

Official Journal of the European Union

L 262



English edition

Legislation

Volume 61

19 October 2018

Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Council Regulation (Euratom) 2018/1563 of 15 October 2018 on the Research and Training Programme of the European Atomic Energy Community (2019–2020) complementing the Horizon 2020 Framework Programme for Research and Innovation, and repealing Regulation (Euratom) No 1314/2013** 1
- ★ **Commission Implementing Regulation (EU) 2018/1564 of 17 October 2018 concerning the authorisation of a preparation of dolomite-magnesite as a feed additive for all animal species with the exception of dairy cows and other ruminants for dairy production, weaned piglets and pigs for fattening ⁽¹⁾** 20
- ★ **Commission Implementing Regulation (EU) 2018/1565 of 17 October 2018 concerning the authorisation of a preparation of endo-1,4-beta-mannanase produced by *Paenibacillus lentus* (DSM 28088) as a feed additive for chickens for fattening, chickens reared for laying and minor poultry species other than laying birds, turkeys for fattening, turkeys reared for breeding, weaned piglets, pigs for fattening and minor porcine species (holder of authorisation Elanco GmbH) ⁽¹⁾** 24
- ★ **Commission Implementing Regulation (EU) 2018/1566 of 18 October 2018 concerning the authorisation of the preparation of endo-1,3(4)-beta-glucanase and endo-1,4-beta-xylanase produced by *Aspergillus niger* (NRRL 25541) and alpha-amylase produced by *Aspergillus niger* (ATCC66222) as a feed additive for weaned piglets and minor porcine species (weaned) and amending Regulation (EC) No 1453/2004 (holder of authorisation Andrès Pinaluba S.A.) ⁽¹⁾** 27
- ★ **Commission Implementing Regulation (EU) 2018/1567 of 18 October 2018 correcting Implementing Regulation (EU) 2018/249 concerning the authorisation of taurine, beta-alanine, L-alanine, L-arginine, L-aspartic acid, L-histidine, D,L-isoleucine, L-leucine, L-phenylalanine, L-proline, D,L-serine, L-tyrosine, L-methionine, L-valine, L-cysteine, glycine, monosodium glutamate and L-glutamic acid as feed additives for all animal species and L-cysteine hydrochloride monohydrate for all species except cats and dogs ⁽¹⁾** 31

⁽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) 2018/1568 of 18 October 2018 concerning the authorisation of a preparation of fumonisin esterase produced by <i>Komagataella phaffii</i> (DSM 32159) as a feed additive for all pigs and all poultry species ⁽¹⁾	34
★ Commission Implementing Regulation (EU) 2018/1569 of 18 October 2018 amending Implementing Regulation (EU) No 1110/2011 concerning the authorisation of an enzyme preparation of endo-1,4-beta-xylanase produced by <i>Trichoderma reesei</i> (CBS 114044) as a feed additive for laying hens, minor poultry species and pigs for fattening (holder of authorisation Roal Oy) ⁽¹⁾	37
★ Commission Implementing Regulation (EU) 2018/1570 of 18 October 2018 terminating the proceedings concerning imports of biodiesel originating in Argentina and Indonesia and repealing Implementing Regulation (EU) No 1194/2013	40
Commission Implementing Regulation (EU) 2018/1571 of 18 October 2018 on the minimum selling price for skimmed milk powder for the 26th partial invitation to tender within the tendering procedure opened by Implementing Regulation (EU) 2016/2080	54

DECISIONS

★ Council Decision (EU) 2018/1572 of 15 October 2018 on the application by the Union of Regulations Nos 9, 63 and 92 of the United Nations Economic Commission for Europe on uniform provisions concerning the approval of three-wheeled vehicles, mopeds and of the replacement exhaust silencing systems for L-category vehicles with regard to sound emission	55
★ Council Decision (EU) 2018/1573 of 15 October 2018 establishing the position to be taken on behalf of the European Union within the EPA Committee set up by the stepping stone Economic Partnership Agreement between Ghana, of the one part, and the European Community and its Member States, of the other part, as regards the adoption of a Decision of the EPA Committee concerning the accession of the Republic of Croatia to the European Union	57
★ Council Decision (EU) 2018/1574 of 16 October 2018 appointing a member, proposed by the Italian Republic, of the Committee of the Regions	60
★ Commission Decision (EU) 2018/1575 of 9 August 2018 on the measures to certain Greek casinos SA.28973 – C 16/2010 (ex NN 22/2010, ex CP 318/2009) implemented by Greece (notified under document C(2018) 5267) ⁽¹⁾	61
★ Commission Implementing Decision (EU) 2018/1576 of 18 October 2018 amending the Annex to Implementing Decision 2014/709/EU concerning animal health control measures relating to African swine fever in certain Member States (notified under document C(2018) 6961) ⁽¹⁾	71

Corrigenda

★ Corrigendum to Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 260, 17.10.2018)	90
---	----

⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (Euratom) 2018/1563

of 15 October 2018

on the Research and Training Programme of the European Atomic Energy Community (2019–2020) complementing the Horizon 2020 Framework Programme for Research and Innovation, and repealing Regulation (Euratom) No 1314/2013

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the first paragraph of Article 7 thereof,

Having regard to the proposal from the European Commission,

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

After consulting the Scientific and Technical Committee,

Whereas:

- (1) One of the aims of the European Atomic Energy Community (the ‘Community’) is to contribute to the raising of the standard of living in the Member States, including by promoting and facilitating nuclear research in the Member States and complementing it by carrying out a Community research and training programme.
- (2) Nuclear research can contribute to social and economic prosperity and environmental sustainability by improving nuclear safety, security and radiation protection. Equally important is the potential contribution of nuclear research to the long-term decarbonisation of the energy system in a safe, efficient and secure way.
- (3) The interim evaluation of the 2014–2018 Research and Training Programme of the Community established by Council Regulation (Euratom) No 1314/2013 ⁽²⁾ (the ‘2014–2018 Programme’) concluded that the action is relevant and continues to be instrumental in addressing challenges in nuclear safety, security and safeguards, radioactive waste management, radiation protection and fusion energy.
- (4) In order to ensure continuity of nuclear research at Community level, it is necessary to establish the Research and Training Programme of the Community for the period from 1 January 2019 to 31 December 2020 (the ‘2019–2020 Programme’). The 2019–2020 Programme should have the same objectives as the 2014–2018 Programme, support the same activities and use the same mode of implementation, which proved to be efficient and appropriate for the purpose of achieving the 2014–2018 Programme’s objectives.
- (5) By supporting nuclear research, the 2019–2020 Programme will contribute to achieving the objectives of the Horizon 2020 Framework Programme for Research and Innovation (the ‘Horizon 2020 Framework Programme’) established by Regulation (EU) No 1291/2013 of the European Parliament and of the Council ⁽³⁾ and will facilitate implementation of the Europe 2020 strategy and the creation and operation of the European Research Area.

⁽¹⁾ Opinion of 6 July 2018 (OJ C 237, 6.7.2018, p. 38).

⁽²⁾ Council Regulation (Euratom) No 1314/2013 of 16 December 2013 on the Research and Training Programme of the European Atomic Energy Community (2014–2018) complementing the Horizon 2020 Framework Programme for Research and Innovation (OJ L 347, 20.12.2013, p. 948).

⁽³⁾ Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 — the Framework Programme for Research and Innovation (2014–2020) and repealing Decision No 1982/2006/EC (OJ L 347, 20.12.2013, p. 104).

- (6) Notwithstanding the potential impact of nuclear energy on energy supply and economic development, severe nuclear accidents could endanger human health. Therefore, nuclear safety and, where appropriate, security aspects dealt with by the Joint Research Centre (the 'JRC') should be given the greatest possible attention in the 2019–2020 Programme.
- (7) The European Strategic Energy Technology Plan (the 'SET Plan'), set out in the conclusions of the Council meeting in Brussels on 28 February 2008, is accelerating the development of a portfolio of low-carbon technologies. The European Council agreed at its meeting on 4 February 2011 that the Union and its Member States would promote investment in renewables and safe and sustainable low-carbon technologies and would focus on implementing the technology priorities established in the SET Plan. Each Member State remains free to choose the types of technology that it would support.
- (8) As all Member States have nuclear installations or make use of radioactive materials, in particular for medical purposes, the Council recognised in the conclusions of its meeting in Brussels on 1 and 2 December 2008 the continuing need for skills in the nuclear field, in particular through appropriate education and training linked with research and coordinated at Community level.
- (9) While it is for each Member State to choose whether or not to make use of nuclear power, it is also acknowledged that nuclear energy plays different roles in different Member States.
- (10) By signing the Agreement on the Establishment of the ITER International Fusion Energy Organization for the Joint Implementation of the ITER Project ⁽¹⁾, the Community has undertaken to participate in the construction of the ITER Project ('ITER') and its future exploitation. The Community contribution is managed through the European Joint Undertaking for ITER and the Development of Fusion Energy (Fusion for Energy), established by Council Decision 2007/198/Euratom ⁽²⁾.
- (11) For fusion to become a credible option for commercial energy production, it is, firstly, necessary to successfully complete the construction of ITER in a timely manner and to start its operation. Secondly, it is necessary to establish an ambitious yet realistic roadmap for the production of electricity by 2050. Reaching those goals requires the European fusion programme to be directed towards a joint programme of activities implementing that roadmap. In order to secure the achievements of ongoing fusion research activities, as well as the long-term commitment of, and collaboration between, the fusion stakeholders, continuity of the Community's support should be ensured. A stronger focus should be placed primarily on the activities in support of ITER but also on the developments towards the demonstration reactor, including the stronger involvement of the private sector where appropriate. Such rationalisation and refocusing should be achieved without jeopardising the European leadership of the fusion scientific community.
- (12) The JRC should continue to provide independent customer-driven scientific and technological support for the formulation, development, implementation and monitoring of Community policies, in particular in the field of nuclear safety and security research and training. To optimise human resources and ensure that there is no duplication of research in the Union, any new activity carried out by the JRC should be analysed to check its consistency with existing activities in the Member States. The security aspects of the Horizon 2020 Framework Programme should be limited to the direct actions of the JRC.
- (13) The JRC should continue to generate additional resources through competitive activities, including participation in indirect actions of the 2019–2020 Programme, third-party work and, to a lesser extent, the exploitation of intellectual property.
- (14) In the interest of all its Member States, the role of the Union is to develop a framework to support joint cutting-edge research, knowledge creation and knowledge preservation on nuclear fission technologies, with special emphasis on safety, security, radiation protection and non-proliferation. That requires independent scientific evidence, to which the JRC can make a key contribution. That has been recognised in the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, dated 6 October 2010, entitled 'Europe 2020 Flagship Initiative Innovation Union', in which the Commission stated its intention to strengthen scientific evidence for policy-making through the JRC. The JRC proposes to respond to that challenge by focusing its nuclear safety and security research on the Union's policy priorities.

⁽¹⁾ OJ L 358, 16.12.2006, p. 62.

⁽²⁾ Council Decision 2007/198/Euratom of 27 March 2007 establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it (OJ L 90, 30.3.2007, p. 58).

- (15) With the aim of deepening the relationship between science and society and reinforcing public confidence in science, the 2019–2020 Programme should favour the informed engagement of citizens and civil society on research and innovation matters by promoting science education, making scientific knowledge more accessible, developing responsible research and innovation agendas that meet the concerns and expectations of citizens and civil society, and facilitating their participation in activities under the 2019–2020 Programme.
- (16) The implementation of the 2019–2020 Programme should respond to the evolving opportunities and needs relating to science and technology, industry, policies and society. The agendas should therefore be set in close liaison with stakeholders from all sectors concerned, and sufficient flexibility should be allowed for new developments. External advice might be sought during the 2019–2020 Programme, also making use of relevant structures such as European technology platforms.
- (17) The need to continue nuclear research at European level was recognised in the outcomes of the debates that took place at the Symposium on the benefits and limitations of nuclear fission research for a low-carbon economy prepared by an interdisciplinary study involving, among others, experts from the fields of energy, economics and social sciences, and co-organised by the Commission and the European Economic and Social Committee in Brussels on 26 and 27 February 2013.
- (18) The 2019–2020 Programme should contribute to the attractiveness of the research profession in the Union. Adequate attention should be paid to the Commission Recommendation of 11 March 2005 on the European Charter for Researchers and on a Code of Conduct for the Recruitment of Researchers ⁽¹⁾, together with other relevant reference frameworks defined in the context of the European Research Area, while respecting their voluntary nature.
- (19) The activities developed under the 2019–2020 Programme should aim to promote equality between women and men in research and innovation, by addressing in particular the underlying causes of gender imbalance, exploiting the full potential of both female and male researchers, and integrating the gender dimension into the content of projects in order to improve the quality of research and stimulate innovation. Activities should also aim at the implementation of the principles relating to equality between women and men as laid down in Articles 2 and 3 of the Treaty on European Union and Article 8 of the Treaty on the Functioning of the European Union (TFEU).
- (20) Research and innovation activities supported by the 2019–2020 Programme should respect fundamental ethical principles. The opinions on energy matters of the European Group on Ethics in Science and New Technologies should be taken into account where appropriate. Research activities should also take into account Article 13 of the TFEU and reduce the use of animals in research and testing, with a view to ultimately replacing animal use. All activities should be carried out ensuring a high level of human health protection.
- (21) A greater impact should also be achieved by combining the 2019–2020 Programme and private-sector funds within public-private partnerships in key areas where research and innovation could contribute to the Union's wider competitiveness goals. Particular attention should be given to the involvement of small and medium-sized enterprises.
- (22) The 2019–2020 Programme should promote cooperation, in particular in the field of safety, with third countries based on common interest and mutual benefit, in particular to promote continuous improvement of nuclear safety.
- (23) In order to maintain a level playing field for all undertakings that are active in the internal market, funding provided by the 2019–2020 Programme should be designed in accordance with state-aid rules so as to ensure the effectiveness of public spending and to prevent market distortions such as the crowding-out of private funding, the creation of ineffective market structures or the preservation of inefficient firms.
- (24) The need for a new approach to control and risk management in Union research funding was recognised by the European Council in its conclusions of 4 February 2011, which called for a new balance between trust and control and between risk-taking and risk avoidance. The European Parliament, in its resolution of 11 November 2010 on simplifying the implementation of the Research Framework Programmes ⁽²⁾, called for a pragmatic shift towards administrative and financial simplification and stated that the management of Union research funding should be more trust-based and risk-tolerant towards participants.

⁽¹⁾ OJ L 75, 22.3.2005, p. 67.

⁽²⁾ OJ C 74E, 13.3.2012, p. 34.

- (25) The financial interests of the Union should be protected through proportionate measures throughout the expenditure cycle, including the prevention, detection and investigation of irregularities, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, penalties. A revised control strategy, shifting focus from minimisation of error rates towards risk-based control and fraud detection, should reduce the control burden for participants.
- (26) It is important to ensure sound financial management of the 2019–2020 Programme and its implementation in the most effective and user-friendly manner possible, while also ensuring legal certainty and the accessibility of the 2019–2020 Programme to all participants. It is necessary to ensure compliance with the relevant provisions of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council (the ‘Financial Regulation’) ⁽¹⁾ and with the requirements of simplification and better regulation.
- (27) To ensure the most efficient implementation possible and easy access for all participants through simplified procedures, and to achieve a coherent, comprehensive and transparent framework for participants, participation in the 2019–2020 Programme and the dissemination of research results should be subject to the rules applicable to the Horizon 2020 Framework Programme, as set out in Regulation (EU) No 1291/2013 with certain adaptations or exceptions.
- (28) In order to allow for the most effective use of the debt and equity financial instruments set up under the Horizon 2020 Framework Programme, while preserving the distinct nature of actions under the 2019–2020 Programme and making full use of the available budget, repayments resulting from any of those financial instruments due to the non-utilisation of funds made available under the 2019–2020 Programme or the 2014–2018 Programme should directly benefit the 2019–2020 Programme.
- (29) It is important to continue to facilitate the exploitation of intellectual property developed by participants, while protecting the legitimate interests of other participants and the Community in accordance with Chapter 2 of the Treaty establishing the European Atomic Energy Community (‘the Euratom Treaty’).
- (30) The participant guarantee funds, managed by the Commission and established pursuant to Council Regulation (Euratom) No 1908/2006 ⁽²⁾ and Council Regulation (Euratom) No 139/2012 ⁽³⁾, have proved to be an important safeguard mechanism which mitigates the risks associated with the amounts due and not reimbursed by defaulting participants. The participant guarantee fund established pursuant to Regulation (EU) No 1290/2013 of the European Parliament and of the Council ⁽⁴⁾ should also cover actions under this Regulation.
- (31) In order to ensure uniform conditions for the implementation of the indirect actions under the 2019–2020 Programme, implementing powers should be conferred on the Commission to adopt work programmes and the decision on the approval of the funding of indirect actions. Those implementing powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽⁵⁾.
- (32) Achieving the objectives of the 2019–2020 Programme in relevant areas requires support for cross-cutting activities, both within the 2019–2020 Programme and jointly with the activities of the Horizon 2020 Framework Programme.
- (33) Effective performance management, including evaluation and monitoring, requires the development of specific performance indicators that can be measured over time, are realistic, reflect the logic of the intervention and are

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

⁽²⁾ Council Regulation (Euratom) No 1908/2006 of 19 December 2006 laying down the rules for the participation of undertakings, research centres and universities in action under the Seventh Framework Programme of the European Atomic Energy Community and for the dissemination of research results (2007 to 2011) (OJ L 400, 30.12.2006, p. 1).

⁽³⁾ Council Regulation (Euratom) No 139/2012 of 19 December 2011 laying down the rules for the participation of undertakings, research centres and universities in indirect actions under the Framework Programme of the European Atomic Energy Community and for the dissemination of research results (2012–2013) (OJ L 47, 18.2.2012, p. 1).

⁽⁴⁾ Regulation (EU) No 1290/2013 of the European Parliament and of the Council of 11 December 2013 laying down the rules for participation and dissemination in ‘Horizon 2020 — the Framework Programme for Research and Innovation (2014–2020)’ and repealing Regulation (EC) No 1906/2006 (OJ L 347, 20.12.2013, p. 81).

⁽⁵⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission’s exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

relevant to the appropriate hierarchy of objectives and activities. Appropriate coordination mechanisms should be put in place between the implementation and monitoring of the 2019–2020 Programme, on the one hand, and the monitoring of the progress, achievements and functioning of the European Research Area, on the other.

- (34) The Board of Governors of the JRC, set up by Commission Decision 96/282/Euratom ⁽¹⁾, has been consulted on the scientific and technological content of the direct actions of the JRC.
- (35) For reasons of legal certainty, Regulation (Euratom) No 1314/2013 should be repealed.
- (36) The European Parliament has been consulted on a voluntary basis and has delivered an opinion ⁽²⁾,

HAS ADOPTED THIS REGULATION:

TITLE I

ESTABLISHMENT

Article 1

Establishment

This Regulation establishes the Research and Training Programme of the European Atomic Energy Community for the period from 1 January 2019 to 31 December 2020 (the ‘2019–2020 Programme’), and lays down the rules for participation in that Programme, including participation in programmes of funding bodies managing the funds granted in accordance with this Regulation and in activities conducted jointly under this Regulation and under the Horizon 2020 Framework Programme for Research and Innovation (the ‘Horizon 2020 Framework Programme’) established by Regulation (EU) No 1291/2013.

Article 2

Definitions

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

- (a) ‘research and innovation activities’ means the whole spectrum of activities of research, technological development, demonstration and innovation, including the promotion of cooperation with third countries and international organisations, dissemination and optimisation of results and stimulation of the training and mobility of researchers in the European Atomic Energy Community (the ‘Community’);
- (b) ‘direct actions’ means research and innovation activities undertaken by the Commission through its Joint Research Centre (the ‘JRC’);
- (c) ‘indirect actions’ means research and innovation activities to which the Community or the Union (the ‘Union’) provides financial support and which are undertaken by participants;
- (d) ‘public-private partnership’ means a partnership where private-sector partners, the Community and, where appropriate, other partners, such as public-sector bodies, commit to jointly support the development and implementation of a research and innovation programme or research and innovation activities;
- (e) ‘public-public partnership’ means a partnership where public-sector bodies or bodies with a public-service mission at local, regional, national or international level commit with the Community to jointly support the development and implementation of a research and innovation programme or research and innovation activities.

Article 3

Objectives

1. The general objective of the 2019–2020 Programme is to pursue nuclear research and training activities with an emphasis on the continuous improvement of nuclear safety, security and radiation protection, in particular to potentially contribute to the long-term decarbonisation of the energy system in a safe, efficient and secure way. The general objective shall be implemented through the activities specified in Annex I in the form of direct and indirect actions which pursue the specific objectives set out in paragraphs 2 and 3 of this Article.

⁽¹⁾ Commission Decision 96/282/Euratom of 10 April 1996 on the reorganization of the Joint Research Centre (OJ L 107, 30.4.1996, p. 12).

⁽²⁾ Opinion of 11 September 2018 (not yet published in the Official Journal).

2. The 2019–2020 Programme indirect actions shall have the following specific objectives:

- (a) supporting the safety of nuclear systems;
- (b) contributing to the development of safe, longer-term solutions for the management of ultimate nuclear waste, including final geological disposal as well as partitioning and transmutation;
- (c) supporting the development and sustainability of nuclear expertise and excellence in the Union;
- (d) supporting radiation protection and the development of medical applications of radiation, including, inter alia, the secure and safe supply and use of radioisotopes;
- (e) moving towards demonstrating the feasibility of fusion as a power source by exploiting existing and future fusion facilities;
- (f) laying the foundations for future fusion power plants by developing materials, technologies and conceptual design;
- (g) promoting innovation and industrial competitiveness;
- (h) ensuring the availability and use of research infrastructures of pan-European relevance.

3. The 2019–2020 Programme direct actions shall have the following specific objectives:

- (a) improving nuclear safety, including: nuclear reactor and fuel safety, waste management, including final geological disposal as well as partitioning and transmutation; decommissioning, and emergency preparedness;
- (b) improving nuclear security, including: nuclear safeguards, non-proliferation, combating illicit trafficking, and nuclear forensics;
- (c) increasing excellence in the nuclear science base for standardisation;
- (d) fostering knowledge management, education and training;
- (e) supporting the policy of the Union on nuclear safety and security.

Any new activity assigned to the JRC shall be analysed by the Board of Governors of the JRC to check its consistency with existing activities in the Member States.

4. The 2019–2020 Programme shall be implemented in such a way as to ensure that the priorities and activities supported are relevant to changing needs and take account of the evolving nature of science, technology, innovation, policy-making, markets and society, with the aim of optimizing human and financial resources, and to avoid duplication on nuclear research and development in the Union.

5. Within the specific objectives referred to in paragraphs 2 and 3, account may be taken of new and unforeseen needs that arise during the period of implementation of the 2019–2020 Programme. This may, if duly justified, include responses to emerging opportunities, crises and threats, to needs relating to the development of new Union policies, and to the piloting of actions foreseen for support under future programmes.

Article 4

Budget

1. The financial envelope for the implementation of the 2019–2020 Programme shall be EUR 770 220 000. That amount shall be distributed as follows:

- (a) for indirect actions for the fusion research and development programme, EUR 349 834 000;
- (b) for indirect actions for nuclear fission, safety and radiation protection, EUR 151 579 000;
- (c) for direct actions, EUR 268 807 000.

For the implementation of indirect actions of the 2019–2020 Programme, the Commission's administrative expenditure shall account on average for no more than 6 % of the combined total of the amounts set out in points (a) and (b) of the first subparagraph during the duration of the 2019–2020 Programme.

2. The financial envelope of the 2019–2020 Programme may cover expenses pertaining to preparatory, monitoring, control, audit and evaluation activities which are required for the management of that Programme and the achievement of its objectives, in particular studies and meetings of experts, in so far as they relate to the general objectives of this Regulation, and expenses linked to information technology networks focusing on information processing and exchange, together with all other technical and administrative assistance expenses incurred by the Commission for the

management of the 2019–2020 Programme. The expenses for continuous and repetitive actions such as control, audit and IT networks will be covered within the limits of the Commission's administrative expenditure specified in paragraph 1.

3. Where necessary and duly justified, appropriations may be entered in the budget beyond 2020 to cover technical and administrative assistance expenses, in order to enable the management of actions not yet completed by 31 December 2020.

4. Where the direct actions contribute to initiatives established by entities entrusted by the Commission with implementation tasks in accordance with Article 6(2) and Article 15, that contribution shall not be considered as part of the financial contribution allocated to those initiatives.

5. Budgetary commitments may be divided into annual instalments. Each year the Commission shall commit the annual instalments taking into account the progress of the actions receiving financial support, the estimated needs and the budget available.

Article 5

Association of third countries

1. The 2019–2020 Programme shall be open to the association of:

- (a) acceding countries, candidate countries and potential candidates, in accordance with the general principles and general terms and conditions for the participation of those countries in Union programmes established in the respective framework agreements and decisions of association councils or similar agreements;
- (b) European Free Trade Association (EFTA) members, or countries or territories covered by the European Neighbourhood Policy, that fulfil all of the following criteria:
 - (i) a good capacity in science, technology and innovation;
 - (ii) a good track record of participation in Union research and innovation programmes;
 - (iii) fair and equitable dealing with intellectual property rights;
- (c) countries or territories associated with the Seventh Euratom Framework Programme or the Euratom Research and Training Programme 2014–2018.

2. Specific terms and conditions regarding the participation of associated countries in the 2019–2020 Programme, including the financial contribution, based on the gross domestic product of the associated country, shall be determined by international agreements between the Union and the associated countries.

TITLE II

IMPLEMENTATION

CHAPTER I

Implementation, management and forms of support

Article 6

Management and forms of Community support

1. The 2019–2020 Programme shall be implemented through indirect actions using one or several of the forms of funding provided for by the Financial Regulation, in particular grants, prizes, procurement and financial instruments. The Community support shall also consist of direct actions in the form of research and innovation activities undertaken by the JRC.

2. Without prejudice to Article 10 of the Euratom Treaty, the Commission may entrust part of the implementation of the 2019–2020 Programme to the funding bodies referred to in point (c) of Article 62(1) of the Financial Regulation.

The Commission may also entrust the implementation of indirect actions under the 2019–2020 Programme to bodies created under, or referred to in, the Horizon 2020 Framework Programme.

3. The Commission shall adopt, by means of implementing acts, in accordance with the examination procedure referred to in Article 12(3), the decision on the approval of the funding of indirect actions.

*Article 7***Rules for participation and dissemination of research results**

1. Subject to paragraphs 2 and 3 of this Article, the participation of any legal entity in indirect actions undertaken under the 2019–2020 Programme shall be governed by the rules laid down in Regulation (EU) No 1290/2013.
2. For the purposes of the 2019–2020 Programme, the ‘security rules’ referred to in the first subparagraph of Article 43(2) of Regulation (EU) No 1290/2013 shall include the defence interests of the Member States within the meaning of Article 24 of the Euratom Treaty.

By way of derogation from the first subparagraph of Article 44(3) of Regulation (EU) No 1290/2013, the Commission or the funding body may, with regard to results which are generated by participants having received Community financial contribution, object to transfers of ownership, or to grants of an exclusive or non-exclusive licence, to third parties established in a third country not associated with the 2019–2020 Programme where it considers that the transfer or grant is not in accordance with the interest of developing the competitiveness of the Union economy or is inconsistent with ethical principles or security considerations. ‘Security considerations’ shall include the defence interests of the Member States within the meaning of Article 24 of the Euratom Treaty.

By way of derogation from the first subparagraph of Article 49(1) of Regulation (EU) No 1290/2013, the Community and its joint undertakings shall, for the purpose of developing, implementing and monitoring Community policies and programmes or obligations assumed through international cooperation with third countries and international organisations, enjoy access rights to the results of a participant having received a Community financial contribution. Such access rights shall include the right to authorise third parties to use the results in public procurement and the right to sublicense, shall be limited to non-commercial and non-competitive use and shall be granted on a royalty-free basis.

3. The participant guarantee fund established pursuant to Regulation (EU) No 1290/2013 shall cover the risk associated with non-recovery of sums due by participants in actions financed through grants by the Commission or funding bodies under this Regulation.

*Article 8***Cross-cutting activities**

1. In order to achieve the objectives of the 2019–2020 Programme and to address challenges common to the 2019–2020 Programme and the Horizon 2020 Framework Programme, activities cutting across the indirect actions set out in Annex I and the indirect actions implementing the Specific Programme of the Horizon 2020 Framework Programme, as established by Council Decision 2013/743/EU ⁽¹⁾, may benefit from the Union financial contribution.
2. The financial contribution referred to in paragraph 1 of this Article may be combined from the financial contributions for indirect actions set out in Article 4 of this Regulation and in Article 6 of Regulation (EU) No 1291/2013, and implemented through a single funding scheme.

*Article 9***Gender equality**

The 2019–2020 Programme shall ensure the effective promotion of gender equality and the gender dimension in research and innovation content.

*Article 10***Ethical principles**

1. All the research and innovation activities carried out under the 2019–2020 Programme shall comply with ethical principles and relevant national, Union and international legislation, including the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights and its Supplementary Protocols.

⁽¹⁾ Council Decision 2013/743/EU of 3 December 2013 establishing the specific programme implementing Horizon 2020 — the Framework Programme for Research and Innovation (2014–2020) and repealing Decisions 2006/971/EC, 2006/972/EC, 2006/973/EC, 2006/974/EC and 2006/975/EC (OJ L 347, 20.12.2013, p. 965).

Particular attention shall be paid to the principle of proportionality, the right to privacy, the right to the protection of personal data, the right to the physical and mental integrity of a person, the right to non-discrimination and the need to ensure high levels of human health protection.

2. Research and innovation activities carried out under the 2019–2020 Programme shall have an exclusive focus on civil applications.

Article 11

Work programmes

1. The Commission shall adopt, by means of implementing acts, in accordance with the examination procedure referred to in Article 12(3), work programmes for the implementation of the indirect actions. Such work programmes shall allow for bottom-up approaches that address the objectives in innovative ways.

The work programmes shall set out the essential elements for implementing the actions in accordance with the Financial Regulation, including their detailed objectives, the associated funding and a timetable, as well as a multiannual approach and strategic orientations for the following years of implementation.

2. For direct actions, the Commission shall, in accordance with Decision 96/282/Euratom, draw up a multiannual work programme, setting out in greater detail the objectives and scientific and technological priorities presented in Annex I, and a timetable for implementation.

The multiannual work programme referred to in the first subparagraph shall also take account of relevant research activities carried out by the Member States, associated countries and European and international organisations. It shall be updated as and when appropriate.

3. The work programmes referred to in paragraphs 1 and 2 shall take account of the state of science, technology and innovation at national, Union and international level and of relevant policy, market and societal developments. They shall be updated as and where appropriate.

4. The work programmes referred to in paragraphs 1 and 2 shall contain a section which identifies the cross-cutting activities referred to in Article 8.

Article 12

Committee procedure

1. The Commission shall be assisted by a Committee. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. The Committee shall meet in two different configurations, dealing respectively with fission-related aspects and fusion-related aspects of the 2019–2020 Programme.

With a view to facilitating the implementation of the 2019–2020 Programme, for each meeting of the Committee as defined in the agenda, the Commission shall reimburse, in accordance with its established guidelines, the expenses of one representative per Member State, as well as one expert/adviser per Member State for those agenda items where a Member State requires specific expertise.

3. Where reference is made to this paragraph, the examination procedure in accordance with Article 5 of Regulation (EU) No 182/2011 shall apply.

4. Where the opinion of the Committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the Committee so decides or a simple majority of Committee members so requests.

Article 13

Provision of information to the Committee

The Commission shall regularly inform the Committee referred to in Article 12 of the overall progress made in implementing the 2019–2020 Programme, and shall provide it with timely information on all indirect actions proposed or funded under the 2019–2020 Programme.

*Article 14***External advice and societal engagement**

1. For the implementation of the 2019–2020 Programme, account shall be taken of advice and inputs provided, where appropriate, by:
 - (a) the Euratom Scientific and Technical Committee pursuant to Article 134 of the Euratom Treaty;
 - (b) independent advisory groups of high-level experts set up by the Commission;
 - (c) dialogue structures created under international science and technology agreements;
 - (d) forward-looking activities;
 - (e) targeted public consultations (including, where appropriate, regional and national authorities or stakeholders); and
 - (f) transparent and interactive processes that ensure support for responsible research and innovation.
2. Full account shall also be taken of the research and innovation agendas established by, inter alia, European technology platforms, joint programming initiatives and European innovation partnerships.

*CHAPTER II***Specific fields of action***Article 15***Small and medium-sized enterprises**

Particular attention shall be paid to ensuring the adequate participation of, and innovation impact on, small and medium-sized enterprises (SMEs) and the private sector in general in the 2019–2020 Programme. Quantitative and qualitative assessments of SME participation shall be undertaken as part of the evaluation and monitoring arrangements.

*Article 16***Public-private and public-public partnerships**

To attain the objectives set out in Article 3 of this Regulation, specific activities of the 2019–2020 Programme may be implemented through:

- (a) Joint Undertakings established on the basis of Chapter 5 of the Euratom Treaty;
- (b) public-public partnerships based on the 'Programme co-fund actions' funding scheme;
- (c) contractual public-private partnerships, as referred to in Article 25 of Regulation (EU) No 1291/2013.

*Article 17***International cooperation with third countries and international organisations**

1. Entities established in third countries and international organisations shall be eligible to participate in indirect actions of the 2019–2020 Programme under the conditions set out in Regulation (EU) No 1290/2013. Exceptions to the general principle in that regard are set out in Article 7 of this Regulation. International cooperation with third countries and international organisations shall be promoted by the 2019–2020 Programme with a view to:
 - (a) strengthening the Union's excellence and attractiveness in research and innovation as well as its economic and industrial competitiveness;
 - (b) effectively tackling common societal challenges;
 - (c) supporting the Union's external and development policy objectives, complementing external and development programmes and seeking synergies with other Union policies.
2. Targeted actions with the objective of promoting cooperation with specific third countries or groups of third countries shall be implemented on the basis of a strategic approach as well as common interest, priorities and mutual benefit, taking into account their scientific and technological capabilities and market opportunities, and the expected impact.

Reciprocal access to third-country programmes should be encouraged. In order to maximise impact, coordination and synergies with initiatives of Member States and associated countries shall be promoted. The nature of the cooperation may vary according to the specific partner countries.

Cooperation priorities shall take into account developments in Union policy opportunities for cooperation with third countries, and the fair and equitable treatment of intellectual property rights.

Article 18

Information, communication, exploitation and dissemination

1. When implementing the 2019–2020 Programme, communication and dissemination activities shall be considered an integral part of the actions supported by the 2019–2020 Programme.
2. The communication activities referred to in paragraph 1 may include:
 - (a) initiatives aimed at increasing awareness and facilitating access to funding under the 2019–2020 Programme, in particular for those regions or types of participant that have a relatively low participation;
 - (b) targeted assistance to projects and consortia to provide them with access to the necessary skills to optimise the communication, exploitation and dissemination of results;
 - (c) initiatives to foster dialogue and debate on scientific, technological and innovation-related issues with the public, and to take advantage of social media and other innovative technologies and methodologies;
 - (d) communication of the Union's political priorities, provided that they are related to the aims of this Regulation, in particular the provision by the Commission of timely and thorough information to Member States.
3. Subject to the Euratom Treaty and relevant Union legislation, the dissemination activities referred to in paragraph 1 may include:
 - (a) actions which bring together results from a range of projects, including those that may be funded from other sources, to provide user-friendly databases and reports that summarise key findings;
 - (b) dissemination of results to policy-makers, including standardisation bodies, to promote the use of policy-relevant results by the appropriate bodies at international, Union, national and regional level.

CHAPTER III

Control

Article 19

Control and audit

1. The control system set up for the implementation of this Regulation shall be designed so as to provide reasonable assurance of achieving adequate management of the risks relating to the effectiveness and efficiency of the operations as well as the legality and regularity of the underlying transactions, taking into account the multiannual character of programmes as well as the nature of the payments concerned.
2. The control system referred to in paragraph 1 shall ensure an appropriate balance between trust and control, taking into account administrative and other costs of controls at all levels, especially for participants, so that the 2019–2020 Programme objectives can be achieved and the most excellent researchers and most innovative enterprises can be attracted to it.
3. As part of the control system referred to in paragraph 1, the audit strategy for expenditure in the indirect actions under the 2019–2020 Programme shall be based on the financial audit of a representative sample of expenditure across the whole 2019–2020 Programme. That representative sample shall be complemented by a selection based on an assessment of the risks related to expenditure.

Audits of expenditure in the indirect actions under the 2019–2020 Programme shall be carried out in a coherent manner in accordance with the principles of economy, efficiency and effectiveness in order to minimise the audit burden of the participants.

Article 20

Protection of the financial interests of the Union

1. The Commission shall take appropriate measures to ensure that, when actions financed under this Regulation are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and, where irregularities are detected, by the recovery of the amounts wrongly paid and, where appropriate, by effective, proportionate and dissuasive administrative and financial penalties.

2. The Commission or its representatives and the Court of Auditors shall have the power of audit, on the basis of documents and on the spot, over all grant beneficiaries, contractors and subcontractors who have received Union funds under this Regulation.

Without prejudice to paragraph 3, audits by the Commission may be carried out up to two years after the final payment.

3. The European Anti-Fraud Office (OLAF) may carry out investigations, including on-the-spot checks and inspections in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council ⁽¹⁾ and Council Regulation (Euratom, EC) No 2185/96 ⁽²⁾, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant agreement or grant decision or a contract funded under the 2019–2020 Programme.

4. Without prejudice to paragraphs 1, 2 and 3, cooperation agreements with third countries and with international organisations, contracts, grant agreements and grant decisions resulting from the implementation of this Regulation shall contain provisions expressly empowering the Commission, the Court of Auditors and OLAF to conduct such audits and investigations, according to their respective competences.

CHAPTER IV

Monitoring and evaluation

Article 21

Monitoring

1. The Commission shall annually monitor the implementation, including the progress and achievements, of the 2019–2020 Programme. The Commission shall provide the Committee referred to in Article 12 with information in that regard.

2. The Commission shall report and make publicly available the results of the monitoring referred to in paragraph 1.

Article 22

Evaluation

1. Evaluations shall be carried out in a sufficiently timely manner to feed into the decision-making process.

By 31 December 2022, the Commission shall carry out, with the assistance of independent experts selected on the basis of a transparent process, an *ex post* evaluation of the 2019–2020 Programme. That evaluation shall cover the rationale, implementation and achievements, as well as the longer-term impacts and sustainability, of the measures, to feed into a decision on a possible renewal, modification or suspension of a subsequent measure.

2. Without prejudice to paragraph 1, direct and indirect actions of the 2019–2020 Programme shall be subject to separate evaluations.

3. The evaluations referred to in paragraphs 1 and 2 shall assess the progress made towards the objectives set out in Article 3, taking into account the relevant performance indicators defined in Annex II.

⁽¹⁾ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

⁽²⁾ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

4. Where appropriate and available, Member States shall provide the Commission with data and information necessary for the monitoring and evaluation of the measures concerned.
5. The Commission shall communicate the conclusions of the evaluations referred to in paragraphs 1 and 2, accompanied by its observations, to the European Parliament, the Council and the European Economic and Social Committee.

TITLE III

FINAL AND TRANSITIONAL PROVISIONS

Article 23

Repeal and transitional provisions

1. Regulation (Euratom) No 1314/2013 is repealed with effect from 1 January 2019.
2. Without prejudice to paragraph 1, activities or actions benefiting from the Community financial support under Regulation (Euratom) No 1314/2013 shall continue to be governed by the rules applicable to those activities or actions until their termination, completion or closure. Where necessary, any remaining tasks of the Committee set up pursuant to Regulation (Euratom) No 1314/2013 shall be undertaken by the Committee referred to in Article 12 of this Regulation.
3. The financial envelope referred to in Article 4 may also cover the technical and administrative assistance expenses necessary to ensure the transition between the 2019–2020 Programme and the measures adopted under Regulation (Euratom) No 1314/2013.
4. By way of derogation from the second subparagraph of Article 209(3) of the Financial Regulation, annual repayments generated by a financial instrument established under Regulation (EU) No 1291/2013 and resulting from the non-utilisation of funds made available under this Regulation or Regulation (Euratom) No 1314/2013 shall be assigned to the 2019–2020 Programme.

Article 24

Entry into force

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 Luxembourg, 15 October 2018.

For the Council
The President
F. MOGHERINI

ANNEX I

ACTIVITIES

Rationale for the 2019–2020 Programme – paving the way to 2020

By achieving the objectives set out in Article 3, the 2019–2020 Programme will reinforce outcomes under the three priorities of the Horizon 2020 Framework Programme, namely excellent science, industrial leadership and societal challenges.

Nuclear power constitutes an element in the debate on combating climate change and reducing Europe's dependence on imported energy. In the broader context of finding a sustainable energy mix for the future, the 2019–2020 Programme will also contribute through its research activities to the debate on the benefits and the limitations of nuclear fission energy for a low-carbon economy. Through ensuring continuous improvement of nuclear safety, more advanced nuclear technologies could also offer the prospect of significant improvements in the efficiency and use of resources and of producing less waste than current designs. Nuclear safety aspects will receive the greatest possible attention.

The 2019–2020 Programme will strengthen the research and innovation framework in the nuclear field and coordinate Member States' research efforts, thereby avoiding duplication, retaining critical mass in key areas and ensuring that public funding is used in an optimal way. The coordination will, however, not prevent Member States from having programmes to fulfil national needs.

The strategy to develop fusion as a credible option for commercial carbon-free energy production will follow a roadmap with milestones towards the goal of electricity production by 2050. To implement that strategy, a restructuring of fusion-related work in the Union, including governance, funding and management, must be carried out to ensure a shift of emphasis from pure research to designing, building and operating future facilities such as ITER, DEMO and beyond. That will require close cooperation between the entire Union fusion community, the Commission and the national funding agencies.

In order to maintain the Union expertise necessary for achieving those goals, the 2019–2020 Programme must further enhance its role in training through the establishment of training facilities of pan-European interest that will deliver dedicated programmes. That will continue to promote the European Research Area and the further integration of new Member States and associated countries.

Activities necessary to achieve the programme objectives

Indirect actions

In order to ensure that the indirect actions of the 2019–2020 Programme mutually reinforce research efforts of the Member States and the private sector, the priorities of the work programmes are to be established on the basis of appropriate inputs from national public authorities and nuclear research stakeholders grouped in bodies or frameworks such as technology platforms and technical forums for nuclear systems and safety, management of ultimate waste and radiation protection/low-dose risk and fusion research, and any relevant organisation or forum of nuclear stakeholders.

(a) Supporting the safety of nuclear systems (societal challenges, excellent science, industrial leadership)

In line with the general objective, support for joint research activities concerning the safe operation and decommissioning of reactor systems (including fuel cycle facilities) in use in the Union or, to the extent necessary in order to maintain broad nuclear safety expertise in the Union, those reactor types which may be used in the future, focusing exclusively on safety aspects, including all aspects of the fuel cycle such as partitioning and transmutation.

(b) Contributing to the development of safe, longer-term solutions for the management of ultimate nuclear waste, including final geological disposal as well as partitioning and transmutation (excellent science, societal challenges)

Joint and/or coordinated research activities on remaining key aspects of geological disposal of spent fuel and long-lived radioactive waste with, as appropriate, demonstration of technologies and safety. Those activities are to promote the development of a common Union view on the main issues related to waste management from discharge of fuel to disposal.

Research activities related to management of other radioactive waste streams for which industrially mature processes currently do not exist.

- (c) Supporting the development and sustainability of nuclear expertise and excellence in the Union (excellent science)

Promoting joint training and mobility activities between research centres and industry, and between different Member and Associated States, as well as support for maintaining multidisciplinary nuclear competences in order to guarantee the availability of suitably qualified researchers, engineers and employees in the nuclear sector in the Union in the long term.

- (d) Supporting radiation protection and the development of medical applications of radiation, including, inter alia, the secure and safe supply and use of radioisotopes (excellent science, societal challenges)

Joint and/or coordinated research activities, in particular those regarding the risks from low doses from industrial, medical or environmental exposure, on emergency management in relation to accidents involving radiation, and on radioecology, to provide a pan-European scientific and technological basis for a robust, equitable and socially acceptable system of protection.

Research activities on medical applications of ionising radiation and addressing the operational safety aspects of radiation protection and their utilisation.

- (e) Moving towards demonstrating the feasibility of fusion as a power source by exploiting existing and future fusion facilities (industrial leadership, societal challenges)

Supporting common research activities undertaken by EUROfusion members and any of the entities referred to in point (i) to ensure the swift start of high-performance operation of ITER, including the use of relevant facilities (including, as appropriate, JET, the Joint European Torus), of integrated modelling using, among others, high-performance computers, and training activities to prepare the next generation of researchers and engineers.

- (f) Laying the foundations for future fusion power plants by developing materials, technologies and conceptual design (industrial leadership, societal challenges)

Supporting joint activities undertaken by EUROfusion members and any of the entities referred to in point (i) to develop and qualify materials for a demonstration power plant requiring, inter alia, preparatory work for an appropriate material test facility and negotiations for the Union's participation in a suitable international framework for that facility. Such development and qualifications are to make use of all possible levels of the experimental, computational and theoretical capacities available.

Supporting joint research activities undertaken by members of the European Fusion Development Agreement and any of the entities referred to in point (i) that will address reactor operation issues and will develop and demonstrate all relevant technologies for a fusion demonstration power plant. Those activities include the preparation of complete demonstration power plant conceptual designs and exploration of the potential of stellarators as a power plant technology.

- (g) Promoting innovation and industry competitiveness (industrial leadership)

Implementing or supporting knowledge management and technology transfer from the research co-funded by the 2019–2020 Programme to industry exploiting all innovative aspects of the research.

Promoting innovation through, inter alia, open access to scientific publications, a database for knowledge management and dissemination and promoting technology topics in educational programmes.

In the long term, the 2019–2020 Programme is to support the preparation and development of a competitive nuclear fusion industrial sector facilitating the involvement of the private sector as well as SMEs where appropriate, in particular through the implementation of a technology roadmap to a fusion power plant with active industrial involvement in the design and development projects.

- (h) Ensuring the availability and use of research infrastructures of pan-European relevance (excellent science)

Activities supporting the construction, refurbishment, use and continued availability of key research infrastructures under the 2019–2020 Programme, as well as appropriate access to those infrastructures and cooperation between them.

- (i) European fusion programme

The joint programme of activities implementing the roadmap towards the goal of electricity production by 2050 co-funded through the EUROfusion grant (Programme co-fund action) awarded under Regulation (Euratom) No 1314/2013 to the legal entities established or designated by Member States and any third country associated

with the 2019–2020 Programme. The EUROfusion grant may continue to be funded under the 2019–2020 Programme. The joint programme may include resources in kind from the Community, such as scientific and technical exploitation of the JET facility in accordance with Article 10 of the Euratom Treaty, or the secondment of Commission staff.

JRC direct actions

The priorities for direct actions are to be established through consultation of the policy Directorates-General of the Commission and of the JRC Board of Governors.

The nuclear activities of the JRC must aim to support the implementation of Council Directives 2009/71/Euratom ⁽¹⁾ and 2011/70/Euratom ⁽²⁾, as well as Council conclusions giving priority to the highest standards for nuclear safety in the Union and internationally.

The JRC must, in particular, contribute to the nuclear safety research needed for safe, secure and peaceful use of nuclear energy and other non-fission applications. The JRC will provide a scientific basis for the relevant Union policies and, where necessary, react within the limits of its mission and competence to nuclear events, incidents and accidents. To that effect, the JRC will carry out research and assessments, provide references and standards and deliver dedicated training and education. Synergies with relevant cross-cutting initiatives will be sought as appropriate, with the aim of optimising human and financial resources and to avoid duplication of nuclear research and development in the Union. The JRC activities in these areas will be conducted taking into account relevant initiatives at regional, Member State or Union level, within the perspective of shaping the European Research Area.

- (a) Improving nuclear safety including: nuclear reactor and fuel safety, waste management including final geological disposal as well as partitioning and transmutation; decommissioning, and emergency preparedness

The JRC will contribute to the development of tools and methods to achieve high safety standards for nuclear installations and fuel cycles relevant to Europe. Those tools and methods will include:

- (1) severe accident analyses modelling and methodologies for assessment of nuclear installations' operational safety margins; supporting the establishment of a common European approach to the evaluation of advanced fuel cycles and designs; and investigation and dissemination of the lessons learnt from operational experience. The JRC will further pursue its 'European Clearinghouse on NPP Operational Experience Feedback' to focus its activities on post-Fukushima nuclear safety challenges, appealing to the Members States' competences in this area;
 - (2) minimisation of the scientific uncertainties in the prediction of long-term behaviour of nuclear waste and of the dispersion of radionuclides in the environment; and key aspects of research on decommissioning of nuclear installations;
 - (3) exchange with relevant stakeholders for strengthening Union capacity to respond to nuclear accidents and incidents by research on alert systems and models for radiological dispersion in the air, and by mobilising resources and expertise for analysing and modelling nuclear accidents.
- (b) Improving nuclear security including: nuclear safeguards, non-proliferation, combating illicit trafficking, and nuclear forensics

The area of non-proliferation must receive the greatest possible attention. The JRC will:

- (1) develop enhanced methodologies and detection/verification methods and technologies to support the Community safeguards and strengthen international safeguards;
- (2) develop and apply enhanced methods and technology to prevent, detect and respond to nuclear and radioactive incidents, including qualification of detection technology and development of nuclear forensics methods and techniques in the fight against illicit trafficking in synergies with the global CBRN (chemical, biological, radiological and nuclear) framework;

⁽¹⁾ Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations (OJ L 172, 2.7.2009, p. 18).

⁽²⁾ Council Directive 2011/70/Euratom of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste (OJ L 199, 2.8.2011, p. 48).

- (3) support the implementation of the Treaty on the Non-Proliferation of Nuclear Weapons and Union-related strategies through analysis studies and follow-up of the technical evolution of export control regimes to support relevant Commission and Union services.

(c) Increasing excellence in the nuclear science base for standardisation

The JRC will further develop the scientific basis for nuclear safety and security. Emphasis will be given to research on fundamental properties and behaviour of actinides, structural and nuclear materials. In supporting Union standardisation, the JRC will provide state-of-the-art nuclear standards, reference data and measurements, including the development and implementation of relevant databases and assessment tools. The JRC will support the further development of medical applications, namely new cancer therapies based on alpha irradiation.

(d) Fostering knowledge management, education and training

The JRC must stay abreast of new developments in research and instrumentation, safety and environmental regulations. To that effect, a rolling investment plan for the scientific infrastructures must be implemented.

In order to maintain the Union at the forefront of nuclear safety and security, the JRC must develop knowledge management tools, monitor Union trends in human resources through its Nuclear Human Resources Observatory and deliver dedicated training and education programmes, covering also decommissioning aspects.

(e) Supporting the policy of the Union on nuclear safety and security

The JRC must foster its expertise and excellence in order to provide independent scientific and technical evidence which might be necessary to support Union policy on nuclear safety and security.

As the Euratom Implementing Agent for the Generation IV International Forum (GIF), the JRC will continue to coordinate the Community contribution to GIF. The JRC will pursue and further develop international research cooperation with key partner countries and international organisations such as the International Atomic Energy Agency (IAEA) and the Nuclear Energy Agency (NEA) of the Organisation for Economic Cooperation and Development (OECD) in order to promote the Union's nuclear safety and security policies.

Cross-cutting activities within the 2019–2020 Programme

In order to achieve its general objectives, the 2019–2020 Programme will support complementary activities (direct and indirect, coordination and stimulating joint programming) that ensure synergy of research efforts in solving common challenges (such as materials, coolant technology, reference nuclear data, modelling and simulation, remote handling, waste management, radiation protection).

Cross-cutting activities and interfaces with the Horizon 2020 Framework Programme

In order to achieve the objectives of the 2019–2020 Programme, appropriate links and interfaces, such as joint calls, will be ensured with the Specific Programme of the Horizon 2020 Framework Programme.

The 2019–2020 Programme may contribute to the debt and equity facilities developed under the Horizon 2020 Framework Programme, which will be widened to cover the objectives referred to in Article 3.

International cooperation with third countries and international organisations

International cooperation in nuclear research and innovation, based on shared goals and mutual trust, must continue, with the aim of providing clear and significant benefits for the Union and its environment. As a contribution to the achievement of the specific objectives set out in Article 3, the Community will seek to reinforce the Union's scientific and technical expertise through international cooperation agreements and to promote the access of the Union nuclear industry to new emerging markets.

International cooperation activities will be promoted through multilateral frameworks (such as the IAEA, the OECD, ITER and GIF), and by the existing or new bilateral cooperation with countries having strong R & D and industrial bases and research installations under operation, design or construction.

ANNEX II

PERFORMANCE INDICATORS

This Annex presents, for each of the specific objectives of the 2019–2020 Programme, a number of key performance indicators for assessing results and impacts that may be refined during the implementation of the 2019–2020 Programme.

1. Indicators for indirect actions**(a) Supporting the safety of nuclear systems**

- The number of projects (joint research and/or coordinated actions) likely to lead to a demonstrable improvement in nuclear safety practice in Europe.

(b) Contributing to the development of safe, longer-term solutions for the management of ultimate nuclear waste, including final geological disposal, partitioning and transmutation

- The number of projects contributing to the development of safe, long-term solutions for the management of ultimate nuclear waste.

(c) Supporting the development and sustainability of nuclear expertise and excellence in the Union

- Training through research – the number of PhD students and postdoctoral researchers supported through the Euratom fission projects.
- The number of fellows and trainees in the Euratom fusion programme.

(d) Supporting radiation protection and the development of medical applications of radiation, including, inter alia, the secure and safe supply and use of radioisotopes

- The number of projects likely to have a demonstrable impact on regulatory practice regarding radiation protection and on the development of medical applications of radiation.

(e) Moving towards demonstrating the feasibility of fusion as a power source by exploiting existing and future fusion facilities

- The number of publications in peer-reviewed high-impact journals.

(f) Laying the foundations for future fusion power plants by developing materials, technologies and conceptual design

- The percentage of the Fusion Roadmap's milestones, established for the period 2014–2020, reached by the 2019–2020 Programme.

(g) Promoting innovation and industry competitiveness

- The number of spin-offs from fusion research under the 2019–2020 Programme.
- The patent applications generated and patents awarded on the basis of research activities supported by the 2019–2020 Programme.

(h) Ensuring the availability and use of research infrastructures of pan-European relevance

- The number of researchers having access to research infrastructures through 2019–2020 Programme support.

2. Indicators for direct actions**(a) Impact indicator for JRC policy support**

- The number of occurrences of tangible specific impacts on Union policies resulting from technical and scientific policy support provided by the JRC.

(b) JRC scientific productivity indicator

- The number of peer reviewed publications.

The indicators referred to in points (a) and (b) may be represented according to the following Community objectives of direct actions:

- improving nuclear safety including: nuclear reactor and fuel safety, waste management, including final geological disposal as well as partitioning and transmutation; decommissioning; and emergency preparedness;
 - improving nuclear security including: nuclear safeguards, non-proliferation, combating illicit trafficking, and nuclear forensics;
 - increasing excellence in the nuclear science base for standardisation;
 - fostering knowledge management, education and training;
 - supporting the policy of the Union on nuclear safety and security.
-

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1564**of 17 October 2018****concerning the authorisation of a preparation of dolomite-magnesite as a feed additive for all animal species with the exception of dairy cows and other ruminants for dairy production, weaned piglets and pigs for fattening****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003 an application was submitted for the authorisation of a preparation of dolomite-magnesite. That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (3) That application concerns the authorisation of a preparation of dolomite-magnesite as a feed additive for all animal species to be classified in the additive category 'technological additives'.
- (4) The preparation of dolomite-magnesite belonging to the additive category of 'technological additives', was previously authorised for 10 years as a feed additive for dairy cows and other ruminants for dairy production, weaned piglets and pigs for fattening by Commission Implementing Regulation (EU) 2016/1964 ⁽²⁾.
- (5) The European Food Safety Authority ('the Authority') concluded in its opinions of 17 April 2018 ⁽³⁾ and 25 January 2017 ⁽⁴⁾ that, under the proposed conditions of use, the preparation of dolomite-magnesite does not have an adverse effect on animal health, human health or the environment. The Authority has also concluded that it is effective as an anti-caking agent. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (6) The assessment of the preparation of dolomite-magnesite shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised as specified in the Annex to this Regulation.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

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

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ Commission Implementing Regulation (EU) 2016/1964 of 9 November 2016 concerning the authorisations of a preparation of dolomite-magnesite for dairy cows and other ruminants for dairy production, weaned piglets and pigs for fattening and a preparation of montmorillonite-illite for all animal species as feed additives (OJ L 303, 10.11.2016, p. 7).

⁽³⁾ EFSA Journal 2018;16(5):5272.

⁽⁴⁾ EFSA Journal 2017;15(2):4711.

Article 2

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

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

Done at Brussels, 17 October 2018.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

Identification number of the additive	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					mg of additive/kg of complete feedingstuff with a moisture content of 12 %			
Technological additives: anticaking agents								
1g598	Dolomite-Magnesite	<i>Additive composition</i> Preparation of a natural mixture of: Dolomite and magnesite ≥ 40 % (having a minimum content of: carbonates 24 %). <i>Characterisation of the active substance</i> Dolomite CAS number 16389-88-1 (CaMg)(CO ₃) ₂ Magnesite CAS number 546-93-0 MgCO ₃ Talc (hydrated silicates of magnesium) CAS number 14807-96-6 Mg ₃ Si ₄ O ₁₀ (OH) ₂ Talc ≥ 35 % Chlorite (aluminium–magnesium) CAS number 1318-59-8 (Mg,Fe,Al) ₆ (Si, Al) ₄ O ₁₀ (OH) ₈ Iron (structural) 6 % (average) Chlorite ≥ 16 % Free of quartz and asbestos	All species and categories with the exception of dairy cows and other ruminants for dairy production, weaned piglets and pigs for fattening	—	5 000	20 000	1. In the labelling of the additive and premixtures containing it, the following shall be indicated: ‘The additive dolomite-magnesite is rich in (inert) iron’. 2. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks resulting from their use. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment, including breathing protection.	8 November 2028

Identification number of the additive	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					mg of additive/kg of complete feedingstuff with a moisture content of 12 %			
		<i>Analytical method</i> ⁽¹⁾ Characterisation of the feed additive: — X-ray diffraction (XRD) together with — atomic absorption spectrophotometry (AAS)						

⁽¹⁾ Details of the analytical methods are available at the following address of the Reference Laboratory: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1565

of 17 October 2018

concerning the authorisation of a preparation of endo-1,4-beta-mannanase produced by *Paenibacillus lentus* (DSM 28088) as a feed additive for chickens for fattening, chickens reared for laying and minor poultry species other than laying birds, turkeys for fattening, turkeys reared for breeding, weaned piglets, pigs for fattening and minor porcine species (holder of authorisation Elanco GmbH)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003 an application was submitted for the authorisation of a preparation of endo-1,4-beta-mannanase produced by *Paenibacillus lentus* (DSM 28088). That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (3) That application concerns the authorisation of a preparation of endo-1,4-beta-mannanase produced by *Paenibacillus lentus* (DSM 28088) as a feed additive for chickens for fattening, chickens reared for laying and minor poultry species other than laying birds; turkeys for fattening, turkeys reared for breeding, weaned piglets, pigs for fattening and minor porcine species to be classified in the additive category 'zootechnical additives'.
- (4) The European Food Safety Authority ('the Authority') concluded in its opinions of 7 December 2016 ⁽²⁾ and 17 April 2018 ⁽³⁾ that, under the proposed conditions of use, the preparation of endo-1,4-beta-mannanase produced by *Paenibacillus lentus* (DSM 28088) does not have an adverse effect on animal health, human health or the environment. The Authority also concluded that the additive is considered efficacious for chickens for fattening, turkeys for fattening and weaned piglets, pigs for fattening and minor porcine species. The Authority considered that these conclusions can be extended to chickens reared for laying and turkeys reared for breeding and that they can be extrapolated to minor poultry species for fattening or reared for breeding or reared for laying. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (5) The assessment of the preparation of endo-1,4-beta-mannanase produced by *Paenibacillus lentus* (DSM 28088) shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised as specified in the Annex to this Regulation.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

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

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ EFSA Journal 2017;15(1):4677.

⁽³⁾ EFSA Journal 2018;16(5):5270.

Article 2

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

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

Done at Brussels, 17 October 2018.

For the Commission

The President

Jean-Claude JUNKER

Identi- fication number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						Units of activity/kg of complete feedingstuff with a moisture content of 12 %			
Category of zootechnical additives. Functional group: digestibility enhancers									
4a29	Elanco GmbH	Endo-1,4- beta-manna- nase EC 3.2.1.78	<i>Additive composition</i> Preparation of endo-1,4-beta-man- nanase produced by <i>Paenibacillus</i> <i>lentus</i> (DSM 28088) having a mini- mum activity of: — 1,6 × 10 ⁸ U ⁽¹⁾ /g solid form; — 5,9 × 10 ⁸ U/g liquid form. <i>Characterisation of the active substance</i> endo-1,4-beta-mannanase produced by <i>Paenibacillus lentus</i> (DSM 28088) <i>Analytical methods</i> ⁽²⁾ For the quantification of endo-1,4- beta-mannanase in the feed additive, premixtures and feedingstuffs: colorimetric methods based on en- zymatic hydrolysis and the reaction of reducing sugars (mannose equi- valent) with 3,5-dinitrosalicylic acid (DNS)	Chickens for fattening Chickens reared for laying Minor poultry species other than laying birds	—	32 000 U	—	1. In the directions for use of the additive and premix- tures, the storage condi- tions and stability heat treatment shall be indi- cated. 2. For users of the additive and premixtures, feed busi- ness operators shall estab- lish operational procedures and organisational meas- ures to address potential risks to their use. Where those risks cannot be eliminated or reduced to a minimum by such proce- dures and measures, the ad- ditive and premixtures shall be used with personal pro- tective equipment including skin and breathing protec- tions. 3. For use in weaned piglets until approximately 35 kg.	8 November 2028
				Turkeys for fattening Turkeys reared for breeding		48 000 U			
				Weaned piglets		48 000 U			
				Pigs for fattening Minor porcine species for fattening		32 000 U			

⁽¹⁾ 1 U is the amount of enzyme which liberates 0,72 micrograms of reducing sugars (mannose equivalents) from a mannan-containing substrate (locust bean gum) per minute at pH 7,0 and 40 °C.

⁽²⁾ Details of the analytical methods are available at the following address of the Reference Laboratory for Feed Additives: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1566

of 18 October 2018

concerning the authorisation of the preparation of endo-1,3(4)-beta-glucanase and endo-1,4-beta-xylanase produced by *Aspergillus niger* (NRRL 25541) and alpha-amylase produced by *Aspergillus niger* (ATCC66222) as a feed additive for weaned piglets and minor porcine species (weaned) and amending Regulation (EC) No 1453/2004 (holder of authorisation Andrès Pentaluba S.A.)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation. Article 10 of that Regulation provides for the re-evaluation of additives authorised pursuant to Council Directive 70/524/EEC ⁽²⁾.
- (2) The preparation of endo-1,3(4)-beta-glucanase and endo-1,4-beta-xylanase produced by *Aspergillus niger* (NRRL 25541) and alpha-amylase produced by *Aspergillus niger* (ATCC66222) was authorised in accordance with Directive 70/524/EEC without a time limit as a feed additive for weaned piglets by Commission Regulation (EC) No 1453/2004 ⁽³⁾. That preparation was subsequently entered in the Register of feed additives as an existing product, in accordance with Article 10(1)(b) of Regulation (EC) No 1831/2003.
- (3) In accordance with Article 10(2) of Regulation (EC) No 1831/2003 in conjunction with Article 7 of that Regulation, an application was submitted for the re-evaluation of the preparation of endo-1,3(4)-beta-glucanase and endo-1,4-beta-xylanase produced by *Aspergillus niger* (NRRL 25541) and alpha-amylase produced by *Aspergillus niger* (ATCC66222) as a feed additive for weaned piglets and minor porcine species (weaned). The applicant requested that additive to be classified in the additive category 'zootechnical additives'. That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (4) The European Food Safety Authority ('the Authority') concluded in its opinions of 8 October 2013 ⁽⁴⁾, 16 May 2017 ⁽⁵⁾ and 17 April 2018 ⁽⁶⁾ that, under the proposed conditions of use, of the preparation of endo-1,3(4)-beta-glucanase and endo-1,4-beta-xylanase produced by *Aspergillus niger* (NRRL 25541) and alpha-amylase produced by *Aspergillus niger* (ATCC66222) does not have an adverse effect on animal health, human health or the environment. The Authority also concluded that the use of that preparation has the potential to improve the final body weight and the feed to gain ratio in weaned piglets and that conclusion can be extrapolated to minor porcine species (weaned). The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (5) The assessment of the preparation of endo-1,3(4)-beta-glucanase and endo-1,4-beta-xylanase produced by *Aspergillus niger* (NRRL 25541) and alpha-amylase produced by *Aspergillus niger* (ATCC66222) shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised as specified in the Annex to this Regulation.
- (6) As a consequence of granting the authorisation for the preparation Regulation (EC) No 1453/2004 should be amended accordingly.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.⁽²⁾ Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs (OJ L 270, 14.12.1970, p. 1).⁽³⁾ Commission Regulation (EC) No 1453/2004 of 16 August 2004 concerning the permanent authorisation of certain additives in feedingstuffs (OJ L 269, 17.8.2004, p. 3).⁽⁴⁾ EFSA Journal 2013; 11(10):3430.⁽⁵⁾ EFSA Journal 2017; 15(6):4856.⁽⁶⁾ EFSA Journal 2018; 1(5):5271.

- (7) Since there are no safety concerns requiring the immediate application of the modifications to the conditions of authorisation, it is appropriate to allow a transitional period for interested parties to prepare themselves to meet the new requirements resulting from the authorisation.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Authorisation

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

Article 2

Amendment to Regulation (EC) No 1453/2004

In Annex II to Regulation (EC) No 1453/2004 entry E 1612 on the preparation of endo-1,3(4)-beta-glucanase and endo-1,4-beta-xylanase and alpha-amylase is deleted.

Article 3

Transitional measures

The preparation specified in the Annex, and feed containing that preparation, which are produced and labelled before 8 May 2019 in accordance with the rules applicable before 8 November 2018 may continue to be placed on the market and used until the existing stocks are exhausted.

Article 4

Entry into force

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

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

Done at Brussels, 18 October 2018.

For the Commission
The President
Jean-Claude JUNCKER

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						Units of activity/kg of complete feedingstuff with a moisture content of 12 %			
Category of zootechnical additives. Functional group: digestibility enhancers									
4a1612i	Andrés Pinaluba S.A.	Endo-1,3(4)-beta-glucanase EC 3.2.1.6 Endo-1,4-beta-xylanase EC 3.2.1.8 Alpha-amylase EC 3.2.1.1	<i>Additive composition</i> Preparation of endo-1,3(4)-beta-glucanase and endo-1,4-beta-xylanase produced by <i>Aspergillus niger</i> (NRRL 25541) and alpha-amylase produced by <i>Aspergillus niger</i> (ATCC66222) having respectively a minimum activity of. — Endo-1,3(4)-beta-glucanase 900 U ⁽¹⁾ /g; — Endo-1,4-beta-xylanase 1 000 U ⁽²⁾ /g; — Alpha-amylase 3 000 U ⁽³⁾ /g Solid form <i>Characterisation of the active substance</i> endo-1,3(4)-beta-glucanase and endo-1,4-beta-xylanase produced by <i>Aspergillus niger</i> (NRRL 25541) and alpha-amylase produced by <i>Aspergillus niger</i> (ATCC66222) <i>Analytical methods</i> ⁽⁴⁾ Determination in the feed additive of: — endo-1,3(4)-beta glucanase: colorimetric method based on the enzymatic reaction of glucanase on barley beta-glucan substrate in the presence of 3,5-dinitrosalicylic acid (DNS) at pH 4,0 and 30 °C; — endo-1,4-β-xylanase in the feed additive: colorimetric method based on the enzymatic reaction of xylanase on rye arabinoxylan substrate in the presence of DNS at pH 4,0 and 30 °C;	Weaned piglets Minor porcine species (weaned)		endo-1,3(4)-beta-glucanase 450 U beta-xylanase 500 U alpha-amylase 1 500 U		1. In the directions for use of the additive and premixtures, the storage conditions and stability to heat treatment shall be indicated. 2. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks resulting from their use. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment including skin, eyes and breathing protections. 3. For use in weaned piglets until approximately 35 kg.	8 November 2028

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						Units of activity/kg of complete feedingstuff with a moisture content of 12 %			
			— alpha-amylase: colorimetric method based on the enzymatic reaction of amylase on wheat starch substrate in the presence of DNS at pH 5,0 and 30 °C. Determination of the active substances in premixtures and feedingstuffs: — Colorimetric method measuring depolymerised soluble fragments released by action of glucanase on azo-barley-glucan; — Colorimetric method measuring depolymerised soluble fragments released by action of endo-1,4-β-xylanase on azo-xylan; — Colorimetric method measuring depolymerised soluble fragments released by action of amylase on p-nitrophenyl-maltoheptaoside.						

(¹) 1 U is the amount of enzyme which liberates 1 micromole of reducing sugars (glucose equivalents) from barley beta-glucan per minute at pH 4,0 and 30 °C.

(²) 1 U is the amount of enzyme which liberates 1 micromole of reducing sugars (glucose equivalents) from rye arabinoxylan per minute at pH 4,0 and 30 °C.

(³) 1 U is the amount of enzyme which liberates 1 micromole of reducing sugars (glucose equivalents) from wheat starch per minute at pH 5,0 and 30 °C.

(⁴) Details of the analytical methods are available at the following address of the Reference Laboratory for Feed Additives: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1567**of 18 October 2018**

correcting Implementing Regulation (EU) 2018/249 concerning the authorisation of taurine, beta-alanine, L-alanine, L-arginine, L-aspartic acid, L-histidine, D,L-isoleucine, L-leucine, L-phenylalanine, L-proline, D,L-serine, L-tyrosine, L-methionine, L-valine, L-cysteine, glycine, monosodium glutamate and L-glutamic acid as feed additives for all animal species and L-cysteine hydrochloride monohydrate for all species except cats and dogs

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2018/249 ⁽²⁾ authorises certain feed additives as flavourings, including glycine, L-cysteine and L-cysteine hydrochloride monohydrate.
- (2) An error appears in the Annex to Implementing Regulation (EU) 2018/249 in the entry for glycine where, in the column 'Other provisions', it is stated that the label of this additive is to indicate that recommended maximum content of the active substance of complete feedingstuff, with a moisture content of 12 % for other categories and species, is 25 g/kg. In accordance with the opinion of the European Food Safety Authority ⁽³⁾ issued for the authorisation of this feed additive, the correct amount is 25 mg/kg.
- (3) Errors appear in the Annex to Implementing Regulation (EU) 2018/249, in the entries for L-cysteine and L-cysteine hydrochloride monohydrate regarding the manufacturing process of the active substance. In particular, while it is indicated in the column 'Composition, chemical formula, description analytical method' that the active substance is produced by chemical synthesis or protein hydrolysis. In this part, it is omitted to indicate that the protein hydrolysis is made with animal or vegetal proteins, so the use of human hair that could be used as a source for hydrolysis to produce this specific additive is not allowed.
- (4) The erroneous provisions have given rise to confusion for the feed business operators as regards the actual provisions for placing on the market of the additives concerned. That situation has created legal uncertainty as to the applicable regulatory framework. Those errors have therefore resulted in some market disturbance linked to the questioned authorisation to place on the market and use of glycine, L-cysteine and L-cysteine hydrochloride monohydrate. The corrections to Implementing Regulation (EU) 2018/249 should therefore apply retroactively on the day of entry into force of that Implementing Regulation, in order to restore legal certainty in relation to the regulatory status of the additives subject to the errors, to avoid any detrimental consequences for the operators concerned and consequently, to bring stability back to the market.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Implementing Regulation (EU) 2018/249 is corrected in accordance with Annex to this Regulation.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ Commission Implementing Regulation (EU) 2018/249 of 15 February 2018 concerning the authorisation of taurine, beta-alanine, L-alanine, L-arginine, L-aspartic acid, L-histidine, D,L-isoleucine, L-leucine, L-phenylalanine, L-proline, D,L-serine, L-tyrosine, L-methionine, L-valine, L-cysteine, glycine, monosodium glutamate and L-glutamic acid as feed additives for all animal species and L-cysteine hydrochloride monohydrate for all species except cats and dogs (OJ L 53, 23.2.2018, p. 134).

⁽³⁾ EFSA Journal 2014; 12(5):3670

*Article 2***Entry into force**

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

It shall apply from 15 March 2018.

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

Done at Brussels, 18 October 2018.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

Annex to Implementing Regulation (EU) 2018/249 is corrected as follows:

(1) in the entry concerning substance 2b17034 glycine, the column 'Other provisions' is corrected as follows:

(a) point 3 is replaced by the following:

'3. On the label of the additive the following shall be indicated: "Recommended maximum content of the active substance of complete feeding stuff with a moisture content of 12 %:

— 20 g/kg for cats and dogs;

— 25 mg/kg for other species and categories.'";

(b) point 5 is replaced by the following:

'5. The functional group, the identification number, the name and the added amount of the active substance shall be indicated in the labelling of feed materials and compound feedingstuffs where the content of the active substance in the complete feeding stuff with a moisture content of 12 % exceeds:

— 20 g/kg for cats and dogs;

— 25 mg/kg for other species and categories.';

(2) in the entry concerning substance 2b17033 L-cysteine, in the column 'Composition, chemical formula, description, analytical method', the text 'Produced by chemical synthesis or protein hydrolysis' is replaced by the text 'Produced by chemical synthesis or hydrolysis of animal or vegetal protein';

(3) in the entry concerning substance 2b920 L-cysteine hydrochloride monohydrate, in the column 'Composition, chemical formula, description, analytical method', the text 'Produced by chemical synthesis or protein hydrolysis' is replaced by the text 'Produced by chemical synthesis or hydrolysis of animal or vegetal proteins'.

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1568**of 18 October 2018****concerning the authorisation of a preparation of fumonisin esterase produced by *Komagataella phaffii* (DSM 32159) as a feed additive for all pigs and all poultry species****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for the authorisation of a preparation of fumonisin esterase produced by *Komagataella phaffii* (DSM 32159). That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (3) The application concerns the authorisation of a preparation of fumonisin esterase produced by *Komagataella phaffii* (DSM 32159) as a feed additive for pigs and poultry, to be classified in the additive category 'technological additives'.
- (4) The European Food Safety Authority ('the Authority') in its opinion of 17 April 2018 ⁽²⁾ concluded that, under the proposed conditions of use, the preparation of fumonisin esterase produced by *Komagataella phaffii* (DSM 32159) does not have adverse effect on animal health, human health or the environment. It also concluded that it has the capability to degrade fumonisins in feed. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (5) The assessment of the preparation of fumonisin esterase produced by *Komagataella phaffii* (DSM 32159) shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised as specified in the Annex to this Regulation.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

The preparation specified in the Annex, belonging to the additive category 'technological additives' and to the functional group 'substances for the reduction of the contamination of feed by mycotoxins', is authorised as an additive in animal nutrition subject to the conditions laid down in the Annex.

Article 2

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

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ EFSA Journal 2018; 16(5):5269.

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

Done at Brussels, 18 October 2018.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						Units of activity/kg of complete feedingstuff with a moisture content of 12 %			

Technological additives: substances for reduction of the contamination of feed by mycotoxins: fumonisins

1m03i	—	Fumonisin esterase EC 3.1.1.87	<i>Additive composition</i> Preparation of fumonisin esterase produced by <i>Komagataella phaffii</i> (DSM 32159) containing a minimum of 3 000 U/g ⁽¹⁾. <i>Characterisation of the active substance</i> Preparation of fumonisin esterase produced by <i>Komagataella phaffii</i> (DSM 32159) <i>Analytical method ⁽²⁾</i> For the determination of fumonisin esterase activity: High Performance Liquid Chromatography coupled with a tandem mass spectrometry. (HPLC-MS/MS) method based on the quantification of the tricarballic acid released from the action of the enzyme on fumonisin B1 at pH 8,0 and 30 °C.	All pigs All poultry species	—	10		1. In the directions for use of the additive and premixtures, the storage conditions and stability to pelleting shall be indicated. 2. Recommended maximum dose: 300 U/kg of complete feedingstuff. 3. The use of the additive is allowed in feedingstuffs complying with the European Union legislation on undesirable substances in animal feed. ⁽³⁾ 4. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks concerning their use. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment, including breathing protection.	8 November 2028
-------	---	-----------------------------------	---	---------------------------------	---	----	--	---	-----------------

⁽¹⁾ 1 U is the enzymatic activity that releases 1 µmol tricarballic acid per minute from 100 µM fumonisin B1 in 20 mM Tris-Cl buffer pH 8,0 with 0,1 mg/ml bovine serum albumin at 30 °C.

⁽²⁾ Details of the analytical methods are available at the following address of the European Union Reference Laboratory for Feed Additives: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

⁽³⁾ Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed (OJ L 140, 30.5.2002, p. 10).

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1569**of 18 October 2018****amending Implementing Regulation (EU) No 1110/2011 concerning the authorisation of an enzyme preparation of endo-1,4-beta-xylanase produced by *Trichoderma reesei* (CBS 114044) as a feed additive for laying hens, minor poultry species and pigs for fattening (holder of authorisation Roal Oy)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) The use of the preparation of endo-1,4-beta-xylanase produced by *Trichoderma reesei* (CBS 114044) was authorised as a feed additive for laying hens, minor poultry species and pigs for fattening by Commission Implementing Regulation (EC) No 1110/2011 ⁽²⁾.
- (3) In accordance with Article 13(3) of Regulation (EC) No 1831/2003, the holder of the authorisation has proposed to modify the minimum content of the additive for laying hens and pigs for fattening. The application was accompanied by the relevant supporting data. The Commission forwarded that application to the European Food Safety Authority (hereinafter 'the Authority').
- (4) The Authority concluded in its opinions of 6 March 2018 ⁽³⁾ that, the reduction of minimum content from 24 000 BXU to 12 000 BXU for laying hens and from 24 000 BXU to 20 000 BXU for pigs for fattening does not have an adverse effect on animal health, human health or the environment and the new proposed doses are efficacious for the target species.
- (5) The assessment of the new proposed doses shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied.
- (6) Implementing Regulation (EU) No 1110/2011 should therefore be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Implementing Regulation (EU) No 1110/2011 is replaced by the text set out in the Annex to this Regulation.

Article 2

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

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ Commission Implementing Regulation (EU) No 1110/2011 of 3 November 2011 concerning the authorisation of an enzyme preparation of endo-1,4-beta-xylanase produced by *Trichoderma reesei* (CBS 114044) as a feed additive for laying hens, minor poultry species and pigs for fattening (holder of authorisation Roal Oy) (OJ L 287, 4.11.2011, p. 27).

⁽³⁾ EFSA Journal 2018; 16(3):5216 and EFSA Journal 2018; 16(3):5217.

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

Done at Brussels, 18 October 2018.

For the Commission

The President

Jean-Claude JUNKER

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						Units of activity/kg of complete feedingstuff with a moisture content of 12 %			

Category of zootechnical additives. Functional group: digestibility enhancers.

4a8	Roal Oy	Endo-1,4-beta-xylanase EC 3.2.1.8	<i>Additive composition</i> Preparation of endo-1,4-beta-xylanase produced by <i>Trichoderma reesei</i> (CBS 114044) having a minimum activity of: solid form: 4×10^6 BXU ⁽¹⁾/g liquid form: 4×10^5 BXU/g <i>Characterisation of the active substance</i> endo-1,4-beta-xylanase produced by <i>Trichoderma reesei</i> (CBS 114044) <i>Analytical method</i> ⁽²⁾ In the additive and the premixture: reducing sugar assay for endo-1,4-beta-xylanase by colorimetric reaction of dinitrosalicylic acid reagent on reducing sugar yield at pH 5,3 and 50 °C In the feedingstuffs: colorimetric method measuring water soluble dye released by the enzyme from azurine crosslinked wheat arabinoxylan substrate	Minor poultry species other than laying birds	—	8 000 BXU	—	1. In the directions for use of the additive and premixtures, the storage conditions and stability to heat treatment shall be indicated. 2. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks to their use. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment.	24 November 2021
				Laying hens		12 000 BXU			
				Laying birds of minor poultry species		24 000 BXU			
				Pigs for fattening		20 000 BXU			

⁽¹⁾ 1 BXU is the amount of enzyme which liberates 1 nmol reducing sugars as xylose from birch xylan per second at pH 5,3 and 50 °C.

⁽²⁾ Details of the analytical methods are available at the following address of the Reference Laboratory: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1570**of 18 October 2018****terminating the proceedings concerning imports of biodiesel originating in Argentina and Indonesia and repealing Implementing Regulation (EU) No 1194/2013**

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 14(1) thereof,

Having regard to Regulation (EU) 2015/476 of the European Parliament and of the Council of 11 March 2015 on the measures that the Union may take following a report adopted by the WTO Dispute Settlement Body concerning anti-dumping and anti-subsidy matters ⁽²⁾ ('the WTO enabling Regulation') and in particular Articles 1 and 2 thereof,

Whereas:

1. PROCEDURE

- (1) On 28 May 2013, the Commission imposed by Regulation (EU) No 490/2013 a provisional anti-dumping duty on imports of biodiesel originating in Argentina and Indonesia ('the provisional Regulation') ⁽³⁾.
- (2) On 19 November 2013, the Council imposed by Implementing Regulation (EU) No 1194/2013 a definitive anti-dumping duty on imports of biodiesel originating in Argentina and Indonesia ('the definitive Regulation') ⁽⁴⁾.
- (3) On 15 September 2016, the General Court of the European Union ('the General Court') delivered judgments in cases T-80/14, T-111/14 to T-121/14 ⁽⁵⁾ and T-139/14 ⁽⁶⁾ ('the judgments') annulling Articles 1 and 2 of the definitive Regulation to the extent that they apply to the applicants in those cases ('the exporting producers concerned') ⁽⁷⁾.
- (4) The Council of the European Union had initially appealed the judgments. However, following the Council's decision to withdraw its appeals, the cases were removed from the European Court of Justice's Register on 2 and 5 March 2018 ⁽⁸⁾. Consequently, the judgments became definitive and binding as from the date of their delivery.
- (5) The General Court held that the institutions failed to establish to the requisite legal standard that there was appreciable distortion of the prices of the main raw materials used for the production of biodiesel in Argentina and Indonesia as a result of a Differential Export Tax system that applied different tax rates on raw materials and on biodiesel. It ruled that the institutions should not have taken the view that the price of the raw materials was not reasonably reflected in the records of the Argentinian and Indonesian exporting producers and should not have disregarded those records when constructing a normal value for biodiesel produced in Argentina and Indonesia.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ OJ L 83, 27.3.2015, p. 6.

⁽³⁾ OJ L 141, 28.5.2013, p. 6.

⁽⁴⁾ Council Implementing Regulation (EU) No 1194/2013 of 19 November 2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty on imports of biodiesel originating in Argentina and Indonesia (OJ L 315, 26.11.2013, p. 2).

⁽⁵⁾ Judgments of 15 September 2016 in Case T-80/14, PT Musim Mas v Council, Case T-111/14 Unitec Bio SA v Council of the European Union, Cases T-112/14 to T-116/14 and T-119/14, Molinos Río de la Plata SA and Others v Council of the European Union, Case T-117/14, Cargill SACI v Council of the European Union, Case T-118/14, LDC Argentina SA v Council of the European Union, Case T-120/14, PT Ciliandra Perkasa v Council of the European Union, Case T-121/14, PT Pelita Agung Agrindustri v Council of the European Union (OJ C 402, 31.10.2016, p. 28).

⁽⁶⁾ Case T-139/14, PT Wilmar Bioenergi Indonesia and PT Wilmar Nabati Indonesia v Council of the European Union (OJ C 392, 24.10.2016, p. 26).

⁽⁷⁾ Argentinian exporting producers Unitec Bio SA, Molinos Río de la Plata SA, Oleaginosa Moreno Hermanos SACIFI y A, Vicentin SAIC, Aceitera General Deheza SA, Bunge Argentina SA, Cargill SACI, Louis Dreyfus Commodities S.A. (LDC Argentina SA), and Indonesian exporting producers PT Pelita Agung Agrindustri, PT Ciliandra Perkasa, PT Wilmar Bioenergi Indonesia, PT Wilmar Nabati Indonesia, PT Perindustrian dan Perdagangan Musim Semi Mas (PT Musim Mas).

⁽⁸⁾ Orders of the President of the Court of 15 February 2018 in Joined Cases C-602/16 P and C-607/16 P to C-609/16 P, and of 16 February 2018 in cases C-603/16 P to C-606/16 P.

- (6) On 26 October 2016 the WTO Dispute Settlement Body (DSB) adopted the panel report, as modified by the Appellate Body report ('the Argentina Reports') ⁽¹⁾, in the European Union — Anti-Dumping Measures on Biodiesel from Argentina dispute (DS473).
- (7) On 28 February 2018, the DSB also adopted the panel report in the European Union — Anti-Dumping Measures on Biodiesel from Indonesia dispute (DS480) ('the Indonesia Report') ⁽²⁾. Both Indonesia and the EU did not appeal that report.
- (8) In the Argentina and Indonesia Reports ('the Reports'), it was found, inter alia, that the EU acted inconsistently with:
- Article 2.2.1.1 of the WTO Anti-Dumping Agreement ('ADA') by failing to calculate the cost of production of the product under investigation on the basis of the records kept by the producers;
 - Article 2.2 of the ADA and Article VI:1(b)(ii) of the GATT 1994 by not using the cost of production in Argentina and Indonesia when constructing the normal value of biodiesel;
 - Article 9.3 of the ADA and Article VI:2 of the GATT 1994 by imposing anti-dumping duties in excess of the margin of dumping that should have been established under Article 2 of the ADA and Article VI:1 of the GATT 1994, respectively.
- (9) In the Indonesia Report the panel found, in addition, that the EU had acted inconsistently with:
- Articles 2.2.2(iii) and 2.2 of the ADA by failing to determine the profit normally realized by other exporters or producers on sales of products of the same general category in the domestic market of the country of origin;
 - Article 2.3 of the ADA by failing to construct the export price of one Indonesian exporting producer, P.T. Musim Mas, on the basis of the price at which the imported biodiesel produced by P.T. Musim Mas was first resold to independent buyers in the EU;
 - Articles 3.1 and 3.2 of the ADA, by failing to establish the existence of significant price undercutting with regard to Indonesian imports.
- (10) The Panel recommended that the DSB request the EU to bring its measures into conformity with the ADA and the GATT 1994.
- (11) Following the Argentina Reports, the Commission had initiated a review ⁽³⁾ under Article 1(3) of Regulation (EU) 2015/476 of the European Parliament and of the Council ⁽⁴⁾ ('the review'). At the initiation of the review, the Commission announced that it considered it appropriate to examine the consequences of the findings of the Argentina Reports also for the measures imposed on biodiesel from Indonesia, as the legal interpretations contained in the Argentina Reports appeared to be also relevant for the investigation concerning Indonesia.
- (12) However, during the review, the Commission received a number of comments from interested parties concerning, in particular, the applicability of the interpretation of the Argentina Reports to the measures on biodiesel from Indonesia. The Commission considered that the analysis of the comments with regard to Indonesia required more time and decided not to include an examination of Indonesia in the amending Regulation, but instead to keep the review open as far as it concerned Indonesia.
- (13) On 18 September 2017, the Commission adopted Implementing Regulation (EU) 2017/1578 amending the definitive Regulation ('the amending Regulation') in so far as Argentinian exporting producers were concerned ⁽⁵⁾.

⁽¹⁾ WTO, Report of the Appellate Body, AB-2016-4, WT/DS473/AB/R, 6 October 2016, and WTO, Report of the Panel, WT/DS473/R, 29 March 2016.

⁽²⁾ WTO, Report of the Panel, WT/DS480/R, 25 January 2018.

⁽³⁾ Notice of initiation regarding the anti-dumping measures in force on imports of biodiesel originating in Argentina and Indonesia, following the recommendations and rulings adopted by the Dispute Settlement Body of the World Trade Organization in the EU — Anti-Dumping Measures on Biodiesel dispute (DS473) (OJ C 476, 20.12.2016, p. 3).

⁽⁴⁾ Regulation (EU) 2015/476 of the European Parliament and of the Council of 11 March 2015 on the measures that the Union may take following a report adopted by the WTO Dispute Settlement Body concerning anti-dumping and anti-subsidy matters (OJ L 83, 27.3.2015, p. 6).

⁽⁵⁾ Implementing Regulation (EU) 2017/1578 amending Implementing Regulation (EU) No 1194/2013 of 18 September 2017 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of biodiesel originating in Argentina and Indonesia (OJ L 239, 19.9.2017, p. 9).

- (14) The annulment by the General Court of the operative parts of the definitive Regulation with regard to the exporting producers concerned also affects the validity of the amending Regulation. As the amending Regulation amended the Regulation of which the operative parts have been annulled, it has itself also become void and not applicable in respect of the exporting producers concerned.
- (15) On 28 May 2018 a Notice ⁽¹⁾ was published re-opening the original investigation concerning imports of biodiesel originating in Argentina and Indonesia that led to the adoption of the definitive Regulation ('the Notice'). At the same time the pending review with regard to Indonesia was closed.
- (16) According to the case-law of the Court, the procedure for replacing an annulled act may be resumed at the very point at which the illegality occurred. The Union's institutions, in so complying with the judgments, have the possibility to remedy the aspects of the definitive Regulation which led to its annulment in respect of the exporting producers concerned ⁽²⁾.
- (17) The Commission should observe not only the operative part of the judgments but also the grounds which led to those judgments and constituted its essential basis, inasmuch as they were necessary to determine the exact meaning of what was stated in the operative part. Other findings reached in the definitive Regulation which were not contested within the time-limits for a challenge or which were contested but rejected by the General Court's judgments, and therefore did not lead to the annulment of the definitive Regulation, remain valid ⁽³⁾.
- (18) In order to comply with its obligations, the Commission decided to resume the present anti-dumping proceeding at the very point at which the illegality occurred and thus to re-examine the methodology used for constructing a normal value.
- (19) The Notice included in its scope the reasoning of the General Court's judgments for the exporting producers concerned and the possibility to extend the findings to all exporting producers from Argentina and Indonesia. Furthermore, it took into account the findings of the WTO panels and Appellate Body, both in respect of Argentina and Indonesia, in order to bring the measures found WTO inconsistent into full compliance with the WTO Agreements, in accordance with Article 19.1 of the Dispute Settlement Understanding.
- (20) In the Notice the Commission invited the exporting producers concerned and the Union industry to make their views known in writing and to request a hearing within the time limit set out in the Notice.
- (21) All parties who so requested within that time limit, and who demonstrated that there were particular reasons why they should be heard, were granted the opportunity to be heard.
- (22) Representations were received from the European Biodiesel Board (EBB), five exporting producers in Indonesia and the authorities of Indonesia.

2. IMPLEMENTATION OF THE JUDGMENTS OF THE GENERAL COURT AND OF THE FINDINGS OF THE WTO

- (23) The Commission has the possibility to remedy the aspects of the definitive Regulation which led to its annulment, while leaving unchanged the parts of the assessment which are not affected by the judgments ⁽⁴⁾.
- (24) As indicated in the Notice, in addition the Commission reassessed the definitive findings of the original investigation by taking into account the findings of the WTO panels and Appellate Body both in respect of Argentina and Indonesia. The Commission decided to extend the findings to all exporting producers from Argentina and Indonesia. That reassessment was based on information collected in the original investigation and the review, as well as on information received by interested parties after the publication of the Notice.
- (25) One Indonesian exporting producer, Wilmar, has claimed, before and after disclosure, that there is no legal basis to reopen the investigation with regard to Wilmar as the General Court had annulled the definitive Regulation in

⁽¹⁾ Notice concerning the judgments of the General Court of 15 September 2016 in Cases T-80/14, T-111/14 to T-121/14 and T-139/14 regarding Council Implementing Regulation (EU) No 1194/2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on Argentinian and Indonesian imports of biodiesel, and following the recommendations and rulings adopted by the Dispute Settlement Body of the World Trade Organisation in disputes DS473 and DS480 (EU — Anti-Dumping Measures on Biodiesel disputes) (OJ C 181, 28.5.2018, p. 5).

⁽²⁾ Case C-458/98 P *Industrie des poudres sphériques (IPS) v Council* [2000] ECR I-08147.

⁽³⁾ Case C-256/16, *Deichmann SE*, ECLI:EU:C:2018:187, para. 87.

⁽⁴⁾ Case C-458/98 P *Industrie des poudres sphériques (IPS) v Council* [2000] ECR I-08147.

its entirety for that company. However, Article 266 TFEU provides that an institution whose act has been declared void must take the necessary measures to comply with the Court's judgment. In addition, the EU must bring the anti-dumping measures imposed on imports of biodiesel from Indonesia into conformity with the recommendations and rulings contained in the WTO Reports. In order to examine what measures should be taken to comply with the Court and WTO rulings, it was necessary to re-open the investigation at the time when the illegality was found for both countries and for all exporting producers concerned. Whether a measure is annulled in whole or in part is irrelevant for the purposes of determining whether the Commission must in consequence reinvestigate all the aspects of the investigation which preceded the annulled measure. The Commission therefore rejected this claim.

- (26) The original investigation of dumping and injury covered the period from 1 July 2011 to 30 June 2012 ('investigation period'). With respect to the parameters relevant in the context of the injury assessment, data covering the period from 1 January 2009 to the end of the investigation period were analysed ('period considered').

3. PRODUCT CONCERNED

- (27) The product concerned is fatty-acid mono-alkyl esters and/or paraffinic gasoils obtained from synthesis and/or hydro-treatment, of non-fossil origin, in pure form or as included in a blend originating in Argentina and Indonesia, currently falling within CN codes ex 1516 20 98, ex 1518 00 91, ex 1518 00 95, ex 1518 00 99, ex 2710 19 43, ex 2710 19 46, ex 2710 19 47, 2710 20 11, 2710 20 15, 2710 20 17, ex 3824 99 92, 3826 00 10 and ex 3826 00 90 ('the product concerned', commonly referred to as 'biodiesel').
- (28) Neither the Court's judgments nor the Reports affect the findings set out in recitals 16 to 27 of the definitive Regulation concerning the product concerned and the like product.

4. DETERMINATION OF THE NORMAL VALUE AND CALCULATION OF THE DUMPING MARGINS

- (29) The Commission reassessed the findings of the original investigation on the issues of cost adjustment, profit cap and double counting.

4.1. Cost adjustment

- (30) The General Court judgments and the WTO findings mentioned in recital 8 all relate to the cost-adjustment done by the EU institutions in the definitive Regulation.
- (31) As mentioned in recital 28 of the definitive Regulation, the Commission had determined that the normal value had to be constructed as the domestic sales were considered not to be in the ordinary course of trade. This finding has not been contested and remains valid. No interested party contested this finding in the course of this review either.
- (32) In recitals 29 to 34 of the definitive Regulation, the Commission established that the difference in the export taxes imposed by Indonesia on the main raw material input (crude palm oil in Indonesia and soybean oil and soya beans in Argentina) and those imposed on the finished product (biodiesel) depressed domestic prices in Indonesia and Argentina, and hence this should be taken into account in the construction of the normal value.
- (33) As a result, when constructing the normal value, the Commission replaced the costs of the main raw material reported in the records of the exporting producers with reference prices published by the relevant authorities of the countries concerned.
- (34) The Commission further based its conclusions in the original investigation on the interpretation that Article 2.2.1.1 of the ADA allows the investigating authority to decline to use the records of the exporting producers if it determines that they are either (i) inconsistent with GAAP or (ii) do not reasonably reflect the costs associated with the production and sale of the product under consideration (recitals 42 and 72 of the definitive Regulation).
- (35) The Panel and Appellate Body, in the Reports for both Argentina and Indonesia, are of the opinion that the Commission did not provide a legally sufficient basis under Article 2.2.1.1 for concluding that the Indonesian and Argentinian producers' records did not reasonably reflect the costs associated with the production and sale of biodiesel, or for disregarding the relevant costs in those records when constructing the normal value of biodiesel.

- (36) Following the Argentina Reports, the Commission had recalculated the normal value for exporting producers in Argentina using the methodology explained in recitals 40 to 49 for Argentina of the provisional Regulation ⁽¹⁾. As explained above in recital 11 and 12, the Commission had initially also recalculated the normal value for exporting producers in Indonesia, using the methodology explained in recitals 60 to 65 for Indonesia of the provisional Regulation ⁽¹⁾. The Commission now re-applied this methodology for both countries.
- (37) In its submissions made after the re-opening of this case, EBB claimed that the Reports do not preclude recourse to a cost adjustment to the raw material costs when constructing the normal value, provided it is properly explained. The same claim was made during the Review following the Argentina Reports, and rejected by the Commission as accepting it would not be in line with the findings of the Reports, as explained in recitals 43 to 53 of the amending Regulation. As that explanation remains valid after the Indonesia Report, the Commission continued to reject this claim.
- (38) For reasons explained in recitals 44 and 64 of the provisional Regulation, the domestic sales in either country were not considered as being made in the ordinary course of trade and the normal value of the like product had to be constructed under Article 2(3) and (6) of the basic Regulation. This was done by adding to the adjusted production costs during the investigation period, the selling, general and administrative expenses incurred ('SG&A') and a reasonable profit margin.
- (39) As explained in recitals 46 and 65 of the provisional Regulation, the Commission considered that the amount for profit could not be based on the actual data of the sampled companies in Indonesia. Therefore, the amount for profit used when constructing the normal value was determined under Article 2(6)(c) of the basic Regulation on the basis of the reasonable amount of profit that a young and innovative capital intensive industry of this type under normal conditions of competition in a free and open market could achieve, that is 15 % based on turnover.
- (40) In the Argentina and Indonesia WTO cases, the determination of an amount of profit of 15 % was challenged by both countries who claimed that the amount for profit was not based on a 'reasonable method' as required by Article 2.2.2(iii) ADA. The WTO adjudicating bodies found in both cases that the EU had not acted inconsistently with the ADA in this respect. Therefore, the amount for profit used for the construction of the normal value remains 15 %.
- (41) One exporting producer from Indonesia, PT Cermerlang Energi Perkasa, claimed in its submission that the Commission should base its calculation on the data of the sampled producers, or in any case not automatically resort to Article 2(6)(c) of the basic Regulation. Following disclosure, it repeated the claim. However, as explained in recital 40, the WTO adjudicating bodies found that recourse by the Commission to and the application of this Article was not inconsistent with WTO rules. The Commission therefore rejected this claim.

4.2. Profit cap

- (42) Although the WTO panel had upheld the EU's determination of the amount of profit under Article 2.2.2(iii) ADA, it did find in the Indonesia Report that, when an authority determines the profit on the basis of any other reasonable method under Article 2(6)(c) of the basic Regulation, the ADA requires it to ensure that that profit will not exceed the profit normally realised by other exporters of the same general category of products in the country. In the panel's view, the EU had failed to establish such a profit cap.
- (43) In order to establish the profit cap required under Article 2.2.2(iii) ADA, it needed to be determined which companies produce products that would qualify as falling within 'the same general category' as biodiesel.
- (44) In the Indonesia Report, the Panel noted in par. 7.62 that 'Article 2.2.2(iii) ADA does not specify a particular requirement on an investigating authority as to how to define what products fall within the same general category of products, for purposes of determining 'the profit normally realized'. We agree with the European Union that there is no obligation to construe the scope of products in the same general category broadly'. In par. 7.63 it added 'in our view, a reasonable and objective authority may conclude that the same general category of products is a narrower category'.

⁽¹⁾ OJ L 141, 28.5.2013, p. 6.

- (45) Based on the findings of the Indonesia report, the Commission re-examined the data available to it that can be used to determine a profit cap, both for Argentina and Indonesia. It considered that there are two sets of data available to it that would fall in the same general category of products.
- (46) The first set of data was supplied by the sampled companies during the original investigation. Article 2.2.2 ADA provides that the amount for profit for 'the exporter or producer under investigation' is capped under Article 2.2.2(iii) by the amount of profit normally realized by 'other exporters or producers on sales of products of the same general category'. The narrowest interpretation of the same general category of products under this article would be limited to the exact same product, i.e. biodiesel. The data needed to calculate the profit cap based on the profits realised by producers of biodiesel in Indonesia and Argentina are readily available to the Commission, as they were supplied to the Commission by the sampled companies during the original investigation.
- (47) The fact that the profits actually realized by the sampled companies were not used to establish a profit margin for each of these producers under Article 2(6) of the basic Regulation does not preclude the Commission from using this data to establish the profit cap under Article 2(6)(c). This follows from the wording of the Panel in the Indonesia Report in par. 7.65 where the Panel does not agree with the argument that 'profit normally realized' in Article 2.2.2(iii) ADA means that an investigator may disregard the profit realized on sales that are considered not compatible with normal commercial practice. One Indonesian exporting producer, PT Cermerlang Energi Perkasa, also claimed in its submission that based on the Indonesia Report, when calculating the profit cap, the Commission is not allowed to ignore the profit relating to the domestic sales of biodiesel in Indonesia on the basis that the latter are not considered as being made in the ordinary course of trade.
- (48) Following this narrow interpretation of the category of products, biodiesel, the Commission calculated the profit cap for an individual producer using the amount of profit realized by the other producers under investigation. For example, in order to calculate the amount of profit for the Indonesian producer Wilmar, the weighted average of profits realised by the other investigated and verified Indonesian producers P.T. Ciliandra, P.T. Musim Mas and P.T. Pelita was used. Conversely, for P.T. Ciliandra, the weighted average of profits realised by Wilmar, P.T. Musim Mas and P.T. Pelita was used. The same methodology was used to calculate a profit cap for the investigated and verified Argentinian producers.
- (49) The second set of data includes the data of producers other than those under investigation that was provided to the Commission during the original investigation. One of the Indonesian producers under investigation at that time came forward with data from a related company on sales of blends of biodiesel and mineral diesel, as well as sales of diesel fuel and marine fuel oil ('other fuels'). The profit margin related to these sales was reported to be 10,2 %. If used as a profit cap, this profit margin would have likely led to no or *de minimis* dumping margins for all companies in Indonesia. However, this unverified data was provided for only one producer in Indonesia, while similar data was not made available to the Commission from other producers in either Indonesia or Argentina. As the data available can therefore not be applied in a consistent manner to both countries, the Commission considered it inappropriate to use the data from only one producer in one country to establish a profit cap. In addition, within the time available to the Commission following the re-opening of the investigation it was not feasible to verify the accuracy of the data provided and the underlying calculations. In any event, since as found in recital 62 the amount of dumping for the country as a whole is found to be *de minimis* and, accordingly, the investigation is terminated for all companies, the Commission did not deem it necessary to use the unverified reported profit data on sales of blends of biodiesel with mineral diesel for the purpose of establishing a profit cap. The Commission instead considered it more appropriate to rely on the data that was provided and verified during the original investigation.
- (50) Two exporting producers in Indonesia, Wilmar and PT Pelita Agung Agrindustri, as well as the authorities of Indonesia claimed that the discretion of the Commission in choosing the data in order to determine a profit cap is limited by the findings of the Panel in the Indonesia Report. Following disclosure, Wilmar reiterated that point. According to these interested parties, the Commission must use either the profit amounts on sales of blends of biodiesel with mineral diesel or the profits obtained on sales of diesel fuels and marine fuel oil. However, nothing in the Indonesia Report prevents the Commission from using other available relevant data. The Panel states in par. 7.70 that the 'EU authorities could have considered these sales for the determination of the profit cap' and in par. 7.72 that 'the EU authorities should have considered sales of diesel fuels and marine fuel oil by [***] to determine the profit cap.' The use of the words 'could' and 'should' by the Panel in the Indonesia Report indicates that the Panel believes the Commission had to consider whether these data could be used to establish a profit cap

or not, rather than disregarding that information based on an incorrect interpretation of the phrase 'profits normally realized'. The consideration of these sales has now been done in recital 49, and the use of these particular sales was neither considered appropriate, nor necessary.

- (51) In its submissions, EBB provided an alternative set of data which the Commission could use to calculate a profit cap. These data concerned three companies that did not produce or sell the product concerned in one of the countries under investigation during the investigation period. Based on publicly available information and information provided by two of the exporting producers in Indonesia, it became clear that all three companies are not based in Indonesia but instead in Malaysia and Singapore. The data provided by EBB was aggregated data taken from annual reports and/or results announcement of the relevant companies and represents profit margins for possibly a wide range of products and related companies.
- (52) The Commission did not agree that these data are appropriate to determine a profit cap. The main products of these companies are palm oil and products such as fatty acids, glycerine, fertilizers, sugar and molasses, stearin, cocoa butter or oleo chemicals. Some companies also provide unrelated services such as the operation of residential properties, treasury management or railroad maintenance. The products of these companies cannot be considered to fall within the same general category of products as the product concerned, biodiesel. This is especially the case for the product palm oil, as this is the raw material used as main input for the production of biodiesel. The Commission considers that including this product in the same general category as biodiesel would entail a too broad interpretation of that category. The Commission therefore rejected the use of the proposed data.
- (53) In a recently concluded anti-dumping investigation on imports of biodiesel from Indonesia into the United States, the United States authorities had calculated a profit margin of 6,15 % ⁽¹⁾. The Commission examined whether this figure could be used as a profit cap. However, given that it was derived from the financial statements of a producer based in Germany, it could not use these data either.
- (54) In conclusion, the methodology set out in recitals 46 to 48 follows the logic of Article 2.2.2(iii) ADA and uses the data known and available on file to the Commission, without the need for further investigation. It is therefore considered that this methodology is the most appropriate in this case.
- (55) Using this methodology yields the following results. For Argentina, all producers involved had an actual profit margin above the 15 % that, as explained in recitals 39 and 40, was used in the original investigation. A weighted average of any combination of these profit margins would therefore also always yield a profit cap of above 15 %. This means the 15 % profit margin that was determined in the original investigation is below the individual profit caps and is therefore the profit margin to be used for the calculations of the dumping margins.
- (56) For Indonesia, the profit margins actually achieved by the producers under investigation were also above 15 % for all except for one company. As a weighted average is used to calculate the individual profit caps, this profit margin of below 15 % leads to profit caps for some producers that are below 15 %, and therefore necessitate a downward adjustment of some of the profit margins used for the calculation of the dumping margins. For one company the profit cap was above 15 %, which means the profit margin of 15 % is still to be used. The other three companies have profit caps below 15 %, which means the profit margins used to calculate normal value cannot be higher than that cap. The application of the methodology leads to the following results:

Table 1

Company	Profit margin
P.T. Ciliandra Perkasa, Jakarta	15 %
P.T. Musim Mas, Medan	12,87 %
P.T. Pelita Agung Agrindustri, Medan	14,42 %
P.T. Wilmar Bioenergi Indonesia, Medan; P.T. Wilmar Nabati Indonesia, Medan	14,42 %

⁽¹⁾ United States Department of Commerce, Investigation A-560-830, Memorandum, 'Cost of Production and Constructed Value Calculation Adjustments for the Final Determination – Wilmar Trading Pte. Ltd', 20 February 2018.

4.3. Double Counting

- (57) The panel in its Indonesia Report found that the EU had failed to construct the export price of one Indonesian exporting producer, P.T. Musim Mas, on the basis of the price at which the imported biodiesel produced by P.T. Musim Mas was first resold to independent buyers in the EU as required under Article 2.3 ADA.
- (58) A certain type of biodiesel (palm fatty acid distillate-based biodiesel) is eligible to be 'double counted' for the purpose of compliance with EU mandatory biodiesel blending targets. Because of this, EU blenders only have to use half as much of this type of biodiesel to comply with mandatory EU biodiesel blending targets. As this type of biodiesel is therefore more valuable to customers, a producer of this biodiesel can charge a premium to the client. In this specific case, the double counting issue concerns certain exports of P.T. Musim Mas to clients in Italy. In the original investigation, the EU had disregarded this premium in constructing the export price of biodiesel.
- (59) In light of the WTO finding that the EU had incorrectly disregarded this premium paid by customers in Italy, the Commission reassessed its calculations and adjusted the export price for P.T. Musim Mas accordingly.

4.4. Recalculated dumping margins

- (60) The revised duty rates in respect of all Indonesian and Argentinian exporters in light of the EU General Court judgments as well as the findings and recommendations in the Indonesia and Argentina Reports, expressed on the CIF Union border price, customs duty unpaid, are as follows:

Table 2

Country	Company	Dumping margin
Indonesia	P.T. Ciliandra Perkasa, Jakarta	– 4,0 %
	P.T. Musim Mas, Medan	– 4,7 %
	P.T. Pelita Agung Agrindustri, Medan	4,4 %
	P.T. Wilmar Bioenergi Indonesia, Medan; P.T. Wilmar Nabati Indonesia, Medan	6,2 %
Argentina	Louis Dreyfus Commodities S.A., Buenos Aires	4,5 %
	Molinos Agro SA, Buenos Aires; Oleaginosa Moreno Hermanos SACIFI y A, Bahia Blanca; Vicentin SAIC, Avellaneda	6,6 %
	Aceitera General Deheza SA, General Deheza; Bunge Argentina SA, Buenos Aires	8,1 %

- (61) In view of the high negative dumping margins for two of the four sampled Indonesian companies, the Commission verified whether the weighted average countrywide dumping margin taking account of the negative margins was above *de minimis* as provided for in Article 9(3) of the basic Regulation.
- (62) The amount of dumping in the Indonesian sample, expressed as a percentage of the CIF value of exports of the sample, was 1,6 %, that is, below the 2 % *de minimis* threshold.
- (63) In view of the countrywide *de minimis* dumping margin, the investigation should be terminated as regards imports of biodiesel from Indonesia without measures.

5. REVISED INJURY FINDINGS BASED ON THE REPORTS

- (64) In the Argentina Reports it was found, inter alia, that the EU had acted inconsistently with Articles 3.1 and 3.4 of the ADA in its examination of the impact of the dumped imports on the domestic industry, insofar as it relates to production capacity and capacity utilisation.
- (65) In the amending Regulation that was adopted following the Argentina Reports, this issue was addressed in recitals 87 to 123 ⁽¹⁾. Neither the judgments of the General Court nor the Indonesia Report hold any findings that would necessitate a re-assessment of this analysis which therefore still holds.

⁽¹⁾ Implementing Regulation (EU) 2017/1578 amending Implementing Regulation (EU) No 1194/2013 of 18 September 2017 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of biodiesel originating in Argentina and Indonesia (OJ L 239, 19.9.2017, p. 9).

- (66) During the original investigation, it was considered appropriate to perform a cumulative assessment of the imports from Argentina and Indonesia, as at that time the conditions set out in Article 3(4) of the basic Regulation were met. Conclusions regarding injury and causation were, therefore, based on the combined effect of imports of biodiesel from both countries. However, these conditions are now no longer met as it was determined that the country-wide level of dumping for Indonesia was below the 2 % *de minimis* level.
- (67) It therefore needs to be determined whether a causation analysis limited to the dumped imports of biodiesel from Argentina would lead to the conclusion of causal link between the dumped imports and the injury suffered by the Union industry.

5.1. Injury findings

- (68) The methodology that underlies the injury analysis done in the definitive Regulation is not affected by the findings of the Court judgments nor the Indonesia Report, in as far as Argentina is concerned. The relevant findings of the definitive Regulation therefore remain valid.
- (69) Total Union production was around 9 052 871 tonnes during the period considered, while Union consumption of biodiesel increased by 5 %. Import volumes from Argentina increased by a total of 41 % during the period considered, while market share increased from 7,7 % to 10,8 % during the same period. Although import prices of biodiesel from Argentina rose during the period considered, they were still below the prices of the Union industry throughout the same period. The difference between the prices from Argentina and Union prices, expressed as a percentage of the Union industry's weighted average ex-works price, i.e. the price undercutting margin, ranged from 4,5 % to 9,1 %. While the profitability of the Union industry was 3,5 % in 2009, it subsequently dropped to losses and reached – 3,5 % in the original investigation period (1 July 2011 – 30 June 2012).
- (70) The analysis in the definitive Regulation showed that the Union industry had suffered material injury as defined by Article 3(5) of the basic Regulation. While consumption increased, the Union industry lost market share and profitability. At the same time, imports gained market share and undercut Union producer prices.

5.2. Revised causation findings

- (71) As explained in point 5.1 all imports from Argentina to the Union were found to be dumped during the investigation period. The findings of the definitive Regulation also showed that low-priced dumped imports from Argentina significantly increased in terms of volume (41 % during the period concerned) resulting in an increase of market share by 3 percentage points by the end of the period concerned.
- (72) Despite a 5 % increase in consumption, the Union industry lost 5,5 percentage points of market share during the period considered. Although average prices of the dumped imports from Argentina increased by 54 % during the period considered, they were still significantly lower than those of the Union industry during the same period. The dumped imports undercut Union industry prices with an average undercutting margin of 8 % during the investigation period.
- (73) Since the investigation was terminated in relation to Indonesia as explained in recitals 60 to 63, imports from Indonesia need to be assessed separately, as another factor that might also have caused injury.
- (74) The revised figures of imports from third countries (including Indonesia) give the following overview:

Table 3

		2009	2010	2011	IP
Sales EU producers	Sales volumes (tonnes)	9 454 786	9 607 731	8 488 073	9 294 137
	<i>Index 2009 = 100</i>	100	102	90	98
	Market share	84,7 %	83,3 %	76,1 %	79,2 %
	<i>Index 2009 = 100</i>	100	98	90	94

		2009	2010	2011	IP
Imports from Argentina	Total imports (tonnes)	853 589	1 179 285	1 422 142	1 263 230
	<i>Index 2009 = 100</i>	100	138	167	148
	Market share	7,7 %	10,2 %	12,7 %	10,8 %
	<i>Index 2009 = 100</i>	100	135	167	141
Imports from Indonesia	Total imports (tonnes)	157 915	495 169	1 087 518	995 663
	<i>Index 2009 = 100</i>	100	314	689	631
	Market share	1,4 %	4,3 %	9,7 %	8,5 %
	<i>Index 2009 = 100</i>	100	303	689	600
Other third countries	Total imports (tonnes)	699 541	256 327	161 973	175 370
	<i>Index 2009 = 100</i>	100	37	23	25
	Market share	6,3 %	2,2 %	1,5 %	1,5 %
	<i>Index 2009 = 100</i>	100	35	23	24

- (75) There was a significant decrease in imports from the United States (USA), Norway and South Korea following the imposition of measures on imports from the USA in 2009 and an anti-circumvention investigation against imports consigned from Canada in 2010. On the other hand, imports from Indonesia increased their share from 1,4 % to 8,5 %, which represented an increase of 500 % during the period considered. At the same time, the Union industry experienced a decrease in market share from 84,7 % to 79,2 %.
- (76) Similarly, imports from Indonesia more than quintupled during the period concerned, while Union industry lost sales. A closer look reveals that in 2010 sales volumes of imports from Indonesia increased 214 %. That same year, however, sales volumes of Union industry increased by 2 %. It is only the following year that the Union industry sales volumes dropped sharply, which coincided with a further increase of 119 % in imports from Indonesia from 2010 to 2011.

Table 4

Price per ton (EUR)	2009	2010	2011	IP
EU	797	845	1 096	1 097
<i>Index 2009 = 100</i>	100	106	137	138
Argentina	629	730	964	967
<i>Index 2009 = 100</i>	100	116	153	154
Indonesia	597	725	864	863
<i>Index 2009 = 100</i>	100	121	145	145
Other third countries (excluding Indonesia)	527	739	1 037	1 061
<i>Index 2009 = 100</i>	100	140	197	201

- (77) Moreover, the average prices of imports from Indonesia were much lower than those of the Union industry and Argentinian imports throughout the period considered. However, as there are certain differences between the product from Indonesia and the product on the Union market, this export price needs to be adjusted to reflect the competitive relationship between the two.

- (78) In recitals 93 to 97 of the provisional Regulation, the Commission had operated a price adjustment by taking the difference in price on the Union market between the sales of biodiesel at Cold Filter Plugging Point (CFPP) 13 (reflecting the Indonesian quality) with sales of biodiesel at CFPP 0 (reflecting the EU quality). Even after this adjustment, Indonesian export prices still undercut Union prices by 4 %.
- (79) The panel in the Indonesia report, however, found in par. 7.158-159 that this price adjustment did not reflect properly the 'complexities in competitive relationships' between the imported Indonesian biodiesel and the blended product sold by Union industry. The panel did not offer any more precise guidance on the methodology to measure this relationship.
- (80) The Commission noted that there is a very wide range of possibilities for blending different types of biodiesel with the Indonesian biodiesel to come to a comparable EU product. It is therefore not practical to calculate price data on these various types of biodiesel blends for the investigation period. Moreover, the European biodiesel producers consider that the original price adjustment, leading to a 4 % undercutting, properly reflected the competitive relationship. Finally, the panel itself indicated in par. 7.159 that a more complex analysis could still have justified a finding that the imports from Indonesia had a significant price undercutting effect on the price of the Union industry blended product. The Commission hence concluded that Indonesian exports during the investigation period undercut EU prices by at least 4 %.
- (81) In order to establish a causal link between the dumped imports and the injury to the Union industry it must be demonstrated, in accordance with Article 3(6) and (7) of the basic Regulation, that the dumped imports have caused material injury to the Union industry, while the injury caused by other known factors is not attributed to the dumped imports. The notion of a causal link is interpreted in a WTO compatible manner, meaning it needs to be established that there is a genuine and substantial causal relationship between the dumped imports and the injury to the domestic industry ⁽¹⁾. In recital 189 of the definitive Regulation the conclusion was drawn that no evidence had been provided that the effect of other factors, considered individually or collectively, was not such as to break the causal link between the dumped imports from Argentina and Indonesia together and the injury suffered by the Union industry.
- (82) However, in light of the facts and revised analysis set out in recitals 71 to 80 following the limitation of the analysis to imports from Argentina only, this conclusion also had to be revised.
- (83) During the investigation period almost half of all imports into the Union came from Indonesia at a price lower than Union as well as Argentinian prices. More importantly, the exponential increase on imports volumes from Indonesia as well their market share have significantly contributed to the material injury suffered by the Union industry.
- (84) The impact of the Indonesian exports added to the other factors identified in the provisional Regulation, among others overcapacity of Union industry and self-inflicted injury (recitals 132-140 of the provisional Regulation).
- (85) On this basis, the Commission concluded that the effect of imports of biodiesel from Indonesia to the Union and the other factors identified in the previous recital contributed to the injury suffered by the Union industry to such an extent that it cannot be established that there is a genuine and substantial causal relationship between the dumped imports from Argentina and the material injury suffered by the Union industry.
- (86) Following disclosure, the EBB claimed that the nature of the injury caused by other factors, including Indonesian imports, does not attenuate the causal link between the material injury suffered by the Union industry and imports from Argentina. It further claimed that the Commission has applied an incorrect standard in its analysis, allegedly based on the assumption that dumped imports from Argentina should have been the principal, or only cause, of material injury and not only one of the causes of injury. In the EBB's view, it would be sufficient to demonstrate that imports from Argentina had a negative impact on the Union industry without it having to be the only or most important factor causing the injury suffered. Given that the volume of imports from Argentina in the period considered (2009 — mid-2012) was higher than imports from Indonesia, and given that the Argentinian undercutting of Union industry prices by 8 % was higher than the Indonesian undercutting of 4 %,

⁽¹⁾ Consistent with the ruling of the WTO in EU – Countervailing Measures on Certain Polyethylene Terephthalate from Pakistan, where the Appellate Body determined that 'The key objective of a causation analysis under Article 15.5 of the SCM Agreement is for an investigating authority to establish whether there is a 'genuine and substantial relationship of cause and effect' between the subsidized imports and the injury to the domestic industry.' Report of the Appellate Body, AB-2017-5, WT/DS486/AB/R, 16 May 2018, in par. 5.226.

imports from Argentina had, in the EBB's view, clearly a negative impact on the situation of the Union industry, which is sufficient to establish a causal link between dumped imports from Argentina and the material injury suffered by the Union industry.

- (87) In this respect, the Commission first points out that it has already explained the legal standard applied in recital 81. In that recital there is no mention of any notion of either 'principal' or 'main' cause for the causation analysis. The legal standard is based on Article 3(6) and 3(7) of the basic Regulation, according to which it must be shown that dumped imports are causing injury, while other known factors should also be examined to ensure that the injury caused by those other factors is not attributed to the dumped imports. Second, the EEB's claims that the pertinent test would be whether dumped imports have had a 'negative impact on the Union industry' do not find support on the legal framework. Indeed, the relevant legal test is to establish whether there was a 'genuine and substantial relationship' between the dumped imports from Argentina and the material injury suffered by the Union industry.
- (88) The Commission is of the view that the facts on the file do not allow it to reach such a conclusion. Indeed, in 2009, when the Union industry already faced significant imports from Argentina but only low quantities from Indonesia, its profitability stood at 3,5 %. When Indonesian imports increased substantially, profitability turned negative and was - 2,5 % in the original investigation period. In this respect, it is important to note that the imports from Indonesia during that period increased at a significantly higher rate than Argentinian imports (see Table 3 above). The Commission therefore considers that the EBB's sole reliance on a comparison between the respective undercutting margins of imports from Indonesia (as adjusted for quality differences) and Argentina fails to fully and adequately reflect the impact that each exporting country's exports had on the situation of the Union industry in particular in relation to profitability.
- (89) The Commission concludes it is not possible to establish a genuine and substantial causal relationship between the dumped imports from Argentina and the material injury suffered by the Union industry given the importance of other known factors contributing to that injury.
- (90) One company, COFCO Argentina S.A., came forward after the publication of Implementing Regulation (EU) 2017/1578 claiming that they met all three criteria for new exporting producers set out in Article 3 of the definitive Regulation and provided supporting evidence. The Commission analysed the request and the evidence. However in light of the results of the re-opened investigation the request became moot.

6. CONCLUSION

- (91) The investigation should be terminated (i) as dumping margins from Indonesia are *de minimis* and (ii) due to the fact that it cannot be established that there is a genuine and substantial causal relationship between the dumped imports from Argentina and the material injury suffered by the Union industry as required under Article 3(7) of the basic Regulation. This means that existing measures which are still in force for those exporting producers from Argentina and Indonesia that had not successfully challenged the anti-dumping measures before the General Court should be repealed. For the sake of clarity and legal certainty, Implementing Regulation (EU) No 1194/2013 should therefore be repealed.
- (92) The definitive anti-dumping duties paid pursuant to Implementing Regulation (EU) No 1194/2013 on imports of biodiesel from Argentina and Indonesia and the provisional duties definitively collected in accordance with Article 2 of that Regulation, should be repaid or remitted insofar as they relate to imports of biodiesel sold for export to the Union by the companies which successfully challenged that Regulation in court, that is, Argentinian exporting producers Unitec Bio SA, Molinos Rio de la Plata SA, Oleaginosa Moreno Hermanos SACIFI y A, Vicentin SAIC, Aceitera General Deheza SA, Bunge Argentina SA, Cargill SACI, Louis Dreyfus Commodities S.A. (LDC Argentina SA), and Indonesian exporting producers PT Pelita Agung Agrindustri, PT Ciliandra Perkasa, PT Wilmar Bioenergi Indonesia, PT Wilmar Nabati Indonesia, PT Perindustrian dan Perdagangan Musim Semi Mas (PT Musim Mas). The repayment or remission has to be requested from national customs authorities in accordance with the applicable customs legislation.
- (93) Following disclosure, PT Cermerlang Energi Perkasa, claimed that the repayment and remission of anti-dumping duties should be available to all companies that had incurred such duties and not only to those companies that had successfully challenged the definitive Regulation in Court. It also claims that not only Implementing Regulation (EU) No 1194/2013 but also amending Implementing Regulation (EU) 2017/1578 should be repealed.

- (94) First, the Commission recalled that Implementing Regulation (EU) 2017/1578 only amended Implementing Regulation (EU) No 1194/2013. As the latter regulation is repealed the amending regulation becomes void of any legal effect. Therefore, there is no need to repeal explicitly also that regulation. Second, the General Court's annulment of Implementing Regulation (EC) No 1194/2013 only applies to those companies that challenged that regulation before the Court. Accordingly, the anti-dumping duties that have been levied on other companies have been legally collected under Union law. In so far as the Indonesian WTO report found that the anti-dumping measures on imports from Indonesia should be brought into conformity with the Union's WTO obligations, the Commission has agreed with Indonesia to implement those findings by October 2018. In line with the general principles of WTO settlement, such implementation will only have effect as from the date of implementation. The Commission therefore rejected the claim that also those duties should be repaid or remitted.
- (95) In view of the recent case-law of the Court of Justice ⁽¹⁾, it is also appropriate to provide for the rate of default interest to be paid in case of reimbursement of definitive duties, because the relevant provisions in force concerning customs duties do not provide for such an interest rate, and the application of national rules would lead to undue distortions between economic operators depending on which Member State is chosen for customs clearance.

7. DISCLOSURE

- (96) All parties were informed of the Commission's findings and were granted a period within which they could submit comments.
- (97) The Committee established by Article 15(1) of the basic Regulation did not deliver an opinion.

HAS ADOPTED THIS REGULATION:

Article 1

The anti-dumping proceeding concerning imports of fatty-acid mono-alkyl esters and/or paraffinic gasoils obtained from synthesis and/or hydro-treatment, of non-fossil origin, in pure form or as included in a blend originating in Argentina and Indonesia, currently falling within CN codes ex 1516 20 98 (TARIC codes 1516 20 98 21, 1516 20 98 29 and 1516 20 98 30), ex 1518 00 91 (TARIC codes 1518 00 91 21, 1518 00 91 29 and 1518 00 91 30), ex 1518 00 95 (TARIC code 1518 00 95 10), ex 1518 00 99 (TARIC codes 1518 00 99 21, 1518 00 99 29 and 1518 00 99 30), ex 2710 19 43 (TARIC codes 2710 19 43 21, 2710 19 43 29 and 2710 19 43 30), ex 2710 19 46 (TARIC codes 2710 19 46 21, 2710 19 46 29 and 2710 19 46 30), ex 2710 19 47 (TARIC codes 2710 19 47 21, 2710 19 47 29 and 2710 19 47 30), 2710 20 11, 2710 20 15, 2710 20 17, ex 3824 99 92 (TARIC codes 3824 99 92 10, 3824 99 92 12 and 3824 99 92 20), 3826 00 10 and ex 3826 00 90 (TARIC codes 3826 00 90 11, 3826 00 90 19 and 3826 00 90 30) ('biodiesel') is hereby terminated.

Article 2

The definitive anti-dumping duties paid pursuant to Implementing Regulation (EU) No 1194/2013 on imports of biodiesel from Argentina and Indonesia and the provisional duties definitively collected in accordance with Article 2 of that Regulation, shall be repaid or remitted insofar as they relate to imports of biodiesel sold for export to the Union by the following companies:

Company	TARIC additional code
<i>Argentina</i>	
Unitec Bio SA, Buenos Aires	C 330
Molinos Agro SA, Buenos Aires	B 784
Oleaginosa Moreno Hermanos SACIFI y A, Bahia Blanca	B 784
Vicentin SAIC, Avellaneda	B 784
Aceitera General Deheza SA, General Deheza	B 782

⁽¹⁾ Judgment of the Court of 18 January 2017, Case C-365/15, *Wortmann*, EU:C:2017:19, paragraphs 35 to 39.

Company	TARIC additional code
Bunge Argentina SA, Buenos Aires	B 782
Cargill SACI, Buenos Aires	C 330
Louis Dreyfus Commodities S.A. (LDC Argentina SA), Buenos Aires	B 783
<i>Indonesia</i>	
PT Pelita Agung Agrindustri, Medan	B 788
PT Ciliandra Perkasa, Jakarta	B 786
PT Wilmar Bioenergi Indonesia, Medan	B 789
PT Wilmar Nabati Indonesia, Medan	B 789
PT Perindustrian dan Perdagangan Musim Semi Mas (PT Musim Mas), Medan	B 787

The repayment or remission shall be requested from national customs authorities in accordance with the applicable customs legislation.

Unless otherwise specified, the provisions in force concerning customs duties shall apply. The default interest to be paid in case of reimbursement that gives rise to a right to payment of default interest shall be the rate applied by the European Central Bank to its principal refinancing operations, as published in the C series of the *Official Journal of the European Union*, in force on the first calendar day of the month in which the deadline falls, increased by one percentage point.

Article 3

Implementing Regulation (EU) No 1194/2013 is repealed.

Article 4

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

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

Done at Brussels, 18 October 2018.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1571**of 18 October 2018****on the minimum selling price for skimmed milk powder for the 26th partial invitation to tender within the tendering procedure opened by Implementing Regulation (EU) 2016/2080**

THE EUROPEAN COMMISSION,

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

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

Having regard to Commission Implementing Regulation (EU) 2016/1240 of 18 May 2016 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to public intervention and aid for private storage ⁽²⁾, and in particular Article 32 thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2016/2080 ⁽³⁾ has opened the sale of skimmed milk powder by a tendering procedure.
- (2) In the light of the tenders received for the 26th partial invitation to tender, a minimum selling price should be fixed.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

For the 26th partial invitation to tender for the selling of skimmed milk powder within the tendering procedure opened by Implementing Regulation (EU) 2016/2080, in respect of which the period during which tenders were to be submitted ended on 16 October 2018, the minimum selling price shall be 123,10 EUR/100 kg.

Article 2

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

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

Done at Brussels, 18 October 2018.

*For the Commission,
On behalf of the President,
Jerzy PLEWA*

*Director-General
Directorate-General for Agriculture and Rural Development*

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 206, 30.7.2016, p. 71.

⁽³⁾ Commission Implementing Regulation (EU) 2016/2080 of 25 November 2016 opening the sale of skimmed milk powder by a tendering procedure (OJ L 321, 29.11.2016, p. 45).

DECISIONS

COUNCIL DECISION (EU) 2018/1572

of 15 October 2018

on the application by the Union of Regulations Nos 9, 63 and 92 of the United Nations Economic Commission for Europe on uniform provisions concerning the approval of three-wheeled vehicles, mopeds and of the replacement exhaust silencing systems for L-category vehicles with regard to sound emission

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 114 and 207 thereof, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By Council Decision 97/836/EC ⁽¹⁾, the Union acceded to the Agreement of the United Nations Economic Commission for Europe concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions ⁽²⁾ (the 'Revised 1958 Agreement').
- (2) The harmonised requirements of United Nations Economic Commission for Europe (UNECE) Regulation No 9 Uniform provisions concerning the approval of category L₂, L₄ and L₅ vehicles with regard to sound emission, UNECE Regulation No 63 Uniform provisions concerning the approval of L₁ category vehicles with regard to sound emission and UNECE Regulation No 92 Uniform provisions concerning the approval of non-original replacement exhaust silencing systems (NORESS) for vehicles of categories L₁, L₂, L₃, L₄ and L₅ with regard to sound emission ('UN Regulations Nos 9, 63 and 92') are intended to remove technical barriers to trade in motor vehicles between the Contracting Parties to the Revised 1958 Agreement and to ensure that such vehicles offer a high level of safety and protection. L-category of vehicles comprises light vehicles such as powered cycles, two or three-wheel mopeds, motor cycles with and without sidecar, tricycles and quadricycles.
- (3) Regulation (EU) No 168/2013 of the European Parliament and of the Council ⁽³⁾ and Commission Delegated Regulation (EU) No 134/2014 ⁽⁴⁾ mandate the adoption of permissible sound levels, replacement exhaust systems requirements and testing procedures of two and three-wheel motor vehicles and quadricycles.
- (4) Annexes IV, V and VI to Regulation (EU) No 168/2013 and Annex IX to Regulation (EU) No 134/2014 contain requirements for the type-approval of L-category vehicles with regard to permissible sound level and exhaust system.
- (5) At the date of its accession to the Revised 1958 Agreement, the Union acceded to a number of UN Regulations listed in Annex II to Decision 97/836/EC; UN Regulations Nos 9, 63 and 92 were not included in that list.
- (6) As provided for in Article 3(3) of Decision 97/836/EC, and pursuant to Article 1(7) of the Revised 1958 Agreement, the Union may decide to apply one, some or all of the UN Regulations to which it has not acceded at the time of its accession to the Revised 1958 Agreement.

⁽¹⁾ Council Decision 97/836/EC of 27 November 1997 with a view to accession by the European Community to the Agreement of the United Nations Economic Commission for Europe concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions ('Revised 1958 Agreement') (OJ L 346, 17.12.1997, p. 78).

⁽²⁾ OJ L 346, 17.12.1997, p. 81.

⁽³⁾ Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (OJ L 60, 23.2.2013, p. 52).

⁽⁴⁾ Commission Delegated Regulation (EU) No 134/2014 of 16 December 2013 supplementing Regulation (EU) No 168/2013 of the European Parliament and of the Council with regard to environmental and propulsion unit performance requirements and amending Annex V thereof (OJ L 53, 21.2.2014, p. 1).

- (7) Following the recent amendments to UN Regulations Nos 9, 63 and 92 aligning them with the relevant technical provisions of Regulations (EU) No 168/2013 and (EU) No 134/2014, it is now appropriate for the Union to apply UN Regulations Nos 9, 63 and 92 in order to provide for common harmonised requirements at international level. This should enable Union companies to follow one set of requirements recognised worldwide, in particular in the Contracting Parties to the Revised 1958 Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The European Union shall apply UNECE Regulation No 9 Uniform provisions concerning the approval of category L₂, L₄ and L₅ vehicles with regard to sound emission, UNECE Regulation No 63 Uniform provisions concerning the approval of L₁ category vehicles with regard to sound emission and UNECE Regulation No 92 Uniform provisions concerning the approval of non-original replacement exhaust silencing systems (NORESS) for vehicles of categories L₁, L₂, L₃, L₄ and L₅ with regard to sound emission.

Article 2

This Decision shall be notified by the Commission to the Secretary-General of the United Nations.

Article 3

This Decision is addressed to the Commission.

Done at Luxembourg, 15 October 2018.

For the Council
The President
E. KÖSTINGER

COUNCIL DECISION (EU) 2018/1573**of 15 October 2018**

establishing the position to be taken on behalf of the European Union within the EPA Committee set up by the stepping stone Economic Partnership Agreement between Ghana, of the one part, and the European Community and its Member States, of the other part, as regards the adoption of a Decision of the EPA Committee concerning 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 207 and Article 218(9) thereof,

Having regard to the stepping stone Economic Partnership Agreement between Ghana, of the one part, and the European Community and its Member States, of the other part ⁽¹⁾ (the 'Agreement'),

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement was signed on behalf of the Union on 28 July 2016 pursuant to Council Decision (EU) 2016/1850 ⁽²⁾ and has been applied on a provisional basis since 15 December 2016.
- (2) The Treaty concerning the accession of the Republic of Croatia to the European Union (the 'Union') was signed on 9 December 2011 and entered into force on 1 July 2013.
- (3) The Republic of Croatia acceded to the Agreement on 8 November 2017 by depositing its Act of Accession.
- (4) Pursuant to Article 77 of the Agreement, the EPA Committee may decide on any amending measures which might be necessary following the accession of new Member States to the Union.
- (5) It is appropriate to establish the position to be taken on behalf of the Union with regard to the adoption of a Decision of the EPA Committee, at its annual meeting, regarding the amendments to the Agreement which are necessary following the accession of the Republic of Croatia to the Union,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on behalf of the European Union within the EPA Committee set up by the stepping stone Economic Partnership Agreement between Ghana, of the one part, and the European Community and its Member States, of the other part, as regards the adoption of a Decision of the EPA Committee, during its annual meeting, concerning the accession of the Republic of Croatia to the European Union, shall be based on the draft Decision of the EPA Committee attached to this Decision.

Article 2

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

Done at Luxembourg, 15 October 2018.

For the Council

The President

F. MOGHERINI

⁽¹⁾ OJ L 287, 21.10.2016, p. 3.

⁽²⁾ Council Decision (EU) 2016/1850 of 21 November 2008 on the signature and provisional application of the stepping stone Economic Partnership Agreement between Ghana, of the one part, and the European Community and its Member States, of the other part (OJ L 287, 21.10.2016, p. 1).

DRAFT

DECISION No ... /2018 OF THE EPA COMMITTEE**set up by the stepping stone Economic Partnership Agreement between Ghana, of the one part,
and the European Community and its Member States, of the other part,****of ...****regarding the accession of the Republic of Croatia to the European Union**

THE EPA COMMITTEE,

Having regard to the stepping stone Economic Partnership Agreement between Ghana, of the one part, and the European Community and its Member States, of the other part (the 'Agreement'), signed in Brussels on 28 July 2016, and applied on a provisional basis since 15 December 2016, and in particular Articles 76, 77 and 81 thereof,

Having regard to the Treaty concerning the accession of the Republic of Croatia to the European Union (the 'Union') and to the Act of Accession to the Agreement deposited by the Republic of Croatia on 8 November 2017,

Whereas:

- (1) The Agreement applies, on the one hand, to the territories in which the Treaty on the Functioning of the European Union is applied and under the conditions laid down in that Treaty, and, on the other hand, to the territory of Ghana.
- (2) Pursuant to Article 77 of the Agreement, the EPA Committee may decide on any amending measures that might be necessary following the accession of new Member States to the Union,

HAS ADOPTED THIS DECISION:

Article 1

The Republic of Croatia, as a party to the Agreement, shall, in the same way as the other Member States of the Union, respectively adopt and take note of the text of the Agreement, as well as the Annexes, Protocols and Declarations attached thereto.

Article 2

Article 81 of the Agreement is replaced by the following:

*'Article 81***Authentic texts**

This Agreement is drawn up in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovene, Spanish and Swedish languages, each of these texts being equally authentic.'

Article 3

The Union shall communicate the Croatian language version of the Agreement to Ghana.

Article 4

1. The provisions of the Agreement shall apply to goods exported either from Ghana to the Republic of Croatia or from the Republic of Croatia to Ghana which comply with the rules of origin in force on the territory of the Parties to the Agreement which, on 15 December 2016, were in transit or in temporary storage, in a customs warehouse or in a free zone in Ghana or in the Republic of Croatia.

2. Preferential treatment shall be granted in the cases referred to in paragraph 1, provided that a proof of origin issued retroactively by the customs authorities of the exporting country is submitted to the customs authorities of the importing country within four months of the date of entry into force of this Decision.

Article 5

Ghana undertakes not to introduce claims, requests or remedies nor to modify or withdraw any concessions in accordance with Article XXIV (6) and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 or Article XXI of the General Agreement on Trade in Services (GATS) in relation to the accession of the Republic of Croatia to the Union.

Article 6

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

However, Articles 3 and 4 shall apply from 15 December 2016.

Done at ...,

For Ghana

For the European Union

COUNCIL DECISION (EU) 2018/1574**of 16 October 2018****appointing a member, proposed by the Italian Republic, of the Committee of the Regions**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal of the Italian Government,

Whereas:

- (1) On 26 January 2015, 5 February 2015 and 23 June 2015, the Council adopted Decisions (EU) 2015/116 ⁽¹⁾, (EU) 2015/190 ⁽²⁾ and (EU) 2015/994 ⁽³⁾ appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020.
- (2) A member's seat on the Committee of the Regions has become vacant following the end of the term of office of Mr Luciano D'ALFONSO,

HAS ADOPTED THIS DECISION:

Article 1

The following is hereby appointed as a member of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2020:

— Mr Giovanni LOLLI, *Vicepresidente della Regione Abruzzo*.

Article 2

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

Done at Luxembourg, 16 October 2018.

For the Council

The President

G. BLÜMEL

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

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

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

COMMISSION DECISION (EU) 2018/1575**of 9 August 2018****on the measures to certain Greek casinos SA.28973 – C 16/2010 (ex NN 22/2010, ex CP 318/2009)
implemented by Greece***(notified under document C(2018) 5267)***(Only the Greek text is authentic)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

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

Having called on interested parties to submit their comments pursuant to the provision(s) cited above ⁽¹⁾

Whereas:

1. PROCEDURE

- (1) On 8 July 2009, the Consortium Loutraki SA – Club Hotel Loutraki SA ⁽²⁾ ('complainant' or 'Casino Loutraki') lodged a complaint with the European Commission ('Commission') concerning Greek legislation on a system of levies on admissions to casinos, alleging that that system constituted State aid to certain casino operators. By email of 7 October 2009, the complainant stated that it did not object to the disclosure of its identity. On 14 October 2009, the Commission services met representatives of the complainant. By letter of 26 October 2009, the complainant provided further elements in support of its complaint.
- (2) On 21 October 2009, the Commission communicated the complaint to Greece and invited Greece to clarify the issues raised in it. On 27 November 2009, Greece replied to the Commission.
- (3) On 15 December 2009, the Commission forwarded the reply of Greece to the complainant. On 29 December 2009, the complainant replied with observations on the reply of Greece.
- (4) On 25 February, 4 and 23 March and 13 April 2010, the Commission requested further information from Greece, to which Greece replied on 10 March and 1 and 21 April 2010.
- (5) By decision of 6 July 2010 ('Opening Decision'), the Commission informed Greece that it initiated the formal investigation procedure set forth in Article 108(2) of the Treaty on the Functioning of the European Union (TFEU) in respect of the measure implemented by Greece, specifically the charging of a lower tax on admissions to certain casinos ('the measure'). The Opening Decision was published in the *Official Journal of the European Union* ⁽¹⁾, inviting interested parties to submit their comments.
- (6) On 4 August 2010, the Commission received observations on the Opening Decision from two alleged beneficiaries of the measure: Casino Mont Parnès ⁽³⁾ and Casino Thessaloniki ⁽⁴⁾.
- (7) By letter of 6 October 2010, the Commission received comments from Greece on the Opening Decision. On 12 October 2010, the Greek authorities submitted additional information regarding the contested measure.
- (8) By letters of 8 and 25 October 2010, the complainant submitted its comments on the Opening Decision.

⁽¹⁾ OJ C 235, 31.8.2010, p. 3.

⁽²⁾ Consortium — Loutraki S.A. — Club Hotel Casino Loutraki S.A. (Κοινοπραξία Δ.Α.Ε.Τ.- Λουτρακι Α.Ε.- Κλαμπ Οτελ Λουτρακι Α.Ε.), Voukourestitution 11, Akti Poseidonos 48, Loutraki, Athens 10671, Greece.

⁽³⁾ Casino Mont Parnès, société anonyme 'Elliniko Kasino Parnithas A.E.', Agiou Konstantinou 49, 15124 Marousi Attikis, Greece.

⁽⁴⁾ Casino Thessaloniki, 'Regency Entertainment Psychagogiki kai Touristiki A.E.', Agiou Konstantinou 49, 15124 Marousi Attikis, Greece and 13th km Thessaloniki-Polygyrou Street, 55103 Thessaloniki, Greece.

- (9) By letter of 29 October 2010, the Commission forwarded the observations submitted by Casino Mont Parnès and Casino Thessaloniki to the Greek authorities. By letter of 6 December 2010, the Greek authorities presented their comments on third parties' observations.
- (10) On 24 May 2011, the Commission adopted Decision 2011/716/EU ⁽¹⁾ (the '2011 Final Decision'), concluding that the measure constituted incompatible unlawful State aid and ordering recovery of the aid.
- (11) By application lodged at the Registry of the General Court on 3 August 2011, the Hellenic Republic brought an action for annulment against the 2011 Final Decision (Case T-425/11). Applications for annulment were also brought by Etaireia Akiniton Dimosiou AE (Case T-419/11), Casino Thessaloniki (Case T-635/11), Casino Mont Parnès (Case T-14/12) and Athens Resort Casino AE Symmetochon (Case T-36/12), a shareholder in Casino Thessaloniki and Casino Mont Parnès.
- (12) By judgment of 11 September 2014 in case T-425/11, *Greece v. Commission* ⁽²⁾, ('the 2014 judgment'), the General Court annulled the 2011 Final Decision, having concluded that the Commission had failed to prove the existence of State aid within the meaning of 107(1) TFEU.
- (13) On 22 November 2014, the Commission appealed the 2014 judgment. By order of 22 October 2015 in case C-530/14 P, *Commission v Greece* ⁽³⁾, ('the 2015 order'), the Court of Justice dismissed the Commission's appeal and upheld the 2014 judgment. As a result, the General Court declared the applications for annulment brought by Etaireia Akiniton Dimosiou AE, Casino Thessaloniki, Casino Mont Parnès and Athens Resort Casino AE Symmetochon against the 2011 Final Decision to be devoid of purpose without the need to adjudicate on them.
- (14) Consequently, the Commission had to re-examine the measure and adopt a new final decision on it.
- (15) On 14 April 2017, Casino Loutraki lodged a new complaint requesting the Commission to adopt a new final decision finding the measure to be in breach of Article 108(3) TFEU and incompatible with the internal market, and ordering recovery of the aid.
- (16) On 17 November 2017, the Commission communicated the new complaint to Greece and invited Greece to comment. In reply to a request by Greece for translations into Greek, the Commission resent the documents in the Greek language on 20 December 2017. On 26 January 2018, Greece replied to the Commission.

2. THE MEASURE CONCERNED

2.1. The measure

- (17) The measure under assessment is the system of levies on admissions to casinos in Greece that existed until November 2012. Under that system a differentiated tax was levied on admissions to casinos in Greece based on whether a casino was publicly or privately owned.
- (18) Since 1995, all casinos in Greece are required to collect an admission fee of EUR 15 from each customer. They are then obliged to remit 80 % of that amount (EUR 12) to the Greek State as a tax on admissions. They are entitled to retain the remaining 20 % of the fee (EUR 3), which is considered to constitute a remuneration for issuing the ticket and covering their expenses.
- (19) An exception as regards the level of the admission fee charged by casinos had been applied in practice for casinos owned by the State ('public casinos') and for the privately-owned Casino Thessaloniki. Those casinos are required to collect EUR 6 from each customer admitted. They are then obliged to remit 80 % of that amount (EUR 4,80) to the Greek State as a tax on admissions. They are entitled to retain the remaining 20 % of the fee (EUR 1,20), which is considered to constitute a remuneration for issuing the ticket and covering their expenses.

⁽¹⁾ Commission Decision 2011/716/EU of 24 May 2011 on State aid to certain Greek casinos C 16/10 (ex NN 22/10, ex CP 318/09) implemented by the Hellenic Republic (OJ L 285, 1.11.2011, p. 25).

⁽²⁾ Judgment of the General Court of 11 September 2014, *Hellenic Republic v European Commission*, Case T-425/11, ECLI:EU:T:2014:768.

⁽³⁾ Order of the Court of 22 October 2015, *European Commission v Hellenic Republic*, Case C-530/14 P, ECLI:EU:C:2015:727.

- (20) As a result of the measure, private casinos transfer to the State EUR 12 per customer admitted, whereas public casinos and Casino Thessaloniki transfer to the State EUR 4,80 per customer admitted. The law also allows casinos to admit customers for free under certain circumstances, in which case they are still obliged to pay the State a tax on admission of either EUR 12 or EUR 4,80 per customer admitted, although they do not collect an admission fee.

2.2. The relevant national provisions

- (21) Prior to the opening of the Greek casino market in 1994, only three casinos operated in Greece, namely Casino Mont Parnès, Casino Corfu, and Casino Rhodes. At that time, those casinos were public undertakings and operated as State-owned service-clubs of the Greek National Tourism Organisation ('EOT')⁽¹⁾. The price of admission tickets charged by those casinos was set by way of decisions of the General Secretary of the EOT⁽²⁾ at 1 500 (approximately EUR 4,50) or 2 000 drachmas (approximately EUR 6). Following the adoption of the euro by Greece in 2002, EUR 6 became the regulated fee for admission to public casinos.
- (22) The Greek casino market was opened in 1994, as a result of the adoption of Law 2206/1994⁽³⁾, when six newly created private casinos joined the three existing State-owned casinos. Article 2(10) of Law 2206/1994 provided that the price of admission tickets to the casinos in certain areas would be set by Ministerial Decision, which would also determine the percentage of the price that would represent revenue of the Greek State. By Ministerial Decision⁽⁴⁾ of 16 November 1995 ('the Ministerial Decision of 1995'), the Minister for Finance established that, from 15 December 1995 onwards, all operators of casinos under Law 2206/1994⁽⁵⁾ must charge an admission fee of 5 000 drachmas⁽⁶⁾ (approximately EUR 15). According to the Ministerial Decision of 1995, casino enterprises were further subject to a legal obligation to retain 20 % of the price, including the appropriate VAT, as remuneration for issuing the ticket and covering their expenses, the remaining amount being considered public fees⁽⁷⁾. The Ministerial Decision of 1995 provided that casinos may grant free entrance in specific cases⁽⁸⁾. Even in those cases, 80 % of the regulated admission fee had to be passed on by the casinos to the State, notwithstanding the fact that they did not receive the admission fee in such instances⁽⁹⁾. According to the Ministerial Decision of 1995, the payments of the public fees were performed by each casino on a monthly basis⁽¹⁰⁾. The Ministerial Decision also provided for specified discounts for tickets valid for 15 or 30 days⁽¹¹⁾. On Greece's adoption of the euro in 2002, EUR 15 became the standard regulated price for admission to casinos.

⁽¹⁾ The three casinos operated as service clubs of the EOT based on Law 1624/1951, Decree 4109/1960 and Law 2160/1993. The EOT was later replaced in the operation of the casinos of Corfu and Mont Parnès by the Hellenic Tourism Development company (ETA), fully owned by the Greek State, under Laws 2636/1998 and 2837/2000, until the grant of licenses to the above mentioned two casinos by virtue of Law 3139/2003 (the Casino in Rhodes was operated by the EOT until it was granted a license in 1996).

⁽²⁾ More precisely, the decisions of the General Secretary of EOT (issued in accordance with Law 1624/1951 and Decree 4109/1960) are: EOT decision 535633/21.11.1991 (setting the price of admission tickets to the Mont Parnès Casino at 2 000 drachmas); EOT decision 508049/24.3.1992 (setting the price of admission tickets to the Corfu and Rhodes Casinos at 1 500 drachmas); EOT decision 532691/24.11.1997 (adjusting the price of admission tickets to the Corfu Casino to 2 000 drachmas).

⁽³⁾ Law 2206/1994 on the creation, organisation, operation and control of casinos and other matters, Νόμος 2206, Δημοσιεύθηκε στο ΦΕΚ 62 - 20.4.1994.

⁽⁴⁾ Ministerial Decision Y.A 1128269/1226/0015/ΠΟΛ.1292/16.11.1995 – ΦΕΚ 982/Β'/1995.

⁽⁵⁾ Paragraph 1 of the Ministerial Decision of 1995: 'Casino operators (Law 2206/1994) are obliged from 15 December 1995 to issue an admission ticket to each person according to specific provisions included in the following paragraphs.'

⁽⁶⁾ Paragraph 5 of the Ministerial Decision of 1995: 'The uniform ticket price for entering the areas of "slot machines" or "table games" shall amount to five thousand (5 000) drachmas.'

⁽⁷⁾ The first subparagraph of paragraph 7 of the Ministerial Decision of 1995 states the following: 'From the total value of the ticket a percentage of twenty percent (20 %) shall be appropriated by the casino undertaking as fees for issuing the ticket and covering its expenses, in which the appropriate VAT is included, while the remaining amount shall be considered public fee.'

⁽⁸⁾ Paragraph 6 of the Ministerial Decision of 1995 states the following: 'To record the admission of a person, from which the Casino refrains from requesting an price of admission for reasons of promotion or social obligation, the Casino shall issue tickets from a special batch or a special counter of the tax records cash register labelled "Honoris Causa"/"Free admission".'

⁽⁹⁾ The second subparagraph of paragraph 7 of the Ministerial Decision of 1995 states the following: 'For tickets issued under the label "Honoris Causa"/"Free admission" public fees shall be paid based on of the value of the tickets for that day as established in paragraph 5 of the present decision.'

⁽¹⁰⁾ The first subparagraph of paragraph 10 of the Ministerial Decision of 1995 states the following: 'The public fees shall be deposited at the competent income tax office by the tenth day of each month by submitting a statement concerning the fees collected during the previous month.'

⁽¹¹⁾ The first and second subparagraphs of paragraph 8 of the Ministerial Decision of 1995 states the following: 'As provided under the aforementioned paragraphs 2 to 7, it is allowed [for casino operators] to issue long term tickets valid for fifteen or thirty consecutive days or one calendar month, as appropriate. A discount can be granted on the value of the above mentioned long term tickets, as follows:

- (a) Forty percent (40 %) of the total value of fifteen daily tickets for the tickets valid for 15 days. In case these tickets are issued for a calendar period of two weeks, the last two weeks of each month covers the period from the 16th day until the end of the month.
- (b) Fifty percent (50 %) of the total value of thirty daily tickets for the tickets valid for thirty days or a month'.

- (23) Although the operation of casinos in Greece is governed, generally, by Law 2206/1994 and the Ministerial Decision of 1995, the publically owned casinos of Mont Parnès, Corfu and Rhodes were exempted from the application of that law and that decision until a licence was granted to them by the Casino Committee. More specifically, Law 2160/1993 provided that those casinos would continue to operate as services-clubs of EOT, based on the relevant EOT provisions – namely, Law 1624/1951 ⁽¹⁾, Decree 4109/1960 ⁽²⁾ and Law 2160/1993 ⁽³⁾. As a result, Casino Mont Parnès, Casino Corfu and Casino Rhodes continued to apply the EUR 6 admission fee.
- (24) By contrast, all new private casinos created since the adoption of Law 2206/1994 implemented the Ministerial Decision of 1995 and applied the EUR 15 price for admission tickets, with the exception of Casino Thessaloniki. Although incorporated and licensed in 1995 under Law 2206/1994, Casino Thessaloniki applied the reduced EUR 6 admission fee applied by the State-owned casinos until November 2012 by relying on Law 2687/1953 ⁽⁴⁾, which provided that enterprises constituted with foreign investment enjoy treatment at least as favourable as the one applicable to other similar enterprises in the country ⁽⁵⁾. The requirement to remit to the State 80 % of the face value of admission tickets was applicable to Casino Thessaloniki since the issuance of its license in 1995 ⁽⁶⁾.
- (25) According to Greece, the special provisions applicable to the public casinos which existed prior to Law 2206/1994 should be considered exceptions to the application of the general provisions of that Law 2206/1994 and of the Ministerial Decision of 1995. Consequently, the Ministerial Decision of 1995 was not deemed to apply to the public casinos until the date they were granted a license under Law 2206/1994, either as concerns the standard admission fee of EUR 15 or as concerns the requirement to remit to the State 80 % of that fee. However, since for the public casinos the admission fee exceptionally remained at the level of EUR 6 on the basis of the already applicable decisions of EOT, which were considered special derogatory provisions (pre-existing *lex specialis*) unaffected by the general provisions of Law 2206/1994 and the Ministerial Decision of 1995, public casinos only paid 80 % of EUR 6. The EOT decisions were only deemed inapplicable when the casinos, following their privatisation, were no longer fully owned by the State. It was only following their privatisation that those casinos begun charging the standard admission ticket price of EUR 15 and were obliged to pay 80 % of EUR 15 as a levy to the State.
- (26) A further exception to the application of the general provisions of Law 2206/1994 and the Ministerial Decision of 1995 applied in favour of Casino Mont Parnès, following its partial privatisation, based on Law 3139/2003 which explicitly stipulated that the price of admission tickets at Casino Mont Parnès would remain at EUR 6.
- (27) In 2000, EOT was succeeded in the operation of Casino Mont Parnès and Casino Corfu by Ellinika Touristika Akinita AE ('ETA'), fully owned by the Greek State. From the end of 2000 and until the licensing of those casinos under Law 2206/1994 in 2003, ETA started ⁽⁷⁾, voluntarily in the beginning and later by virtue of Article 24 of Law 2919/2001, to gradually adapt to the obligations laid down for casinos in Law 2206/1994, in order to prepare both those formerly State-owned casino clubs to become fully licensed casinos and be privatised. During this transition period, ETA remitted to the State 80 % of the EUR 6 price of admission tickets collected by Casino Mont Parnès and Casino Corfu. According to the information provided to the Commission, no new ministerial decision has been issued and Casino Corfu continued to charge an admission fee of EUR 6 until its privatisation in August 2010 ⁽⁸⁾, when it started applying the EUR 15 admission fee.

⁽¹⁾ Law 1624/1951 ratifying, amending and supplementing Law 1565/1950 on the creation of the Hellenic Tourism Organisation, Νόμος 1624, Δημοσιεύθηκε στο ΦΕΚ 7 - 8.1.1951.

⁽²⁾ Decree 4109/1960 amending and supplementing legislation regarding the Hellenic Tourism Organisation and certain other provisions, Νομοθετικό Διάταγμα 4109, Δημοσιεύθηκε στο ΦΕΚ 153 - 29.9.1960.

⁽³⁾ Law 2160/1993 on tourism and other matters, Νόμος 2160, Δημοσιεύθηκε στο ΦΕΚ 118 - 19.7.1993.

⁽⁴⁾ Law 2687/1953 on investment and protection of foreign capital, Νομοθετικό Διάταγμα 2687, Δημοσιεύθηκε στο ΦΕΚ 317 - 10.11.1953.

⁽⁵⁾ The Casino Thessaloniki was declared to benefit from the provisions of Law 2687/1953 according to the Presidential Decree Π.Α. 290/1995 (approving a foreign capital investment by Hyatt Regency Hotel and Tourism Enterprise, Προεδρικό Διάταγμα 290, Δημοσιεύθηκε στο ΦΕΚ 163 - 9.8.1995) which assimilated it to the casinos of Mont Parnès and Corfu.

⁽⁶⁾ See paragraphs 16, 17 and 18 of the Opening Decision.

⁽⁷⁾ Casino Mont Parnès was operated by Elliniko Kasino Parnithas A.E. (EKP), set up in 2001 as a subsidiary of ETA, fully controlled by the Greek state.

⁽⁸⁾ According to information provided by the Greek authorities during the formal investigation procedure, Casino Corfu was privatised on 30 August 2010 through the sale, by international call to tender, of 100 % of the shares in the company Corfu Hellenic Casino S.A. (EKK) to V&T Corfu Casino S.A., which was set up by the successful tenderer, namely the grouping Vivere Entertainment Commercial & Holding S.A. - Theros International Gaming INC.. EKK had been set up in 2001 as a subsidiary of ETA.

- (28) In the case of Casino Rhodes, the license under Law 2206/1994 was issued in 1996 ⁽¹⁾. However, the casino continued to apply the reduced price of admission tickets until 1999 and switched to EUR 15 only after its privatisation which took place in April 1999.
- (29) In November 2012, Greece introduced new legislation ⁽²⁾ setting an equal regulated admission fee for all casinos, public or private, at EUR 6, subject to the obligation of all casinos to retain 20 % (EUR 1,20) of the admission price as fees for issuing the ticket and covering expenses and to pass on to the State each month the remainder 80 % (EUR 4,80) constituting public fees. Greece has confirmed that this legislation is still in force at present.

3. GROUNDS FOR INITIATING THE PROCEDURE

- (30) The Commission initiated the formal investigation procedure laid down in Article 108(2) TFEU expressing doubts about the discriminatory fiscal treatment in favour of several specifically identified casinos in Greece that benefit from a more advantageous taxation than the one to which the rest of the casinos in the country are subject.
- (31) The Commission considered that the contested measure departed from the general Greek legal provisions establishing the normal level of levies on admissions in casinos and therefore improved the competitive position of the beneficiaries.
- (32) The Commission observed that the contested measure appeared to constitute a loss of State resources for the Greek State, and it provided an advantage to the lower priced casinos. In response to the argument by the Greek authorities that the direct beneficiary of a lower price of admission tickets is the customer, the Commission observed that subsidies to consumers can constitute State aid to enterprises when the subsidy is conditional on the use of a particular good or service from a particular undertaking ⁽³⁾.
- (33) The Commission also observed that the level of taxation did not appear to be set according to the circumstances of each individual casino ⁽⁴⁾, and it provisionally concluded that the measure was selective ⁽⁵⁾.
- (34) The Commission found that the contested measure was liable to distort competition between casinos in Greece, as well as in the market of European business acquisition. The Commission noted that it fully respected the right of Member States to regulate gambling on their territory subject to Union law, but could not accept that these arguments deprive the measure at issue of any effect of distortion of competition or on trade between Member States. The operators in the sector were often international hotel groups, whose decision to invest could be affected by the measure, and in fact casinos might act as an attraction to tourists to visit Greece. The Commission therefore concluded that the measure was capable of distorting competition and affecting trade between Member States ⁽⁶⁾.
- (35) The Commission reached the preliminary conclusion that the measure constituted unlawful aid, since it had been implemented by the Greek authorities without the prior approval of the Commission, and that it was therefore subject to the application of Article 15 of the Procedural Regulation that was applicable at the time (Council Regulation (EC) No 659/1999 ⁽⁷⁾) as regards recovery ⁽⁸⁾.
- (36) The Commission did not identify any grounds for considering the contested measure compatible with the internal market since it was considered to represent undue operating aid to the beneficiary casinos ⁽⁹⁾.
- (37) The Commission finally observed that if its doubts that the measure contains incompatible State aid were confirmed, then under Article 14(1) of the Procedural Regulation it would be obliged to order its recovery by Greece from the beneficiaries, unless this would be contrary to a general principle of law ⁽¹⁰⁾.

⁽¹⁾ By virtue of ministerial decision T/633/29.5.1996

⁽²⁾ Law 4093/2012, Government Gazette I 222 of 12 November 2012.

⁽³⁾ See paragraphs 19-23 of the Opening Decision

⁽⁴⁾ See paragraphs 26, 27, 28 and 37 of the Opening Decision.

⁽⁵⁾ See paragraphs 24-29 of the Opening Decision.

⁽⁶⁾ See paragraphs 30, 31 and 32 of the Opening Decision.

⁽⁷⁾ Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 108 of the treaty on the functioning of the European Union (OJ L 83, 27.3.1999, p. 1).

⁽⁸⁾ See paragraphs 34 and 35 of the Opening Decision.

⁽⁹⁾ See paragraphs 36, 37 and 38 of the Opening Decision.

⁽¹⁰⁾ See paragraphs 39 and 40 of the Opening Decision.

4. COMMENTS FROM GREECE AND INTERESTED THIRD PARTIES

- (38) During the formal investigation procedure, the Commission received comments from Greece, Casino Mont Parnès, Casino Thessaloniki and Casino Loutraki.

4.1. Comments from Greece and from Casinos Mont Parnès and Thessaloniki

- (39) Since the comments submitted by the representative of the beneficiary casinos of Mont Parnès and Thessaloniki are essentially identical to the comments submitted by the Greek authorities, their summary is presented together under this Section.
- (40) Both Greece and Casinos Mont Parnès and Thessaloniki contest the existence of State aid, on the grounds that the State does not forgo any revenue or that, even if it does, then the casinos do not gain any advantage.
- (41) The Greek authorities argue that the price differentiation is only a price regulation issue, since the tax raised is a uniform proportion of the respective value of the price of admission tickets issued.
- (42) According to the Greek authorities, the objective of the setting of a price of admission tickets and the payment to the State is not to raise revenue for the State but to discourage persons of low income from gambling. The fact that the practice of admission tickets also results in public revenues does not alter its nature as a control measure. Thus, the imposition of a price of admission tickets on casino customers entering the gaming area of casinos is regarded by the Greek authorities as constituting an onerous administrative control measure, which however lacks the character of a tax and cannot be regarded as a tax burden according to Judgement No 4027/1998 of the Council of State (the supreme administrative court of Greece).
- (43) As for the differences between the prices of different casinos, Greece argues that the economic and social circumstances of the various casinos are different and not comparable. The Greek authorities contend that the distinction between charges is justified on public policy grounds, including that 'the conditions applying to each casino, justify and are fully in line with the practice of setting a different ticket price for casinos located near large urban centres [...] and for casinos in the countryside [...] which is mainly inhabited by rural populations who — in their majority — have lower incomes and educational levels and are more in need of being discouraged from playing games of chance than the inhabitants of urban areas'.
- (44) On the observation of the complainant (Casino Loutraki) that the price of admission tickets for Corfu Casino changed from EUR 6 to EUR 15 when it was privatised in 2010, the Greek authorities respond that the remote geographical location of the island of Corfu makes it uncompetitive compared to all other Greek casinos (therefore it does not distort competition). The authorities further argue that it is imperative to make the price of admission tickets dissuasive for the sake of protecting the inhabitants of Corfu, because the change in the operating conditions of the casino following privatisation will inevitably lead to a dramatic increase in its operating hours, its activities in general and its attractiveness.
- (45) The Greek authorities and Casinos Mont Parnès and Thessaloniki contend that, even if there was an advantage to lower priced casinos (because they attract more customers), then by the same token there is no loss of State resources. Furthermore, it is not certain that with a higher ticket price these alleged beneficiaries would generate more revenue for the State, and the alleged loss of revenues is therefore hypothetical. The Greek authorities and Casinos Mont Parnès and Thessaloniki also point out that the benefit of the lower price of admission tickets is received by the customer, and that the proportion of the price kept by the casino is a higher amount in the casinos with a EUR 15 admission, which is therefore a benefit to them.
- (46) The Greek authorities and Casinos Mont Parnès and Thessaloniki also maintain that there is no effect on competition/trade on the basis that each casino serves a local market. They dispute the possibility of competition with other forms of gambling cited in the Opening Decision, noting that internet gambling is currently illegal in Greece.
- (47) The Greek authorities and Casinos Mont Parnès and Thessaloniki also contend that even if the view were taken that the reduced price of admission tickets of EUR 6 might have influenced or may influence the decision of a foreign company to invest in a casino business in Greece, the foreign company could always avail itself of Law 2687/1953, as did the company Hyatt Regency Hotels and Tourism (Thessaloniki) S.A. in the case of the Thessaloniki casino.

- (48) As regards the allegations of the complainant that the beneficiaries are able to grant admission gratuitously, while the 80 % contribution still has to be paid and which therefore illustrates most clearly the aid character of the measure, the Greek authorities claim that the practice is 'exceptional', as casinos allegedly make use of this exception to offer free admission (as a courtesy) mainly to VIPs or famous customers and as this practice is contrary to tax law (Law 2238/1994), since the expenditure from paying 80 % of the ticket price to the State from own resources is not recognised as productive expenditure and cannot be deducted from the company's revenues (which would expose the company applying this practice to substantial tax burdens).
- (49) The Greek authorities and Casinos Mont Parnès and Thessaloniki further draw the attention of the Commission to other differences between casinos in terms of various fiscal/regulatory measures. Thus, these differences which allegedly favour Casino Loutraki (the complainant) would counter-balance the advantages that the beneficiaries enjoy due to the lower price of admission tickets. The main measure invoked is that each casino pays a proportion of annual gross profits to the State but under the law the proportion is lower for Casino Loutraki than for others. On this point however, the Commission firstly observes that these other measures invoked by the Greek authorities and Casinos Mont Parnès and Thessaloniki, in case of existence, might constitute a separate aid measure in favour of Casino Loutraki, if all conditions provided by the applicable Union State aid law are met. In any event these measures are distinct from the measure under assessment and therefore they are not covered by the present Decision.
- (50) The Greek authorities and Casinos Mont Parnès and Thessaloniki have not submitted any observations concerning the compatibility and the legality of the aid.
- (51) In reaction to the complainant's new submission of 14 April 2017 and, in particular, the allegation that the higher attractiveness of the beneficiary casinos, as a result of the lower admission fees and the extensive practice of granting free tickets, led to a deviation of demand and an increased total income and thereby conferred an advantage (see below recital (56)), the Greek authorities contend that neither lower admission fees nor the granting of free tickets correlate with an increase in the total income of the casinos concerned.

4.2. Comments from Casino Loutraki

- (52) Casino Loutraki argues that the measures provided by national legal provisions constitute a fiscal discrimination in favour of certain casinos insofar as the requirement to remit to the State the uniform 80 % levy on admission in casinos applies to a different tax basis – the two different admission prices set by the State. As the admission price for the beneficiary casinos is significantly inferior to that of the other casinos (EUR 6 instead of EUR 15), this constitutes a loss of revenues for the State and thus amounts to State aid, in light of the distortion of competition it creates.
- (53) Casino Loutraki further argues that the measure is not objectively justified, as the imposition of a lower price of admission tickets in the beneficiary casinos is actually contrary to the social objective and the justification and characteristics of the setting of a price of admission tickets to casinos as described by the Judgement n° 4027/1998 of the Greek Council of State. Casino Loutraki contends that it cannot be reasonably argued that administrative control and social protection could be achieved by different prices of admission tickets – in casino Mont Parnès, only ca. 20 km from Athens city centre, by a ticket of EUR 6 while in Casino Loutraki, ca. 85 km from Athens city centre, by a ticket of EUR 15, or respectively, in casino Thessaloniki, only ca. 8 km from Thessaloniki city centre (also at EUR 6), as opposed to casino Chalcidice, ca. 120 km from Thessaloniki city centre (at EUR 15).
- (54) Casino Loutraki observes that, although Greece had previously argued that the reduced price of admission tickets of EUR 6 is justified in consideration of special circumstances applicable to each beneficiary casino, mainly related to the geographical situation of each casino (which determines certain economic, social, demographic and other specificities), nevertheless, in August 2010, the Corfu Casino passed to EUR 15 upon its privatisation, without any explanation as to why the abovementioned special circumstances no longer applied.
- (55) As concerns the separate measures invoked by Greece and Mont Parnès, which would allegedly favour Casino Loutraki (mainly that Casino Loutraki would pay a lower proportion of annual gross profits to the State as compared to other casinos), Casino Loutraki asserts that in practice it has paid the same amount as its competitors under a separate agreement with the authorities.

- (56) In its new submission of 14 April 2017, following the annulment of the 2011 Final Decision by the General Court, Casino Loutraki emphasises that the advantage conferred by the measure in question consists in the higher attractiveness of the beneficiary casinos, as well as the resulting inflation of the beneficiaries' total income. According to Casino Loutraki, the Commission should establish such an advantage and adopt a new final decision finding that the measure concerned has conferred such an advantage to the beneficiaries, taking into account all information submitted by the Greek authorities during the procedure prior to the 2011 Final Decision.
- (57) In addition, Casino Loutraki contends that the extensive practice of the beneficiary casinos to grant free tickets constitutes an independent, third element of the advantage conferred. In relation to that element, Casino Loutraki asks the Commission to provide all information and evidence needed in order to establish that the practice of granting free tickets was common and extensive and went beyond the objectives of the exception provided for in the 1995 Ministerial Decision.
- (58) Casino Loutraki contends that the measure also fulfils the other State aid criteria and is not compatible with the internal market and that, therefore, the Commission should adopt a new final decision finding that the measure has been unlawfully put into effect in breach of Article 108(3) TFEU and ordering recovery of the advantage.

5. ASSESSMENT OF THE MEASURE

- (59) According to Article 107(1) TFEU, any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the provision of certain goods shall be incompatible with the internal market, in so far as it affects trade between Member States. For a measure to be categorised as aid within the meaning of that provision, all the conditions set out in that provision must be fulfilled. First, there must be an intervention by the State or through State resources. Second, the intervention must be liable to affect trade between the Member States. Third, it must confer a selective advantage on the recipient. Fourth, it must distort or threaten to distort competition ⁽¹⁾.
- (60) As regards the third condition for a finding of aid, a distinction is made between the conditions of advantage and selectivity to ensure that not all State measures that confer an advantage (i.e. that improve an undertaking's net financial position) constitute State aid, but only those which grant such an advantage in a selective manner to certain undertakings or certain categories of undertakings or to certain economic sectors ⁽²⁾.
- (61) An advantage is any economic benefit which an undertaking could not have obtained under normal market conditions, that is to say in the absence of State intervention ⁽³⁾. Only the effect of the measure on the undertaking is relevant, and not the cause or the objective of the State intervention ⁽⁴⁾. Whenever the financial situation of an undertaking is improved as a result of State intervention on terms differing from normal market conditions, an advantage is present. To assess this, the financial situation of the undertaking following the measure should be compared with its financial situation if the measure had not been taken ⁽⁵⁾. Since only the effect of the measure on the undertaking matters, it is irrelevant whether the advantage is compulsory for the undertaking in that it could not avoid or refuse it ⁽⁶⁾.

⁽¹⁾ Judgment of the Court of Justice of 21 December 2016, joined Cases C-20/15 P and C-21/15 P Commission v World Duty Free Group, ECLI:EU:C:2016:981, paragraph 53, and the case-law cited therein.

⁽²⁾ See Cases C-20/15 P and C-21/15 P Commission v World Duty Free Group, ECLI:EU:C:2016:981, paragraph 56 and Case C-6/12 P Oy, ECLI:EU:C:2013:525, paragraph 18.

⁽³⁾ Judgment of the Court of Justice of 11 July 1996, SFEI and Others, C-39/94, ECLI:EU:C:1996:285, paragraph 60; judgment of the Court of Justice of 29 April 1999, Spain v Commission, C-342/96, ECLI:EU:C:1999:210, paragraph 41.

⁽⁴⁾ Judgment of the Court of Justice of 2 July 1974, Italy v Commission, 173/73, ECLI:EU:C:1974:71, paragraph 13.

⁽⁵⁾ Commission Decision 2004/339/EC of 15 October 2003 on the measures implemented by Italy for RAI SpA (OJ L 119, 23.4.2004, p. 1), recital 69; opinion of Advocate General Fennelly of 26 November 1998, France v Commission, C-251/97, ECLI:EU:C:1998:572, paragraph 26.

- (62) The precise form of the measure is also irrelevant in establishing whether it confers an advantage on the undertaking ⁽¹⁾. Not only the granting of positive economic advantages is relevant for the notion of State aid, but relief from economic burdens can also constitute an advantage. The latter is a broad category which comprises any mitigation of charges normally included in the budget of an undertaking ⁽²⁾. This covers all situations in which economic operators are relieved of the inherent costs of their economic activities ⁽³⁾.
- (63) In the 2014 judgment, the General Court held that the differentiated tax levied on admissions to public casinos and private casinos in Greece did not constitute a tax reduction to the benefit of public casinos giving rise to an advantage for the purposes of Article 107(1) TFEU. According to the General Court, 'it is apparent from the measure in question that the amounts paid to the State by the casinos in respect of public fees on the admission tickets are simply a proportion of what each casino receives as admission fees. Accordingly, [...] the measure under examination does not amount to a reduction in the tax base, since the sums to be paid by each casino amount to 80 % of all admission fees actually collected. [...] [S]ince the levy of 80 % paid to the State by all of the casinos is calculated in proportion to what they actually received in admission fees on the tickets sold' ⁽⁴⁾, 'the fact that, as a result of the measure under examination, the casinos charging an admission fee of EUR 6 pay less to the State than the casinos charging an admission fee of EUR 15 is not sufficient to demonstrate the existence of an advantage in favour of the casinos falling within the first category.' ⁽⁵⁾.
- (64) In the 2015 order, the Court of Justice upheld that reasoning stating that 'the General Court was justified in relying on the fact that the difference between the two absolute amounts to be paid back to the Greek State corresponds to the same percentage of the different amounts received by the two categories of casinos' ⁽⁶⁾.
- (65) In light of the foregoing, the Commission concludes that the measure in question does not confer an advantage for the purposes of Article 107(1) TFEU.
- (66) As regards the practice of granting free tickets, in the 2014 judgment the General Court held that 'the casinos charging an admission fee of EUR 6 are placed at an advantage, since they pay less in fees to the State than the casinos charging an admission fee of EUR 15 in respect of the same admission fee received (EUR 0).' ⁽⁷⁾. However, it subsequently held that since the system of admission fees to casinos in Greece does not confer an advantage on casinos which charge an entrance fee of EUR 6, the system of free tickets cannot be considered to reinforce the advantage granted by that system ⁽⁸⁾. It then held that '[s]ince the casino admission fees system does not confer an advantage within the meaning of Article 107(1) TFEU as regards admission tickets sold, and since the Member State concerned can permit tickets to be issued free of charge for specific and justified reasons, such as for promotional purposes and for reasons of social obligation, it is reasonable for that Member State to require — as an additional condition — that the fees it would otherwise have been paid are also paid to it in the case of free tickets.' ⁽⁹⁾. Consequently, the General Court excluded the existence of a separate and specific advantage deriving from the practice of granting free tickets ⁽¹⁰⁾.
- (67) In the 2015 order, the Court of Justice upheld that reasoning stating that since 'the General Court correctly held that the sole difference between the sums paid to the State per admission ticket sold confers no advantage on the casinos for which an entry fee of EUR 6 applies' the practice of granting free tickets cannot reinforce that advantage ⁽¹¹⁾.
- (68) In light of the foregoing, the Commission concludes that the practice of granting free tickets does not confer an advantage for the purposes of Article 107(1) TFEU.

⁽¹⁾ Judgment of the Court of Justice of 24 July 2003, *Altmark Trans*, C-280/00, ECLI:EU:C:2003:415, paragraph 84.

⁽²⁾ Judgment of the Court of Justice of 15 March 1994, *Banco Exterior de España*, C-387/92, ECLI:EU:C:1994:100, paragraph 13; judgment of the Court of Justice of 19 September 2000, *Germany v Commission*, C-156/98, ECLI:EU:C:2000:467, paragraph 25; judgment of the Court of Justice of 19 May 1999, *Italy v Commission*, C-6/97, ECLI:EU:C:1999:251, paragraph 15; judgment of the Court of Justice of 3 March 2005, *Heiser*, C-172/03, ECLI:EU:C:2005:130, paragraph 36.

⁽³⁾ Judgment of the Court of Justice of 20 November 2003, *GEMO SA*, C-126/01, ECLI:EU:C:2003:622, paragraphs 28 to 31.

⁽⁴⁾ 2014 judgment, paragraph 55.

⁽⁵⁾ *Ibid.*, paragraph 57.

⁽⁶⁾ 2015 order, paragraph 35.

⁽⁷⁾ 2014 judgment, paragraph 76.

⁽⁸⁾ *Ibid.*, paragraph 77.

⁽⁹⁾ *Ibid.*, paragraph 78.

⁽¹⁰⁾ *Ibid.*, paragraph 80.

⁽¹¹⁾ 2015 order, paragraph 55.

- (69) Finally, the complainant claims that the system of admission fees to casinos in Greece results in the public casinos' higher attractiveness for customers as a result of the lower regulated admission fee and a higher total income (i.e. the generation of other sources of income, such as gambling, accommodation, bar and restaurant services) resulting from the additional customers attracted by the lower admission fee. Just like for the free tickets, given that the system of admission fees to casinos in Greece does not itself confer an advantage on public casinos, any increased attractiveness or additional revenue from additional customers attracted by the lower admission fee cannot be said to give rise to an advantage. In any event, even if such an advantage could be shown to exist, only advantages granted directly or indirectly through State resources can constitute aid within the meaning of Article 107(1) TFEU ⁽¹⁾. According to the Court of Justice, a negative indirect effect on State revenues stemming from regulatory measures does not constitute a transfer of State resources where it is an inherent feature of the measure ⁽²⁾. For example, national regulation which sets a minimum price for certain goods does not entail the transfer of State resources ⁽³⁾. Whereas a loss of State resources is involved in the differentiated tax remitted to the Greek State by public and private casinos, no loss of State resources is involved in the mere fact that public casinos were allowed to charge a lower admission fee than private casinos. Consequently, the Commission concludes that the advantage claimed by the complainant, even if it were shown to exist, is not granted from State resources within the meaning of Article 107(1) TFEU.
- (70) Since a measure needs to fulfil all four *cumulative* conditions laid down in Article 107(1) TFEU to constitute State aid, there is no need to examine whether the other conditions are fulfilled in the present case.

6. CONCLUSION

- (71) In the light of the foregoing, the Commission concludes that the system of levies on admissions to casinos in Greece that existed until November 2012 does not constitute aid within the meaning of Article 107(1) TFEU,

HAS ADOPTED THIS DECISION:

Article 1

The system of levies on admissions to casinos in Greece that existed until November 2012 does not constitute aid within the meaning of Article 107(1) of the Treaty on the Functioning of the European Union.

Article 2

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 9 August 2018.

For the Commission
Margrethe VESTAGER
Member of the Commission

⁽¹⁾ Judgment of the Court of Justice of 24 January 1978, Van Tiggele, 82/77, ECLI:EU:C:1978:10, paragraphs 25 and 26; judgment of the General Court of 12 December 1996, Air France v Commission, T-358/94, ECLI:EU:T:1996:194, paragraph 63.

⁽²⁾ Judgment of the Court of Justice of 13 March 2001, Case C-379/98 Preussen Elektra EU:C:2001:160, paragraph 62.

⁽³⁾ Judgment of the Court of Justice of 24 January 1978, Van Tiggele, 82/77, ECLI:EU:C:1978:10, paragraphs 25 and 26.

COMMISSION IMPLEMENTING DECISION (EU) 2018/1576**of 18 October 2018****amending the Annex to Implementing Decision 2014/709/EU concerning animal health control measures relating to African swine fever in certain Member States***(notified under document C(2018) 6961)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

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

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

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

Whereas:

- (1) Commission Implementing Decision 2014/709/EU ⁽⁴⁾ lays down animal health control measures in relation to African swine fever in certain Member States, where there have been confirmed cases of that disease in domestic or feral pigs (the Member States concerned). The Annex to that Implementing Decision demarcates and lists certain areas of the Member States concerned in Parts I to IV thereof, differentiated by the level of risk based on the epidemiological situation as regards that disease. The Annex to Implementing Decision 2014/709/EU has been amended several times to take account of changes in the epidemiological situation in the Union as regards African swine fever that need to be reflected in that Annex. The Annex to Implementing Decision 2014/709/EU was last amended by Commission Implementing Decision (EU) 2018/1512 ⁽⁵⁾, following recent instances of African swine fever in Hungary and Poland.
- (2) The risk of the spread of African swine fever in wildlife is linked to the natural slow spread of that disease among feral pig populations, and also the risks linked to human activity, as demonstrated by the recent epidemiological evolution of that disease in the Union, and as documented by the European Food Safety Authority (EFSA) in the Scientific Opinion of the Panel on Animal Health and Welfare, published on 14 July 2015; in the Scientific Report of EFSA on Epidemiological analyses on African swine fever in the Baltic countries and Poland, published on 23 March 2017; and in the Scientific Report of EFSA on Epidemiological analyses of African swine fever in the Baltic States and Poland, published on 8 November 2017 ⁽⁶⁾.
- (3) Council Directive 2002/60/EC ⁽⁷⁾ lays down the minimum Union measures to be taken for the control of African swine fever. In particular, Article 9 of Directive 2002/60/EC provides for the establishment of a protection and surveillance zone when African swine fever has been officially confirmed in pigs on a holding, and Articles 10 and 11 of that Directive lay down the measures to be taken in the protection and surveillance zones in order to prevent the spread of that disease. In addition, Article 15 of Directive 2002/60/EC provides for the measures to be taken where African swine fever is confirmed in feral pigs, including the placing under official surveillance

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ OJ L 18, 23.1.2003, p. 11.

⁽⁴⁾ Commission Implementing Decision 2014/709/EU of 9 October 2014 concerning animal health control measures relating to African swine fever in certain Member States and repealing Implementing Decision 2014/178/EU (OJ L 295, 11.10.2014, p. 63).

⁽⁵⁾ Commission Implementing Decision (EU) 2018/1512 of 10 October 2018 amending the Annex to Implementing Decision 2014/709/EU concerning animal health control measures relating to African swine fever in certain Member States (OJ L 255, 11.10.2018, p. 18).

⁽⁶⁾ EFSA Journal 2015;13(7):4163; EFSA Journal 2017;15(3):4732; EFSA Journal 2017;15(11):5068.

⁽⁷⁾ Council Directive 2002/60/EC of 27 June 2002 laying down specific provisions for the control of African swine fever and amending Directive 92/119/EEC as regards Teschen disease and African swine fever (OJ L 192, 20.7.2002, p. 27).

of pig holdings in the defined infected area. Recent experience has shown that the measures laid down in Directive 2002/60/EC are effective in controlling the spread of that disease, and in particular the measures providing for the cleaning and disinfecting of infected holdings.

- (4) Taking into account the effectiveness of the measures being applied in the Member States concerned in accordance with Directive 2002/60/EC, and in particular those laid down in Article 10(4)(b), Article 10(5) and Article 15 thereof, and in line with the risk mitigation measures for African swine fever set out in the Terrestrial Animal Health Code of the World Organisation for Animal Health, certain areas in Latvia, Lithuania and Poland currently listed in Part III of the Annex to Implementing Decision 2014/709/EU should now be listed in Part II or Part I of that Annex, in view of the expiry of the period of three months from the date of the final cleaning and disinfection of the infected holdings. Given that Part III of the Annex to Implementing Decision 2014/709/EU lists the areas where the situation is still evolving, when any amendments are made to areas listed in that Part, particular consideration must always be given to the effect on the surrounding areas.
- (5) In addition, since the date of adoption of Implementing Decision (EU) 2018/1512, the epidemiological situation in the Union has evolved as regards African swine fever, and there have been further instances of that disease that need to be reflected in the Annex to Implementing Decision 2014/709/EU.
- (6) In September 2018, one case of African swine fever in a feral pig was observed in the county of Tauragė in Lithuania. This case of African swine fever in a feral pig constitutes an increased level of risk which should be reflected in the Annex to Implementing Decision 2014/709/EU. Accordingly, this area of Lithuania affected by African swine fever should now be listed in Part II of that Annex instead of in Part I thereof.
- (7) In October 2018, one case of African swine fever in a feral pig was observed in the county of Puławy in Poland. This case of African swine fever in a feral pig constitutes an increased level of risk which should be reflected in the Annex to Implementing Decision 2014/709/EU. Accordingly, this area of Poland affected by African swine fever should now be listed in Part II of that Annex instead of in Part I thereof.
- (8) In October 2018, one outbreak of African swine fever in domestic pig was observed in the county of Teleorman in Romania. This outbreak of African swine fever in a domestic pig constitutes an increased level of risk which should be reflected in the Annex to Implementing Decision 2014/709/EU. Accordingly, this area of Romania affected by African swine fever should now be listed in Part III of that Annex instead of in Part I thereof.
- (9) In order to take account of recent developments in the epidemiological evolution of African swine fever in the Union, and in order to combat the risks associated with the spread of that disease in a proactive manner, new high-risk areas of a sufficient size should be demarcated for Latvia, Lithuania and Poland and duly listed in Parts I and II of the Annex to Implementing Decision 2014/709/EU, as well as the transfer of certain areas from Part III to Part I or II thereof, following the completion of the three-month period from the date of the final cleaning and disinfection of the infected holdings. The Annex to Implementing Decision 2014/709/EU should therefore be amended accordingly.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Implementing Decision 2014/709/EU is replaced by the text set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 18 October 2018.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

The Annex to Implementing Decision 2014/709/EU is replaced by the following:

‘ANNEX

PART I

1. The Czech Republic

The following areas in the Czech Republic:

- okres Uherské Hradiště,
- okres Kroměříž,
- okres Vsetín,
- katastrální území obcí v okrese Zlín:
 - Bělov,
 - Biskupice u Luhačovic,
 - Bohuslavice nad Vláří,
 - Brumov,
 - Bylnice,
 - Divnice,
 - Dobrkovice,
 - Dolní Lhota u Luhačovic,
 - Drnovice u Valašských Klobouk,
 - Halenkovice,
 - Haluzice,
 - Hrádek na Vlárské dráze,
 - Hřivínův Újezd,
 - Jestřabí nad Vláří,
 - Kaňovice u Luhačovic,
 - Kelníky,
 - Kladná-Žilín,
 - Kochavec,
 - Komárov u Napajedel,
 - Křekov,
 - Lipina,
 - Lipová u Slavičína,
 - Ludkovice,
 - Luhačovice,
 - Machová,
 - Mirošov u Valašských Klobouk,
 - Mysločovice,
 - Napajedla,
 - Návojná,
 - Nedašov,
 - Nedašova Lhota,
 - Nevšová,

- Otrokovice,
- Petrůvka u Slavičina,
- Pohořelice u Napajedel,
- Polichno,
- Popov nad Vláří,
- Poteč,
- Pozlovice,
- Rokytnice u Slavičina,
- Rudimov,
- Řetechov,
- Sazovice,
- Sidonie,
- Slavičín,
- Smolina,
- Spytihněv,
- Svatý Štěpán,
- Šanov,
- Šarovy,
- Štítná nad Vláří,
- Tichov,
- Tlumačov na Moravě,
- Valašské Klobouky,
- Velký Ořechov,
- Vlachova Lhota,
- Vlachovice,
- Vrbětice,
- Žlutava.

2. Estonia

The following areas in Estonia:

- Hiiu maakond.

3. Hungary

The following areas in Hungary:

- Borsod-Abaúj-Zemplén megye 650100, 650200, 650300, 650400, 650500, 650600, 650700, 650800, 650900, 651000, 651100, 651200, 651300, 651400, 651500, 651610, 651700, 651801, 651802, 651803, 651900, 652000, 652100, 652200, 652300, 652400, 652500, 652601, 652602, 652603, 652700, 652800, 652900, 653000, 653100, 653200, 653300, 653401, 653403, 653500, 653600, 653700, 653800, 653900, 654000, 654201, 654202, 654301, 654302, 654400, 654501, 654502, 654600, 654700, 654800, 654900, 655000, 655100, 655200, 655300, 655400, 655500, 655600, 655700, 655800, 655901, 655902, 656000, 656100, 656200, 656300, 656400, 656600, 657300, 657400, 657500, 657600, 657700, 657800, 657900, 658000, 658100, 658201, 658202, 658310, 658403, 659100, 659210, 659220, 659300, 659400, 659500, 659601, 659602, 659701, 659800, 659901, 660000, 660100, 660200, 660400, 660501, 660502, 660600 és 660800 kódszámú vadgazdálkodási egységeinek teljes területe,
- Hajdú-Bihar megye 900150, 900250, 900350, 900450, 900550, 900650, 900660, 900670, 900750, 900850, 900860, 900930, 900950, 901050, 901150, 901250, 901260, 901270, 901350, 901560, 901590, 901850, 901950, 902950, 902960, 903050, 903150, 903250, 903350, 903360, 903370, 903450, 904450, 904460, 904550, 904650, 904750, 904760, 905450 és 905550 kódszámú vadgazdálkodási egységeinek teljes területe,
- Heves megye 700150, 700250, 700260, 700350, 700450, 700460, 700550, 700650, 700750, 700850, 702350, 702450, 702550, 702750, 702850, 703350, 703360, 703450, 703550, 703610, 703750, 703850, 703950, 704050, 704150, 704250, 704350, 704450, 704550, 704650, 704750, 704850, 704950, 705050, 705250, 705350, 705510 és 705610 kódszámú vadgazdálkodási egységeinek teljes területe,

- Jász-Nagykun-Szolnok megye 750150, 750160, 750250, 750260, 750350, 750450, 750460, 750550, 750650, 750750, 750850, 750950 és 750960 kódszámú vadgazdálkodási egységeinek teljes területe,
- Nógrád megye 550120, 550130, 550210, 550710, 550810, 551450, 551460, 551550, 551650, 551710, 552010, 552150, 552250, 552350, 552360, 552450, 552460, 552520, 552550, 552610, 552620, 552710, 552850, 552860, 552950, 552960, 552970, 553050, 553110, 553250, 553260, 553350, 553650, 553750, 553850, 553910 és 554050 kódszámú vadgazdálkodási egységeinek teljes területe,
- Pest megye 571250, 571350, 571550, 571610, 571750, 571760, 572250, 572350, 572550, 572850, 572950, 573360, 573450, 580050 és 580450 kódszámú vadgazdálkodási egységeinek teljes területe,
- Szabolcs-Szatmár-Bereg megye 850650, 850850, 851851, 851852, 851950, 852350, 852450, 852550, 852750, 853560, 853650, 853751, 853850, 853950, 853960, 854050, 854150, 854250, 854350, 855250, 855350, 855450, 855460, 855550, 855650, 855660, 855750, 855850, 855950, 855960, 856012, 856050, 856150, 856260, 857050, 857150, 857350 és 857450 kódszámú vadgazdálkodási egységeinek teljes területe.

4. Latvia

The following areas in Latvia:

- Aizputes novads,
- Alsungas novads,
- Kuldīgas novada Gudenieku, Turlavas un Laidu pagasts,
- Pāvilostas novada Sakas pagasts un Pāvilostas pilsēta,
- Priekules novads,
- Skrundas novada Rudbāržu pagasts,
- Stopiņu novada daļa, kas atrodas uz rietumiem no autoceļa V36, P4 un P5, Acones ielas, Daugulupes ielas un Daugulupītes,
- Ventspils novada Jūrkalnes pagasts.

5. Lithuania

The following areas in Lithuania:

- Jurbarko rajono savivaldybė: Smalininkų ir Viešvilės seniūnijos,
- Kelmės rajono savivaldybė: Kelmės, Kelmės apylinkių, Kražių, Kukečių, Liolių, Pakražančio seniūnijos, Tytuvėnų seniūnijos dalis į vakarus ir šiaurę nuo kelio Nr. 157 ir į vakarus nuo kelio Nr. 2105 ir Tytuvėnų apylinkių seniūnijos dalis į šiaurę nuo kelio Nr. 157 ir į vakarus nuo kelio Nr. 2105, ir Vaiguvos seniūnijos,
- Mažeikių rajono savivaldybė: Sedos, Šerkšnėnų ir Židikų seniūnijos,
- Pagėgių savivaldybė,
- Plungės rajono savivaldybė,
- Raseinių rajono savivaldybė: Girkalnio ir Kalnųjų seniūnijos dalis į šiaurę nuo kelio Nr. A1, Nemakščių, Paliepių, Raseinių, Raseinių miesto ir Viduklės seniūnijos,
- Rietavo savivaldybė,
- Šakių rajono savivaldybė: Barzdų, Griškabūdžio, Kriūkų, Kudirkos Naumiesčio, Lekėčių, Lukšių, Sintautų, Slavikų, Sudargo ir Žvirgždaičių seniūnijos,
- Šilalės rajono savivaldybė,
- Šilutės rajono savivaldybė: Juknaičių, Kintų, Šilutės ir Usėnų seniūnijos,
- Tauragės rajono savivaldybė: Lauksargių, Skaudvilės, Tauragės, Mažonų, Tauragės miesto ir Žygaičių seniūnijos.

6. Poland

The following areas in Poland:

w województwie warmińsko-mazurskim:

- gmina Stare Juchy w powiecie elckim,
- gminy Dubeninki, Gołdap i część gminy Banie Mazurskie położona na południe od linii wyznaczonej przez drogę nr 650 w powiecie gołdapskim,

- gmina Pozezdrze i część gminy Węgorzewo położona na zachód od linii wyznaczonej przez drogę nr 63 biegnącą od południowo-wschodniej granicy gminy do skrzyżowania z drogą nr 650, a następnie na południe od linii wyznaczonej przez drogę nr 650 biegnącą od skrzyżowania z drogą nr 63 do skrzyżowania z drogą biegnącą do miejscowości Przysań i na wschód od linii wyznaczonej przez drogę łączącą miejscowości Przysań, Pniewo, Kamionek Wielki, Radzieje, Dłużec w powiecie węgorzewskim,
 - gmina Ruciane – Nida i część gminy Pisz położona na południe od linii wyznaczonej przez drogę nr 58 oraz miasto Pisz w powiecie piskim,
 - gminy Giżycko z miastem Giżycko, Kruklanki, Miłki, Wydminy i Ryn w powiecie giżyckim,
 - gminy Mikołajki, Piecki, część gminy Sorkwity położona na południe od drogi nr 16 i część gminy wiejskiej Mrągowo położona na południe od linii wyznaczonej przez drogę nr 16 biegnącą od zachodniej granicy gminy do granicy miasta Mrągowo oraz na południe od linii wyznaczonej przez drogę nr 59 biegnącą od wschodniej granicy gminy do granicy miasta Mrągowo w powiecie mrągowskim,
 - gmina Bisztynek w powiecie bartoszyckim,
 - gminy Dźwierzuty i Świętajno w powiecie szczycieńskim.
 - gminy Orneta, Lubomino, część gminy wiejskiej Lidzbark Warmiński położona na południe od linii wyznaczonej przez drogę nr 513 biegnącą od wschodniej granicy gminy do wschodniej granicy miasta Lidzbark Warmiński oraz na południowy wschód od linii wyznaczonej przez drogę nr 51 i część gminy Kiwity położona na południe od linii wyznaczonej przez drogę nr 513 w powiecie lidzbarskim,
 - gminy Elbląg, Godkowo, Gronowo Elbląskie, Markusy, Pasłęk i część gminy Tolkmicko niewymieniona w części II załącznika w powiecie elbląskim oraz strefa wód przybrzeżnych Zalewu Wiślanego i Zatoki Elbląskiej,
 - powiat miejski Elbląg,
 - gminy Biskupiec, Dobre Miasto, Jeziorany i Kolno w powiecie olsztyńskim,
 - gmina Miłakowo w powiecie ostródzkim,
- w województwie podlaskim:
- gminy Brańsk z miastem Brańsk, Rudka i Wyszki w powiecie bielskim,
 - gmina Perlejewo w powiecie siemiatyckim,
 - gminy Kolno z miastem Kolno, Mały Płock i Turośl w powiecie kolneńskim,
 - gmina Poświętne w powiecie białostockim,
 - gminy Kołaki Kościelne, Rutki, Szumowo, część gminy Zambrów położona na południe od linii wyznaczonej przez drogę nr S8 i miasto Zambrów w powiecie zambrowskim,
 - gminy Wiżajny i Przerośl w powiecie suwalskim,
 - gminy Kulesze Kościelne, Nowe Piekuty, Szepietowo, Klukowo, Ciechanowiec, Wysokie Mazowieckie z miastem Wysokie Mazowieckie, Czyżew w powiecie wysokomazowieckim,
 - gminy Miastkowo, Nowogród i Zbójna w powiecie łomżyńskim.
- w województwie mazowieckim:
- gminy Cerańów, Kosów Lacki, Sabnie, Sterdyń, część gminy Bielany położona na zachód od linii wyznaczonej przez drogę nr 63 i część gminy wiejskiej Sokołów Podlaski położona na zachód od linii wyznaczonej przez drogę nr 63 w powiecie sokołowskim,
 - gminy Grębków, Korytnica, Liw, Łochów, Miedzna, Sadowne, Stoczek, Wierzbno i miasto Węgrów w powiecie węgrowskim,
 - część gminy Kotuń położona na zachód od linii wyznaczonej przez drogę łączącą miejscowości Nowa Dąbrówka, Pieróg, Kotuń wzdłuż ulicy Gorzkowskiego i Kolejowej do przejazdu kolejowego łączącego się z ulicą Siedlecką, Broszków, Żuków w powiecie siedleckim,
 - gminy Rzekuń, Troszyn, Lelis, Czerwin i Goworowo w powiecie ostrołęckim,
 - powiat miejski Ostrołęka,
 - powiat ostrowski,
 - gminy Karniewo, Maków Mazowiecki, Rzewnie i Szelków w powiecie makowskim,
 - gmina Krasne w powiecie przasnyskim,
 - gminy Mała Wieś i Wyszogród w powiecie płockim,
 - gminy Ciechanów z miastem Ciechanów, Głinojeck, Gołymień – Ośrodek, Ojrzeń, Opinogóra Górna i Sońsk w powiecie ciechanowskim,

- gminy Baboszewo, Czerwińsk nad Wisłą, Naruszewo, Płońsk z miastem Płońsk, Sochocin i Załuski w powiecie płońskim,
- gminy Gzy, Obryte, Zatory, Pułtusk i część gminy Winnica położona na wschód od linii wyznaczonej przez drogę łączącą miejscowości Bielany, Winnica i Pokrzywnica w powiecie pułtuskim,
- gminy Brańszczyk, Długosiodło, Rząśnik, Wyszów, Zabrodzie i część gminy Somianka położona na północ od linii wyznaczonej przez drogę nr 62 w powiecie wyszkowskim,
- gminy Jadów, Klembów, Poświętne, Strachówka i Tuszcz w powiecie wołomińskim,
- gminy Dobrze, Jakubów, Mrozy, Kałuszyn, Stanisławów, część gminy Ceglów położona na północ od linii wyznaczonej przez drogę biegnącą od zachodniej granicy gminy łączącą miejscowości Wiciejów, Mienia, Ceglów i na wschód od linii wyznaczonej przez drogę łączącą miejscowości Ceglów, Skwarne i Podskwarne biegnącą do wschodniej granicy gminy i część gminy Mińsk Mazowiecki położona na północ od linii wyznaczonej przez drogę nr 92 biegnącą od zachodniej granicy gminy do granicy miasta Mińsk Mazowiecki i na północ od linii wyznaczonej przez drogę biegnącą od wschodniej granicy miasta Mińsk Mazowiecki łączącą miejscowości Targówka, Budy Barczackie do wschodniej granicy gminy w powiecie mińskim,
- gminy Górzno, Łaskarzew z miastem Łaskarzew, Sobolew, Trojanów, Żelechów i część gminy Miastków Kościelny położona na południe od rzeki Wilga w powiecie garwolińskim,
- gminy Garbatka Letnisko, Gniewoszków, i Sieciechów w powiecie kozienickim,
- gminy Baranów i Jaktorów w powiecie grodziskim,
- powiat zyrardowski,
- gminy Belsk Duży, Błędów, Goszczyn i Mogielnica w powiecie grójeckim,
- gminy Białobrzegi, Promna, Stara Błotnica, Wyśmierzyce i część gminy Stromiec położona na południe od linii wyznaczonej przez drogę nr 48 w powiecie białobrzeskim,
- gminy Jedlińsk, Jastrzębia i Pionki z miastem Pionki w powiecie radomskim,
- gminy Iłów, Młodzieszyn, Nowa Sucha, Rybno, Sochaczew z miastem Sochaczew i Teresin w powiecie sochaczewskim,
- gmina Policzna w powiecie zwoleńskim.

w województwie lubelskim:

- gminy Jabłonna, Krzczonów, Jastków, Konopnica, Wólka, Głusk i Wojciechów w powiecie lubelskim,
- gminy Miączyn, Nielisz, Sitno, Skierbieszów, Stary Zamość, Komarów-Osada w powiecie zamojskim,
- gminy Trzeszczany i Werbkowice w powiecie hrubieszowskim,
- gminy Jeziorzany i Kock, w powiecie lubartowskim,
- gminy Adamów i Serokomla w powiecie łukowskim,
- powiat rycki,
- gminy Janowiec, i część gminy wiejskiej Puławy położona na zachód od rzeki Wisły w powiecie puławskim,
- gminy Karczmiska, Poniatowa i Wilków w powiecie opolskim,
- gminy Mełgiew, Rybczewice, miasto Świdnik i część gminy Piaski położona na południe od linii wyznaczonej przez drogę nr 17 biegnącą od wschodniej granicy gminy Piaski do skrzyżowania z drogą nr S12 i na zachód od linii wyznaczonej przez drogę biegnącą od skrzyżowania dróg nr 17 i nr S12 przez miejscowość Majdan Brzezicki do północnej granicy gminy w powiecie świdnickim;
- gminy Gorzków, Izbica, Rudnik i Żółkiewka w powiecie krasnostawskim,
- gminy Bełżec, Jarczów, Lubycza Królewska, Łaszczów, Susiec, Tyszowce i Ulhówek w powiecie tomaszowskim,
- gminy Łukowa i Obsza w powiecie biłgorajskim,
- powiat miejski Lublin.

w województwie podkarpackim:

- gminy Horyniec-Zdrój, Narol, Stary Dzików i Wielkie Oczy i część gminy Oleszyce położona na południe od linii wyznaczonej przez drogę biegnącą od wschodniej granicy gminy przez miejscowość Borchów do skrzyżowania z drogą nr 865 w miejscowości Oleszyce, a następnie na zachód od linii wyznaczonej przez drogę nr 865 biegnącą w kierunku północno-wschodnim do skrzyżowania z drogą biegnącą w kierunku północno-zachodnim przez miejscowość Lubomierz - na południe od linii wyznaczonej przez tę drogę do skrzyżowania z drogą łączącą miejscowości Uszkowce i Nowy Dzików - na zachód od tej drogi w powiecie lubaczowskim,
- gminy Laszki i Wiązownica w powiecie jarosławskim.

7. Romania

The following areas in Romania:

- Alba county with the following delimitation:
 - North of National Road no. 7
- Arad county with the following delimitation:
 - In the North side of the line described by following localities:
 - Macea,
 - Șiria,
 - Bârzava,
 - Toc, which is junction with National Road no. 7,
 - North of National Road no. 7,
- Arges county,
- Bistrița county,
- Brașov county,
- Cluj county,
- Covasna county,
- Dolj county,
- Harghita county,
- Hunedoara county with the following delimitation:
 - North of the line described by following localities:
 - Brănișca,
 - Deva municipality,
 - Turdaș,
 - Zam and Aurel Vlaicu localities which are at junction with National Road no. 7,
 - North of National Road no. 7,
- Iasi county,
- Maramureș county,
- Neamt county,
- Vâlcea county.

PART II

1. The Czech Republic

The following areas in the Czech Republic:

- katastrální území obcí v okrese Zlín:
 - Bohuslavice u Zlína,
 - Bratřejov u Vizovic,
 - Březnice u Zlína,
 - Březová u Zlína,
 - Březůvky,
 - Dešná u Zlína,
 - Dolní Ves,
 - Doubravy,
 - Držková,
 - Fryšták,

- Horní Lhota u Luhačovic,
- Horní Ves u Fryštáku,
- Hostišová,
- Hrobice na Moravě,
- Hvozdná,
- Chrastěšov,
- Jaroslavice u Zlína,
- Jasenná na Moravě,
- Karlovice u Zlína,
- Kašava,
- Klečůvka,
- Kostelec u Zlína,
- Kudlov,
- Kvítkovice u Otrokovic,
- Lhota u Zlína,
- Lhotka u Zlína,
- Lhotsko,
- Lípa nad Dřevnicí,
- Loučka I,
- Loučka II,
- Louky nad Dřevnicí,
- Lukov u Zlína,
- Lukoveček,
- Lutonina,
- Lužkovice,
- Malenovice u Zlína,
- Mladcová,
- Neubuz,
- Oldřichovice u Napajedel,
- Ostrata,
- Podhradí u Luhačovic,
- Podkopná Lhota,
- Provodov na Moravě,
- Prštné,
- Příluky u Zlína,
- Racková,
- Raková,
- Salaš u Zlína,
- Sehradice,
- Slopné,
- Slušovice,
- Štípa,
- Tečovice,
- Trnava u Zlína,

- Ublo,
- Újezd u Valašských Klobouk,
- Velíková,
- Veselá u Zlína,
- Vítová,
- Vizovice,
- Vlčková,
- Všemina,
- Vysoké Pole,
- Zádveřice,
- Zlín,
- Želechovice nad Dřevnicí.

2. Estonia

The following areas in Estonia:

- Eesti Vabariik (välja arvatud Hiiu maakond).

3. Hungary

The following areas in Hungary:

- Heves megye 700860, 700950, 701050, 701111, 701150, 701250, 701350, 701550, 701560, 701650, 701750, 701850, 701950, 702050, 702150, 702250, 702260, 702950, 703050, 703150, 703250, 703370, 705150 és 705450 kódszámú vadgazdálkodási egységeinek teljes területe,
- Szabolcs-Szatmár-Bereg megye 850950, 851050, 851150, 851250, 851350, 851450, 851550, 851560, 851650, 851660, 851751, 851752, 852850, 852860, 852950, 852960, 853050, 853150, 853160, 853250, 853260, 853350, 853360, 853450, 853550, 854450, 854550, 854560, 854650, 854660, 854750, 854850, 854860, 854870, 854950, 855050, 855150, 856250, 856350, 856360, 856450, 856550, 856650, 856750, 856760, 856850, 856950, 857650, valamint 850150, 850250, 850260, 850350, 850450, 850550, 852050, 852150, 852250 és 857550 kódszámú vadgazdálkodási egységeinek teljes területe,
- Nógrád megye 550110, 550310, 550320, 550450, 550460, 550510, 550610, 550950, 551010, 551150, 551160, 551250, 551350, 551360, 551810 és 551821 kódszámú vadgazdálkodási egységeinek teljes területe,
- Borsod-Abaúj-Zemplén megye 656701, 656702, 656800, 656900, 657010, 657100, 658401, 658402, 658404, 658500, 658600, 658700, 658801, 658802, 658901, 658902 és 659000 kódszámú vadgazdálkodási egységeinek teljes területe.

4. Latvia

The following areas in Latvia:

- Ādažu novads,
- Aglonas novads,
- Aizkraukles novads,
- Aknīstes novads,
- Alojas novads,
- Alūksnes novads,
- Amatas novads,
- Apes novads,
- Auces novads,
- Babītes novads,
- Baldones novads,
- Baltinavas novads,
- Balvu novads,

- Bauskas novads,
- Beverīnas novads,
- Brocēnu novada Blīdenes pagasts, Remtes pagasta daļa uz austrumiem no autoceļa 1154 un P109,
- Burtnieku novads,
- Carnikavas novads,
- Cēsu novads,
- Cesvaines novads,
- Ciblas novads,
- Dagdas novads,
- Daugavpils novads,
- Dobeles novads,
- Dundagas novads,
- Engures novads,
- Ērgļu novads,
- Garkalnes novads,
- Gulbenes novads,
- Iecavas novads,
- Ikšķiles novads,
- Ilūkstes novads,
- Inčukalna novads,
- Jaunjelgavas novads,
- Jaunpiebalgas novads,
- Jaunpils novads,
- Jēkabpils novads,
- Jelgavas novads,
- Kandavas novads,
- Kārsavas novads,
- Ķeguma novads,
- Ķekavas novads,
- Kocēnu novads,
- Kokneses novads,
- Krāslavas novads,
- Krimuldas novads,
- Krustpils novads,
- Kuldīgas novada Ēdoles, Īvandes, Padures, Rendas un Kabiles, pagasts, Rumbas pagasta daļa uz ziemeļiem no autoceļa P120, Kurmāles pagasta daļa uz rietumiem no autoceļa 1283 un 1290, un uz ziemeļaustrumiem no autoceļa P118, Kuldīgas pilsēta,
- Lielvārdes novads,
- Līgatnes novads,
- Limbažu novads,
- Līvānu novads,
- Lubānas novads,
- Ludzas novads,
- Madonas novads,
- Mālpils novads,

- Mārupes novads,
- Mazsalacas novads,
- Mērsraga novads,
- Naukšēnu novads,
- Neretas novads,
- Ogres novads,
- Olaines novads,
- Ozolnieku novads,
- Pārgaujas novads,
- Pļaviņu novads,
- Preiļu novads,
- Priekule novads,
- Raunas novads,
- republikas pilsēta Daugavpils,
- republikas pilsēta Jelgava,
- republikas pilsēta Jēkabpils,
- republikas pilsēta Jūrmala,
- republikas pilsēta Rēzekne,
- republikas pilsēta Valmiera,
- Rēzeknes novads,
- Riebiņu novads,
- Rojas novads,
- Ropažu novads,
- Rugāju novads,
- Rundāles novads,
- Rūjienas novads,
- Salacgrīvas novads,
- Salas novads,
- Salaspils novads,
- Saldus novada Novadnieku, Kursiņu, Zvārdes, Šķēdes, Nīgrandes, Jaunaucē, Rubas, Vadakstes, un Pampāļu pagasts,
- Saulkrastu novads,
- Sējas novads,
- Siguldas novads,
- Skrīveru novads,
- Skrundas novada Nīkrāces, Skrundas un Raņķu pagasts, Skrundas pilsēta,
- Smiltenes novads,
- Stopiņu novada daļa, kas atrodas uz austrumiem no autoceļa V36, P4 un P5, Acones ielas, Dauguļupes ielas un Dauguļupītes,
- Strenču novads,
- Talsu novads,
- Tērvetes novads,
- Tukuma novads,
- Vaiņodes novads,
- Valkas novads,

- Varakļānu novads,
- Vārkavas novads,
- Vecpiebalgas novads,
- Vecumnieku novads,
- Ventspils novada Ances, Tārgales, Popes, Vārves, Užavas, Piltenes, Puzes, Ziru, Ugāles, Usmas un Zlēku pagasts, Piltenes pilsēta,
- Viesītes novads,
- Viļakas novads,
- Viļānu novads,
- Zilupes novads.

5. Lithuania

The following areas in Lithuania:

- Alytaus rajono savivaldybė: Krokialaukio, Miroslovo ir Simno seniūnijos,
- Anykščių rajono savivaldybė,
- Biržų miesto savivaldybė,
- Biržų rajono savivaldybė,
- Druskininkų savivaldybė,
- Elektrėnų savivaldybė,
- Ignalinos rajono savivaldybė,
- Jonavos rajono savivaldybė,
- Jurbarko rajono savivaldybė: Eržvilko, Jurbarko miesto ir Jurbarkų seniūnijos,
- Kaišiadorių miesto savivaldybė,
- Kaišiadorių rajono savivaldybė: Kaišiadorių apylinkės, Kruonio, Nemaitonių, Palomenės, Pravieniškių, Rumšiškių, Žiežmarių ir Žiežmarių apylinkės seniūnijos,
- Kalvarijos savivaldybė,
- Kauno miesto savivaldybė,
- Kauno rajono savivaldybė,
- Kazlų Rūdos savivaldybė,
- Kelmės rajono savivaldybė: Užvenčio ir Šaukėnų seniūnijos,
- Kėdainių rajono savivaldybė,
- Kupiškio rajono savivaldybė,
- Marijampolės savivaldybė: Igliaukos, Gudelių, Liudvinavo, Sasnavos, Šunskų seniūnijos,
- Molėtų rajono savivaldybė: Alantos, Balninkų, Čiulėnų, Inturkės, Jonišio, Luokesos, Mindūnų, Suginėčių, Videniškių seniūnijos,
- Pakruojo rajono savivaldybė,
- Panevėžio rajono savivaldybė,
- Pasvalio rajono savivaldybė,
- Radviliškio rajono savivaldybė: Aukštelkų seniūnija, Baisogalos seniūnijos dalis į vakarus nuo kelio Nr. 144, Radviliškio, Radviliškio miesto seniūnija, Šeduvos miesto seniūnijos dalis į pietus nuo kelio Nr. A9 ir į vakarus nuo kelio Nr. 3417 ir Tyrulių seniūnija,
- Prienų miesto savivaldybė,
- Prienų rajono savivaldybė: Ašmintos, Balbieriškio, Išlaužo, Naujosios Ūtos, Pakuonio, Šilavoto ir Veiverių seniūnijos,
- Raseinių rajono savivaldybė: Ariogalos, Betygalos, Pajūjū, Šiluvos, Kalnų seniūnijos ir Girkalnio seniūnijos dalis į pietus nuo kelio Nr. A1,
- Rokiškio rajono savivaldybė,

- Šalčininkų rajono savivaldybė,
- Šilutės rajono savivaldybė: Rusnės seniūnija,
- Širvintų rajono savivaldybės: Čiobiškio, Gelvonų, Jauniūnų, Karnavės, Musninkų, Širvintų, Zibalų seniūnijos,
- Švenčionių rajono savivaldybė,
- Tauragės rajono savivaldybė: Batakių ir Gaurės seniūnijos,
- Telšių rajono savivaldybė: Degaičių, Gadūnavo, Luokės, Nevarėnų, Ryškėnų, Telšių miesto, Upynos, Varnių, Viešvėnų ir Žarėnų seniūnijos,
- Trakų rajono savivaldybė,
- Ukmergės rajono savivaldybė,
- Utenos rajono savivaldybė,
- Varėnos rajono savivaldybė,
- Vilniaus miesto savivaldybė,
- Vilniaus rajono savivaldybė: Avižienių, Bezdonių, Buivydžių, Dūkštų, Juodšilių, Kalvelių, Lavoriškių, Maišiagalos, Marijampolio, Medininkų, Mickūnų, Nemenčinės, Nemenčinės miesto, Nemėžio, Pagirių, Riešės, Rudaminos, Rukainių, Sudervės, Sužionių, Šatrininkų, Žujūnų seniūnijos,
- Vilkaviškio rajono savivaldybė,
- Visagino savivaldybė,
- Zarasų rajono savivaldybė.

6. Poland

The following areas in Poland:

w województwie warmińsko-mazurskim:

- gminy Kalinowo, Prostki i gmina wiejska Elk w powiecie elckim,
- gmina Milejewo i część obszaru lądowego gminy Tolkmicko położona na południe od linii brzegowej Zalewu Wiślanego i Zatoki Elbląskiej do granicy z gminą wiejską Elbląg w powiecie elbląskim,
- powiat olecki,
- gminy Orzysz, Biała Piska i część gminy Pisz położona na północ od linii wyznaczonej przez drogę nr 58 w powiecie piskim,
- gmina Frombork, część gminy wiejskiej Braniewo położona na zachód od linii wyznaczonej przez drogę nr E28 i S22 i miasto Braniewo w powiecie braniewskim,
- gminy Kętrzyn z miastem Kętrzyn, Reszel i część gminy Korsze położona na południe od linii wyznaczonej przez drogę biegnącą od wschodniej granicy łączącą miejscowości Kreliekiejmy i Sątoczno i na wschód od linii wyznaczonej przez drogę łączącą miejscowości Sątoczno, Sajna Wielka biegnącą do skrzyżowania z drogą nr 590 w miejscowości Glitajny, a następnie na wschód od drogi nr 590 do skrzyżowania z drogą nr 592 i na południe od linii wyznaczonej przez drogę nr 592 biegnącą od zachodniej granicy gminy do skrzyżowania z drogą nr 590 w powiecie kętrzyńskim,
- część gminy wiejskiej Lidzbark Warmiński położona na zachód od linii wyznaczonej przez drogę nr 511 oraz na północny zachód od linii wyznaczonej przez drogę nr 51 i miasto Lidzbark Warmiński w powiecie lidzbarskim,
- część gminy Sorkwity położona na północ od drogi nr 16 i część gminy wiejskiej Mrągowo położona na północ od linii wyznaczonej przez drogę nr 16 biegnącą od zachodniej granicy gminy do granicy miasta Mrągowo oraz na północ od linii wyznaczonej przez drogę nr 59 biegnącą od wschodniej granicy gminy do granicy miasta Mrągowo;

— w województwie podlaskim:

- powiat grajewski,
- powiat moniecki,
- powiat sejneński,
- gminy Łomża, Piątnica, Śniadowo, Jedwabne, Przytuły i Wizna w powiecie łomżyńskim,
- powiat miejski Łomża,
- gminy Mielnik, Nurzec – Stacja, Grodzisk, Drohiczyn, Dziadkowice, Milejczyce i Siemiatycze z miastem Siemiatycze w powiecie siemiatyckim,
- powiat hajnowski,

- gminy Kobylin-Borzymy i Sokoły w powiecie wysokomazowieckim,
- część gminy Zambrów położona na północ od linii wyznaczonej przez drogę nr S8 w powiecie zambrowskim,
- gminy Grabowo i Stawiski w powiecie kolneńskim,
- gminy Czarna Białostocka, Dobrzyniewo Duże, Gródek, Juchnowiec Kościelny, Łapy, Michałowo, Supraśl, Suraż, Turośń Kościelna, Tykocin, Wasilków, Zabłudów, Zawady i Choroszcz w powiecie białostockim,
- gminy Boćki, Orla i Bielsk Podlaski z miastem Bielsk Podlaski w powiecie bielskim,
- gmina Puńsk, część gminy Krasnopol położona na północ od linii wyznaczonej przez drogę nr 653, część gminy Sejny położona na północ od linii wyznaczonej przez drogę nr 653 i na wschód od linii wyznaczonej przez drogę nr 663 i miasto Sejny w powiecie sejneńskim,
- gminy Bakalarzewo, Filipów, Jeleniewo, Raczek, Rutka-Tartak, Suwałki i Szypliszki w powiecie suwalskim,
- powiat miejski Suwałki,
- powiat augustowski,
- powiat sokólski,
- powiat miejski Białystok.

w województwie mazowieckim:

- gminy Przesmyki, Wodynie, Skórzec i część gminy Mordy położona na południe od linii wyznaczonej przez drogę nr 698 biegnącą od zachodniej granicy gminy do północno – wschodniej granicy gminy i część gminy Zbuczyn położona na wschód od linii wyznaczonej przez drogę biegnącą od północno-wschodniej do południowej granicy gminy i łączącą miejscowości Tarcze, Chojna, Zbuczyn, Grodzisk, Dziewule i Smolanka w powiecie siedleckim,
- gminy Repki, Jabłonna Lacka, część gminy Bielany położona na wschód od linii wyznaczonej przez drogę nr 63 i część gminy wiejskiej Sokołów Podlaski położona na wschód od linii wyznaczonej przez drogę nr 63 w powiecie sokołowskim,
- powiat łosicki,
- gmina Brochów w powiecie sochaczewskim,
- powiat nowodworski,
- gminy Joniec i Nowe Miasto w powiecie płońskim,
- gminy Pokrzywnica, Świercze i część gminy Winnica położona na zachód od linii wyznaczonej przez drogę łączącą miejscowości Bielany, Winnica i Pokrzywnica w powiecie pułtuskim,
- gminy Dąbrówka, Kobyłka, Marki, Radzymin, Wołomin, Zielonka i Ząbki w powiecie wołomińskim,
- część gminy Somianka położona na południe od linii wyznaczonej przez drogę nr 62 w powiecie wyszkowskim,
- gminy Dębe Wielkie, Halinów, Sulejówek miasto Mińsk Mazowiecki i części gminy Latowicz położona na wschód od linii wyznaczonej przez drogę biegnącą od północnej granicy gminy przez miejscowość Stawek do skrzyżowania z drogą nr 802 i na północ od linii wyznaczonej przez drogę nr 802 biegnącą od tego skrzyżowania do wschodniej granicy gminy w powiecie mińskim,
- gminy Borowie, Wilga i Garwolin z miastem Garwolin, Maciejowice i część gminy Miastków Kościelny położona na północ od rzeki Wilga w powiecie garwolińskim,
- gminy Celestynów, Józefów, Karczew, Osieck, Otwock, Sobienie Jeziory i Wiązowna w powiecie otwockim
- powiat warszawski zachodni,
- powiat legionowski,
- powiat piaseczyński,
- powiat pruszkowski,
- gminy Chynów, Grójec, Jasieniec, Pniewy i Warka w powiecie grójeckim,
- gminy Milanówek, Grodzisk Mazowiecki, Podkowa Leśna i Żabia Wola w powiecie grodziskim,
- gminy Grabów nad Pilicą, Magnuszew, Głowaczów, Kozienice w powiecie kozienickim,
- część gminy Stromiec położona na północ od linii wyznaczonej przez drogę nr 48 w powiecie białobrzeskim,
- powiat miejski Warszawa.

w województwie lubelskim:

- gminy Czemierniki, Kąkolewnica, Komarówka Podlaska, Wołyń, część gminy Borki położona na południowy – wschód od linii wyznaczonej przez drogę nr 19, miasto Radzyń Podlaski, część gminy wiejskiej Radzyń Podlaski położona na wschód od linii wyznaczonej przez drogę biegnącą od północno-zachodniej granicy gminy i łącząca miejscowości Brzostówek i Radowiec do jej przecięcia z granicą miasta Radzyń Podlaski, następnie na wschód od linii stanowiącej granicę miasta Radzyń Podlaski biegnącej do południowej granicy gminy i na południe od linii wyznaczonej przez drogę nr 19 biegnącą od południowo zachodniej granicy gminy do granicy miasta Radzyń Podlaski oraz na południe od południowej granicy miasta Radzyń Podlaski do granicy gminy w powiecie radzyńskim,
- gminy Stoczek Łukowski z miastem Stoczek Łukowski, Wola Mysłowska, Trzebieszów, część gminy Krzywda położona na zachód od linii wyznaczonej przez drogę biegnącą od północnej granicy gminy w kierunku południowym i łącząca miejscowości Kozuchówka, Krzywda i Adamów, część gminy Stanin położona na zachód od linii wyznaczonej przez drogę nr 807, i część gminy wiejskiej Łuków położona na wschód od linii wyznaczonej przez drogę biegnącą od północnej granicy gminy przez miejscowość Wólka Świątkowa do północnej granicy miasta Łuków i na północ od linii wyznaczonej przez drogę nr 806 biegnącą od wschodniej granicy miasta Łuków do wschodniej granicy gminy wiejskiej Łuków i część miasta Łuków położona na wschód od linii wyznaczonej przez drogę nr 63 biegnącą od północnej granicy miasta Łuków do skrzyżowania z drogą nr 806 i na północ od linii wyznaczonej przez drogę nr 806 biegnącą od tego skrzyżowania do wschodniej granicy miasta Łuków w powiecie łukowskim,
- gminy Janów Podlaski, Kodeń, Tucznia, Leśna Podlaska, Rossosz, Łomazy, Konstantynów, Piszczac, Rokitno, Biała Podlaska, Zalesie, Terespol z miastem Terespol, Drelów, Międzyrzec Podlaski z miastem Międzyrzec Podlaski w powiecie białskim,
- powiat miejski Biała Podlaska,
- gmina Łęczna i część gminy Spiczyn położona na zachód od linii wyznaczonej przez drogę nr 829 w powiecie łączyńskim,
- część gminy Siemień położona na zachód od linii wyznaczonej przez drogę nr 815 i część gminy Milanów położona na zachód od drogi nr 813 w powiecie parczewskim,
- gminy Niedźwiada, Ostrówek, Abramów, Firlej, Kamionka, Michów i Lubartów z miastem Lubartów, w powiecie lubartowskim,
- gminy Niemce i Garbów w powiecie lubelskim,
- część gminy Piaski położona na północ od linii wyznaczonej przez drogę nr 17 biegnącą od wschodniej granicy gminy Piaski do skrzyżowania z drogą nr S12 i na wschód od linii wyznaczonej przez drogę biegnącą od skrzyżowania dróg nr 17 i nr S12 przez miejscowość Majdan Brzezicki do północnej granicy gminy w powiecie świdnickim;
- gmina Fajslawice, Kraśniczyn, część gminy Krasnystaw położona na zachód od linii wyznaczonej przez drogę nr 17 biegnącą od północno – wschodniej granicy gminy do granicy miasta Krasnystaw, miasto Krasnystaw i część gminy Łopiennik Górny położona na zachód od linii wyznaczonej przez drogę nr 17 w powiecie krasnostawskim,
- gminy Dołhobyczów, Mircze i część gminy wiejskiej Hrubieszów położona na południe od linii wyznaczonej przez drogę nr 844 oraz na południe od linii wyznaczonej przez drogę nr 74 i miasto Hrubieszów w powiecie hrubieszowskim,
- gmina Telatyn w powiecie tomaszowskim,
- część gminy Wojsławice położona na zachód od linii wyznaczonej przez drogę biegnącą od północnej granicy gminy przez miejscowość Wojsławice do południowej granicy gminy w powiecie chełmskim,
- gmina Grabowiec w powiecie zamojskim,
- gminy Markuszów, Nałęczów, Kazimierz Dolny, Końskowola, Kurów, Wąwolnica, Żyrzyn, Baranów, część gminy wiejskiej Puławy położona na wschód od rzeki Wisły i miasto Puławy w powiecie puławskim.

PART III

1. Latvia

The following areas in Latvia:

- Brocēnu novads Cieceres un Gaiķu pagasts, Remtes pagasta daļa uz rietumiem no autoceļa 1154 un P109, Brocēnu pilsēta,

- Kuldīgas novada Pelču, Snēpeles un Vārmes pagasts, Rumbas pagasta daļa uz dienvidiem no autoceļa P120, Kurmāles pagasta daļa uz austrumiem no autoceļa 1283 un 1290, un uz dienvidrietumiem no autoceļa P118,
- Saldus novada Saldus, Zirņu, Lutriņu, Zaņas, Ezeres un Jaunlutriņu pagasts, Saldus pilsēta.

2. Lithuania

The following areas in Lithuania:

- Akmenės rajono savivaldybė,
- Alytaus miesto savivaldybė,
- Alytaus rajono savivaldybė: Alytaus, Alovės, Butrimonių, Daugų, Nemunaičio, Pivašiūnų, Punios ir Raitininkų seniūnijos,
- Birštono savivaldybė,
- Jurbarko rajono savivaldybė: Girdžių, Juodaičių, Raudonės, Seredžiaus, Skirsnemunės, Šimkaičių ir Veliuonos seniūnijos,
- Joniškio rajono savivaldybė,
- Kaišiadorių rajono savivaldybė: Paparčių ir Žaslių seniūnijos,
- Kelmės rajono savivaldybė: Tytuvėnų seniūnijos dalis į rytus ir pietus nuo kelio Nr. 157 ir į rytus nuo kelio Nr. 2105 ir Tytuvėnų apylinkių seniūnijos dalis į pietus nuo kelio Nr. 157 ir į rytus nuo kelio Nr. 2105,
- Lazdijų rajono savivaldybė,
- Marijampolės savivaldybė: Degučių, Mokolų, Narto, Marijampolės seniūnijos,
- Mažeikių rajono savivaldybės: Laižuvos, Mažeikių apylinkės, Mažeikių, Reivyčių, Tirkšlių ir Viekšnių seniūnijos,
- Molėtų rajono savivaldybė: Dubingių, Giedraičių seniūnijos,
- Prienų rajono savivaldybė: Jiezno ir Stakliškių seniūnijos,
- Radviliškio rajono savivaldybė: Baisogalos seniūnijos dalis į rytus nuo kelio Nr. 144, Grinkiškio, Pakalniškių, Sidabravo, Skėmių seniūnijos, Šeduvos miesto seniūnijos dalis į šiaurę nuo kelio Nr. A9 ir į rytus nuo kelio Nr. 3417, Šaukoto ir Šiaulėnų seniūnijos,
- Raseinių rajono savivaldybė: Kalnųjų seniūnijos ir Girkalnio seniūnijos dalis į pietus nuo kelio Nr. A1,
- Šakių rajono savivaldybė: Gelgaudiškio, Kidulių, Plokščių ir Šakių seniūnijos,
- Šiaulių miesto savivaldybė,
- Šiaulių rajono savivaldybė,
- Širvintų rajono savivaldybė: Alionių seniūnija,
- Telšių rajono savivaldybė: Tryškių seniūnija,
- Vilniaus rajono savivaldybė: Paberžės sen.

3. Poland

The following areas in Poland:

w województwie warmińsko-mazurskim:

- gminy Lelkowo, Pieniężno, Płoskinia, Wilczęta i część gminy wiejskiej Braniewo położona na wschód od linii wyznaczonej przez drogę nr E28 i S22 w powiecie braniewskim,
- gminy Bartoszyce z miastem Bartoszyce, Górowo Iławeckie z miastem Górowo Iławeckie i Sępól w powiecie bartoszyckim,
- gmina Młynary w powiecie elbląskim,
- część gminy Kiwity położona na północ od linii wyznaczonej przez drogę nr 513 i część gminy Lidzbark Warmiński położona na północ od linii wyznaczonej przez drogę nr 513 biegnącą od wschodniej granicy gminy do wschodniej granicy miasta Lidzbark Warmiński i na wschód od linii wyznaczonej przez drogę nr 511 w powiecie lidzbarskim,

- gminy Srokowo, Barciany i część gminy Korsze położona na północ od linii wyznaczonej przez drogę biegnącą od wschodniej granicy łączącą miejscowości Kreliekajmy i Sątoczno i na zachód od linii wyznaczonej przez drogę łączącą miejscowości Sątoczno, Sajna Wielka biegnącą do skrzyżowania z drogą nr 590 w miejscowości Glitajny, a następnie na zachód od drogi nr 590 do skrzyżowania z drogą nr 592 i na północ od linii wyznaczonej przez drogę nr 592 biegnącą od zachodniej granicy gminy do skrzyżowania z drogą nr 590 w powiecie kętrzyńskim,
- gmina Budry i część gminy Węgorzewo położona na wschód od linii wyznaczonej przez drogę nr 63 biegnącą od południowo-wschodniej granicy gminy do skrzyżowania z drogą nr 650, a następnie na północ od linii wyznaczonej przez drogę nr 650 biegnącą od skrzyżowania z drogą nr 63 do skrzyżowania z drogą biegnącą do miejscowości Przysań i na zachód od linii wyznaczonej przez drogę łączącą miejscowości Przysań, Pniewo, Kamionek Wielki, Radziej, Dłużec w powiecie węgorzewskim,
- część gminy Banie Mazurskie położona na północ od linii wyznaczonej przez drogę nr 650 w powiecie gołdapskim,

w województwie mazowieckim:

- gminy Domanice, Korczew, Paprotnia, Wiśniew, Mokobody, Siedlce, Suchożebry, część gminy Kotuń położona na wschód od linii wyznaczonej przez drogę łączącą miejscowości Nowa Dąbrówka, Pieróg, Kotuń wzdłuż ulicy Gorzkowskiego i Kolejowej do przejazdu kolejowego łączącego się z ulicą Siedlecką, Broszków, Żuków, część gminy Mordy położona na północ od linii wyznaczonej przez drogę nr 698 biegnącą od zachodniej granicy gminy do północno – wschodniej granicy gminy w powiecie siedleckim,
- powiat miejski Siedlce,
- gmina Siennica, część gminy Mińsk Mazowiecki położona na południe od linii wyznaczonej przez drogę nr 92 biegnącą od zachodniej granicy gminy do granicy miasta Mińsk Mazowiecki i na południe od linii wyznaczonej przez drogę biegnącą od wschodniej granicy miasta Mińsk Mazowiecki łączącą miejscowości Targówka, Budy Barczackie do wschodniej granicy gminy, część gminy Ceglów położona na południe od linii wyznaczonej przez drogę biegnącą od zachodniej granicy gminy łączącą miejscowości Wiciejów, Mienia, Ceglów i na zachód od linii wyznaczonej przez drogę łączącą miejscowości Ceglów, Skwarne i Podskwarne biegnącą do wschodniej granicy gminy i części gminy Latowicz położona na zachód od linii wyznaczonej przez drogę biegnącą od północnej granicy gminy przez miejscowość Stawek do skrzyżowania z drogą nr 802 i na południe od linii wyznaczonej przez drogę nr 802 biegnącą od tego skrzyżowania do wschodniej granicy gminy w powiecie mińskim,
- gmina Kolbiel w powiecie otwockim,
- gminy Parysów i Pilawa w powiecie garwolińskim,

w województwie lubelskim:

- gminy Białopole, Dubienka, Chełm, Leśniowice, Wierzbica, Sawin, Ruda Huta, Dorohusk, Kamień, Rejowiec, Rejowiec Fabryczny z miastem Rejowiec Fabryczny, Siedliszcze, Żmudź i część gminy Wojsławice położona na wschód od linii wyznaczonej przez drogę biegnącą od północnej granicy gminy do miejscowości Wojsławice do południowej granicy gminy w powiecie chełmskim,
- powiat miejski Chełm,
- gmina Siennica Różana część gminy Łopiennik Górny położona na wschód od linii wyznaczonej przez drogę nr 17 i część gminy Krasnystaw położona na wschód od linii wyznaczonej przez drogę nr 17 biegnącą od północno – wschodniej granicy gminy do granicy miasta Krasnystaw w powiecie krasnostawskim,
- gminy Hanna, Hańsk, Wola Uhruska, Urszulín, Stary Brus, Wiryki i gmina wiejska Włodawa w powiecie włodawskim,
- gminy Cyców, Ludwin, Puchaczów, Milejów i część gminy Spiczyn położona na wschód od linii wyznaczonej przez drogę nr 829 w powiecie łęczyńskim,
- gmina Trawniki w powiecie świdnickim,
- gminy Jabłoń, Podedwórze, Dębowa Kłoda, Parczew, Sosnowica, część gminy Siemień położona na wschód od linii wyznaczonej przez drogę nr 815 i część gminy Milanów położona na wschód od drogi nr 813 w powiecie parczewskim,
- gminy Sławatycze, Sosnówka, i Wisznice w powiecie bialskim,
- gmina Ulan Majorat, część gminy wiejskiej Radzyń Podlaski położona na zachód od linii wyznaczonej przez drogę biegnącą od północno-zachodniej granicy gminy i łączącą miejscowości Brzostówiec i Radowiec do jej przecięcia z granicą miasta Radzyń Podlaski, a następnie na zachód od linii stanowiącej granicę miasta Radzyń Podlaski do jej przecięcia z drogą nr 19 i na północ od linii wyznaczonej przez drogę nr 19 biegnącą od południowo zachodniej granicy gminy do granicy miasta Radzyń Podlaski, część gminy Borki położona na północny – zachód od linii wyznaczonej przez drogę nr 19 w powiecie radzyńskim,
- gminy, Ostrów Lubelski, Serniki i Uścimów w powiecie lubartowskim,

- gminy Wojcieszków, część gminy wiejskiej Łuków położona na zachód od linii wyznaczonej przez drogę biegnącą od północnej granicy gminy przez miejscowość Wólka Świątkowa do północnej granicy miasta Łuków, a następnie na północ, zachód, południe i wschód od linii stanowiącej północną, zachodnią, południową i wschodnią granicę miasta Łuków do jej przecięcia się z drogą nr 806 i na południe od linii wyznaczonej przez drogę nr 806 biegnącą od wschodniej granicy miasta Łuków do wschodniej granicy gminy wiejskiej Łuków, część miasta Łuków położona na zachód i na południe od linii wyznaczonej przez drogę nr 63 biegnącą od północnej granicy miasta Łuków do skrzyżowania z drogą nr 806 i na południe od linii wyznaczonej przez drogę nr 806 biegnącą do wschodniej granicy miasta Łuków, część gminy Stanin położona na wschód od linii wyznaczonej przez drogę nr 807 i część gminy Krzywda położona na wschód od linii wyznaczonej przez drogę biegnącą od północnej granicy gminy w kierunku południowym i łączącą miejscowości Kozuchówka, Krzywda i Adamów w powiecie łukowskim;
- gminy Horodło, Uchanie i część gminy wiejskiej Hrubieszów położona na północ od linii wyznaczonej przez drogę nr 844 biegnącą od zachodniej granicy gminy wiejskiej Hrubieszów do granicy miasta Hrubieszów oraz na północ od linii wyznaczonej przez drogę nr 74 biegnącą od wschodniej granicy miasta Hrubieszów do wschodniej granicy gminy wiejskiej Hrubieszów w powiecie hrubieszowskim,

w województwie podkarpackim:

- gminy Cieszanów, Lubaczów z miastem Lubaczów i część gminy Oleszyce położona na północ od linii wyznaczonej przez drogę biegnącą od wschodniej granicy gminy przez miejscowość Borchów do skrzyżowania z drogą nr 865 w miejscowości Oleszyce, a następnie na wschód od linii wyznaczonej przez drogę nr 865 biegnącą w kierunku północno-wschodnim do skrzyżowania z drogą biegnącą w kierunku północno-zachodnim przez miejscowość Lubomierz - na północ od linii wyznaczonej przez tę drogę do skrzyżowania z drogą łączącą miejscowości Uszkowce i Nowy Dzików - na wschód od tej drogi w powiecie lubaczowskim.

4. Romania

The following areas in Romania:

- Area of Bucharest,
- Constanța county,
- Satu Mare county,
- Tulcea county,
- Bacau county,
- Bihor county,
- Brăila county,
- Buzău county,
- Călărași county,
- Dambovită county,
- Galați county,
- Giurgiu county,
- Ialomița county,
- Ilfov county,
- Prahova county,
- Salaj county,
- Vaslui county,
- Vrancea county,
- Teleorman county,
- Olt county.

PART IV

Italy

The following areas in Italy:

- tutto il territorio della Sardegna.'

CORRIGENDA**Corrigendum to Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007**

(Official Journal of the European Union L 260 of 17 October 2018)

This corrigendum should be considered null and void.

