriate modifications to the MRLs fulfil the requirements of Article 14(2) of Regulation (EC) No 396/2005.
- (8) Through the World Trade Organisation, the trading partners of the Union were consulted on the new MRLs and their comments have been taken into account.
- (9) Regulation (EC) No 396/2005 should therefore be amended accordingly.
- (10) In order to allow for the normal marketing, processing and consumption of products, this Regulation should provide for a transitional arrangement for products which have been produced before the modification of the MRLs and for which information shows that a high level of consumer protection is maintained. Because a risk to consumers cannot be excluded at the current MRLs, the value of 0,01 mg/kg for acrinathrin in and on bananas, melons, peppers, watermelons, peaches and apricots and the value of 0,01 mg/kg for thiabendazole in and on mangoes and cultivated fungi should apply to all products from the date of application of this Regulation.
- (11) A reasonable period should be allowed to elapse before the modified MRLs become applicable in order to permit Member States, third countries and food business operators to prepare themselves to meet the new requirements which will result from the modification of the MRLs.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽¹⁾ European Food Safety Authority; Reasoned opinion on the revision of the review of the existing maximum residue levels (MRLs) for thiabendazole. *EFSA Journal* 2016;14(6):4516.

HAS ADOPTED THIS REGULATION:

Article 1

Annexes II and III to Regulation (EC) No 396/2005 are amended in accordance with the Annex to this Regulation.

Article 2

Regulation (EC) No 396/2005 as it stood before being amended by this Regulation shall continue to apply to products which were produced before 21 January 2018:

- (1) as regards the active substance metalaxyl in and on all products;
- (2) as regards the active substance acrinathrin in and all products except bananas, melons, peppers, watermelons, peaches and apricots;
- (3) as regards the active substance thiabendazole in and on all products except mangoes and cultivated fungi.

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*.

It shall apply from 21 January 2018.

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

Done at Brussels, 22 June 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Annexes II and III to Regulation (EC) No 396/2005 are amended as follows:

(1) Annex II is amended as follows:

(a) the columns for metalaxyl and thiabendazole are replaced by the following:

'Pesticide residues and maximum residue levels (mg/kg)

Code number	Groups and examples of individual products to which the MRLs apply ^(a)	Metalaxyl including other mixtures of constituent isomers including metalaxyl-M (sum of isomers) (R)	Thiabendazole (R)
(1)	(2)	(3)	(4)
0100000	FRUITS, FRESH or FROZEN; TREE NUTS		
0110000	Citrus fruits		7 (+)
0110010	Grapefruits	0,7	
0110020	Oranges	0,7	
0110030	Lemons	0,5 (+)	
0110040	Limes	0,5 (+)	
0110050	Mandarins	0,5 (+)	
0110990	Others	0,5	
0120000	Tree nuts	0,01 (*)	0,02 (*)
0120010	Almonds		
0120020	Brazil nuts		
0120030	Cashew nuts		
0120040	Chestnuts		
0120050	Coconuts		
0120060	Hazelnuts/cobnuts		
0120070	Macadamias		
0120080	Pecans		
0120090	Pine nut kernels		
0120100	Pistachios		
0120110	Walnuts		
0120990	Others		
0130000	Pome fruits		
0130010	Apples	1 (+)	4 (+)
0130020	Pears	1 (+)	4
0130030	Quinces	0,01 (*)	3
0130040	Medlars	0,01 (*)	3

(1)	(2)	(3)	(4)
0130050	Loquats/Japanese medlars	0,01 (*)	3
0130990	Others	0,01 (*)	0,01 (*)
0140000	Stone fruits	0,01 (*)	0,01 (*)
0140010	Apricots		
0140020	Cherries (sweet)		
0140030	Peaches		
0140040	Plums		
0140990	Others		
0150000	Berries and small fruits		0,01 (*)
0151000	(a) <i>grapes</i>		
0151010	Table grapes	2 (+)	
0151020	Wine grapes	1 (+)	
0152000	(b) <i>strawberries</i>	0,6	
0153000	(c) <i>cane fruits</i>	0,02 (*)	
0153010	Blackberries		
0153020	Dewberries		
0153030	Raspberries (red and yellow)		
0153990	Others		
0154000	(d) <i>other small fruits and berries</i>		
0154010	Blueberries	0,01 (*)	
0154020	Cranberries	0,01 (*)	
0154030	Currants (black, red and white)	0,4	
0154040	Gooseberries (green, red and yellow)	0,3	
0154050	Rose hips	0,01 (*)	
0154060	Mulberries (black and white)	0,01 (*)	
0154070	Azaroles/Mediterranean medlars	0,01 (*)	
0154080	Elderberries	0,01 (*)	
0154990	Others	0,01 (*)	
0160000	Miscellaneous fruits with		
0161000	(a) <i>edible peel</i>	0,05 (*)	
0161010	Dates		0,01 (*)
0161020	Figs		0,01 (*)
0161030	Table olives		0,01 (*)
0161040	Kumquats		7
0161050	Carambolas		0,01 (*)
0161060	Kaki/Japanese persimmons		0,01 (*)
0161070	Jambuls/jambolans		0,01 (*)
0161990	Others		0,01 (*)
0162000	(b) <i>inedible peel, small</i>		0,01 (*)
0162010	Kiwi fruits (green, red, yellow)	0,02 (*)	
0162020	Litchis/lychees	0,01 (*)	
0162030	Passionfruits/maracujas	0,01 (*)	
0162040	Prickly pears/cactus fruits	0,01 (*)	

(1)	(2)	(3)	(4)
0162050	Star apples/cainitos	0,01 (*)	
0162060	American persimmons/Virginia kaki	0,01 (*)	
0162990	Others	0,01 (*)	
0163000	(c) <i>inedible peel, large</i>	0,01 (*)	
0163010	Avocados		20 (+)
0163020	Bananas		6
0163030	Mangoes		0,01 (*)
0163040	Papayas		10
0163050	Granate apples/pomegranates		0,01 (*)
0163060	Cherimoyas		0,01 (*)
0163070	Guavas		0,01 (*)
0163080	Pineapples		0,01 (*)
0163090	Breadfruits		0,01 (*)
0163100	Durians		0,01 (*)
0163110	Soursops/guanabanas		0,01 (*)
0163990	Others		0,01 (*)
0200000	VEGETABLES, FRESH or FROZEN		
0210000	Root and tuber vegetables		
0211000	(a) <i>potatoes</i>	0,02 (*)	0,04 (+)
0212000	(b) <i>tropical root and tuber vegetables</i>	0,01 (*)	0,01 (*)
0212010	Cassava roots/manioc		
0212020	Sweet potatoes		
0212030	Yams		
0212040	Arrowroots		
0212990	Others		
0213000	(c) <i>other root and tuber vegetables except sugar beets</i>		0,01 (*)
0213010	Beetroots	0,02 (*)	
0213020	Carrots	0,1	
0213030	Celeriacs/turnip rooted celeries	0,01 (*)	
0213040	Horseradishes	0,1	
0213050	Jerusalem artichokes	0,01 (*)	
0213060	Parsnips	0,1	
0213070	Parsley roots/Hamburg roots parsley	0,01 (*)	
0213080	Radishes	0,06	
0213090	Salsifies	0,02 (*)	
0213100	Swedes/rutabagas	0,01 (*)	
0213110	Turnips	0,01 (*)	
0213990	Others	0,01 (*)	
0220000	Bulb vegetables		0,01 (*)
0220010	Garlic	0,02 (*)	
0220020	Onions	0,5 (+)	
0220030	Shallots	0,02 (*)	
0220040	Spring onions/green onions and Welsh onions	0,3	
0220990	Others	0,01 (*)	

(1)	(2)	(3)	(4)
0230000	Fruiting vegetables		0,01 (*)
0231000	(a) <i>solanacea</i>		
0231010	Tomatoes	0,3	
0231020	Sweet peppers/bell peppers	0,5 (+)	
0231030	Aubergines/eggplants	0,01 (*)	
0231040	Okra/lady's fingers	0,01 (*)	
0231990	Others	0,01 (*)	
0232000	(b) <i>cucurbits with edible peel</i>		
0232010	Cucumbers	0,5	
0232020	Gherkins	0,01 (*)	
0232030	Courgettes	0,01 (*)	
0232990	Others	0,01 (*)	
0233000	(c) <i>cucurbits with inedible peel</i>		
0233010	Melons	0,2 (+)	
0233020	Pumpkins	0,01 (*)	
0233030	Watermelons	0,2 (+)	
0233990	Others	0,01 (*)	
0234000	(d) <i>sweet corn</i>	0,05 (*)	
0239000	(e) <i>other fruiting vegetables</i>	0,01 (*)	
0240000	Brassica vegetables (excluding brassica roots and brassica baby leaf crops)		0,01 (*)
0241000	(a) <i>flowering brassica</i>	0,2 (+)	
0241010	Broccoli		
0241020	Cauliflowers		
0241990	Others		
0242000	(b) <i>head brassica</i>		
0242010	Brussels sprouts	0,15	
0242020	Head cabbages	0,06	
0242990	Others	0,01 (*)	
0243000	(c) <i>leafy brassica</i>		
0243010	Chinese cabbages/pe-tsai	0,02 (*)	
0243020	Kales	0,3	
0243990	Others	0,01 (*)	
0244000	(d) <i>kohlrabies</i>	0,02 (*)	
0250000	Leaf vegetables, herbs and edible flowers		
0251000	(a) <i>lettuces and salad plants</i>	3	0,01 (*)
0251010	Lamb's lettuces/corn salads		
0251020	Lettuces		
0251030	Escaroles/broad-leaved endives		
0251040	Cresses and other sprouts and shoots		

(1)	(2)	(3)	(4)
0251050	Land cresses		
0251060	Roman rocket/rucola		
0251070	Red mustards		
0251080	Baby leaf crops (including brassica species)		
0251990	Others		
0252000	(b) <i>spinaches and similar leaves</i>	1,5	0,01 (*)
0252010	Spinaches		
0252020	Purslanes		
0252030	Chards/beet leaves		
0252990	Others		
0253000	(c) <i>grape leaves and similar species</i>	0,01 (*)	0,01 (*)
0254000	(d) <i>watercresses</i>	0,01 (*)	0,01 (*)
0255000	(e) <i>witloofs/Belgian endives</i>	0,4	0,05 (*) (+)
0256000	(f) <i>herbs and edible flowers</i>	3 (+)	0,02 (*)
0256010	Chervil		
0256020	Chives		
0256030	Celery leaves		
0256040	Parsley		
0256050	Sage		
0256060	Rosemary		
0256070	Thyme		
0256080	Basil and edible flowers		
0256090	Laurel/bay leave		
0256100	Tarragon		
0256990	Others		
0260000	Legume vegetables		0,01 (*)
0260010	Beans (with pods)	0,02 (*)	
0260020	Beans (without pods)	0,02 (*)	
0260030	Peas (with pods)	0,02 (*)	
0260040	Peas (without pods)	0,02 (*)	
0260050	Lentils	0,01 (*)	
0260990	Others	0,01 (*)	
0270000	Stem vegetables		0,01 (*)
0270010	Asparagus	0,02 (*)	
0270020	Cardoons	0,01 (*)	
0270030	Celeries	0,01 (*)	
0270040	Florence fennels	0,01 (*)	
0270050	Globe artichokes	0,05 (+)	
0270060	Leeks	0,03	
0270070	Rhubarbs	0,01 (*)	
0270080	Bamboo shoots	0,01 (*)	
0270090	Palm hearts	0,01 (*)	
0270990	Others	0,01 (*)	

(1)	(2)	(3)	(4)
0280000	Fungi, mosses and lichens	0,01 (*)	0,01 (*)
0280010	Cultivated fungi		
0280020	Wild fungi		
0280990	Mosses and lichens		
0290000	Algae and prokaryotes organisms	0,01 (*)	0,01 (*)
0300000	PULSES		0,01 (*)
0300010	Beans	0,02 (*)	
0300020	Lentils	0,01 (*)	
0300030	Peas	0,02 (*)	
0300040	Lupins/lupini beans	0,02 (*)	
0300990	Others	0,01 (*)	
0400000	OILSEEDS AND OIL FRUITS		0,02 (*)
0401000	Oilseeds		
0401010	Linseeds	0,02 (*)	
0401020	Peanuts/groundnuts	0,01 (*)	
0401030	Poppy seeds	0,02 (*)	
0401040	Sesame seeds	0,01 (*)	
0401050	Sunflower seeds	0,02 (*)	
0401060	Rapeseeds/canola seeds	0,02 (*)	
0401070	Soyabeans	0,1 (*) (+)	
0401080	Mustard seeds	0,02 (*)	
0401090	Cotton seeds	0,01 (*)	
0401100	Pumpkin seeds	0,01 (*)	
0401110	Safflower seeds	0,01 (*)	
0401120	Borage seeds	0,01 (*)	
0401130	Gold of pleasure seeds	0,02 (*)	
0401140	Hemp seeds	0,01 (*)	
0401150	Castor beans	0,01 (*)	
0401990	Others	0,01 (*)	
0402000	Oil fruits	0,01 (*)	
0402010	Olives for oil production		
0402020	Oil palms kernels		
0402030	Oil palms fruits		
0402040	Kapok		
0402990	Others		
0500000	CEREALS		0,01 (*)
0500010	Barley	0,01 (*)	
0500020	Buckwheat and other pseudo-cereals	0,01 (*)	
0500030	Maize/corn	0,02 (*)	
0500040	Common millet/proso millet	0,01 (*)	
0500050	Oat	0,01 (*)	
0500060	Rice	0,01 (*)	

(1)	(2)	(3)	(4)
0500070	Rye	0,01 (*)	
0500080	Sorghum	0,01 (*)	
0500090	Wheat	0,01 (*)	
0500990	Others	0,01 (*)	
0600000	TEAS, COFFEE, HERBAL INFUSIONS, COCOA AND CAROBS		0,05 (*)
0610000	Teas	0,05 (*)	
0620000	Coffee beans	0,05 (*)	
0630000	Herbal infusions from	0,05 (*)	
0631000	(a) <i>flowers</i>		
0631010	Chamomile		
0631020	Hibiscus/roselle		
0631030	Rose		
0631040	Jasmine		
0631050	Lime/linden		
0631990	Others		
0632000	(b) <i>leaves and herbs</i>		
0632010	Strawberry		
0632020	Rooibos		
0632030	Mate/maté		
0632990	Others		
0633000	(c) <i>roots</i>		
0633010	Valerian		
0633020	Ginseng		
0633990	Others		
0639000	(d) <i>any other parts of the plant</i>		
0640000	Cocoa beans	0,1 (+)	
0650000	Carobs/Saint John's breads	0,05 (*)	
0700000	HOPS	15 (+)	0,05 (*)
0800000	SPICES		
0810000	Seed spices	0,05 (*)	0,05 (*)
0810010	Anise/aniseed		
0810020	Black caraway/black cumin		
0810030	Celery		
0810040	Coriander		
0810050	Cumin		
0810060	Dill		
0810070	Fennel		
0810080	Fenugreek		
0810090	Nutmeg		
0810990	Others		

(1)	(2)	(3)	(4)
0820000	Fruit spices	0,1 (*) (+)	0,05 (*)
0820010	Allspice/pimento		
0820020	Sichuan pepper		
0820030	Caraway		
0820040	Cardamom		
0820050	Juniper berry		
0820060	Peppercorn (black, green and white)		
0820070	Vanilla		
0820080	Tamarind		
0820990	Others		
0830000	Bark spices	0,05 (*)	0,05 (*)
0830010	Cinnamon		
0830990	Others		
0840000	Root and rhizome spices		
0840010	Liquorice	0,05 (*)	0,05 (*)
0840020	Ginger	0,05 (*)	0,05 (*)
0840030	Turmeric/curcuma	0,05 (*)	0,05 (*)
0840040	Horseradish	(+)	(+)
0840990	Others	0,05 (*)	0,05 (*)
0850000	Bud spices	0,05 (*)	0,05 (*)
0850010	Cloves		
0850020	Capers		
0850990	Others		
0860000	Flower pistil spices	0,05 (*)	0,05 (*)
0860010	Saffron		
0860990	Others		
0870000	Aril spices	0,05 (*)	0,05 (*)
0870010	Mace		
0870990	Others		
0900000	SUGAR PLANTS	0,01 (*)	0,01 (*)
0900010	Sugar beet roots		
0900020	Sugar canes		
0900030	Chicory roots		
0900990	Others		
1000000	PRODUCTS OF ANIMAL ORIGIN -TERRESTRIAL ANIMALS	(+)	(+)
1010000	Tissues from		
1011000	(a) <i>swine</i>		
1011010	Muscle	0,01 (*)	0,05 (*)
1011020	Fat tissue	0,01 (*)	0,05 (*)
1011030	Liver	0,05 (*)	0,15
1011040	Kidney	0,2	0,3

(1)	(2)	(3)	(4)
1011050	Edible offals (other than liver and kidney)	0,2	0,3
1011990	Others	0,01 (*)	0,01 (*)
1012000	(b) <i>bovine</i>		
1012010	Muscle	0,01 (*)	0,1
1012020	Fat tissue	0,01 (*)	0,1
1012030	Liver	0,05 (*)	0,3
1012040	Kidney	0,3	1
1012050	Edible offals (other than liver and kidney)	0,3	1
1012990	Others	0,01 (*)	0,01 (*)
1013000	(c) <i>sheep</i>		
1013010	Muscle	0,01 (*)	0,05 (*)
1013020	Fat tissue	0,01 (*)	0,05 (*)
1013030	Liver	0,05 (*)	0,15
1013040	Kidney	0,3	0,3
1013050	Edible offals (other than liver and kidney)	0,3	0,3
1013990	Others	0,01 (*)	0,01 (*)
1014000	(d) <i>goat</i>		
1014010	Muscle	0,01 (*)	0,1
1014020	Fat tissue	0,01 (*)	0,1
1014030	Liver	0,05 (*)	0,15
1014040	Kidney	0,3	0,3
1014050	Edible offals (other than liver and kidney)	0,3	0,3
1014990	Others	0,01 (*)	0,01 (*)
1015000	(e) <i>equine</i>		
1015010	Muscle	0,01 (*)	0,05 (*)
1015020	Fat tissue	0,01 (*)	0,05 (*)
1015030	Liver	0,05 (*)	0,15
1015040	Kidney	0,3	0,3
1015050	Edible offals (other than liver and kidney)	0,3	0,3
1015990	Others	0,01 (*)	0,01 (*)
1016000	(f) <i>poultry</i>		
1016010	Muscle	0,01 (*)	0,05
1016020	Fat tissue	0,01 (*)	0,05
1016030	Liver	0,05 (*)	0,2
1016040	Kidney	0,05 (*)	0,2
1016050	Edible offals (other than liver and kidney)	0,05 (*)	0,2
1016990	Others	0,01 (*)	0,01 (*)
1017000	(g) <i>other farmed terrestrial animals</i>		
1017010	Muscle	0,01 (*)	0,05 (*)
1017020	Fat tissue	0,01 (*)	0,05 (*)
1017030	Liver	0,05 (*)	0,15
1017040	Kidney	0,3	0,3
1017050	Edible offals (other than liver and kidney)	0,3	0,3
1017990	Others	0,01 (*)	0,01 (*)

(1)	(2)	(3)	(4)
1020000	Milk	0,01 (*)	0,2
1020010	Cattle		
1020020	Sheep		
1020030	Goat		
1020040	Horse		
1020990	Others		
1030000	Birds eggs	0,01 (*)	2
1030010	Chicken		
1030020	Duck		
1030030	Geese		
1030040	Quail		
1030990	Others		
1040000	Honey and other apiculture products	0,05 (*)	0,05 (*)
1050000	Amphibians and Reptiles	0,01 (*)	0,01 (*)
1060000	Terrestrial invertebrate animals	0,01 (*)	0,01 (*)
1070000	Wild terrestrial vertebrate animals	0,01 (*)	0,01 (*)

(*) Indicates lower limit of analytical determination

(**) Pesticide-code combination for which the MRL as set in Annex III Part B applies.

(a) For the complete list of products of plant and animal origin to which MRLs apply, reference should be made to Annex I.

Metalaxyl including other mixtures of constituent isomers including metalaxyl-M (sum of isomers) (R)

(R) = The residue definition differs for the following combinations pesticide-code number:

Metalaxyl — code 100000, except 1040000: Sum of metalaxyl (sum of isomers) and its metabolites containing the 2,6-dimethylaniline moiety, expressed as metalaxyl

(+) The European Food Safety Authority identified some information on residue trials on metalaxyl and metalaxyl-M as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 1 July 2019, or, if that information is not submitted by that date, the lack of it.

0110030 Lemons

(+) The European Food Safety Authority identified some information on residue trials on metalaxyl as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 1 July 2019, or, if that information is not submitted by that date, the lack of it.

0110040 Limes

0110050 Mandarins

(+) The European Food Safety Authority identified some information on residue trials on metalaxyl and metalaxyl-M as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 1 July 2019, or, if that information is not submitted by that date, the lack of it.

0130010 Apples

0130020 Pears

(+) The European Food Safety Authority identified some information on residue trials on metalaxyl as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 1 July 2019, or, if that information is not submitted by that date, the lack of it.

0151010 Table grapes

0151020 Wine grapes

0220020 Onions

0231020 Sweet peppers/bell peppers**0233010 Melons****0233030 Watermelons**

- (+) The European Food Safety Authority identified some information on residue trials on metalaxyl and metalaxyl-M as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 1 July 2019, or, if that information is not submitted by that date, the lack of it.

0241000 (a) flowering brassica**0241010 Broccoli****0241020 Cauliflowers****0241990 Others**

- (+) The European Food Safety Authority identified some information on residue trials on metalaxyl-M as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 1 July 2019, or, if that information is not submitted by that date, the lack of it.

0256000 (f) herbs and edible flowers**0256010 Chervil****0256020 Chives****0256030 Celery leaves****0256040 Parsley****0256050 Sage****0256060 Rosemary****0256070 Thyme****0256080 Basil and edible flowers****0256090 Laurel/bay leave****0256100 Tarragon****0256990 Others**

- (+) The European Food Safety Authority identified some information on residue trials on metalaxyl as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 1 July 2019, or, if that information is not submitted by that date, the lack of it.

0270050 Globe artichokes

- (+) The European Food Safety Authority identified some information on residue trials on metalaxyl and metalaxyl-M as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 1 July 2019, or, if that information is not submitted by that date, the lack of it.

0401070 Soyabeans

- (+) The European Food Safety Authority identified some information on residue trials on metalaxyl-M and analytical methods as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 1 July 2019, or, if that information is not submitted by that date, the lack of it.

0640000 Cocoa beans**0700000 HOPS**

- (+) Temporary MRL valid until 1 July 2021. After this date the MRL will be 0,05 (*) mg/kg, unless modified by a Regulation in light of new available information.

0820000 Fruit spices**0820010 Allspice/pimento****0820020 Sichuan pepper****0820030 Caraway****0820040 Cardamom**

- 0820050** Juniper berry
- 0820060** Peppercorn (black, green and white)
- 0820070** Vanilla
- 0820080** Tamarind
- 0820990** Others

(+) The applicable maximum residue level for horseradish (*Armoracia rusticana*) in the spice group (code 0840040) is the one set for horseradish (*Armoracia rusticana*) in the Vegetables category, root and tuber vegetables group (code 0213040) taking into account changes in the levels by processing (drying) according to Art. 20 (1) of Regulation (EC) No 396/2005.

0840040 Horseradish

(+) The European Food Safety Authority identified some information on analytical methods as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 1 July 2019, or, if that information is not submitted by that date, the lack of it.

1000000 PRODUCTS OF ANIMAL ORIGIN -TERRESTRIAL ANIMALS

- 1010000** Tissues from
 - 1011000** (a) swine
 - 1011010** Muscle
 - 1011020** Fat tissue
 - 1011030** Liver
 - 1011040** Kidney
 - 1011050** Edible offals (other than liver and kidney)
 - 1011990** Others
 - 1012000** (b) bovine
 - 1012010** Muscle
 - 1012020** Fat tissue
 - 1012030** Liver
 - 1012040** Kidney
 - 1012050** Edible offals (other than liver and kidney)
 - 1012990** Others
 - 1013000** (c) sheep
 - 1013010** Muscle
 - 1013020** Fat tissue
 - 1013030** Liver
 - 1013040** Kidney
 - 1013050** Edible offals (other than liver and kidney)
 - 1013990** Others
 - 1014000** (d) goat
 - 1014010** Muscle
 - 1014020** Fat tissue
 - 1014030** Liver
 - 1014040** Kidney
 - 1014050** Edible offals (other than liver and kidney)
 - 1014990** Others
 - 1015000** (e) equine
 - 1015010** Muscle
 - 1015020** Fat tissue

1015030	Liver
1015040	Kidney
1015050	Edible offals (other than liver and kidney)
1015990	Others
1016000	(f) poultry
1016010	Muscle
1016020	Fat tissue
1016030	Liver
1016040	Kidney
1016050	Edible offals (other than liver and kidney)
1016990	Others
1017000	(g) other farmed terrestrial animals
1017010	Muscle
1017020	Fat tissue
1017030	Liver
1017040	Kidney
1017050	Edible offals (other than liver and kidney)
1017990	Others
1020000	Milk
1020010	Cattle
1020020	Sheep
1020030	Goat
1020040	Horse
1020990	Others
1030000	Birds eggs
1030010	Chicken
1030020	Duck
1030030	Geese
1030040	Quail
1030990	Others
1040000	Honey and other apiculture products
1050000	Amphibians and Reptiles
1060000	Terrestrial invertebrate animals
1070000	Wild terrestrial vertebrate animals

Thiabendazole (R)

(R) = The residue definition differs for the following combinations pesticide-code number:

Thiabendazole — code 100000, except 1020000 and 1040000: sum of thiabendazole and 5-hydroxythiabendazole, expressed as thiabendazole

Thiabendazole — code 1020000: sum of thiabendazole, 5-hydroxythiabendazole and its sulfate conjugate, expressed as thiabendazole

(+) The European Food Safety Authority identified some information on the magnitude of residues of the metabolite benzimidazole as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 1 July 2019, or, if that information is not submitted by that date, the lack of it.

0110000	Citrus fruits
0110010	Grapefruits
0110020	Oranges
0110030	Lemons

0110040 Limes**0110050 Mandarins****0110990 Others****0130010 Apples**

- (+) The European Food Safety Authority identified some information on residue trials as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 1 July 2019, or, if that information is not submitted by that date, the lack of it.

0163010 Avocados

- (+) The European Food Safety Authority identified some information on storage stability and on the magnitude of residues of the metabolite benzimidazole as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 1 July 2019, or, if that information is not submitted by that date, the lack of it.

0211000 (a) potatoes

- (+) The European Food Safety Authority identified some information on storage stability and on the magnitude of residues of the metabolite benzimidazole as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 1 July 2019, or, if that information is not submitted by that date, the lack of it.

0255000 (e) witloofs/Belgian endives

- (+) The applicable maximum residue level for horseradish (*Armoracia rusticana*) in the spice group (code 0840040) is the one set for horseradish (*Armoracia rusticana*) in the Vegetables category, root and tuber vegetables group (code 0213040) taking into account changes in the levels by processing (drying) according to Art. 20 (1) of Regulation (EC) No 396/2005.

0840040 Horseradish

- (+) The European Food Safety Authority identified some information on analytical methods and on the magnitude of residues of the metabolite benzimidazole as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 1 July 2019, or, if that information is not submitted by that date, the lack of it.

1000000 PRODUCTS OF ANIMAL ORIGIN -TERRESTRIAL ANIMALS**1010000 Tissues from****1011000 (a) swine****1011010 Muscle****1011020 Fat tissue****1011030 Liver****1011040 Kidney****1011050 Edible offals (other than liver and kidney)****1011990 Others****1012000 (b) bovine****1012010 Muscle****1012020 Fat tissue****1012030 Liver****1012040 Kidney****1012050 Edible offals (other than liver and kidney)****1012990 Others****1013000 (c) sheep****1013010 Muscle****1013020 Fat tissue****1013030 Liver****1013040 Kidney****1013050 Edible offals (other than liver and kidney)**

1013990	Others
1014000	(d) goat
1014010	Muscle
1014020	Fat tissue
1014030	Liver
1014040	Kidney
1014050	Edible offals (other than liver and kidney)
1014990	Others
1015000	(e) equine
1015010	Muscle
1015020	Fat tissue
1015030	Liver
1015040	Kidney
1015050	Edible offals (other than liver and kidney)
1015990	Others
1016000	(f) poultry
1016010	Muscle
1016020	Fat tissue
1016030	Liver
1016040	Kidney
1016050	Edible offals (other than liver and kidney)
1016990	Others
1017000	(g) other farmed terrestrial animals
1017010	Muscle
1017020	Fat tissue
1017030	Liver
1017040	Kidney
1017050	Edible offals (other than liver and kidney)
1017990	Others
1020000	Milk
1020010	Cattle
1020020	Sheep
1020030	Goat
1020040	Horse
1020990	Others
1030000	Birds eggs
1030010	Chicken
1030020	Duck
1030030	Geese
1030040	Quail

- 1030990 Others**
- 1050000 Amphibians and Reptiles**
- 1060000 Terrestrial invertebrate animals**
- 1070000 Wild terrestrial vertebrate animals'**

(b) the following column for acrinathrin is added:

'Pesticide residues and maximum residue levels (mg/kg)

Code number	Groups and examples of individual products to which the MRLs apply ^(a)	Acrinathrin and its enantiomer (F)
(1)	(2)	(3)
0100000	FRUITS, FRESH or FROZEN; TREE NUTS	
0110000	Citrus fruits	0,02 (*)
0110010	Grapefruits	
0110020	Oranges	
0110030	Lemons	
0110040	Limes	
0110050	Mandarins	
0110990	Others	
0120000	Tree nuts	0,02 (*)
0120010	Almonds	
0120020	Brazil nuts	
0120030	Cashew nuts	
0120040	Chestnuts	
0120050	Coconuts	
0120060	Hazelnuts/cobnuts	
0120070	Macadamias	
0120080	Pecans	
0120090	Pine nut kernels	
0120100	Pistachios	
0120110	Walnuts	
0120990	Others	
0130000	Pome fruits	0,02 (*)
0130010	Apples	
0130020	Pears	
0130030	Quinces	
0130040	Medlars	
0130050	Loquats/Japanese medlars	
0130990	Others	

(1)	(2)	(3)
0140000	Stone fruits	0,02 (*)
0140010	Apricots	
0140020	Cherries (sweet)	
0140030	Peaches	
0140040	Plums	
0140990	Others	
0150000	Berries and small fruits	
0151000	(a) <i>grapes</i>	
0151010	Table grapes	0,05 (*)
0151020	Wine grapes	0,1
0152000	(b) <i>strawberries</i>	0,02 (*)
0153000	(c) <i>cane fruits</i>	0,02 (*)
0153010	Blackberries	
0153020	Dewberries	
0153030	Raspberries (red and yellow)	
0153990	Others	
0154000	(d) <i>other small fruits and berries</i>	0,02 (*)
0154010	Blueberries	
0154020	Cranberries	
0154030	Currants (black, red and white)	
0154040	Gooseberries (green, red and yellow)	
0154050	Rose hips	
0154060	Mulberries (black and white)	
0154070	Azaroles/Mediterranean medlars	
0154080	Elderberries	
0154990	Others	
0160000	Miscellaneous fruits with	0,02 (*)
0161000	(a) <i>edible peel</i>	
0161010	Dates	
0161020	Figs	
0161030	Table olives	
0161040	Kumquats	
0161050	Carambolas	
0161060	Kaki/Japanese persimmons	
0161070	Jambuls/jambolans	
0161990	Others	
0162000	(b) <i>inedible peel, small</i>	
0162010	Kiwi fruits (green, red, yellow)	
0162020	Litchis/lychees	
0162030	Passionfruits/maracujas	
0162040	Prickly pears/cactus fruits	
0162050	Star apples/cainitos	

(1)	(2)	(3)
0162060	American persimmons/Virginia kaki	
0162990	Others	
0163000	(c) <i>inedible peel, large</i>	
0163010	Avocados	
0163020	Bananas	
0163030	Mangoes	
0163040	Papayas	
0163050	Granate apples/pomegranates	
0163060	Cherimoyas	
0163070	Guavas	
0163080	Pineapples	
0163090	Breadfruits	
0163100	Durians	
0163110	Soursops/guanabanas	
0163990	Others	
0200000	VEGETABLES, FRESH or FROZEN	
0210000	Root and tuber vegetables	0,02 (*)
0211000	(a) <i>potatoes</i>	
0212000	(b) <i>tropical root and tuber vegetables</i>	
0212010	Cassava roots/manioc	
0212020	Sweet potatoes	
0212030	Yams	
0212040	Arrowroots	
0212990	Others	
0213000	(c) <i>other root and tuber vegetables except sugar beets</i>	
0213010	Beetroots	
0213020	Carrots	
0213030	Celeriacs/turnip rooted celeries	
0213040	Horseradishes	
0213050	Jerusalem artichokes	
0213060	Parsnips	
0213070	Parsley roots/Hamburg roots parsley	
0213080	Radishes	
0213090	Salsifies	
0213100	Swedes/rutabagas	
0213110	Turnips	
0213990	Others	
0220000	Bulb vegetables	0,02 (*)
0220010	Garlic	
0220020	Onions	
0220030	Shallots	
0220040	Spring onions/green onions and Welsh onions	
0220990	Others	

(1)	(2)	(3)
0230000	Fruiting vegetables	0,02 (*)
0231000	(a) <i>solanacea</i>	
0231010	Tomatoes	
0231020	Sweet peppers/bell peppers	
0231030	Aubergines/eggplants	
0231040	Okra/lady's fingers	
0231990	Others	
0232000	(b) <i>cucurbits with edible peel</i>	
0232010	Cucumbers	
0232020	Gherkins	
0232030	Courgettes	
0232990	Others	
0233000	(c) <i>cucurbits with inedible peel</i>	
0233010	Melons	
0233020	Pumpkins	
0233030	Watermelons	
0233990	Others	
0234000	(d) <i>sweet corn</i>	
0239000	(e) <i>other fruiting vegetables</i>	
0240000	Brassica vegetables (excluding brassica roots and brassica baby leaf crops)	0,02 (*)
0241000	(a) <i>flowering brassica</i>	
0241010	Broccoli	
0241020	Cauliflowers	
0241990	Others	
0242000	(b) <i>head brassica</i>	
0242010	Brussels sprouts	
0242020	Head cabbages	
0242990	Others	
0243000	(c) <i>leafy brassica</i>	
0243010	Chinese cabbages/pe-tsai	
0243020	Kales	
0243990	Others	
0244000	(d) <i>kohlrabies</i>	
0250000	Leaf vegetables, herbs and edible flowers	
0251000	(a) <i>lettuces and salad plants</i>	
0251010	Lamb's lettuces/corn salads	0,06 (+)
0251020	Lettuces	0,02 (*)
0251030	Escaroles/broad-leaved endives	0,06 (+)
0251040	Cresses and other sprouts and shoots	0,06 (+)
0251050	Land cresses	0,02 (*)
0251060	Roman rocket/rucola	0,06 (+)

(1)	(2)	(3)
0251070	Red mustards	0,06 (+)
0251080	Baby leaf crops (including brassica species)	0,02 (*)
0251990	Others	0,02 (*)
0252000	(b) <i>spinaches and similar leaves</i>	0,02 (*)
0252010	Spinaches	
0252020	Purslanes	
0252030	Chards/beet leaves	
0252990	Others	
0253000	(c) <i>grape leaves and similar species</i>	0,02 (*)
0254000	(d) <i>watercresses</i>	0,02 (*)
0255000	(e) <i>witloofs/Belgian endives</i>	0,02 (*)
0256000	(f) <i>herbs and edible flowers</i>	0,02 (*)
0256010	Chervil	
0256020	Chives	
0256030	Celery leaves	
0256040	Parsley	
0256050	Sage	
0256060	Rosemary	
0256070	Thyme	
0256080	Basil and edible flowers	
0256090	Laurel/bay leave	
0256100	Tarragon	
0256990	Others	
0260000	Legume vegetables	0,02 (*)
0260010	Beans (with pods)	
0260020	Beans (without pods)	
0260030	Peas (with pods)	
0260040	Peas (without pods)	
0260050	Lentils	
0260990	Others	
0270000	Stem vegetables	0,02 (*)
0270010	Asparagus	
0270020	Cardoons	
0270030	Celeries	
0270040	Florence fennels	
0270050	Globe artichokes	
0270060	Leeks	
0270070	Rhubarbs	
0270080	Bamboo shoots	
0270090	Palm hearts	
0270990	Others	
0280000	Fungi, mosses and lichens	0,02 (*)
0280010	Cultivated fungi	

(1)	(2)	(3)
0280020	Wild fungi	
0280990	Mosses and lichens	
0290000	Algae and prokaryotes organisms	0,02 (*)
0300000	PULSES	0,01 (*)
0300010	Beans	
0300020	Lentils	
0300030	Peas	
0300040	Lupins/lupini beans	
0300990	Others	
0400000	OILSEEDS AND OIL FRUITS	0,02 (*)
0401000	Oilseeds	
0401010	Linseeds	
0401020	Peanuts/groundnuts	
0401030	Poppy seeds	
0401040	Sesame seeds	
0401050	Sunflower seeds	
0401060	Rapeseeds/canola seeds	
0401070	Soyabeans	
0401080	Mustard seeds	
0401090	Cotton seeds	
0401100	Pumpkin seeds	
0401110	Safflower seeds	
0401120	Borage seeds	
0401130	Gold of pleasure seeds	
0401140	Hemp seeds	
0401150	Castor beans	
0401990	Others	
0402000	Oil fruits	
0402010	Olives for oil production	
0402020	Oil palms kernels	
0402030	Oil palms fruits	
0402040	Kapok	
0402990	Others	
0500000	CEREALS	0,01 (*)
0500010	Barley	
0500020	Buckwheat and other pseudo-cereals	
0500030	Maize/corn	
0500040	Common millet/proso millet	
0500050	Oat	
0500060	Rice	
0500070	Rye	
0500080	Sorghum	
0500090	Wheat	
0500990	Others	

(1)	(2)	(3)
0600000	TEAS, COFFEE, HERBAL INFUSIONS, COCOA AND CAROBS	0,05 (*)
0610000	Teas	
0620000	Coffee beans	
0630000	Herbal infusions from	
0631000	(a) <i>flowers</i>	
0631010	Chamomile	
0631020	Hibiscus/roselle	
0631030	Rose	
0631040	Jasmine	
0631050	Lime/linden	
0631990	Others	
0632000	(b) <i>leaves and herbs</i>	
0632010	Strawberry	
0632020	Rooibos	
0632030	Mate/maté	
0632990	Others	
0633000	(c) <i>roots</i>	
0633010	Valerian	
0633020	Ginseng	
0633990	Others	
0639000	(d) <i>any other parts of the plant</i>	
0640000	Cocoa beans	
0650000	Carobs/Saint John's breads	
0700000	HOPS	0,05 (*)
0800000	SPICES	
0810000	Seed spices	0,05 (*)
0810010	Anise/aniseed	
0810020	Black caraway/black cumin	
0810030	Celery	
0810040	Coriander	
0810050	Cumin	
0810060	Dill	
0810070	Fennel	
0810080	Fenugreek	
0810090	Nutmeg	
0810990	Others	
0820000	Fruit spices	0,05 (*)
0820010	Allspice/pimento	
0820020	Sichuan pepper	
0820030	Caraway	
0820040	Cardamom	

(1)	(2)	(3)
0820050	Juniper berry	
0820060	Peppercorn (black, green and white)	
0820070	Vanilla	
0820080	Tamarind	
0820990	Others	
0830000	Bark spices	0,05 (*)
0830010	Cinnamon	
0830990	Others	
0840000	Root and rhizome spices	
0840010	Liquorice	0,05 (*)
0840020	Ginger	0,05 (*)
0840030	Turmeric/curcuma	0,05 (*)
0840040	Horseradish	(+)
0840990	Others	0,05 (*)
0850000	Bud spices	0,05 (*)
0850010	Cloves	
0850020	Capers	
0850990	Others	
0860000	Flower pistil spices	0,05 (*)
0860010	Saffron	
0860990	Others	
0870000	Aril spices	0,05 (*)
0870010	Mace	
0870990	Others	
0900000	SUGAR PLANTS	0,02 (*)
0900010	Sugar beet roots	
0900020	Sugar canes	
0900030	Chicory roots	
0900990	Others	
1000000	PRODUCTS OF ANIMAL ORIGIN -TERRESTRIAL ANIMALS	
1010000	Tissues from	0,01 (*)
1011000	(a) <i>swine</i>	
1011010	Muscle	
1011020	Fat tissue	
1011030	Liver	
1011040	Kidney	
1011050	Edible offals (other than liver and kidney)	
1011990	Others	
1012000	(b) <i>bovine</i>	
1012010	Muscle	
1012020	Fat tissue	

(1)	(2)	(3)
1012030	Liver	
1012040	Kidney	
1012050	Edible offals (other than liver and kidney)	
1012990	Others	
1013000	(c) <i>sheep</i>	
1013010	Muscle	
1013020	Fat tissue	
1013030	Liver	
1013040	Kidney	
1013050	Edible offals (other than liver and kidney)	
1013990	Others	
1014000	(d) <i>goat</i>	
1014010	Muscle	
1014020	Fat tissue	
1014030	Liver	
1014040	Kidney	
1014050	Edible offals (other than liver and kidney)	
1014990	Others	
1015000	(e) <i>equine</i>	
1015010	Muscle	
1015020	Fat tissue	
1015030	Liver	
1015040	Kidney	
1015050	Edible offals (other than liver and kidney)	
1015990	Others	
1016000	(f) <i>poultry</i>	
1016010	Muscle	
1016020	Fat tissue	
1016030	Liver	
1016040	Kidney	
1016050	Edible offals (other than liver and kidney)	
1016990	Others	
1017000	(g) <i>other farmed terrestrial animals</i>	
1017010	Muscle	
1017020	Fat tissue	
1017030	Liver	
1017040	Kidney	
1017050	Edible offals (other than liver and kidney)	
1017990	Others	
1020000	Milk	0,01 (*)
1020010	Cattle	
1020020	Sheep	
1020030	Goat	

(1)	(2)	(3)
1020040 1020990	Horse Others	
1030000	Birds eggs	0,01 (*)
1030010 1030020 1030030 1030040 1030990	Chicken Duck Geese Quail Others	
1040000	Honey and other apiculture products	0,05 (*)
1050000	Amphibians and Reptiles	0,01 (*)
1060000	Terrestrial invertebrate animals	0,01 (*)
1070000	Wild terrestrial vertebrate animals	0,01 (*)

(*) Indicates lower limit of analytical determination

(^e) For the complete list of products of plant and animal origin to which MRLs apply, reference should be made to Annex I.

(F) = Fat soluble

Acrinathrin and its enantiomer (F)

(+) The European Food Safety Authority identified some information on residue trials and metabolism as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 1 July 2019, or, if that information is not submitted by that date, the lack of it.

0251010 Lamb's lettuces/corn salads

0251030 Escaroles/broad-leaved endives

0251040 Cresses and other sprouts and shoots

0251060 Roman rocket/rucola

0251070 Red mustards

(+) The applicable maximum residue level for horseradish (*Armoracia rusticana*) in the spice group (code 0840040) is the one set for horseradish (*Armoracia rusticana*) in the Vegetables category, root and tuber vegetables group (code 0213040) taking into account changes in the levels by processing (drying) according to Art. 20 (1) of Regulation (EC) No 396/2005.

0840040 Horseradish'

(2) In Annex III, the columns for acrinathrin, metalaxyl and thiabendazole are deleted.

COMMISSION DELEGATED REGULATION (EU) 2017/1165**of 20 April 2017****laying down temporary exceptional support measures for producers of certain fruits**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 219(1) thereof,

Whereas:

- (1) On 7 August 2014, the Russian government introduced a ban on imports of certain products from the Union to the Russian Federation ('Russia'), including fruit and vegetables. This ban created a serious threat of market disturbances caused by significant price falls due to the fact that an important export market was no longer available. On 29 June 2016, this ban was extended until the end of 2017.
- (2) In response to the import ban, the Commission adopted a series of temporary exceptional support measures. These measures were included in Commission Delegated Regulation (EU) No 913/2014 ⁽²⁾ and subsequently prolonged and reinforced by Commission Delegated Regulations (EU) No 932/2014 ⁽³⁾, (EU) No 1031/2014 ⁽⁴⁾, (EU) 2015/1369 ⁽⁵⁾ and (EU) 2016/921 ⁽⁶⁾.
- (3) The production of non-permanent crops can be easier adapted and therefore the producers of these crops can adapt more quickly to the market situation. Based on the regular monitoring and assessment of the situation in the Union market, the Commission concludes that the situation in the market with non-permanent crops (vegetables and some fruits) has improved as most of the production affected by the Russian import ban is redirected and the prices have therefore stabilised.
- (4) As the permanent crops (certain fruit) are more rigid and their adaptation takes a longer time, the situation in the markets for certain permanent crops has not yet sufficiently improved.
- (5) In such circumstances, threats of Union market disturbances remain real for certain permanent crops such as stone fruit, citrus fruit, apples and pears and adequate measures need to be adopted and implemented as long as this situation lasts.
- (6) Accordingly, a situation continues to exist on the Union market for which the normal measures available under Regulation (EU) No 1308/2013 appear to be insufficient.
- (7) The temporary exceptional support measures therefore continue to be needed and should be prolonged for a further year for certain permanent crops.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Delegated Regulation (EU) No 913/2014 of 21 August 2014 laying down temporary exceptional support measures for producers of peaches and nectarines (OJ L 248, 22.8.2014, p. 1).

⁽³⁾ Commission Delegated Regulation (EU) No 932/2014 of 29 August 2014 laying down temporary exceptional support measures for producers of certain fruit and vegetables and amending Delegated Regulation (EU) No 913/2014 (OJ L 259, 30.8.2014, p. 2).

⁽⁴⁾ Commission Delegated Regulation (EU) No 1031/2014 of 29 September 2014 laying down further temporary exceptional support measures for producers of certain fruit and vegetables (OJ L 284, 30.9.2014, p. 22).

⁽⁵⁾ Commission Delegated Regulation (EU) 2015/1369 of 7 August 2015 amending Delegated Regulation (EU) No 1031/2014 laying down further temporary exceptional support measures for producers of certain fruit and vegetables (OJ L 211, 8.8.2015, p. 17).

⁽⁶⁾ Commission Delegated Regulation (EU) 2016/921 of 10 June 2016 laying down further temporary exceptional support measures for producers of certain fruit and vegetables (OJ L 154, 11.6.2016, p. 3).

- (8) The Union financial assistance should be granted taking into account the estimated quantities still affected by the ban. The calculation of those quantities should be made for each Member State in accordance with the level of withdrawn products since the entry into force of these temporary exceptional support measures. In addition, the quantities should be significantly reduced to take into account the fact that producers have had more time to adapt and to redirect the production.
- (9) Products for which the quantities withdrawn were particularly low in 2016 compared to the historical quantities withdrawn since mid-2014 should be excluded from the measures laid down in this Regulation. The temporary exceptional support measures should therefore only concern apples, pears, stone fruit and citrus fruit.
- (10) Where the uptake of the temporary exceptional support measures within a Member State has been very low for a particular product and the administrative costs of providing support are therefore disproportionately high, that Member State should have the option to choose not to implement the measures laid down in this Regulation.
- (11) Products covered by this Regulation, which would have been exported to Russia, have already been diverted or it is expected that they will be diverted to the markets of other Member States. Producers of the same products within those Member States, which do not traditionally export their products to Russia, may still be faced with a significant market disturbance and a fall in prices. Therefore, in order to further stabilise the market, the Union financial assistance should also be available for those producers in all Member States in respect of one or more of the products covered by this Regulation, but the quantity involved should not exceed 2 000 tonnes per Member State.
- (12) Market withdrawal, non-harvesting and green harvesting are effective crisis management measures where there exists a surplus of fruits due to temporary and unpredictable circumstances. Member States should have the possibility to allocate the quantities made available to them to one or more of those measures in order to make the most efficient use of the amounts available.
- (13) As provided for in Delegated Regulation (EU) No 932/2014, the restriction of 5 % as a proportion of the volume of marketed production for supported market withdrawals should be temporarily lifted. The Union financial assistance should therefore be granted even when withdrawals exceed the 5 % ceiling.
- (14) The Union financial assistance granted for market withdrawals should be based on the respective amounts set out in Annex XI to Commission Implementing Regulation (EU) No 543/2011 ⁽¹⁾ for withdrawals for free distribution and for withdrawals for other destinations. For those products for which no amount is fixed in that Annex XI, maximum amounts should be laid down in this Regulation.
- (15) In light of the exceptional market disturbances and in order to ensure that all producers of fruits are supported by the Union, the Union financial assistance for market withdrawals should be extended to producers of certain fruits who are not members of a recognised producer organisation.
- (16) In order to encourage the free distribution of withdrawn fruits to certain organisations, such as charitable organisations and schools or any other equivalent destinations approved by the Member States, 100 % of the maximum amounts fixed in Annex XI to Implementing Regulation (EU) No 543/2011 should also be applicable to producers who are not members of a recognised producer organisation. In the case of withdrawals for destinations other than free distribution, they should receive 50 % of the maximum amounts fixed. In this context, producers who are not members of a recognised producer organisation should fulfil the same or similar conditions as producer organisations. Therefore, they should be subject, like recognised producer organisations, to the relevant provisions of Regulation (EU) No 1308/2013 and Implementing Regulation (EU) No 543/2011.
- (17) Producer organisations are the basic actors of the fruit sector and are the most suited entities to ensure that the Union financial assistance for market withdrawals is paid to producers who are not members of a recognised producer organisation. They should ensure that such assistance is paid to the producers who are not members of a recognised producer organisation through the conclusion of a contract. As not all Member States have the same degree of organisation on the supply side of the fruit and vegetables market, it is appropriate to allow the competent authority of the Member States to pay the support directly to the producers where this is duly justified.

⁽¹⁾ Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors (OJ L 157, 15.6.2011, p. 1).

- (18) The amount of the support for non-harvesting and green harvesting should be fixed by Member States per hectare at a level to cover not more than 90 % of the maximum amount for market withdrawals applicable to withdrawals for destinations other than free distribution as set out in Annex XI to Implementing Regulation (EU) No 543/2011 or, for products for which no amount has been fixed in that Annex, in this Regulation. Non-harvesting should be supported even where commercial production has been taken from the producing area concerned during the normal production cycle.
- (19) Producer organisations concentrate the supply and are able to act faster than producers who are not members of such organisations, in coping with greater quantities and thereby providing an immediate impact on the market. Therefore, in order to make the implementation of the exceptional support measures provided for in this Regulation more efficient and to speed up the stabilisation of the market, it is appropriate, in respect of producers who are members of recognised producer organisations to increase the Union financial assistance for withdrawals for destinations other than free distribution to 75 % of the relevant maximum amounts set for the support for withdrawals for other destinations.
- (20) As for withdrawals, the Union financial assistance for non-harvesting and green harvesting operations should be extended to producers who are not members of a recognised producer organisation. The financial assistance should be 50 % of the maximum amounts of support set for producer organisations.
- (21) Given the high number of producers who are not members of a producer organisation and the need to carry out checks that are reliable but feasible, the Union financial assistance should not be granted for producers who are not members of a producer organisation, for green harvesting of fruits for which the normal harvest has already begun or for non-harvesting measures where commercial production has been taken from the producing area concerned during the normal production cycle. In this context, producers who are not members of a recognised producer organisation should be subject, like recognised producer organisations, to the relevant provisions of Regulation (EU) No 1308/2013 and Implementing Regulation (EU) No 543/2011.
- (22) For producers who are not members of a producer organisation, the payment of the Union financial assistance for non-harvesting and green harvesting operations should be done directly by the competent authority of the Member State. That competent authority should pay the relevant amounts to the producers in accordance with Implementing Regulation (EU) No 543/2011 and the relevant national rules and procedures.
- (23) In order to guarantee that the Union financial assistance to producers of certain fruits is used for the intended purposes and to ensure the efficient use of the Union budget, Member States should carry out a reasonable level of checks. In particular, documentary, identity and physical checks as well as on-the-spot checks should be carried out that cover a reasonable amount of products, areas, producer organisations and producers not being members of recognised producer organisation.
- (24) Member States should notify the Commission of the operations that have been implemented by producer organisations and producers non-members at regular intervals.
- (25) In order to have an immediate impact on the market and to help stabilise prices, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1. This Regulation lays down rules on Union financial assistance ('the financial assistance') for temporary support measures to be granted to producer organisations in the fruit sector, recognised in accordance with Article 154 of Regulation (EU) No 1308/2013, and to producers who are not members of such organisations.

These temporary support measures shall cover withdrawal, non-harvesting and green harvesting operations.

2. The support referred to in paragraph 1 shall be granted in relation to the following products of the fruit sector intended for fresh consumption:

- (a) apples of CN code 0808 10;
- (b) pears of CN code 0808 30;
- (c) plums of CN code 0809 40 05;
- (d) sweet oranges of CN codes 0805 10 22, 0805 10 24 and 0805 10 28;
- (e) clementines of CN code 0805 22 00;
- (f) mandarins (including tangerines and satsumas), wilking and similar citrus hybrids of CN codes 0805 21 10, 0805 29 00 and 0805 21 90;
- (g) lemons of CN code 0805 50 10;
- (h) peaches and nectarines of CN code 0809 30;
- (i) sweet cherries of CN code 0809 29 00;
- (j) persimmons of CN code 0810 70 00.

3. The support measures referred to in paragraph 1 shall cover activities carried out in the period from the date of entry into force of this Regulation, until the date on which the quantities set out in Article 2(1) have been exhausted in each Member State concerned or on 30 June 2018, whichever date is earlier.

4. Where the import situation of certain products from the Union to Russia changes before 30 June 2018, the Commission may amend or repeal this Regulation accordingly.

Article 2

Allocation of maximum quantities to Member States

1. The financial assistance for support measures referred to in Article 1(1) shall be made available to Member States for the quantities of products set out in Annex I.

The financial assistance shall also be available to Member States for withdrawal, green harvesting or non-harvesting operations, with respect to one or more of the products referred to in Article 1(2) as determined by the Member State, provided that the additional quantity involved does not exceed 2 000 tonnes per Member State.

2. With respect to the total quantities per Member State referred to in paragraph 1, Member States may determine for each product referred to in Article 1(2):

- (a) the quantities for market withdrawals for free distribution;
- (b) the quantities for market withdrawals for destinations other than free distribution;
- (c) the equivalent area for green harvesting and non-harvesting.

3. Where the quantities actually withdrawn in a Member State between 1 July 2016 and 30 June 2017 in accordance with Delegated Regulation (EU) 2016/921 for a category of products as defined in Annex I to that Regulation are less than 5 % of the total quantities allocated to that Member State for that category of products, the Member State may decide not to make use of the quantity allocated to that Member State for that category of products in accordance with Annex I. In that event, the Member State concerned shall notify the Commission of its decision by 31 October 2017. As from the moment of notification, withdrawal, non-harvesting and green harvesting operations carried out for that category of products in that Member State shall not be eligible for financial assistance.

4. Member States may decide not to make use of the quantity of 2 000 tonnes, or part thereof, referred to in the second subparagraph of paragraph 1. In that event, the Member State concerned shall notify the Commission of its decision by 31 October 2017. As from the moment of this notification, withdrawal, non-harvesting and green-harvesting operations carried out within the quantity of 2 000 tonnes referred to in the second subparagraph of paragraph 1 in that Member State shall not be eligible for financial assistance.

Article 3

Allocation of the quantities to producers

Member States shall allocate the quantities referred to in Article 2(1) between producer organisations and producers who are not members of producer organisations following the first come, first served system.

However, Member States may decide to set up a different system for the allocation of quantities, provided the system established is based on objective and non-discriminatory criteria. For this purpose, Member States may take into account the extent of the effects of the Russian import ban on the producers concerned.

Article 4

Common provisions to withdrawal, non-harvesting and green harvesting measures of producer organisations

1. The support for withdrawal, non-harvesting and green harvesting operations undertaken in accordance with this Regulation by producer organisations shall be granted to producer organisations even if their operational programmes and the national strategies of Member States do not provide for such operations.

The support referred to in the first subparagraph shall not be taken into account for the purpose of calculating the ceilings referred to in Article 34(2) of Regulation (EU) No 1308/2013.

Article 32(2) of Regulation (EU) No 1308/2013 and Article 55(4) of Implementing Regulation (EU) No 543/2011 shall not apply to financial assistance under this Regulation.

2. The ceiling of one third of expenditure referred to in the fourth subparagraph of Article 33(3) of Regulation (EU) No 1308/2013 and the 25 % maximum ceiling for the increase of the operational fund referred to in Article 66(3)(c) of Implementing Regulation (EU) No 543/2011 shall not apply in respect of expenditure incurred for withdrawal, non-harvesting and green harvesting operations under this Regulation.

3. Expenditure incurred in accordance with Articles 5 and 7 shall form part of the operational fund of the producer organisations.

4. Where the recognition of a producer organisation has been suspended in accordance with Article 114(2) of Implementing Regulation (EU) No 543/2011, members of that producer organisation shall be deemed to be producers not being members of a recognised producer organisation for the purpose of Articles 6 and 8.

Article 5

Financial assistance for withdrawals to producer organisations

1. The 5 % ceiling referred to in Article 34(4) of Regulation (EU) No 1308/2013 and in Article 79(2) of Implementing Regulation (EU) No 543/2011 shall not apply to operations under this Regulation.

2. The maximum amounts of the financial assistance for withdrawals to producer organisations shall be those set out in Annex II.

3. By way of derogation from Article 34(1) of Regulation (EU) No 1308/2013, the financial assistance for withdrawals for destinations other than free distribution shall be 75 % of the maximum amounts of the support for other destinations referred to in Annex II to this Regulation.

Article 6

Financial assistance for withdrawals to producers not being members of producer organisations

1. The maximum amounts of the financial assistance granted to producers, who are not members of a recognised producer organisation, for market withdrawals for free distribution shall be those set out in Annex II.

The maximum amounts of the financial assistance granted to producers who are not members of a recognised producer organisation for market withdrawals for destinations other than free distribution shall be 50 % of the amounts set out in Annex II.

2. Producers who are not members of a recognised producer organisation shall conclude a contract with such an organisation for the entire quantity of products to be delivered. Producer organisations shall accept all reasonable requests from producers who are not members of a recognised producer organisation. The quantities delivered by producers not being members shall be consistent with the regional yields and surface concerned.

The financial assistance shall be paid to producers not being members of a recognised producer organisation by the producer organisation with which they signed such a contract.

The amounts that correspond to the real costs incurred by the producer organisation for withdrawing the respective products shall be retained by that organisation. Evidence of those costs shall be proved by means of invoices.

3. For duly justified reasons, such as the limited degree of organisation of the producers in the Member State concerned, and in a non-discriminatory way, Member States may authorise that a producer who is not a member of a recognised producer organisation may, instead of signing the contract referred to in paragraph 2, make a notification to the competent authority of the Member State about the quantity to be delivered. For such notification, Article 78 of Implementing Regulation (EU) No 543/2011 shall apply *mutatis mutandis*. The quantities delivered by producers not being members shall be consistent with the regional yields and surface concerned.

In such cases, the competent authority of the Member State shall pay the financial assistance directly to the producer. Member States shall adopt new or apply existing national rules or procedures for this purpose.

4. Regulation (EU) No 1308/2013 and Implementing Regulation (EU) No 543/2011, as well as Article 4 of this Regulation shall apply *mutatis mutandis* in respect of this Article.

Article 7

Financial assistance for non-harvesting and green harvesting to producer organisations

1. By way of derogation from Article 85(4) of Implementing Regulation (EU) No 543/2011, Member States shall set the amounts of the support, comprising both the Union financial assistance and the producer organisation contribution for non-harvesting and green harvesting, per hectare and at a level to cover not more than 90 % of the amounts fixed for market withdrawals for destinations other than free distribution as set out in Annex II to this Regulation. Support for green harvesting shall cover only the products which are physically on the fields and which are actually green harvested.

By way of derogation from Article 34(4) of Regulation (EU) No 1308/2013, the Union financial assistance for non-harvesting and green harvesting shall be 75 % of the amounts fixed by the Member States in accordance with the first subparagraph.

2. By way of derogation from the first subparagraph of Article 85(3) of Implementing Regulation (EU) No 543/2011, non-harvesting measures referred to in Article 84(1)(b) of that Regulation may be undertaken even where commercial production has been taken from the producing area concerned during the normal production cycle. In such cases, the amounts of support referred to in paragraph 1 of this Article shall be proportionally reduced, taking into account the production already harvested, as established on the basis of stock records and financial accounts of the producer organisations concerned.

*Article 8***Financial assistance for non-harvesting and green harvesting to producers not being members of producer organisations**

1. By way of derogation from Article 85(3) of Implementing Regulation (EU) No 543/2011, the following shall apply:
 - (a) support for green harvesting shall cover only the products which are physically on the fields, which are actually green harvested and for which the normal harvest has not begun;
 - (b) non-harvesting measures shall not be undertaken where commercial production has been taken from the area concerned during the normal production cycle;
 - (c) green harvesting and non-harvesting shall in no circumstances both be applied to the same product and the same given area.
2. The amounts of the financial assistance for non-harvesting and green harvesting operations shall be 50 % of the amounts set by Member States in accordance with Article 7(1).
3. Producers not being members of a recognised producer organisation shall make the appropriate notification to the competent authority of the Member State in accordance with the detailed provisions adopted by the Member State pursuant to Article 85(1)(a) of Implementing Regulation (EU) No 543/2011.
4. The competent authority of the Member State shall pay the financial assistance directly to the producer. Member States shall adopt new or apply existing national rules or procedures for this purpose.
5. Regulation (EU) No 1308/2013 and Implementing Regulation (EU) No 543/2011 shall apply *mutatis mutandis* in respect of this Article.

*Article 9***Checks on withdrawal, non-harvesting and green harvesting operations**

1. The withdrawal operations referred to in Articles 5 and 6 shall be subject to:
 - (a) first-level checks in accordance with Article 108 of Implementing Regulation (EU) No 543/2011. Those checks shall cover at least 10 % of the quantity of products withdrawn from the market and at least 10 % of producer organisations benefiting from the financial assistance referred to in Article 5 of this Regulation. However, for withdrawal operations referred to in Article 6(3), the first-level checks shall cover 100 % of the quantity of products withdrawn.
 - (b) second-level checks in accordance with Article 109 of Implementing Regulation (EU) No 543/2011. The on-the-spot checks shall cover at least 40 % of the entities subject to the first-level checks and at least 5 % of the quantity of products withdrawn.
2. Non-harvesting and green harvesting operations as referred to in Articles 7 and 8 shall be subject to the checks and conditions provided for in Article 110 of Implementing Regulation (EU) No 543/2011, except as regards the requirement that no partial harvest has taken place where the derogation provided for in Article 7(2) of this Regulation is applied. Checks shall cover at least 25 % of the producing areas concerned.

For non-harvesting and green harvesting operations referred to in Article 8, the checks shall cover 100 % of the producing areas concerned.

*Article 10***Application for and payment of the financial assistance**

1. Producer organisations shall apply for the payment of the financial assistance referred to in Articles 5 and 7 by 31 July 2018.
2. Producers not being members of a recognised producer organisation and not having signed a contract with a recognised producer organisation shall, by 31 July 2018, apply themselves to the competent authorities designated by the Member States for the payment of the financial assistance referred to in Articles 6 and 8.
3. The applications for payment shall be accompanied by supporting documents justifying the amount of the financial assistance concerned and contain a written undertaking that the applicant has not received and will not receive any double Union or national funding or compensation under an insurance policy in respect of the operations qualifying for the financial assistance granted in accordance with this Regulation.

*Article 11***Notifications**

1. On the first day of each month until 1 October 2018, Member States shall notify the Commission of the following information for each product:

- (a) the quantities withdrawn for free distribution;
- (b) the quantities withdrawn for destinations other than free distribution;
- (c) the equivalent area for green harvesting and non-harvesting;
- (d) the total expenditure incurred for the quantities and areas referred to in points (a), (b) and (c).

Only operations that have been implemented shall be included in the notifications.

For those notifications Member States shall use the templates set out in Annex III, as appropriate.

2. When making their first notification, Member States shall notify the Commission of the amounts of support fixed by them in accordance with Article 79(1) or 85(4) of Implementing Regulation (EU) No 543/2011 and Articles 5 to 8 of this Regulation, using the templates set out in Annex IV, as appropriate.

*Article 12***Payment of Union financial assistance**

Member States' expenditure in relation to the payments under this Regulation shall only be eligible for the financial assistance if it has been paid by 30 September 2018.

*Article 13***Entry into force**

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

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

Done at Brussels, 20 April 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

Maximum quantities of products allocated per Member State as referred to in Article 2(1)*(tonnes)*

Member State	Apples and pears	Plums	Oranges, Clementines, Mandarins and Lemons	Peaches and nectarines
Belgium	21 845			
Germany	1 615			
Greece	680	4 165	2 040	5 355
Spain	1 955	1 275	14 110	9 775
France	3 060			
Croatia	510		850	
Italy	4 505	3 910	850	2 380
Cyprus			3 060	
Netherlands	5 865			
Austria	510			
Poland	75 565	425		510
Portugal	935			

ANNEX II

Maximum amounts of support for market withdrawals as referred to in Articles 5 and 6

Product	Maximum support (EUR/100 kg)	
	Free distribution	Other destinations
Apples	16,98	13,22
Nectarines	26,90	26,90
Peaches	26,90	26,90
Pears	23,85	15,90
Oranges	21,00	21,00
Mandarins	19,50	19,50
Clementines	22,16	19,50
Satsumas	19,50	19,50
Lemons	23,99	19,50
Plums	34,00	20,40
Persimmons	21,02	14,01
Cherries	48,14	32,09

Templates for notifications as referred to in Article 11(1)

NOTIFICATION ON WITHDRAWALS — FREE DISTRIBUTION

Member State:...

Period covered:...

Date:...

Product	Producer organisations					Producer non-members					Total quantities (t)	Total Union financial assistance (EUR)
	Quantities (t)	Union financial assistance (EUR)				Quantities (t)	Union financial assistance (EUR)					
		with-drawal	transport	sorting and packing	Total		with-drawal	transport	sorting and packing	Total		
(a)	(b)	(c)	(d)	(e) = (b) + (c) + (d)	(f)	(g)	(h)	(i)	(j) = (g) + (h) + (i)	(k) = (a) + (f)	(l) = (e) + (j)	
Apples												
Pears												
Total Apples and Pears												
Plums												
Total Plums												
Oranges												
Clementines												
Mandarins												
Lemons												
Total Citrus												

Product	Producer organisations					Producer non-members					Total quantities (t)	Total Union financial assistance (EUR)
	Quantities (t)	Union financial assistance (EUR)				Quantities (t)	Union financial assistance (EUR)					
		with-drawal	transport	sorting and packing	Total		with-drawal	transport	sorting and packing	Total		
		(a)	(b)	(c)	(d)		(e) = (b) + (c) + (d)	(f)	(g)	(h)		
Peaches												
Nectarines												
Total Peaches and Nectarines												
Cherries												
Persimmons												
Total Others												
TOTAL												

Note: one different Excel sheet shall be completed for every notification.

NOTIFICATION ON WITHDRAWALS — OTHER DESTINATIONS

Member State:...

Period covered:...

Date:...

Product	Producer organisations		Producer non-members		Total quantities (t)	Total Union financial assistance (EUR)
	Quantities (t)	Union financial assistance (EUR)	Quantities (t)	Union financial assistance (EUR)		
	(a)	(b)	(c)	(d)	(e) = (a) + (c)	(f) = (b) + (d)
Apples						
Pears						
Total Apples and Pears						

Product	Producer organisations		Producer non-members		Total quantities (t)	Total Union financial assistance (EUR)
	Quantities (t)	Union financial assistance (EUR)	Quantities (t)	Union financial assistance (EUR)		
	(a)	(b)	(c)	(d)	(e) = (a) + (c)	(f) = (b) + (d)
Plums						
Total Plums						
Oranges						
Clementines						
Mandarins						
Lemons						
Total Citrus						
Peaches						
Nectarines						
Total Peaches and Nectarines						
Cherries						
Persimmons						
Total Others						
TOTAL						

Note: one different Excel sheet shall be completed for every notification.

NOTIFICATION ON NON-HARVESTING AND GREEN HARVESTING

Member State:...

Period covered:...

Date:...

Product	Producer organisations			Producer non-members			Total quantities (t)	Total Union financial assistance (EUR)
	Area (ha)	Quantities (t)	Union financial assistance (EUR)	Area (ha)	Quantities (t)	Union financial assistance (EUR)		
	(a)	(b)	(c)	(d)	(e)	(f)		
Apples								
Pears								
Total Apples and Pears								
Plums								
Total Plums								
Oranges								
Clementines								
Mandarins								
Lemons								
Total Citrus								
Peaches								
Nectarines								
Total Peaches and Nectarines								
Cherries								
Persimmons								
Total Others								
TOTAL								

Note: one different Excel sheet shall be completed for every notification.

ANNEX IV

Templates to be sent with the first notification as referred to in Article 11(2)

WITHDRAWALS — OTHER DESTINATIONS

Maximum amounts of support fixed by the Member State in accordance with Article 79(1) of Implementing Regulation (EU) No 543/2011 and Article 5 of this Regulation

Member State:...

Date:...

Product	Producer organisation's contribution (EUR/100 kg)	Union financial assistance (EUR/100 kg)
Apples		
Pears		
Plums		
Oranges		
Clementines		
Mandarins		
Lemons		
Peaches		
Nectarines		
Cherries		
Persimmons		

NON-HARVESTING AND GREEN HARVESTING

Maximum amounts of support fixed by the Member State in accordance with Article 85(4) of Implementing Regulation (EU) No 543/2011 and Article 7 of this Regulation

Member State:...

Date:...

Product	Open air		Greenhouse	
	Producer organisation's contribution (EUR/ha)	Union financial assistance (EUR/ha)	Producer organisation's contribution (EUR/ha)	Union financial assistance (EUR/ha)
Apples				
Pears				
Plums				
Oranges				
Clementines				
Mandarins				

Product	Open air		Greenhouse	
	Producer organisation's contribution (EUR/ha)	Union financial assistance (EUR/ha)	Producer organisation's contribution (EUR/ha)	Union financial assistance (EUR/ha)
Lemons				
Peaches				
Nectarines				
Cherries				
Persimmons				

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1166
of 26 June 2017
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 34(9) of Regulation (EU) No 952/2013 for a period of 3 months from the date of entry into force of this Regulation.

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*.

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

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

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

Done at Brussels, 26 June 2017.

*For the Commission,
On behalf of the President,
Stephen QUEST
Director-General
Directorate-General for Taxation and Customs Union*

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>An electrical apparatus (so-called 'video converter'), rectangular shaped, with dimensions of approximately 17 × 14 × 4 cm. The apparatus has the following sockets:</p> <ul style="list-style-type: none"> — a Serial Digital Interface (SDI), — a High Definition Multimedia Interface (HDMI), — an RJ-45 interface, and — a power connector. <p>The apparatus is designed to convert video signals from SDI format to HDMI format.</p> <p>The RJ-45 interface serves to connect the apparatus to the Ethernet only for the software updates and to get electric power needed for those updates (Power over Ethernet ('PoE')).</p>	8543 70 90	<p>Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, note 3 to Section XVI and by the wording of CN codes 8543, 8543 70 and 8543 70 90.</p> <p>The RJ-45 interface (communication function via Ethernet) is ancillary to the principal function (video conversion), as it serves only to receive updates while no video signals are transmitted via that interface. Classification under heading 8517 is therefore excluded.</p> <p>Consequently, the apparatus is to be classified under CN code 8543 70 90 as other electrical machines and apparatus, having individual functions, not specified or included elsewhere in Chapter 85.</p>

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1167
of 26 June 2017
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 34(9) of Regulation (EU) No 952/2013 for a period of 3 months from the date of entry into force of this Regulation.

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*.

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

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

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

Done at Brussels, 26 June 2017.

*For the Commission,
On behalf of the President,
Stephen QUEST
Director-General
Directorate-General for Taxation and Customs Union*

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>A knitted brassière (61 % nylon, 20 % elastane, 12 % cotton, 7 % viscose), with adjustable broad padded shoulder straps, centrally positioned over the breasts, with shaped cups and elastics at the back part of the base.</p> <p>There is an embroidered design on the shoulder straps and cups and a decorative bow at the centre front.</p> <p>The article is closed by means of an adjustable 'hook and eye fastening'.</p> <p>The brassière has a lining in the cups, with side openings for the insertion of padding for the enhancement of breasts (aesthetic purposes) or for the insertion of breast forms following a mastectomy.</p> <p>See images (*).</p>	6212 10 90	<p>Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 6212, 6212 10 and 6212 10 90.</p> <p>The article has the objective characteristics (the form and the construction) of a brassière of heading 6212, which includes brassières of all kinds (see also the Harmonised System Explanatory Notes to heading 6212, second paragraph (1)).</p> <p>Although the article can also be worn by women following a mastectomy, classification under heading 9021 as an orthopaedic appliance or as a part or accessory of an artificial part of the body is excluded because, at the time of importation, the objective characteristics of the product are those of a brassière of heading 6212 and do not give any indication of the final use (for aesthetic or medical purposes).</p> <p>The side openings do not make the brassière a product of heading 9021 as they can serve both for the insertion of breast forms following a mastectomy and for the insertion of padding for the enhancement of breasts (aesthetic purposes). Similarly, the broad shoulder straps, centrally positioned over the breasts are a common feature for bigger cup brassières of heading 6212.</p> <p>Therefore, the article is to be classified under CN code 6212 10 90 as a brassière.</p>

(*) The images are purely for information.



COMMISSION IMPLEMENTING REGULATION (EU) 2017/1168
of 26 June 2017
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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*.

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

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

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

Done at Brussels, 26 June 2017.

*For the Commission,
On behalf of the President,
Stephen QUEST
Director-General
Directorate-General for Taxation and Customs Union*

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
<p>An article (so-called 'steering wheel cover') made of plastics (polyvinyl chloride (PVC)), forming a circle with a diameter of 38 cm.</p> <p>The article is designed to cover the steering wheel of a motor vehicle in order to improve its appearance, to protect the steering wheel against the sweat, wear and tear caused by its use and to protect hands from hot and cold extremes.</p> <p>See image (*).</p>	3926 90 97	<p>Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 3926, 3926 90 and 3926 90 97.</p> <p>Classification under subheading 8708 94 as a part of a steering wheel is excluded as the article is not indispensable for the function of the steering wheel.</p> <p>Classification under subheading 8708 99 as other parts or accessories of motor vehicles of headings 8701 to 8705 is also excluded as the article is not indispensable for the function of the motor vehicle, nor does it adapt the motor vehicle for a particular operation, or increase its range of operations, or enable it to perform a particular service connected with its main function (see Case C-152/10, Unomedical, ECLI:EU:C:2011:402, paragraphs 29 and 36).</p> <p>Consequently, the article is to be classified according to its constituent material (plastics) under CN code 3926 90 97 as other articles of plastics.</p>

(*) The image is purely for information.



COMMISSION IMPLEMENTING REGULATION (EU) 2017/1169
of 26 June 2017
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 34(9) of Regulation (EU) No 952/2013 for a period of 3 months from the date of entry into force of this Regulation.

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*.

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

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

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

Done at Brussels, 26 June 2017.

*For the Commission,
On behalf of the President,
Stephen QUEST
Director-General
Directorate-General for Taxation and Customs Union*

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>An article in a form of a ball (so called 'paintball') made of a hard gelatine shell containing water-based paint.</p> <p>The article is designed to be used as a projectile for a paintball gun (air gun with a nozzle velocity of 91 meters per second) during the multi-player game 'paintball'.</p> <p>See images (*).</p>	9306 90 90	<p>Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, note 1 (s) to Chapter 95 and by the wording of CN codes 9306, 9306 90 and 9306 90 90.</p> <p>The article is designed as a projectile for a paintball gun, which is an air gun of heading 9304 due to its considerable nozzle velocity (see Commission Regulation (EC) No 242/96 (OJ L 31, 9.2.1996, p. 16)).</p> <p>The paintball is a projectile used for shooting with air guns similar to pellets or darts. Therefore, the paintball is another kind of ammunition (see also the Harmonised System Explanatory Notes to heading 9306, (A) (3)).</p> <p>Classification as a product of Chapter 95 is therefore excluded by virtue of note 1 (s) to that Chapter.</p> <p>Consequently, the article is to be classified under CN code 9306 90 90 as a projectile.</p>

(*) The images are purely for information.



COMMISSION IMPLEMENTING REGULATION (EU) 2017/1170
of 26 June 2017
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 34(9) of Regulation (EU) No 952/2013 for a period of 3 months from the date of entry into force of this Regulation.

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*.

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

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

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

Done at Brussels, 26 June 2017.

*For the Commission,
On behalf of the President,
Stephen QUEST
Director-General
Directorate-General for Taxation and Customs Union*

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>A compact battery-operated fingertip apparatus (so called 'pulse oximeter') combining an electronic processor, a pair of light emitting diodes (LED), a photo diode and an LED display (offering various display modes) in one unit. It is also equipped with a low battery indicator, an alarm function in case of high or low pulse rate or blood oxygen, and a 'clip in' attachment to the finger.</p> <p>It is used as a non-invasive method of monitoring a person's oxygen saturation and for measuring a pulse by means of optical radiation. After attaching to a person's finger, the LED pass two different wavelengths of light through the finger to a photo diode. It measures the changing absorbance at each of the wavelengths and subsequently determines/calculates the oxygen saturation and heart rate.</p> <p>It can be used in professional medical practice and in research, sport, business etc. (for example, oxygen chambers, extreme mountaineering in low oxygen atmosphere, deep-sea diving; by pilots, firefighters, astronauts etc.).</p> <p>See image (*).</p>	9018 19 10	<p>Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 9018, 9018 19 and 9018 19 10.</p> <p>The apparatus falls under the scope of heading 9018 which covers a very wide range of instruments and appliances which, in the vast majority of cases, are used only in professional practice to prevent or treat an illness or to operate, etc. The instruments and appliances classified here may be equipped with optical devices; they may also make use of electricity (see also the Harmonised System Explanatory Notes to heading 9018). While this kind of apparatus can be used by non-professionals, it is of a kind used for medical purposes as it provides information concerning 'vital body functions' that may need to be further analysed by professionals.</p> <p>Classification under heading 9027 as instruments and apparatus for physical or chemical analysis using optical radiation is consequently excluded.</p> <p>It is therefore to be classified under CN code 9018 19 10 as instruments and apparatus used in medical science, monitoring apparatus for simultaneous monitoring of two or more parameters.</p>

(*) The image is purely for information.



COMMISSION IMPLEMENTING REGULATION (EU) 2017/1171**of 30 June 2017****imposing a definitive anti-dumping duty on imports of melamine originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽¹⁾ ('the basic Regulation'), and in particular Article 11(2) thereof,

Whereas:

A. PROCEDURE**1. Measures in force**

- (1) Following an anti-dumping investigation ('the original investigation'), the Council imposed, by means of Implementing Regulation (EU) No 457/2011 ⁽²⁾, a definitive anti-dumping duty on imports of melamine originating in the People's Republic of China ('the PRC' or 'China' or 'country concerned').
- (2) The measures took the form of a fixed duty of 415 EUR/tonne on all imports from the PRC with the exception of three cooperating Chinese exporting producers that were granted a minimum import price ('MIP') of 1 153 EUR/tonne.

2. Request for an expiry review

- (3) Following the publication of the notice of impending expiry ⁽³⁾ of the anti-dumping measures in force, the Commission received a request for the initiation of an expiry review of the measures in force pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009 ⁽⁴⁾.
- (4) Three Union producers lodged this request: Borealis Agrolinz Melamine GmbH, OCI Nitrogen BV and Grupa Azoty Zakłady Azotow Pulawy SA ('the applicants'). They represented more than 50 % of the total Union production of melamine in 2015.
- (5) The request was based on the grounds that the expiry of the measures in force would in all likelihood result in the recurrence of dumping and in the recurrence of injury to the Union industry.

3. Initiation of an expiry review

- (6) Having determined that sufficient evidence existed, the Commission announced on 11 May 2016, by a notice published in the *Official Journal of the European Union* ⁽⁵⁾ ('Notice of Initiation'), the initiation of an expiry review pursuant to Article 11(2) of Regulation (EC) No 1225/2009.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ Council Implementing Regulation (EU) No 457/2011 of 10 May 2011 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of melamine originating in the People's Republic of China (OJ L 124, 13.5.2011, p. 2).

⁽³⁾ Notice of the impending expiry of certain anti-dumping measures (OJ C 280, 25.8.2015, p. 6).

⁽⁴⁾ Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community (OJ L 343, 22.12.2009, p. 51). This Regulation was repealed and replaced by the basic Regulation.

⁽⁵⁾ Notice of initiation of an expiry review of the anti-dumping measures applicable to imports of melamine originating in the People's Republic of China (OJ C 167, 11.5.2016, p. 7).

4. Investigation

4.1. Review investigation period and period considered

- (7) The investigation of the likelihood of continuation or recurrence of dumping covered the period from 1 April 2015 to 31 March 2016 (the 'review investigation period' or 'RIP'). The examination of the trends relevant for the assessment of the likelihood of continuation or recurrence of injury covered the period from 1 January 2012 to the end of the review investigation period (the 'period considered').

4.2. Parties concerned by the investigation

- (8) The Commission advised the applicants, other known Union producers, exporting producers in the PRC, known importers and traders and their associations, users known to be concerned and the representatives of the exporting country of the initiation of the expiry review.
- (9) Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set out in the Notice of Initiation. All interested parties, who so requested and showed that there were particular reasons why they should be heard, were granted a hearing.
- (10) The Commission services granted one interested party, namely China Council for the Promotion of International Trade ('CCPIT') a hearing at the initial stage of the procedure. Another hearing occurred with the Hearing Officer with the same interested party after definitive disclosure on 4 May 2017.

4.3. Sampling

- (11) In the Notice of Initiation, the Commission stated that it, in accordance with Article 17 of the basic Regulation, intended to sample interested parties in case a significant number of them came forward.

— Sampling of exporting producers in the PRC

- (12) In order to decide whether sampling was necessary and, if so, to select a sample, the Commission asked all known exporting producers in the PRC to provide the information specified in the Notice of Initiation. In addition, it asked the mission of the PRC to the Union to identify and/or contact other Chinese exporting producers, if any, that could be interested in participating in the investigation.
- (13) No exporting producers in the PRC came forward with a response to the sampling form or decided to cooperate in the expiry review. Therefore, there was no sampling of Chinese exporting producers in this procedure.

— Sampling of Union producers

- (14) In the Notice of Initiation, the Commission stated that it had provisionally selected a sample of Union producers. Three Union producers, that were also the applicants, provided a reply to the standing forms while the two other Union producers did not cooperate in the investigation. In accordance with Article 17(1) of the basic Regulation, the Commission selected the sample on the basis of the largest representative volume of sales and production of melamine. The provisional sample consisted of the three cooperating Union producers. The sampled Union producers accounted for over 80 % of total estimated Union production in 2015. The Commission invited interested parties to comment on the provisional sample. No comments were received within the deadline and the provisional sample was thus confirmed. The sample was considered representative of the Union industry.

— Sampling of unrelated importers

- (15) To decide whether sampling was necessary and, if so, to select a sample, all known (in total 15) importers/distributors were invited to fill in the sampling form attached to the Notice of Initiation.
- (16) Only one importer replied to the sampling form and therefore sampling was not considered necessary.

4.4. Questionnaires and verification visits

- (17) The Commission sought and verified all the information deemed necessary for the purpose of determining the likelihood of continuation or recurrence of dumping, the likelihood of continuation or recurrence of injury and Union interest.
- (18) The Commission sent questionnaires to the two producers in the analogue country the three sampled Union producers, one unrelated importer and to 69 known users in the Union.
- (19) Complete questionnaire replies were received from the two potential analogue country producers, the three sampled Union producers, one unrelated importer and four users.
- (20) The Commission carried out verifications at the premises of the following companies:
 - (a) Union producers:
 - Grupa Azoty Zakłady Azotowe Pulawy SA, Poland,
 - OCI Nitrogen BV, the Netherlands,
 - Borealis Agrolinz Melamine GmbH, Austria.
 - (b) Importers:
 - Globe Chemicals GmbH, Germany.
 - (c) Users:
 - Melamin d.d. Kocevje, Slovenia,
 - Tinde d.o.o, Slovenia,
 - ChemCom BV, the Netherlands.
 - (d) Producer in the market economy analogue country:
 - Nissan Chemical Industries Ltd, Japan.

B. PRODUCT CONCERNED AND LIKE PRODUCT

1. Product concerned

- (21) The product concerned is melamine, currently falling within CN code 2933 61 00 originating in the PRC.
- (22) Melamine is a white crystalline powder produced predominantly from urea and is used mainly in laminates, wood adhesives, moulding compounds and paper/textile treatments.

2. Like product

- (23) The product concerned and melamine produced and sold on the domestic market of Japan, the analogue country, as well as melamine produced and sold in the Union by the Union industry were found to have the same basic physical, chemical and technical characteristics and uses.
- (24) The Commission therefore concluded that these products are alike within the meaning of Article 1(4) of the basic Regulation.

C. LIKELIHOOD OF CONTINUATION OR RECURRENCE OF DUMPING

- (25) In accordance with Article 11(2) of the basic Regulation, the Commission first examined whether the expiry of the measures in force would be likely to lead to a continuation or recurrence of dumping from the PRC.

1. Cooperation from the PRC

- (26) Upon the initiation of the review procedure all known Chinese exporting producers (71 companies or groups of companies) were invited to come forward and to provide replies to the sampling form attached to the Notice of Initiation. However, no Chinese company reacted to the initiation of the review procedure or decided to cooperate at any further stage of the procedure.
- (27) The only reaction from China was a submission by the CCPIT, followed later by a hearing.
- (28) The status of the CCPIT as an interested party was contested by the applicants. The applicants in their submission claimed that CCPIT is neither an exporter of the product concerned nor an association of such exporters and thus their comments should be disregarded in their entirety.
- (29) The CCPIT (also known as China Chamber of International Commerce (CCOIC)) comprises amongst others enterprises and organisations representing the economic and trade sectors in China. It can be thus also treated as an association of exporters, including exporters of the product concerned. After definitive disclosure CCPIT has confirmed the presence of 9 melamine producers among the Chamber's members. Furthermore, according to its Articles of Association, the responsibilities of CCPIT include organising, assisting or acting on behalf of Chinese enterprises and individuals in third countries procedures such as anti-dumping. Taking into account the above, the Commission treated CCPIT as an interested party as in previous anti-dumping proceedings ⁽¹⁾.

2. Dumping during the review investigation period

(a) Analogue country

- (30) According to Article 2(7)(a) of the basic Regulation, normal value has to be determined on the basis of the prices paid or payable on the domestic market or the constructed value in an appropriate market economy third country (the 'analogue country').
- (31) In the original investigation, the Commission chose Indonesia as an analogue country. However, in 2011, the production facility of the cooperating Indonesian producer was closed. As the company in question was the only producer of melamine in Indonesia, this country could not be further taken into account as a potential analogue country.
- (32) In their request, the applicants proposed using the USA as an analogue country. Consequently, the applicants used constructed normal value from the US market for the preliminary calculation of the dumping margin in their request. However, taking into account that there is only one domestic producer of melamine in the USA, currently protected by a very high level of anti-dumping and countervailing measures, the Commission decided to look for an alternative analogue country despite the fact that the US producer was willing to cooperate and replied to the questionnaire.
- (33) The Notice of Initiation envisaged also the use of other countries producing melamine as a potential analogue country, namely India, Iran, Japan, Qatar, Russia and Trinidad & Tobago. Following the initiation of the current review procedure the Commission contacted eight companies located in those countries. Only one company, the Japanese Nissan Chemical Industries Ltd, agreed to cooperate as an analogue country producer and replied to the questionnaire which was subsequently verified on spot.
- (34) Following definitive disclosure CCPIT claimed that no contact record with the second Japanese exporting producer of the product concerned could be found in the open file and therefore CCPIT was not able to verify whether the Japanese company in question indeed had refused to cooperate in the procedure.

⁽¹⁾ The CCPIT was treated as interested party most recently in expiry reviews concerning silicon metal (Commission Implementing Regulation (EU) 2016/1077 (OJ L 179, 5.7.2016, p. 1)) and high tenacity yarn of polyester (Commission Implementing Regulation (EU) 2017/325 (OJ L 49, 25.2.2017, p. 6)).

- (35) In this regard, the Commission explained that all potential analogue countries' producers were contacted by the Commission at least twice (15 July and 16 September 2016) and a blank copy of the questionnaire was sent to each of them. The correspondence was not however shown in the open file, nor were the addressees of the emails in question revealed to each other ⁽¹⁾ as these producers are competitors. It is confirmed that no reply was received from the second Japanese producer of the product concerned.
- (36) The Commission considered Japan as a proper analogue country taking into account the size of its domestic market and the level of the competition thereon. There are two domestic producers in Japan and a substantial share of the market is also held by imports (estimated at 12 %). Both Japanese producers are also engaged in exports so they must be able to compete internationally with their costs and prices. The country is not protected by high custom duties. They amount to 3,1 % for WTO members but 0 % under the GSP regime which applies also to the PRC — the main exporter to the Japanese market. Also no trade defence measures currently apply.
- (37) In view of the above, the Commission concluded that Japan is an appropriate analogue country under Article 2(7)(a) of the basic Regulation.
- (38) The CCPIT contested the methodology of analogue country for establishment of the normal value as such, arguing that section 15 of the Protocol of Accession of China to the WTO had lapsed after 11 December 2016. Thus normal value for the Chinese exporting producers should be calculated on the basis of their own domestic prices and/or costs.
- (39) The Commission rejected this claim. As the Notice of Initiation was published on 11 May 2016, the applicable legal framework is 'Regulation (EU) 2016/1036 of the European Parliament and the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union'. Therefore, normal value will be determined on the basis of data from an analogue country. The Chinese exporting producers were given a chance to submit MET (Market Economy Treatment) claim forms, but none of them submitted such a claim form.
- (40) Following definitive disclosure, the applicants argued that the USA should have been used as analogue country. They acknowledged that the findings by the Commission in recital (36) above may indeed render the price applied by the US producer on the US domestic market unsuitable to serve as the basis of the normal value calculations. However, these characteristics of the US market should not prevent the use of the USA as an analogue country for the purposes of the constructed normal value methodology. In any event, the applicants did not contest the choice of Japan as an analogue country.
- (41) The Commission considered that the distortions described in recital (36) above rendered the USA not appropriate analogue country in all circumstances, including when the normal value needs to be constructed. Therefore, this claim was rejected. In addition, the Commission took note of the fact that the applicants did not contest the choice of Japan as an analogue country.

(b) Normal value

- (42) The information received from one cooperating producer in the analogue country was used as a basis for the determination of the normal value.
- (43) In accordance with Article 2(2) of the basic Regulation, the Commission first examined whether the total volume of domestic sales of the like product to independent customers made by the cooperating analogue country producer during the review investigation period was representative. To this end, its total domestic sales volumes were compared to the total volume of the product concerned exported by Chinese exporting producers to the Union. On that basis, the Commission found that the like product was sold in representative quantities on the Japanese domestic market. Since the product concerned was considered homogenous, the representativity test was not required per product type. The Commission subsequently examined for the analogue country producer whether the product sold domestically could be considered as being sold in the ordinary course of trade pursuant to Article 2(4) of the basic Regulation.
- (44) Since the volume sold at a net sales price equal to or above the calculated cost of production (costs of manufacturing plus SG&A costs), represented less than 80 % of the total domestic sales volume, normal value was established based on the prices of the profitable domestic transactions adjusted to ex-works. The level of this adjustment was in the range of 2 %-7 %.

⁽¹⁾ The blind copy or 'Bcc' function was used in addressing potential analogue country producers.

- (45) As the Japanese producer was using a different production method compared to the standard method used by the Chinese and Union producers (based on naphtha rather than natural gas as a basic raw material for production of urea which is later used for the production of melamine), the costs of manufacturing, used for the ordinary course of trade test in the calculation of the normal value, were adjusted downward to reflect this difference in production method. It was based on the actual difference in the costs of manufacturing between the respective basic raw materials, naphtha and natural gas. The adjustment could be precisely calculated for the cooperating analogue country producer since in the post RIP the company in question changed its production method to the standard one that is based on natural gas. The calculation took into account also the changes in market prices of both basic raw materials after the RIP. The exact level of adjustment and its calculation could not be revealed as it was based on cost data of only one company which are therefore confidential. However, the approximate level of the adjustment was disclosed in ranges to the interested parties.

(c) Export price

- (46) In the absence of cooperation from Chinese exporters, an average export price for the RIP was extracted from Eurostat import statistics. The export price was adjusted from CIF to ex-works for applicable factors listed in Article 2(10) of the basic Regulation on the basis of data submitted in the review request or collected in the original investigation. The total level of adjustment amounted to 11 %.

(d) Comparison

- (47) The normal value and the average Chinese export price as determined above were compared on an ex-works basis.
- (48) For the purpose of ensuring a fair comparison between the normal value and the export price, due allowance in the form of adjustments was made for differences affecting prices and price comparability in accordance with Article 2(10) of the basic Regulation as explained in recitals (44) and (46) above. In the case of domestic prices an adjustment was made for the inland freight. In the case of the export prices an adjustment was made for inland freight, handling and ocean freight.
- (49) China applies a policy of partially reimbursing VAT upon export and in this case 8 % VAT was not reimbursed. To ensure that the normal value was expressed at the same level of taxation as the export price, the normal value was adjusted upward by that part of the VAT charged on exports of melamine that was not refunded to the Chinese exporting producers ⁽¹⁾.

(e) Dumping margin

- (50) The product concerned, in this review as well as in the original investigation, is considered homogenous. Therefore no calculation of dumping margin per product type was required. The Chinese average export price to the Union was significantly lower than the normal value established in the analogue country. The investigation showed that the Chinese exporters continued to dump their products in the Union market with a margin as high as 21,0 % during the RIP.
- (51) Following definitive disclosure CCPIT claimed that the nature and exact level of certain adjustments made in the calculation of the normal value and export price were not disclosed to the interested parties.
- (52) In this regard it is recalled that no Chinese exporting producer cooperated in this procedure. Therefore no Chinese interested party received a detailed calculation of its export price. With regard to normal value adjustments it is recalled that they were based on the data of only one company of the analogue country and therefore could be disclosed only in ranges, instead of the exact figures for confidentiality reasons because the data is very sensitive for the company in question. Furthermore, a detailed explanation as to the nature of the adjustments (apart from recital (48) above) and sources of data used was given to the interested party in question during the hearing. The claim of not adequate disclosure of calculations is therefore rejected.

⁽¹⁾ That method was accepted by the General Court in its judgment of 16 December 2011, Case T-423/09, *Dashiqiao v Council*, ECLI:EU:T:2011:764, paras 34 to 50.

(f) Conclusion on dumping in the review investigation period

- (53) The Commission found that Chinese exporting producers continued to export melamine to the Union at dumped prices during the RIP (though in lower volumes than in the original investigation).
- (54) However the majority ⁽¹⁾ of Chinese imports to the Union took place under the MIP system and therefore the current export price does not necessarily reflect what would be the actual price level in case the anti-dumping measures in force were allowed to lapse. In addition, the import volume of the product concerned from the PRC into the Union was relatively low during the RIP (at around 2 % market share). The Commission therefore also examined the likelihood of continuation of dumping in case the measures were allowed to lapse.

3. Evidence of likelihood of continuation of dumping

- (55) The Commission analysed whether there was a likelihood of continuation of dumping should the measures be allowed to lapse. When doing so, it looked into the Chinese production capacity and spare capacity, the behaviour of Chinese exporters on other markets, and the attractiveness of the Union market.
- (56) In the absence of cooperation of the Chinese exporting producers, the analysis concerning the likelihood of continuation of dumping was made in accordance with Article 18 of the basic Regulation, namely on the basis of the information contained in the review request and publicly available information.

(a) Production and spare capacity in the PRC

- (57) According to the statistics presented by the applicants in the request, the Chinese production capacity amounted to 1,9 million tonnes already in 2013 ⁽²⁾. In the same year production in China was close to 1,1 million tonnes while the Chinese domestic market represented around 852 000 tonnes.
- (58) Given the level of production in the PRC, the Chinese spare capacity was significant, i.e. around 800 000 tonnes. According to the data of 2013, the actual production of China was covering its domestic demand almost fully (import was insignificant at 700 tonnes) and allowed also for 205 000 tonnes of exports.
- (59) In the RIP Chinese total exports increased to 240 000 tonnes ⁽³⁾. This figure, as well as the huge spare capacity mentioned above have to be seen also against the background of total consumption on the Union market which was estimated in the RIP at a level of 393 000 tonnes.
- (60) By activating its spare capacity, Chinese production could theoretically supply more than two times the total Union consumption even taking into account their domestic demand and exports to third countries.
- (61) CCPIT claimed that the estimation of the Chinese spare capacity should take into account the expected growth of the Chinese domestic market. Indeed, the growth of the Chinese internal market was also examined by the report referred to in recital (57). According to that estimation, the domestic consumption in China should grow by 5,9 % yearly and reach 1,1 million tonnes in 2018. However, even taking into account this growth of domestic demand and total export volumes of some 250 000 or even 300 000 tonnes, the spare capacity in the PRC would still be higher than the total consumption of the Union market. This scenario is based on the conservative assumption that Chinese total capacity of the production did not and will not increase between 2013 and 2018.
- (62) The Commission therefore concluded that the PRC has significant spare capacities of melamine production exceeding the total Union consumption.
- (63) Following definitive disclosure CCPIT claimed that the Commission's conclusions on Chinese spare capacity are based on flawed analysis as the figures of two different periods were used, namely the actual capacity of production from 2013 and actual total Chinese export and estimated consumption of the RIP. Furthermore, CCPIT indicates that the Commission focused in its analysis on the high total Chinese export of the product

⁽¹⁾ Source: the data reported to the Commission by the Member States in accordance with Article 14(6) of the basic Regulation ('Article 14(6) database').

⁽²⁾ Source of data: Chemical Economic Handbook Report — Annex 9 of the expiry review request. 2013 is the last year covered by the report in terms of actual data.

⁽³⁾ Source: Chinese export database.

concerned in the RIP ignoring the fact that export destined for the Union market was relatively small. Finally, CCPIT presented an alternative method for the calculation of Chinese capacity utilisation and spare capacity projected for the year 2018, based on figures submitted in Annex 24 of the expiry review request rather than figures submitted in Annex 9 thereof, used by the Commission.

- (64) In response to the above it should be firstly stressed that the assumption of zero increase in the total production capacity in China between the year 2013 and the RIP was a very conservative approach in the analysis. Should the Commission use also an estimation of this figure for the RIP, using the methodology based on Annex 9 of the expiry review request, the figure for production capacity of China would be 230 000 tonnes higher.
- (65) Secondly, in the analysis and estimation of Chinese spare capacity the total volume of Chinese domestic consumption and the total volume of Chinese exports are relevant, not the volume of exports to particular markets, in this case to the Union.
- (66) Thirdly, even if the alternative method of calculation of Chinese spare capacity for 2018, as proposed by CCPIT, was used, the spare capacity would be reduced by some 200 000 tonnes. However, this would not change the conclusion of recital (61) that the spare capacity in the PRC would still be higher than the total consumption in the Union market. Furthermore, the alternative method of calculation proposed by CCPIT is based on the assumption that in a view of the projected increase of domestic consumption the Chinese producers would still keep relatively low levels of capacity utilisation, namely 48,3 %. The claims of the interested party in question with regard to the analysis of the spare capacity in the PRC were therefore rejected.

(b) Behaviour of the Chinese exporters on the markets of third countries

- (67) In order to determine whether Chinese exporting producers still continue their low-priced export practices, the Commission examined the price level with regard to Chinese exports sales to its three most important export markets, namely Turkey, Malaysia and South Korea. Exports to these markets represented approximately 36 % of Chinese exports of the product under investigation during the RIP. Additionally, the Commission also examined the price level with regard to Chinese export sales to the analogue country Japan.
- (68) The export price to third countries markets was established on the basis of data available from the PRC export statistics, namely on the basis of the quantities and values (adjusted from FOB basis to ex-works) of exports from the PRC.
- (69) The average Chinese export prices to the selected countries were significantly lower than the minimum import price to the Union established in the original investigation as well as the level of the domestic prices found on the Japanese market in the current expiry review.
- (70) Furthermore, recent findings of the US authorities which resulted in the imposition of the anti-dumping measures against imports of the product concerned from China also confirm continued unfair trade practices by Chinese exporting producers.
- (71) Thus the Commission concluded that during the review investigation period the behaviour of the Chinese exporting producers, in terms of price undercutting and possibly dumping practices, did not change.

(c) Attractiveness of the Union market

- (72) The Union market is the second biggest market for melamine in the world with an estimated demand of almost half the demand of the Chinese domestic market. Before the introduction of the measures, the Union was a traditional market for China: Chinese imports in the original investigation reached 30 000 tonnes per year on average, i.e. more than three times their current level of exports to the Union. The average price on the Union market (1 149 EUR/tonne) is also in general higher than the average Chinese export price (855 EUR/tonne) on its main export markets. Even after the imposition of the measures, the exporting producers continued exporting to the Union and kept their business relations with Union users.

- (73) It is therefore likely that the Chinese producers will channel part of their vast spare capacities to the Union market if the measures were allowed to lapse and the Chinese would be able to export below the MIP currently in force.
- (74) In addition, the recent anti-dumping and countervailing duties imposed by the USA ⁽¹⁾ on Chinese melamine resulted in a practical closure of a sizeable and high-priced market for the PRC. In the years 2013 and 2014, the PRC was selling 10 841 and 12 764 tonnes of melamine respectively to the USA, which then dropped to 786 tonnes in 2015 and 213 tonnes in 2016 freeing up significant quantities (in the range of 12 000 tonnes) for other destinations.
- (75) Therefore, further significant volumes of low-priced melamine would be available for redirection to the Union already in the short term in case the measures were allowed to lapse.
- (76) Following definitive disclosure CCPIT contested the above findings on attractiveness of the Union market. The interested party in question firstly disagreed that the Union market had been a traditional market for PRC exports of the melamine before the imposition of the measures. CCPIT highlighted in this regard that the Chinese export to the Union decreased drastically already in the period 2007-2010, prior to the imposition of the measures. Secondly, the interested party in question disputed the Commission's conclusion that the recent imposition of the trade defence measures against China by the USA would result in redirection of the trade volumes from the USA to the Union. As a support for this argument the CCPIT referred to the situation on the Indian market which, although protected for years by measures, still remains the main export market for Chinese producers.
- (77) In response to the above, the Commission emphasised that the decrease of Chinese export volumes to the Union from 2007 to 2010 coincided with the drastic decrease of the Union consumption in this period due to the economic crisis. The Union market of melamine shrunk in this period by more than 30 %. Furthermore, in the beginning of 2010 the anti-dumping procedure was already initiated which would also normally already at an early stage have had some impact on the trade volumes originating in the country concerned. Secondly, with regard to the Indian market the Commission observed that the measures imposed by India are on much lower level than those imposed by the USA ⁽²⁾. Furthermore, the effect of the US measures on Chinese export volumes is already clearly visible as indicated in recital (74) above. In light of the above, the claims of CCPIT concerning the attractiveness of the Union market were rejected.

(d) Conclusion on dumping and likelihood of continuation of dumping

- (78) The investigation showed that the Chinese exporting producers were selling at dumped prices to the Union market. They have also continued their low priced, and allegedly dumped, exports to the third countries' markets. The Commission also established a significant spare capacity in China capable of satisfying the total consumption in the Union and in China, even in the case of an increase in the Chinese domestic consumption in the future. Finally, the Union market remains attractive for the Chinese exporting producers given its size and high prices. This finding is further strengthened by the actual closure by protective measures of one of the important Chinese export markets — the USA.
- (79) On that basis, the Commission established that it is very likely that significant volumes of Chinese melamine would continue to be exported to the Union at dumped prices in case the measures were allowed to lapse.

D. UNION INDUSTRY

- (80) The like product was manufactured by five Union producers during the review investigation period ⁽³⁾. They constitute the 'Union industry' within the meaning of Article 4(1) of the basic Regulation. The three applicants ⁽⁴⁾ who also constituted the sampled Union producers ⁽⁵⁾ are the three biggest producers accounting for over 80 % of the estimated Union production of the like product during the review investigation period. The two other producers with limited production did not object to the initiation of the investigation.

⁽¹⁾ In force as of June 2015 (AD measures) and as of August 2015 (CVD) as provisional measures, and as of 28 December 2015 both confirmed as definitive measures.

⁽²⁾ 38 % and 363 % respectively.

⁽³⁾ Borealis Agrolinz Melamine GmbH, OCI Nitrogen BV, Grupa Azoty Zakłady Azotowe Pulawy SA, BASF SE and S.C. Azomures SA.

⁽⁴⁾ As indicated in recital (4).

⁽⁵⁾ As described in recital (14).

- (81) One interested party argued that the Commission when examining standing under Article 4(1) of the basic Regulation only considered imports from the PRC that were re-sold and not all imports. Therefore certain Union producers might have been erroneously considered as part of the Union industry. Moreover, the interested party further complained that the origin of imports was not revealed by one of the Union producers in its questionnaire reply.
- (82) Only one of the Union producers providing a reply to the standing form, imported melamine from the PRC and only for a limited time (in 2012 and in 2013) and in negligible quantities (less than 0,2 % of its Union sales to independent customers). Therefore this claim was rejected. With regard to the second point, the Union producer did not mention the country of origin of its purchases (not necessarily imports) in its questionnaire reply in order not to reveal the identity of its supplier. In any case, as it was already mentioned above, the import volumes from the PRC were negligible. Consequently, the Commission considered that this Union producer forms part of the Union industry, as defined by Article 4(1) of the basic Regulation.
- (83) In the absence of any further comments, the composition of the Union industry was hereby confirmed.

E. SITUATION ON THE UNION MARKET

1. Union consumption

- (84) Union consumption was established by adding imports from the PRC and third countries based on Eurostat to the sales of the Union industry on the Union market. Sales of the Union industry on the Union market were obtained from the review request as adjusted on the basis of data provided in the replies of the sampled Union producers for the RIP.
- (85) During the period considered the Union consumption developed as follows

Table 1

Union consumption

	2012	2013	2014	2015	RIP
Volume (tonnes)	349 464	356 552	365 684	381 141	392 776
Index (2012 = 100)	100	102	105	109	112

Source: Review request, Eurostat, verified questionnaire replies

- (86) Union consumption continuously increased over the period considered, an overall increase by 12 %, i.e. from almost 350 000 tonnes in 2012 to almost 393 000 tonnes during the RIP. This increase in consumption reflects the overall economic revival following the global financial and economic crisis. In that respect, 2012 was still a difficult year, as the construction sector, the biggest sector driving melamine consumption, experienced a relatively slow recovery ⁽¹⁾. This had implications not only on the consumption but also on the sales prices and some other injury indicators as will be seen below.

⁽¹⁾ As reported by Eurostat: 'The downturn in activity for construction within the EU-28 lasted longer than for industry. Despite occasional short-lived periods of growth, the index of production for construction fell from a peak in February 2008 to a low in March 2013, a decline that lasted in total five years and one month and left the construction output 26,1 % lower than it had been. Construction output expanded by a total of 7,6 % during the next 13 months and between then (April 2014) and the most recent period for which data is available (April 2016) output remained relatively stable.' http://ec.europa.eu/eurostat/statistics-explained/index.php?title=industry_and_construction_statistics_-_short-term_indicators&oldid_325746, accessed on 23.3.2017.

2. Import from the PRC to the Union

(a) Volume, price and market share of imports from the PRC

Table 2

Volume and market share of imports from the PRC

	2012	2013	2014	2015	RIP
Volume of imports (tonnes)	1 313	8 762	6 586	8 984	7 938
Index (2012 = 100)	100	667	502	684	605
Market share (%)	0,4	2,5	1,8	2,4	2,0

Source: Eurostat

- (87) Following the imposition of the anti-dumping duties, imports of melamine from the PRC dropped considerably ⁽¹⁾. Nevertheless, Chinese imports are still present on the Union market.
- (88) Import volumes from the PRC increased from just over 1 300 tonnes to almost 8 000 tonnes during the period considered. There was a notable increase from 2012 to 2013 (mainly due to the poor performance in 2012) following which the volumes remained relatively stable throughout the period considered covering a market share of around 2 %.

(b) Price of PRC imports and price undercutting

Table 3

Average price of imports from the PRC

	2012	2013	2014	2015	RIP
Average CIF Union frontier price (EUR/tonne)	1 203	1 157	1 150	1 124	1 113
Index (2012 = 100)	100	96	96	93	93

Source: Eurostat

- (89) The average import prices from the PRC remained relatively stable during the period considered, with an overall decrease of 7 % reaching 1 113 EUR/tonne in the review investigation period ⁽²⁾. The observed price levels (and their stability) are most likely due to the measures in force, in particular the MIP. The share of the imports under the MIP scheme increased steadily during the period considered and covered the majority of all Chinese imports in the review investigation period ⁽³⁾.
- (90) When using the average import price, as reported in Eurostat, the Chinese imports did not undercut the prices of the Union industry. Given that the majority of the imports from the PRC entered via the MIP scheme, the reported price level does not necessarily reflect the 'real' prices on which Chinese exporting producers would be selling melamine in the Union market absent the measures. This is supported by the data from the Chinese export database which reveals that practically all Chinese imports to the rest of the world are priced well below the MIP.

⁽¹⁾ During the original investigation imports from the PRC averaged around 30 000 tonnes annually with the exception of the IP (2009) which was already marked by the effects of the economic crisis.

⁽²⁾ Eurostat.

⁽³⁾ Article 14(6) database.

3. Import from other third countries

(91) Melamine is imported into the Union from several third countries as can be seen in the table below:

Table 4

Imports from other third countries and their market share

Import volume (tonnes)	2012	2013	2014	2015	RIP
Qatar	24 142	21 116	29 195	23 516	29 929
Russia	461	10 830	15 573	15 902	15 951
United States of America	10 870	15 031	15 037	15 496	11 636
Trinidad and Tobago	26 283	3 925	3 940	8 308	9 368
Japan	282	241	1 637	4 349	8 292
Other countries ⁽¹⁾	4 360	17 105	7 761	17 447	21 894
Total	66 397	68 247	73 142	85 018	97 070
Index (2012 = 100)	100	103	110	128	146
Market share (%)	19,0	19,1	20,0	22,3	24,7
Average price (EUR/tonne) CIF Union frontier	835	1 095	974	1 003	1 006

Source: Eurostat

- (92) During the period considered, imports from third countries into the Union continuously increased from around 66 000 tons in 2012 to around 97 000 tons in the RIP, i.e. by 46 %. Similarly their market share has increased from 19 % in 2012 to almost 25 % in the RIP. The main importing third countries include Qatar, Russia, United States of America, Trinidad and Tobago and Japan with a growing share of 'other countries' not specified in Eurostat.
- (93) Despite this significant market share, imports from third countries did not have an injurious effect on the Union industry as it can be seen from the development of the injury indicators as explained below. The reason is that even though their average price level was somewhat below the MIP (in the range of 1 000 EUR/tonne throughout the period considered) ⁽²⁾ it was never as low as the Chinese prices observed during the original investigation or the current Chinese export prices to the rest of the world (around 855 EUR/tonne adjusted to CIF Union frontier). Even more importantly, all these sources have rather limited production capacity (mostly in the range of 50 000 tonnes to 60 000 tonnes annually) ⁽³⁾ which means that they do not have the same destabilising impact on the supply/demand balance of the melamine market as the PRC was able to exert in the original investigation.
- (94) CCPIT claimed that the Union industry is uncompetitive and struggles to compete with third countries exports. The party argued that to the extent the Union industry might be suffering injury this injury is caused by the exports from third countries other than the PRC.

⁽¹⁾ This category mainly includes so-called 'other countries' which cover 'countries and territories not specified for commercial or military reasons in the framework of trade with third countries'. It also includes some minor import quantities from a number of third countries such as Malaysia, Indonesia, Thailand, Mexico, Turkey, etc.

⁽²⁾ With the exception of 2012 when the prices of the Union industry were also lower, see recital (109).

⁽³⁾ Source: Chemical Economics Handbook — Melamine by IHS Chemical (Annex 9 of the review request).

- (95) The findings and conclusions on injury contradict this claim as it is described in detail in Section 5 below. The measures created fair market conditions under which the Union industry competed with other countries imports including those of the PRC (together representing over 25 % of the Union consumption in the RIP) and at the same time managed to recover from the past injury suffered. This demonstrates that the Union industry is able to withstand competition when the latter is at fair terms.

4. Economic situation of the Union industry

4.1. General remarks

- (96) In accordance with Article 3(5) of the basic Regulation, the Commission examined all economic factors and indices having a bearing on the state of the Union industry.
- (97) As mentioned in recital (14), sampling was used for the determination of possible injury suffered by the Union industry.
- (98) For the injury determination the Commission distinguished between macroeconomic and microeconomic injury indicators. The Commission evaluated macroeconomic indicators relating to the whole Union industry on the basis of data provided and verified in the questionnaire replies of the sampled Union producers and information in the review request adjusted on the basis of the developments of the sampled Union producers for the RIP. The Commission evaluated microeconomic indicators relating only to the sampled companies on the basis of data contained in the questionnaire replies of the sampled Union producers. Both sets of data were found representative of the economic situation of the Union industry.
- (99) The macroeconomic indicators are: production, production capacity, capacity utilisation, employment, productivity, sales volume, market share and Union consumption.
- (100) The microeconomic indicators are: average sales prices, stocks, profitability, cash flow, investments, return on investments, and ability to raise capital.

4.2. Production, production capacity and capacity utilisation

- (101) Data on production relating to the Union industry for the period considered was established based on the verified questionnaire replies of the sampled Union producers and the estimated data related to the non-sampled producers as provided in the review request by the applicants as well as Eurostat.
- (102) The total Union production remained relatively stable with a peak in 2014 and an overall modest increase of 3 % during the entire period considered. The Union production was estimated at 374 540 tonnes in the RIP.
- (103) The total Union production capacity and capacity utilisation developed over the period considered as follows:

Table 5

Production, production capacity and capacity utilisation

	2012	2013	2014	2015	RIP
Production volume (tonnes)	365 245	383 215	391 761	377 539	374 540
<i>Index (2012 = 100)</i>	100	105	107	103	103
Production capacity (tonnes)	479 120	479 120	479 120	479 120	479 120
<i>Index (2012 = 100)</i>	100	100	100	100	100
Capacity utilisation rate (%)	76	80	82	79	78

Source: Review request, verified questionnaire replies

- (104) The production volume remained relatively stable during the period considered. Following the revival of consumption, production increased in 2013 and in 2014. The decrease in 2015 and the RIP (the two periods overlap by nine months) was due to a number of different factors such as production halts for compulsory multiannual maintenance, fire incidents or economic decisions.
- (105) The production capacity remained constant throughout the period considered with almost 480 000 tonnes. Given the constant production capacity the capacity utilisation rates followed closely the trend of production. Throughout the period considered capacity utilisation remained in the range of 76 % to 82 %.

4.3. Sales volume and market share

- (106) The sales figures in the table below refer to the sales by the Union industry on the Union market to independent customers:

Table 6

Sales volume and market share

	2012	2013	2014	2015	RIP
Sales volume (tonnes)	269 154	265 738	270 175	271 581	275 365
Index (2012 = 100)	100	99	100	101	102
Market share (%)	81	78	78	75	73

Source: Review request, Eurostat, verified questionnaire replies

- (107) Sales volume increased over the period considered by 2 %. This growth rate is below the growth of the Union consumption during the same period (12 %) as shown in Table 1 above. As a consequence, the market share of the Union industry declined by 8 percentage points despite the increase in sales volume. During the RIP the Union industry held around 73 % of the Union market.
- (108) The lost market share of the Union industry was shared more or less equally by the third countries suppliers with Russia, Japan and Qatar gaining, Trinidad and Tobago losing, and the United States of America keeping relatively stable sales volumes. The PRC also benefited from the increase in Union consumption albeit to a lesser extent as indicated in recital (88).

4.4. Sales prices and factors affecting prices

- (109) The average sales prices of the Union industry to unrelated customers in the Union developed over the period considered as follows:

Table 7

Average sales prices

	2012	2013	2014	2015	RIP
Average unit selling price in the Union (EUR/tonne)	1 013	1 245	1 135	1 139	1 149
Index (2012 = 100)	100	123	112	112	113

Source: verified questionnaire replies

- (110) The Union industry's average unit sales price to unrelated customers in the Union increased by 13 % over the period considered. There was a relatively big jump in melamine prices in 2013 compared to the depressed price level in 2012 (+ 23 %) due to the increase in demand following the revival of the construction sector. The prices lowered in 2014 to a level around the MIP and remained stable since then.
- (111) Sales prices are usually negotiated quarterly and depend principally on the melamine demand/supply ratio on the market (and the perception thereof). Raw material prices do not directly influence the melamine prices i.e. melamine prices are not linked/indexed to the main raw material as it is the case for some other products.

4.5. Employment and productivity

- (112) Employment and productivity developed over the period considered as follows:

Table 8

Employment and productivity

	2012	2013	2014	2015	RIP
Number of employees	555	595	598	611	613
<i>Index (2012 = 100)</i>	100	107	108	110	110
Productivity (tonne/employee)	658	644	655	618	611
<i>Index (2012 = 100)</i>	100	98	99	94	93

Source: verified questionnaire replies

- (113) Employment of the Union industry increased by 10 % during the period considered. Productivity expressed by production volume per employee decreased by 7 % during the period considered.

4.6. Labour costs

- (114) The average labour costs of the Union industry developed over the period considered as follows:

Table 9

Labour costs

	2012	2013	2014	2015	RIP
Average labour costs per employee (EUR)	61 982	65 247	66 600	67 715	68 676
<i>Index (2012 = 100)</i>	100	105	107	109	111

Source: verified questionnaire replies

- (115) Between 2012 and the RIP, the average labour costs per employee of the sampled Union producers increased by 11 %. The main reason for this increase was annual inflation.

4.7. Inventories

(116) Stock levels of the Union industry developed over the period considered as follows:

Table 10

Inventories

	2012	2013	2014	2015	RIP
Closing stocks (tonnes)	23 194	26 792	26 470	14 924	12 995
<i>Index (2012 = 100)</i>	100	116	114	64	56
Closing stocks as percentage of production (%)	6,9	8,2	8,0	4,8	4,2
<i>Index (2012 = 100)</i>	100	119	117	70	61

Source: verified questionnaire replies

(117) Closing stocks both absolute volumes and as a percentage of production decreased sharply (– 44 % and – 39 % respectively) at the end of the RIP. The main reason is that in 2015 the Union industry experienced temporary production shortages as mentioned in recital (104) above which meant that stock levels were used in in order to fulfil all supply obligations.

4.8. Cost of production

(118) The unit cost of production developed as follows during the period considered:

Table 11

Unit cost of production

	2012	2013	2014	2015	RIP
Cost of production (EUR/tonne)	1 114	1 144	1 052	1 070	1 036
<i>Index (2012 = 100)</i>	100	103	94	96	93

Source: verified questionnaire replies

(119) Over the period considered the Union industry's unit cost of production of melamine decreased by 7 %.

(120) The main major raw material for melamine is urea, which is either bought or produced in-house by the Union producers from ammonia. Ammonia in turn is principally made from natural gas. On average, urea/ammonia represent around 40 % of the total cost of production for the Union industry. During the period considered ammonia and urea prices followed a downward trend in general and decreased by 23,5 % and 25,5 % respectively between 2012 and the RIP.

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

Table 12

Profitability, cash flow, investments and return on investment

	2012	2013	2014	2015	RIP
Profitability of sales in the Union to unrelated customers (% of sales turnover)	- 13,6	7,2	6,9	9,3	15,4
Year/year (%)	—	20,8	- 0,3	2,4	6,1
Cash flow (EUR)	2 939 133	41 847 614	36 840 085	47 933 386	63 738 058
Index (2012 = 100)	100	1 424	1 253	1 631	2 169
Investments (EUR)	6 463 713	13 675 164	11 533 893	13 638 599	12 234 128
Index (2012 = 100)	100	212	178	211	189
Return on investments	- 28,1	16,2	14,9	20,8	34,1
Year/year (%)	—	44,3	- 1,3	5,9	13,3

Source: verified questionnaire replies

- (121) 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. During the period considered, the Union industry's profitability increased steadily as a combined effect of the increase in sales prices (recital (110)) and the decrease in raw material cost (recital (120)).
- (122) Profit fluctuations are rather volatile in this industry as it can be seen from the figures observed during the period considered. The profits moved from unsustainably low levels to a very high peak during the four-year period under relatively stable sales and production volumes. The reason is that the sales price of melamine is strongly influenced by supply and demand balances and the market's perception thereof, while the costs are heavily dependent on the energy prices. This can lead to a situation where in a growing market the sales prices increase even when raw material prices decrease or stagnate, thereby boosting profits, while also the opposite scenario can easily occur when under depressed market conditions producers are forced to lower their prices (or keep them constant) despite increase in their production costs.
- (123) The net cash flow is the Union industry's ability to self-finance their activities. The cash flow recovered markedly from 2012 to 2013 (together with many other injury indicators) and then followed the growing trend of the profits.
- (124) The investments increased by 89 % over the period considered. There was a significant jump (+ 112 %) from the depressed levels of 2012 to 2013 (when most investment activities were halted due to the overall difficult financial situation) following which the amount of investment remained stable. The levels observed in the period 2013 to the RIP can be considered as standard investment rates covering the continuous maintenance and necessary replacement of machine parts, but without any major re-construction or capacity increase activity.
- (125) The return on investments is the profit in percentage of the net book value of fixed assets. As the other financial indicators, the return on investments related to the production and sale of the like product also developed positively reflecting the general upward trend.

5. Conclusion on injury

- (126) In a context of an increasing consumption, the Union industry was able to recover from the past dumping and showed a healthy economic situation during the RIP. The measures in force provided for a level playing field on the melamine market which contributed not only to the recovery of the Union industry but also enabled stakeholders to better plan their activities. Furthermore, the measures did not foreclose Chinese producers from the Union market, who continued to be present. Imports from a number of other third countries continued as well but without creating unreasonable price fluctuations and/or false expectations on the market of abundant quantities of low priced melamine.
- (127) Consequently, in the period considered almost all injury indicators showed a positive trend. The Union industry increased both its sales and production volumes. Given that Union consumption increased with a higher rate, the market share of the Union industry declined but remained however at a sufficiently high level. The Union industry also increased its sales prices, in line with the general growth in demand rooted in the recovery of the construction sector. Given that raw material prices have declined in the same period, the Union industry's profitability recovered markedly. This also meant that all financial indicators developed favourably.
- (128) On the basis of the above, the Commission concluded that the Union industry did not suffer material injury within the meaning of Article 3(5) of the basic Regulation during the review investigation period.

F. LIKELIHOOD OF RECURRENCE OF INJURY

- (129) In accordance with Article 11(2) of the basic Regulation the Commission then assessed whether there is a likelihood of recurrence of injury in case the measures in force against the PRC were allowed to lapse. The following elements were analysed: production and spare capacities in the PRC, existence of anti-dumping or countervailing measures on melamine in other third countries, attractiveness of the Union market, the export behaviour of Chinese exporting producers in other third markets and finally assessment of the likely impact of continuing Chinese dumping on the performance of the Union industry.

1. Production and spare capacity in the PRC

- (130) The PRC is the biggest producer of melamine in the world and accounts for around 69 % of world's overall production capacity ⁽¹⁾ by the end of 2013. The analysis made in recitals (57) to (61) showed that available spare capacities in China in the review investigation period were very high in comparison to the Chinese domestic market as well as global demand. The Chinese spare capacity was estimated to be at least 500 000 tonnes annually exceeding the total Union consumption in the RIP. In this respect it is important to note that the Union market is the second biggest market in the world (after the PRC) for melamine.
- (131) In addition, as already mentioned in recital (74), the recent anti-dumping and countervailing duties imposed by the United States of America on melamine of Chinese origin has freed up further significant quantities (in the range of 12 000 tonnes) for other destinations.

2. Attractiveness of the Union market and export behaviour of Chinese exporting producers on other third markets

- (132) The size of the Union market — being the second biggest in the world — is clearly an important factor contributing to its attractiveness. Also the fact that imports from the PRC have continued despite the measures shows that Chinese exporting producers find the Union market attractive and are keen to continue selling on the Union market and keep their business relations.
- (133) A further important factor demonstrating the attractiveness of the Union market is the higher price level as compared to other markets. As already mentioned in recital (72) above, the PRC export prices on most of its other destinations are significantly below the prices of the Union industry on the Union market. Based on the Chinese export database, during the review investigation period over 99 % of Chinese exports to third countries (i.e. 224 000 tonnes, a volume equivalent to 57 % of the Union market) were sold on average price 922 EUR/tonne as adjusted ⁽²⁾. This price is well below the Union industry's average price (1 149 EUR/tonne) in the same period.

⁽¹⁾ HIS Chemical: Chemical Economics Handbook melamine, Annex 9 of the review request.

⁽²⁾ The Chinese export database provides prices on FOB level which were adjusted upward by the average transportation costs to the Union as well post importation costs to obtain an estimated Union landed price.

- (134) The Union market hence constitutes an attractive market for Chinese exports both in terms of size and price levels.

3. Impact of Chinese dumping on the Union industry

- (135) Given the high spare capacities and the attractiveness of the Union market as summarised above, it is likely that significant volumes of low-priced melamine would be available for sale/redirection to the Union already in the short term in case the measures were allowed to lapse.
- (136) To assess the likely impact of such low-priced Chinese imports on the Union industry the Commission analysed the situation at other, nearby markets. In this sense, Turkey was considered as a good example as it is a big market with a strong demand ⁽¹⁾ and is in the vicinity of the European Union. In addition, Turkey were the biggest export destination of the PRC with almost 32 000 tonnes in the review investigation period. The Chinese import prices to Turkey were reported on FOB basis in the Chinese export database. These prices were first adjusted to CIF Union border with the average transportation and insurance costs and then further increased by post-importation costs (regular duty of 6,5 % and customs clearance costs) to obtain an estimated Union landed price.
- (137) As a result, the adjusted average Chinese import price to Turkey was 919 EUR/tonne in the RIP. Taking this adjusted export price to Turkey as an example, these prices undercut the Union industry prices by 20 % during the RIP.
- (138) Similar result was obtained (i.e. 19,6 % undercutting) when the Chinese average price to the rest of the world was used ⁽²⁾.
- (139) Given that melamine is a homogenous commodity product, the price is the most important factor for customers when choosing between suppliers. For this reason (and also for supply security considerations) most customers source their melamine from at least two or three alternative suppliers and vary the exact order quantities among them according to the price offered. Under these circumstances, it is likely that the entry of low-priced Chinese imports to the Union market would immediately drive down the prices if the measures were allowed to lapse. The Union industry would need to decrease its prices to meet the Chinese competition, similar to what happened in the original investigation where prices of the Union industry were as low as 900 EUR/tonne.
- (140) Based on the verified data of the Union producers for the review investigation period, a price decrease to the level of the Turkish prices would result in a drastic decrease in their profitability. In fact it would render the Union industry outright lossmaking by (– 5,5 %). Practically the same result was obtained when using the average price level of all Chinese imports to third countries, i.e. – 5 %. This analysis demonstrates that the Union industry cannot maintain sustainable profit levels should dumped Chinese melamine enter the Union at prices similar to those currently charged in other third markets.
- (141) In addition to the price effect, also the likely volumes would have a negative effect on the Union industry. Assuming a rather moderate sales and production volume decrease of 30 000 tonnes (around 11 % drop in the sales volume) ⁽³⁾ as a result of an increase in Chinese imports, the unit cost of production of the Union industry would increase by 3,6 % from 1 037 EUR/tonne to 1 073 EUR/tonne further deteriorating its situation.
- (142) Given that 25 % of the Union consumption was covered by imports from other countries than the PRC, it cannot be excluded that the dumped Chinese melamine would replace some of these import volumes. At the same time, the average sales price of third countries imports to the Union is below the average sales price of the Union industry meaning that if low priced Chinese melamine would reappear on the Union market, it would first gain market share at the expense of the Union industry, before taking over the market share of the exports from third countries producers to the Union.

⁽¹⁾ According to IHS Chemicals: Chemical Economics Handbook, Melamine: the Turkish demand has been continuously increasing since 2010 and is estimated to reach around 56 000 tonnes in 2018. 'Turkey accounts for over 80 % of Middle Eastern consumption of melamine.' Annex 9 of the review request.

⁽²⁾ 923 EUR/tonne estimated landed Union price from 810 EUR/tonne FOB China.

⁽³⁾ The estimation of 30 000 tonnes corresponding to 11 % drop in Union sales and 8 % drop in production volume compared to RIP figures is a rather modest estimate given the estimated volume of spare capacities (at least 500 000 tonnes) and the volumes freed up from the US market (12 000 tonnes). In the original investigation the PRC imported on average 30 000 tonnes annually to the Union.

- (143) In any case, even if the volume effect were to be lower in reality than in the simulation described in recital (141) above, experience from the original investigation shows that also smaller quantities entering the Union at low and dumped price levels could cause injury to the Union industry ⁽¹⁾. It is the very low price levels of the Chinese imports together with the prospect of very large quantities that would distort the Union market causing the injury to the Union industry to recur should the measures be allowed to lapse.
- (144) Following definitive disclosure CCPIT argued that the extension of the measures is not justified. It referred to the same claims regarding Chinese spare capacity and the attractiveness of the Union market already mentioned in recitals (63) and (76) above. Given that those claims would invalidate the findings on continuation of dumping, the conclusion on the likely recurrence of injury is not valid either. In addition, CCPIT also questioned the appropriateness of the Commission's references to Chinese export prices to Turkey and the rest of the world to assess the price impact of Chinese dumping on the Union industry given that EU regulations and institutions have no jurisdiction over practices in third countries.
- (145) In response to this claim, the Commission stressed that looking at Chinese prices to Turkey and the rest of world does not violate the principle of jurisdiction. As explained in detail in recitals (136) to (138), the Commission merely analysed the available export statistics to ascertain the price level on which the Chinese exporting producers were selling melamine to Turkey and the rest of the world during the review investigation period. The prices charged by the Chinese producers to Turkey and the rest of the world are the best indication of prices that the exporting producers are likely to charge on the Union market in case measures were allowed to lapse. Therefore, this claim was rejected.
- (146) The arguments regarding available Chinese spare capacity, attractiveness of the Union market and likelihood on continuation of dumping have been refuted in detail in recitals (64) to (66) and (77) above and the Commission has maintained its conclusion on all these points. Consequently, the conclusions regarding recurrence of injury remain unaltered as well.
- (147) CCPIT further claimed that there is no causal link between imports of Chinese melamine and the situation of the Union industry. The interested party based its claim on the lack of strong correlation between Chinese import volumes and prices, on the one hand, and the Union industry's profitability, on the other hand. According to CCPIT, other factors such as prices of raw materials and the competitiveness of the Union industry vis-à-vis imports from third countries other than the PRC have a direct causal effect on the situation of the Union industry.
- (148) It is recalled that in contrast to investigations under Article 5 of the basic Regulation, Article 11(2) of the basic Regulation does not require the performance of a causation analysis in expiry reviews. Furthermore, in this particular case, the import volumes of melamine from the PRC were negligible during the entire period considered as they were ranging between 0,4 % to 2,5 % of the Union market. Under these circumstances, and even if the fluctuations in raw material prices and third country imports may have an impact on the situation of the Union industry, the possible lack of correlation between the volumes and prices of Chinese melamine imports and the profitability of the Union industry when measures are in place cannot serve as a basis to draw conclusion concerning what is likely to happen on the Union market if measures were allowed to lapse.
- (149) On the basis of the above, and in the absence of any further comments, the Commission found that the repeal of the measures would result in recurrence of injury to the Union industry.

G. UNION INTEREST

1. Preliminary remarks

- (150) In accordance with Article 21 of the basic Regulation, the Commission examined whether maintaining the existing measures against the PRC would be against the interest of the Union as a whole. The determination of the Union interest was based on an appreciation of all the various interests involved, including those of the Union industry, importers and users.

⁽¹⁾ In the original investigation in the investigation period the PRC imported 17 434 tonnes of melamine to the Union (only 9 500 tonnes increase compared to the volumes in the current review investigation period) on average prices of 896 EUR/tonne resulting in -18 % profit margin for the Union industry at the time.

2. Interest of the Union industry

- (151) The Commission established that during the period considered the Union industry gradually recovered from the injury caused by the dumped imports from the PRC. Should the measures against China be repealed, it is, however, likely that the injury would quickly recur as the Union industry would be exposed to significant price pressure from the dumped imports of potentially big volumes from the PRC. As a consequence, the economic situation of the Union industry would deteriorate as described in recitals (140) and (141) above. On the other hand, maintaining the measures would allow the Union industry to maintain its positive economic trends while operating on a fair and competitive Union market.
- (152) Following definitive disclosure, CCPIT contested that the measures would be in the Union industry's interest given that the Union industry has already fully recovered. Furthermore CCPIT disputed the need for the measures given that in their view neither dumping nor injury would likely recur if the measures were to lapse.
- (153) These arguments regarding likelihood of continuation and/or recurrence of dumping and injury have been already addressed in detail in the chapters above. In the absence of any new arguments in this regard, the findings explained in recital (151) above were maintained.
- (154) On this basis, the Commission concluded that the continuation of the anti-dumping measures in force would be in the interest of the Union industry.

3. Interest of importers

- (155) Eleven known importers/distributors and four trade associations were contacted at the initiation stage. One importer in Germany replied to the sampling form and provided a questionnaire reply.
- (156) This trader imported some limited quantities of melamine from the PRC during the review investigation period, mainly for re-sale outside the Union. In addition, the trader bought melamine from other external suppliers as well as from the Union industry. During the review investigation period, the melamine business constituted over half its total turnover and resulted in a profit margin between 2 to 4 % ⁽¹⁾.
- (157) While it cannot be presumed to be the case for (all) other importers, this sole cooperating trader was not against the measures. This trader was of the view that the measures stabilised the market and provided for supply security and predictability, which are in the interest of all market players in the long term. The trader considered that in case measures would lapse, it could easily switch to Chinese suppliers but this would negatively impact its existing business relations both outside and within the Union and create severe disruptions and fluctuations on the melamine market.
- (158) In the absence of any other information, the investigation did not reveal that the continuation of the measures would have any significant negative impact for importers in the Union.
- (159) Following definitive disclosure CCPIT questioned the Commission's conclusion concerning the interest of importers arguing that it was based on the opinion of one importer, which cannot be considered representative.
- (160) The Commission reiterated, as it is stated in recital (157) above, that it did not presume that the views of the cooperating importer represented the views of all importers. Nevertheless, the information provided by the sole cooperating importer was verified and as such was duly taken into account. CCPIT, on the other hand, did not provide any evidence or substantiated information indicating that the maintenance of the measures would have a significant negative impact on the importers.
- (161) Therefore, based on the available information and in the absence of any information/evidence to the contrary, the Commission concluded that the maintenance of measures has no significant negative impact for the importers in the Union.

⁽¹⁾ For confidentiality reasons, the exact figure could not be disclosed.

4. Interest of users

- (162) Questionnaires were sent to 68 known users. Four users, representing 3 % of the Union consumption and 0,6 % of imports from the PRC, provided a complete questionnaire reply.
- (163) The views of the fully cooperating users were somewhat mixed. Two users were against the continuation of measures claiming that the anti-dumping duty hinders them from buying melamine from the PRC. One user took a neutral position as melamine has a very low impact in its costs structure. The fourth user was in favour of the measures. This user feared that if measures were repealed the Chinese would again flood the Union market with cheap melamine. As a result, in the short term, its costs would be reduced, but soon after, the Union industry could be destroyed. The user would thus become dependent on Chinese supply.
- (164) The investigation showed that the users were generally coping well with the market conditions prevailing under the anti-dumping measures. During the review investigation period the average profit margin of the cooperating users was 5,6 % meaning that the users were able to achieve satisfactory profit levels even with the duties in force. In addition, the Union market is an open market with numerous suppliers competing on it. Therefore, in addition to the Union producers and the PRC, the users can have a number of alternative supply sources without being threatened by potential supply shortages.
- (165) Following definitive disclosure CCPIT claimed that the prolongation of the measures is unjust as it resulted in increasing melamine prices amid decreasing raw material costs and therefore sacrificed the profitability of the users and the overall competition on the Union market for the profitability of the Union industry. In its submission the interested party referred to a study by the Copenhagen Institute ⁽¹⁾ and various WTO cases to which the EU had been a party, e.g. the EC — Salmon case.
- (166) Concerning the remark on the price increase, the Commission referred to recital (110) above. As explained, the price increase during the period considered happened from a very depressed, unsustainable price level in 2012. Following the increase in 2013 the price level in fact decreased and remained stable since 2014. In any case, CCPIT failed to provide any concrete information demonstrating that the economic situation of users of melamine has deteriorated due to the measures to such an extent that would allow the conclusion that maintaining the measures is against the interest of the Union as a whole. In this sense neither the economic study nor the WTO case mentioned by the interested party refers specifically to the melamine industry.
- (167) Based on the above and in the absence of any further comment the Commission concluded that it had not been demonstrated that maintaining the measures in force would have any significant negative impact on the situation of the users that could outweigh the positive impact the measures have on the Union industry.

5. Conclusion on Union interest

- (168) On the basis of the above, the Commission concluded that there were no compelling reasons of Union interest against the maintenance of the measures on imports of melamine originating in the PRC.
- (169) Following definitive disclosure, although the applicants agreed with the conclusions reached by the Commission with regards to Union interest, they argued that, given the low cooperation and the support for the measures for the majority of the cooperating interested parties, the Commission did not have to make a comprehensive determination of the Union interest. They also argued that the fact that during the review investigation period the average profit margin of the cooperating users was 5,6 % is irrelevant.
- (170) The Commission disagreed with these claims. For the purpose of the Union interest test, the Commission is bound to carry out a comprehensive analysis of all facts and considerations at its disposal and to make an appreciation of all the various interests involved, including those of the Union industry, importers and users. The Commission also has to duly substantiate the conclusions it reached on the interest of the Union as a whole. Therefore, these claims were rejected.

⁽¹⁾ National Agency for Enterprise and Construction, 'Economic Assessment of the Community interest in EU Anti-dumping Cases', August 2005, available at: <http://www.copenhageneconomics.com/Website/Publications/Antidumping.aspx?M=News&PID=2028&NewsID=328>

H. DISCLOSURE

- (171) All parties were informed of the essential facts and considerations on the basis of which the Commission intended to maintain the existing measures against the PRC. They were also granted a period to submit comments subsequent to that disclosure. The submissions and comments were duly taken into consideration where warranted.

Definitive measures

- (172) It follows from the above that, as provided for by Article 11(2) of the basic Regulation, the anti-dumping measures applicable to imports of melamine originating in the PRC, imposed by Regulation (EC) No 457/2011, should be maintained.
- (173) CCPIT claimed in its post-hearing submission that extension of the anti-dumping measures in its current form would be illegal as in the original investigation two of the Chinese exporting producers did not pass individual treatment ('IT') examination which is considered illegal after a ruling of the WTO Appellate Body ⁽¹⁾. According to CCPIT these two companies should thus have their individual anti-dumping margins calculated, which would affect also the level of the country-wide residual duty.
- (174) In an expiry review the level of the anti-dumping measures may not be changed. Furthermore, the companies in question did not cooperate in the proceeding and did not provide any data which would allow calculation of their individual dumping margins. The Commission therefore rejected this claim. The companies in question have however the possibility to request an interim review of their dumping margin calculations on the basis of Article 11(3) of the basic Regulation.
- (175) The Committee established by Article 15(1) of Regulation (EU) 2016/1036 did not deliver an opinion,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of melamine currently falling within CN code 2933 61 00 and originating in the People's Republic of China.
2. The rate of the definitive anti-dumping duty applicable to the product described in paragraph 1 and produced by the companies below shall be as follows:

Company	Minimum import price (EUR/tonne net product weight)	Duty (EUR/tonne net product weight)	TARIC additional code
Sichuan Golden-Elephant Sincerity Chemical Co.,	1 153	—	A986
Holitech Technology Co. Ltd	1 153	—	A987
Henan Junhua Development Company Ltd	1 153	—	A988
All other companies	—	415	A999

For the individually named producers, the amount of the definitive anti-dumping duty applicable to the product described in paragraph 1 shall be the difference between the minimum import price and the net, free-at-Union-frontier price, before duty, in all cases where the latter is less than the minimum import price. For these individually named producers, no duty shall be collected where the net free-at-Union-frontier price, before duty, is equal to or higher than the corresponding minimum import price.

⁽¹⁾ WT/DS397/AB/RW, Report of the Appellate Body from 18 January 2016, European Communities — Definitive Anti-Dumping Measures on Certain Iron or Steel Fasteners from China — Recourse to Article 21.5 of the DSU by China.

The application of the minimum import price specified for the companies mentioned in this paragraph shall be conditional upon presentation to the customs authorities of the Member States of a valid commercial invoice, which shall conform to the requirements set out in the Annex. If no such invoice is presented, the duty applicable to all other companies shall apply.

3. For the individually named producers and in cases where goods have been damaged before entry into free circulation and, therefore, the price actually paid or payable is apportioned for the determination of the customs value pursuant to Article 131 of Commission Implementing Regulation (EU) 2015/2447 ⁽¹⁾, the minimum import price set out above shall be reduced by a percentage which corresponds to the apportioning of the price actually paid or payable. The duty payable will then be equal to the difference between the reduced minimum import price and the reduced net, free-at-Union-frontier price, before customs clearance.

For all other companies and in cases where goods have been damaged before entry into free circulation and, therefore, the price actually paid or payable is apportioned for the determination of the customs value pursuant to Article 131 of Implementing Regulation (EU) 2015/2447, the amount of the anti-dumping duty, calculated on the basis of paragraph 2 above, shall be reduced by a percentage which corresponds to the apportioning of the price actually paid or payable.

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

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, 30 June 2017.

For the Commission
The President
Jean-Claude JUNCKER

⁽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).

ANNEX

A declaration signed by an official of the entity issuing the commercial invoice, in the following format, must appear on the valid commercial invoice referred to in Article 1(2):

1. The name and function of the official of the entity issuing the commercial invoice.
2. The following declaration:

'I, the undersigned, certify that the (volume) of melamine sold for export to the European Union covered by this invoice was manufactured by (company name and registered seat) (TARIC additional code) in the People's Republic of China. I declare that the information provided in this invoice is complete and correct.

Date and signature'

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1172**of 30 June 2017****amending Implementing Regulation (EU) No 809/2014 as regards the control measures relating to the cultivation of hemp**

THE EUROPEAN COMMISSION,

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

Having regard to 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 ⁽¹⁾, and in particular Article 58(4) and Article 62(2)(e) thereof,

Whereas:

- (1) The rules for the verification of the $\Delta 9$ tetrahydrocannabinol content (hereinafter referred to as 'THC content') of hemp varieties have been established in Article 45 of Commission Implementing Regulation (EU) No 809/2014 ⁽²⁾ and the Annex to that Regulation. It appears that it is appropriate that those rules are incorporated into Commission Delegated Regulation (EU) No 639/2014 ⁽³⁾ as amended by Delegated Regulation (EU) 2017/1155 ⁽⁴⁾. Therefore, Article 45 of Implementing Regulation (EU) No 809/2014 and the Annex to that Regulation should be deleted with effect from the date of entry into force of Delegated Regulation (EU) 2017/1155.
- (2) The rules for the determination of hemp varieties and the verification of the THC content are based on the assumption that hemp is cultivated as main crop in spring, but they are not fully suitable for hemp cultivated as catch crop. In particular, the date of 30 June as the latest date for the submission of the official seed labels established in Article 17(7) of Implementing Regulation (EU) No 809/2014 is too early for hemp cultivated as catch crop. As that cultivation method has proved to be appropriate for industrial hemp and compatible with environmental requirements, Member States should have the possibility to fix a later date for hemp cultivated as catch crop but no later than 1 September.
- (3) Implementing Regulation (EU) No 809/2014 should therefore be amended accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Direct Payments,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) No 809/2014 is amended as follows:

- (1) In Article 17(7), the second subparagraph is replaced by the following:

'By way of derogation from point (c) of the first subparagraph, where sowing takes place after the final date for submitting the single application, the labels shall be submitted by 30 June at the latest. However, for hemp cultivated as catch crop, the labels shall be submitted by a date to be fixed by the Member States but not later than 1 September. Where the labels also have to be submitted to other national authorities, the Member States may provide for those labels to be returned to the beneficiary once they have been submitted in accordance with that point. The labels returned shall be marked as used for an application.'

⁽¹⁾ OJ L 347, 20.12.2013, p. 549.

⁽²⁾ Commission Implementing Regulation (EU) No 809/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance (OJ L 227, 31.7.2014, p. 69).

⁽³⁾ Commission Delegated Regulation (EU) No 639/2014 of 11 March 2014 supplementing Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and amending Annex X to that Regulation (OJ L 181, 20.6.2014, p. 1).

⁽⁴⁾ Commission Delegated Regulation (EU) 2017/1155 of 15 February 2017 amending Delegated Regulation (EU) No 639/2014 as regards the control measures relating to the cultivation of hemp, certain provisions on the greening payment, the payment for young farmers in control of a legal person, the calculation of the per unit amount in the framework of voluntary coupled support, the fractions of payment entitlements and certain notification requirements relating to the single area payment scheme and the voluntary coupled support, and amending Annex X to Regulation (EU) No 1307/2013 of the European Parliament and of the Council (OJ L 167, 30.6.2017, p. 1).

(2) Article 45 is deleted.

(3) The Annex is deleted.

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*.

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

Done at Brussels, 30 June 2017.

For the Commission

The President

Jean-Claude JUNCKER

DECISIONS

COUNCIL DECISION (EU) 2017/1173

of 26 June 2017

on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms (Budget line 04 03 01 03)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 46 and 48 in conjunction with Article 218(9) thereof,

Having regard to Council Regulation (EC) No 2894/94 of 28 November 1994 concerning arrangements for implementing the Agreement on the European Economic Area ⁽¹⁾, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area ⁽²⁾ ('the EEA Agreement') entered into force on 1 January 1994.
- (2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee may decide to amend, inter alia, Protocol 31 to the EEA Agreement.
- (3) Protocol 31 to the EEA Agreement contains specific provisions on cooperation in specific fields outside the four freedoms.
- (4) It is appropriate to continue the cooperation of the Contracting Parties to the EEA Agreement in Union actions funded from the general budget of the European Union regarding the free movement of workers, the coordination of social security systems and measures for migrants, including migrants from third countries.
- (5) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for this extended cooperation to continue beyond 31 December 2016.
- (6) The position of the Union within the EEA Joint Committee should therefore be based on the attached draft decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted, on behalf of the Union, within the EEA Joint Committee on the proposed amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms, shall be based on the draft decision of the EEA Joint Committee attached to this Decision.

⁽¹⁾ OJ L 305, 30.11.1994, p. 6.

⁽²⁾ OJ L 1, 3.1.1994, p. 3.

Article 2

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

Done at Luxembourg, 26 June 2017.

For the Council
The President
J. MIZZI

DRAFT

DECISION OF THE EEA JOINT COMMITTEE No .../2017
of
amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Articles 86 and 98 thereof,

Whereas:

- (1) It is appropriate to continue the cooperation of the Contracting Parties to the EEA Agreement in Union actions funded from the general budget of the European Union regarding the free movement of workers, the coordination of social security systems and measures for migrants, including migrants from third countries.
- (2) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for this extended cooperation to take place from 1 January 2017,

HAS ADOPTED THIS DECISION:

Article 1

In paragraphs 5 and 13 of Article 5 of Protocol 31 to the EEA Agreement, the words 'and 2016' are replaced by the words ', 2016 and 2017'.

Article 2

This Decision shall enter into force on the day following the last notification under Article 103(1) of the EEA Agreement (*).

It shall apply from 1 January 2017.

Article 3

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels,

For the EEA Joint Committee
The President
The Secretaries to the EEA Joint Committee

(*) [No constitutional requirements indicated.] [Constitutional requirements indicated.]

POLITICAL AND SECURITY COMMITTEE DECISION (CFSP) 2017/1174**of 13 June 2017****extending the mandate of the Head of Mission of the European Union CSDP Mission in Niger
(EUCAP Sahel Niger) (EUCAP Sahel Niger/1/2017)**

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular the third paragraph of Article 38 thereof,

Having regard to Council Decision 2012/392/CFSP of 16 July 2012 on the European Union CSDP mission in Niger (EUCAP Sahel Niger) ⁽¹⁾, and in particular Article 9(1) thereof,

Whereas:

- (1) Pursuant to Decision 2012/392/CFSP, the Political and Security Committee (PSC) is authorised, in accordance with Article 38 of the Treaty, to take the relevant decisions for the purpose of exercising the political control and strategic direction of the European Union CSDP mission in Niger (EUCAP Sahel Niger), including the decision to appoint a Head of Mission.
- (2) On 18 July 2016, the Council adopted Decision (CFSP) 2016/1172 ⁽²⁾, extending the mandate of EUCAP Sahel Niger until 15 July 2018.
- (3) On 26 July 2016, the PSC adopted Decision (CFSP) 2016/1632 ⁽³⁾, appointing Ms Kirsi HENRIKSSON as Head of Mission of EUCAP Sahel Niger from 1 September 2016 to 15 July 2017.
- (4) The High Representative of the Union for Foreign Affairs and Security Policy has proposed to extend the mandate of Ms Kirsi HENRIKSSON as Head of Mission of EUCAP Sahel Niger from 16 July 2017 to 15 July 2018,

HAS ADOPTED THIS DECISION:

Article 1

The mandate of Ms Kirsi HENRIKSSON as Head of Mission of EUCAP Sahel Niger is hereby extended until 15 July 2018.

Article 2

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

Done at Brussels, 13 June 2017.

For the Political and Security Committee

The Chairperson

W. STEVENS

⁽¹⁾ OJ L 187, 17.7.2012, p. 48.

⁽²⁾ Council Decision (CFSP) 2016/1172 of 18 July 2016 amending Decision 2012/392/CFSP on the European Union CSDP mission in Niger (EUCAP Sahel Niger) (OJ L 193, 19.7.2016, p. 106).

⁽³⁾ Political and Security Committee Decision (CFSP) 2016/1632 of 26 July 2016 on the appointment of the Head of Mission of the European Union CSDP mission in Niger (EUCAP Sahel Niger) (EUCAP Sahel Niger/1/2016) (OJ L 243, 10.9.2016, p. 6).

POLITICAL AND SECURITY COMMITTEE DECISION (CFSP) 2017/1175**of 26 June 2017****on the acceptance of a third State's contribution to the European Union CSDP Military Training Mission in the Central African Republic (EUTM RCA) (EUTM RCA/3/2017)**

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular the third paragraph of Article 38 thereof,

Having regard to Council Decision (CFSP) 2016/610 of 19 April 2016 on a European Union CSDP Military Training Mission in the Central African Republic (EUTM RCA) ⁽¹⁾,

Whereas:

- (1) Pursuant to Article 8(2) of Decision (CFSP) 2016/610, the Council authorised the Political and Security Committee (PSC) to take the relevant decisions on acceptance of the proposed contributions by third States to EUTM RCA.
- (2) Following the recommendations regarding a contribution from Bosnia and Herzegovina by the EU Mission Commander and by the European Union Military Committee, the contribution from Bosnia and Herzegovina should be accepted and considered to be significant.
- (3) In accordance with Article 5 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications. Consequently, Denmark is not participating in the adoption of this Decision and is neither bound by it nor subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

1. The contribution from Bosnia and Herzegovina to the European Union CSDP Military Training Mission in the Central African Republic (EUTM RCA) is accepted and is considered to be significant.
2. Bosnia and Herzegovina is exempted from financial contributions to the budget of EUTM RCA.

Article 2

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

Done at Brussels, 26 June 2017.

For the Political and Security Committee

The Chairperson

W. STEVENS

⁽¹⁾ OJ L 104, 20.4.2016, p. 21.

POLITICAL AND SECURITY COMMITTEE DECISION (CFSP) 2017/1176**of 26 June 2017****on the appointment of the EU Mission Force Commander of the European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali) (EUTM Mali/1/2017)**

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular Article 38 thereof,

Having regard to Council Decision 2013/34/CFSP of 17 January 2013 on a European Union military mission to contribute to the training of Malian Armed Forces (EUTM Mali) ⁽¹⁾, and in particular Article 5 thereof,

Whereas:

- (1) Pursuant to Article 5(1) of Decision 2013/34/CFSP, the Council authorised the Political and Security Committee (PSC), in accordance with Article 38 of the Treaty on European Union, to take the relevant decisions concerning the political control and strategic direction of EUTM Mali, including the decisions on the appointment of subsequent EU Mission Commanders.
- (2) On 7 December 2016, the PSC adopted Decision (CFSP) 2016/2352 ⁽²⁾ appointing Brigadier General Peter DEVOGELAERE as the EU Mission Commander of EUTM Mali.
- (3) Council Decision (EU) 2017/971 ⁽³⁾ amended the chain of command of EUTM Mali. Consequently, Decision (CFSP) 2016/2352 was repealed, and Brigadier General Peter DEVOGELAERE was appointed as the EU Mission Force Commander of EUTM Mali.
- (4) On 10 April 2017, Belgium proposed the appointment of Brigadier General Bart LAURENT to succeed Brigadier General Peter DEVOGELAERE as the EU Mission Force Commander of EUTM Mali.
- (5) On 29 May 2017, the EU Military Committee recommended that the PSC appoint Brigadier General Bart LAURENT to succeed Brigadier General Peter DEVOGELAERE as the EU Mission Force Commander of EUTM Mali as from 12 July 2017.
- (6) In accordance with Article 5 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications. Consequently, Denmark is not participating in the adoption of this Decision and is neither bound by it nor subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

Brigadier General Bart LAURENT is hereby appointed as the EU Mission Force Commander of the European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali) as from 12 July 2017.

⁽¹⁾ OJ L 14, 18.1.2013, p. 19.

⁽²⁾ Political and Security Committee Decision (CFSP) 2016/2352 of 7 December 2016 on the appointment of the EU Mission Commander for the European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali) and repealing Decision (CFSP) 2016/939 (EUTM Mali/2/2016) (OJ L 348, 21.12.2016, p. 25).

⁽³⁾ Council Decision (EU) 2017/971 of 8 June 2017 determining the planning and conduct arrangements for EU non-executive military CSDP missions and amending Decisions 2010/96/CFSP on a European Union military mission to contribute to the training of Somali security forces, 2013/34/CFSP on a European Union military mission to contribute to the training of the Malian armed forces (EUTM Mali) and (CFSP) 2016/610 on a European Union CSDP military training mission in the Central African Republic (EUTM RCA) (OJ L 146, 9.6.2017, p. 133).

Article 2

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

Done at Brussels, 26 June 2017.

For the Political and Security Committee

The Chairperson

W. STEVENS

POLITICAL AND SECURITY COMMITTEE DECISION (CFSP) 2017/1177**of 26 June 2017****on the appointment of the EU Mission Force Commander of the European Union CSDP Military Training Mission in the Central African Republic (EUTM RCA) (EUTM RCA/2/2017)**

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular Article 38 thereof,

Having regard to Council Decision (CFSP) 2016/610 of 19 April 2016 on a European Union CSDP Military Training Mission in the Central African Republic (EUTM RCA) ⁽¹⁾, and in particular Article 5 thereof,

Whereas:

- (1) Pursuant to Article 5(1) of Decision (CFSP) 2016/610, the Council authorised the Political and Security Committee (PSC), in accordance with Article 38 of the Treaty on European Union, to take the relevant decisions concerning the political control and strategic direction of EUTM RCA, including the decisions on the appointment of subsequent EU Mission Commanders.
- (2) On 10 January 2017, the PSC adopted Decision (CFSP) 2017/112 ⁽²⁾ appointing Brigadier General Herman RUYSS as the EU Mission Commander of EUTM RCA.
- (3) Council Decision (EU) 2017/971 ⁽³⁾ amended the chain of command of EUTM RCA. Consequently, Decision (CFSP) 2017/112 was repealed, and Brigadier General Herman RUYSS was appointed as the EU Mission Force Commander of EUTM RCA.
- (4) On 24 May 2017, the EU Military Committee recommended the approval of the nomination of Brigadier General Fernando GARCÍA BLÁZQUEZ, proposed by the Eurocorps Common Committee, to succeed Brigadier General Herman RUYSS as the EU Mission Force Commander of EUTM RCA as from 24 July 2017.
- (5) In accordance with Article 5 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications. Consequently, Denmark is not participating in the adoption of this Decision and is neither bound by it nor subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

Brigadier General Fernando GARCÍA BLÁZQUEZ is hereby appointed as the EU Mission Force Commander of the European Union CSDP Military Training Mission in the Central African Republic (EUTM RCA) as from 24 July 2017.

⁽¹⁾ OJ L 104, 20.4.2016, p. 21.

⁽²⁾ Political and Security Committee Decision (CFSP) 2017/112 of 10 January 2017 appointing the EU Mission Commander for the European Union CSDP Military Training Mission in the Central African Republic (EUTM RCA) (EUTM RCA/1/2017) (OJ L 18, 24.1.2017, p. 47).

⁽³⁾ Council Decision (EU) 2017/971 of 8 June 2017 determining the planning and conduct arrangements for EU non-executive military CSDP missions and amending Decisions 2010/96/CFSP on a European Union military mission to contribute to the training of Somali security forces, 2013/34/CFSP on a European Union military mission to contribute to the training of the Malian armed forces (EUTM Mali) and (CFSP) 2016/610 on a European Union CSDP military training mission in the Central African Republic (EUTM RCA) (OJ L 146, 9.6.2017, p. 133).

Article 2

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

Done at Brussels, 26 June 2017.

For the Political and Security Committee
The Chairperson
W. STEVENS

COMMISSION IMPLEMENTING DECISION (EU) 2017/1178**of 2 June 2017****amending Implementing Decision (EU) 2016/2008 concerning animal health control measures relating to lumpy skin disease in certain Member States***(notified under document C(2017) 3624)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

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

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

Having regard to Council Directive 92/119/EEC of 17 December 1992 introducing general Community measures for the control of certain animal diseases and specific measures relating to swine vesicular disease ⁽³⁾, and in particular Article 19(1)(a) and (3)(a) and Article 19(6) thereof,

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

Whereas:

- (1) Directive 92/119/EEC lays down general control measures to be applied in the event of an outbreak of certain animal diseases, including lumpy skin disease (LSD). These control measures include the establishment of protection and surveillance zones around the infected holding, and they also provide for emergency vaccination in the event of an outbreak of LSD.
- (2) Commission Implementing Decision (EU) 2016/2008 ⁽⁵⁾ lays down animal health control measures in relation to the occurrence of LSD in the Member States or parts thereof as listed in Annex I thereto, including the minimum requirements for vaccination programmes against that disease submitted by the Member States to the Commission for approval.
- (3) Article 2 of Implementing Decision (EU) 2016/2008 defines an ‘infected zone’ as being the part of the territory of a Member State listed in Part II of Annex I thereto, which includes the area where LSD was confirmed, and where vaccination against LSD may be implemented following the approval of vaccination programmes by the Commission. Article 2 of that Implementing Decision also defines a ‘free zone with vaccination’ as being the part of the territory of a Member State listed in Part I of Annex I thereto, which includes the areas outside the infected zones, where vaccination against LSD is implemented following the approval of vaccination programmes by the Commission.
- (4) Article 3 of Implementing Decision (EU) 2016/2008 lays down restrictions on the dispatch of bovine animals and captive wild ruminants and certain animal products from the areas listed in Annex I thereto, with a view to minimise any risk of the spread of LSD.
- (5) Article 7 of Implementing Decision (EU) 2016/2008 provides for derogations from the restrictions laid down in Article 3 of that Implementing Decision relating to the dispatch of semen, ova and embryos of bovine animals and captive wild ruminants from the areas listed as free zones with vaccination in Part I of Annex I thereto.

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ OJ L 62, 15.3.1993, p. 69.

⁽⁴⁾ OJ L 18, 23.1.2003, p. 11.

⁽⁵⁾ Commission Implementing Decision (EU) 2016/2008 of 15 November 2016 concerning animal health control measures relating to lumpy skin disease in certain Member States (OJ L 310, 17.11.2016, p. 51).

- (6) It is appropriate to differentiate the level of risk for the spread of LSD through consignments of semen, ova and embryos when such germinal products are dispatched from a free zone with vaccination to another free zone with vaccination or to an infected zone located within the same Member State. It is therefore necessary to establish separate conditions, which are proportionate to the risks involved, for derogations that apply to such consignments that remain within the same Member State provided that such conditions are in place for the safe dispatch of such germinal products within the free zone with vaccination or the infected zone of the same Member State. Article 7 of Implementing Decision (EU) 2016/2008 should therefore be amended accordingly.
- (7) On 2 March 2017, Greece reported a new outbreak of LSD in the regional unit of Kerkyra, an island in the Ionian Sea, at the most North West part of Greece, where no outbreaks of LSD have previously been reported. For this reason, the infected zones of Greece, in relation to LSD, listed in Part II of Annex I to Implementing Decision (EU) 2016/2008, should be expanded to include the regional unit of Kerkyra. Part II of Annex I to Implementing Decision (EU) 2016/2008 should therefore be amended accordingly.
- (8) On 14 March 2017, Greece informed the Commission of its decision to expand vaccination against LSD in the regions of the Ionian Islands, the North and South Aegean and Crete, areas where LSD has not occurred to date, except for the regional unit of Kerkyra where the disease was confirmed on 2 March 2017, and the regional unit of Limnos where the disease has been present since 2015. For this reason, those regions of Greece should be included in the free zones with vaccination, listed in Part I of Annex I to Implementing Decision (EU) 2016/2008. Part I of Annex I to Implementing Decision (EU) 2016/2008 should therefore be amended accordingly.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Implementing Decision (EU) 2016/2008 is amended as follows:

- (1) Article 7 is replaced by the following:

'Article 7

Derogations from the prohibition on the dispatch of semen, ova and embryos of bovine animals and captive wild ruminants from the areas listed in Parts I and II of Annex I and special conditions for the dispatch of those products within the areas listed in Part I or II of the same Member State

1. By way of derogation from the prohibition provided for in point (b) of Article 3, the competent authority may authorise the dispatch of semen, ova and embryos of bovine animals and captive wild ruminants from semen collection centres or other establishments situated in an area listed in Part I of Annex I to another area listed in Part I or II of Annex I of another Member State provided that the donor animals and the semen, ova and embryos comply with the following conditions:

- (a) the donor animals were vaccinated and revaccinated against lumpy skin disease according to the manufacturer's instructions of the vaccine used, the first vaccination being administered at least 60 days prior to the date of collection of the semen, ova or embryo; or the donor animals were subjected to a serological test to detect specific antibodies against lumpy skin disease virus on the day of the collection and at least 28 days after the semen collection period or the day of collection for embryos and ova, with negative results;
- (b) the donor animals were kept, during the 60 days prior to the date of collection of the semen, ova or embryos, in an artificial insemination centre or other appropriate establishment where, in a radius of at least 20 km, no presence of lumpy skin disease has been confirmed during the three months prior to the date of collection of the semen, ova or embryos and before that any confirmation of infection with lumpy skin disease was subject to culling and destruction of all susceptible animals on the affected holdings;
- (c) the donor animals were clinically checked 28 days prior to the date of collection, as well as throughout the entire collection period, and did not show any clinical symptoms of lumpy skin disease;
- (d) the donor animals were subjected to lumpy skin disease agent detection by polymerase chain reaction (PCR) conducted on blood samples collected at the commencement and at least every 14 days thereafter during the semen collection period or on the day of collection for embryos and ova, with negative results;

- (e) the semen was subjected to lumpy skin disease agent detection by PCR with negative results; and
- (f) the competent authority at the place of origin is implementing a vaccination programme against lumpy skin disease, which complies with the conditions laid down in Annex II and which has been approved by the Commission and it has informed the Commission and the other Member States of the commencement date and the completion date of its vaccination programme in accordance with Annex II.

2. By way of derogation from the prohibition provided for in point (b) of Article 3, the competent authority may authorise the dispatch of semen, ova and embryos of bovine animals and captive wild ruminants from semen collection centres or other establishments situated in an area listed in:

- (a) Part I of Annex I to a destination situated within another area listed in Part I or II of Annex I of the same Member State;
- (b) Part II of Annex I to a destination situated within another area listed in Part II of Annex I of the same Member State.

The derogation provided for in the first subparagraph of this paragraph is subject to compliance with the conditions laid down in paragraph 1(a), (b) and (c);

3. By way of derogation from the prohibition provided for in point (b) of Article 3, the competent authority may authorise the dispatch of semen, ova and embryos of bovine animals and captive wild ruminants from semen collection centres or other establishments situated in the areas listed in Part I of Annex I to any area of the same or another Member State or to a third country provided that the donor animals and the semen, ova and embryos comply with the following conditions:

- (a) the conditions laid down in paragraph 1(a) to (f);
- (b) the donor animals comply with any other appropriate animal health guarantees, based on a positive outcome of a risk assessment of the impact of such dispatch and of the measures against the spread of lumpy skin disease, required by the competent authority of the Member State of the place of origin and approved by the competent authorities of the countries of the places of transit and of destination, prior to the dispatch of such semen, ova or embryos; and
- (c) the Member State of the place of origin must immediately inform the Commission and the other Member States of the animal health guarantees and the approval by the competent authorities provided for in point (b).

4. Where semen, embryos and ova which comply with the requirements of paragraph (1) or (3) of this Article are dispatched to another Member State or to a third country, the following additional wording shall be added to the corresponding health certificates laid down in Directives 88/407/EEC, 89/556/EEC or in Decision 93/444/EEC:

“.....(Semen, ova and/or embryos, indicate as appropriate) in compliance with (Article 7(1) or 7(3), indicate as appropriate) of Implementing Decision (EU) 2016/2008 concerning animal health control measures relating to lumpy skin disease in certain Member States”.

(2) Annex I is replaced by the text set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 2 June 2017.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

Annex I to Implementing Decision (EU) 2016/2008 is replaced by the following:

'ANNEX I

PART I

'Free zones with vaccination'1. *Croatia*

The entire territory of Croatia.

2. *Bulgaria*

A. The following provinces in Bulgaria:

- Province of Burgas
- Province of Varna
- Province of Dobrich
- Province of Razgrad
- Province of Silistra
- Province of Ruse
- Province of Pleven

B. The following municipalities in Bulgaria:

- The municipalities of Opaka, Popovo and Antonovo in the province of Targovishte.
- The municipalities of Shumen, Kaspichan, Novi Pazar, Nikola Kozlevo, Kaolinovo, Venets and Hitrino in the province of Shumen.
- The municipalities of Svishtov, Polski Trambesh and Strazhitsa, in the province of Veliko Tarnovo.

3. *Greece*

The following regions in Greece:

- Region of Ionian Islands, excluding the regional unit of Kerkyra
- Region of North Aegean, excluding the regional unit of Limnos
- Region of South Aegean
- Region of Crete

PART II

'Infected zones'1. *Greece*

A. The following regions in Greece:

- Region of Attica
- Region of Central Greece
- Region of Central Macedonia

- Region of Eastern Macedonia and Thrace
- Region of Epirus
- Region of Peloponnese
- Region of Thessaly
- Region of Western Greece
- Region of Western Macedonia

B. The following regional units in Greece:

- Regional unit of Limnos
- Regional unit of Kerkyra

2. *Bulgaria*

The entire territory of Bulgaria excluding the areas listed in Part I.'

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2017

of 16 June 2017

of the Joint Committee established under the Agreement on Mutual Recognition between the European Community and Canada related to the listing of Conformity Assessment Bodies under the Sectoral Annex on Telecommunications Terminal Equipment, Information Technology Equipment and Radio Transmitters [2017/1179]

THE JOINT COMMITTEE,

Having regard to the Agreement on Mutual Recognition between the European Community and Canada and in particular Articles VII and XI;

Whereas the Joint Committee is to take a decision to list a Conformity Assessment Body or Bodies under a Sectoral Annex;

HAS DECIDED AS FOLLOWS:

1. The Conformity Assessment Bodies in Attachment A are added to the list of Conformity Assessment Bodies in Attachment 4 of the Sectoral Annex on Telecommunications Terminal Equipment, Information Technology Equipment and Radio Transmitters.
2. The specific scope of listing, in terms of products and conformity assessment procedures, of the Conformity Assessment Bodies indicated in Attachment A has been agreed by the Parties and will be maintained by them.

This Decision, done in duplicate, shall be signed by representatives of the Joint Committee who are authorized to act on behalf of the Parties for purposes of modifying the Attachments to the Sectoral Annex on Telecommunications Terminal Equipment, Information Technology Equipment and Radio Transmitters of the Agreement. This Decision shall be effective from the date of the later of these signatures.

Signed in Ottawa, on 30 May 2017.

Claude BEAUDOIN
On behalf of Canada

Signed in Brussels, on 16 June 2017.

Ignacio IRUARRIZAGA
On behalf of the European Union

ATTACHMENT A

**EU Conformity Assessment Bodies added to the list of Conformity Assessment Bodies in
Attachment 4 of the Sectoral Annex on Telecommunications Terminal Equipment, Information
Technology Equipment and Radio Transmitters**

Element Materials Technology Warwick Ltd
Rothwell Road
Warwick
CV34 5JX
UNITED KINGDOM

AT4 Wireless S.A.U ⁽¹⁾.
Parque Tecnológico de Andalucía
C/Severo Ochoa 2 y 6
29590 Málaga
SPAIN

⁽¹⁾ On 3 April 2017, the name of AT4 wireless SAU changed into DEKRA Testing & Certification SAU.

