

Official Journal of the European Union

L 233



English edition

Legislation

Volume 65

8 September 2022

Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Commission Implementing Regulation (EU) 2022/1477 of 6 September 2022 extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) 2020/492, as amended by Implementing Regulation (EU) 2020/776, on imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt to imports of certain woven and/or stitched glass fibre fabrics consigned from Turkey, whether declared as originating in Turkey or not** 1
- ★ **Commission Implementing Regulation (EU) 2022/1478 of 6 September 2022 extending the definitive countervailing duty imposed by Implementing Regulation (EU) 2020/776, on imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt to imports of certain woven and/or stitched glass fibre fabrics consigned from Turkey, whether declared as originating in Turkey or not** 18
- ★ **Commission Implementing Regulation (EU) 2022/1479 of 7 September 2022 amending Annex I to Council Regulation (EC) No 1005/2008 as regards the definition of fishery products** 36
- ★ **Commission Implementing Regulation (EU) 2022/1480 of 7 September 2022 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances 2-phenylphenol (including its salts such as the sodium salt), 8-hydroxyquinoline, amidosulfuron, bensulfuron, bifenox, chlormequat, chlorotoluron, clofentezine, clomazone, daminozide, deltamethrin, dicamba, difenoconazole, diflufenican, dimethachlor, esfenvalerate, etofenprox, fenoxaprop-P, fenpropidin, fenpyrazamine, fludioxonil, flufenacet, flumetralin, fosthiazate, lenacil, MCPA, MCPB, nicosulfuron, paraffin oils, paraffin oil, penconazole, picloram, prohexadione, propaquizafop, prosulfocarb, quizalofop-P-ethyl, quizalofop-P-tefuryl, sodium 5-nitroguaiacolate, sodium o-nitrophenolate, sodium p-nitrophenolate, sulphur, tebufenpyrad, tetraconazole, tri-allate, triflurosulfuron and tritosulfuron ⁽¹⁾** 43

⁽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) 2022/1481 of 7 September 2022 fixing the import duties applicable to certain types of husked rice from 8 September 2022	48
---	----

DECISIONS

★ Political and Security Committee Decision (CFSP) 2022/1482 of 25 August 2022 on the appointment of the EU Mission Force Commander for the European Union Military Training Mission in Mozambique (EUTM Mozambique) (EUTM Mozambique/1/2022)	50
★ Commission Implementing Decision (EU) 2022/1483 of 6 September 2022 amending the Annex to Implementing Decision (EU) 2021/641 concerning emergency measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (<i>notified under document C(2022) 6509</i>) ⁽¹⁾	52
★ Commission Implementing Decision (EU) 2022/1484 of 7 September 2022 postponing the expiry date of the approval of DDACarbonate for use in biocidal products of product-type 8 in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council ⁽¹⁾	79
★ Commission Implementing Decision (EU) 2022/1485 of 7 September 2022 postponing the expiry date of the approval of IPBC for use in biocidal products of product-type 8 in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council ⁽¹⁾	81
★ Commission Implementing Decision (EU) 2022/1486 of 7 September 2022 postponing the expiry date of the approval of acrolein for use in biocidal products of product-type 12 in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council ⁽¹⁾	83
★ Commission Implementing Decision (EU) 2022/1487 of 7 September 2022 postponing the expiry date of the approval of etofenprox for use in biocidal products of product-type 8 in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council ⁽¹⁾	85
★ Commission Implementing Decision (EU) 2022/1488 of 7 September 2022 postponing the expiry date of the approval of K-HDO for use in biocidal products of product-type 8 in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council ⁽¹⁾	87
★ Commission Implementing Decision (EU) 2022/1489 of 7 September 2022 postponing the expiry date of the approval of spinosad for use in biocidal products of product-type 18 in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council ⁽¹⁾	89

⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2022/1477

of 6 September 2022

extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) 2020/492, as amended by Implementing Regulation (EU) 2020/776, on imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt to imports of certain woven and/or stitched glass fibre fabrics consigned from Turkey, whether declared as originating in Turkey or not

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 13 thereof,

Whereas:

1. PROCEDURE

1.1. Existing measures

- (1) In April 2020, the European Commission ('the Commission') imposed a definitive anti-dumping duty on imports of certain woven and/or stitched glass fibre fabrics ('GFF') originating in the People's Republic of China ('the PRC' or 'China') and Egypt by Commission Implementing Regulation (EU) 2020/492 ⁽²⁾, as amended by Implementing Regulation (EU) 2020/776 ⁽³⁾. The anti-dumping duties in force range between 34 % and 69 % for imports originating in the PRC, and 20 % for imports originating in Egypt. The investigation that led to these duties was initiated in February 2019 ('the original investigation') ⁽⁴⁾.

1.2. Request

- (2) The Commission received a request pursuant to Articles 13(3) and 14(5) of the basic Regulation to investigate the possible circumvention of the anti-dumping measures imposed on imports of GFF originating in China and Egypt by imports of GFF consigned from Turkey, whether declared as originating in Turkey or not, and to make such imports subject to registration.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ Commission Implementing Regulation (EU) 2020/492 of 1 April 2020 imposing definitive anti-dumping duties on imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt (OJ L 108, 6.4.2020, p. 1).

⁽³⁾ Commission Implementing Regulation (EU) 2020/776 of 12 June 2020 imposing definitive countervailing duties on imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt and amending Commission Implementing Regulation (EU) 2020/492 imposing definitive anti-dumping duties on imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt (OJ L 189, 15.6.2020, p. 1).

⁽⁴⁾ OJ C 68, 21.2.2019, p. 29.

- (3) The request was lodged on 3 November 2021 by TECH-FAB Europe e.V., an association of Union producers of GFF ('the applicant').
- (4) The request contained sufficient evidence of a change in the pattern of trade involving exports from China, Egypt and Turkey to the Union that has taken place following the imposition of measures on GFF originating in China and Egypt. The change in the pattern of trade appeared to stem from the consignment of GFF from Turkey to the Union after having undergone assembly/completion operations in Turkey, in particular by a company named Turkiz Composite Materials Technology Üretim Sanayi ve Ticaret Anonim Şirketi (hereafter 'Turkiz Composite' ⁽⁵⁾). The evidence indicated that such assembly operations constitute circumvention as the operations started or substantially increased since, or just prior to, the initiation of the anti-dumping investigation on which the anti-dumping duties on imports of GFF from China and Egypt are based. Moreover, the request contained sufficient evidence showing that the parts from China and Egypt constitute 60 % or more of the total value of the assembled product and the value added brought into the parts during the assembly or completion operation is lower than 25 % of the manufacturing cost.
- (5) Furthermore, the request contained sufficient evidence showing that the practice, process or work was undermining the remedial effects of the existing anti-dumping measures in terms of quantity and prices. Significant volumes of imports of the product under investigation appeared to have entered the EU market. In addition, there was sufficient evidence that imports of GFF were made at injurious prices.
- (6) Finally, the request contained sufficient evidence that GFF consigned from Turkey were exported at dumped prices in relation to the normal value previously established for GFF.

1.3. Product concerned and product under investigation

- (7) The product concerned is fabrics of woven, and/or stitched continuous filament glass fibre rovings and/or yarns with or without other elements, excluding products which are impregnated or pre-impregnated (pre-preg), and excluding open mesh fabrics with cells with a size of more than 1,8 mm in both length and width and weighing more than 35 g/m², classified on the date of entry into force of Implementing Regulation (EU) 2020/492 under CN codes ex 7019 39 00, ex 7019 40 00, ex 7019 59 00 and ex 7019 90 00 (TARIC codes 7019 39 00 80, 7019 40 00 80, 7019 59 00 80 and 7019 90 00 80) and originating in the People's Republic of China and Egypt ('the product concerned'). This is the product to which the measures that are currently in force apply.
- (8) The product under investigation is the same as that defined in the previous recital, but consigned from Turkey, whether declared as originating in Turkey or not (classified on the date of entry into force of Commission Implementing Regulation (EU) 2021/2230 ⁽⁶⁾ ('the initiating Regulation') under TARIC codes 7019 39 00 83, 7019 40 00 83, 7019 59 00 83 and 7019 90 00 83) ('the product under investigation').
- (9) The investigation showed that GFF exported from China and Egypt to the Union and GFF consigned from Turkey, whether originating in Turkey or not, have the same basic physical and chemical characteristics and have the same uses, and are therefore considered as like products within the meaning of Article 1(4) of the basic Regulation.

1.4. Initiation

- (10) Having determined, after having informed the Member States, that sufficient evidence existed for the initiation of an investigation pursuant to Article 13(3) of the basic Regulation, the Commission initiated the investigation and made imports of GFF consigned from Turkey, whether declared as originating in Turkey or not, subject to registration, by Implementing Regulation (EU) 2021/2230.

⁽⁵⁾ This company was previously named Hengshi Turkey, which is the name referred to in the request.

⁽⁶⁾ Commission Implementing Regulation (EU) 2021/2230 of 14 December 2021 initiating an investigation concerning possible circumvention of the anti-dumping measures imposed by Commission Implementing Regulation (EU) 2020/492 on imports of certain woven and/or stitched glass fibre fabrics originating in People's Republic of China and Egypt by imports of certain woven and/or stitched glass fibre fabrics consigned from Turkey, whether declared as originating in Turkey or not, and making such imports subject to registration (OJ L 448, 15.12.2021, p. 58).

1.5. Comments on initiation

- (11) LM Wind Power, a wind blade manufacturer established in the Union, argued that the initiation of the investigation was not justified due to a lack of sufficient evidence, and the investigation should therefore be immediately terminated.
- (12) It argued that circumvention did not occur since there is no change in the pattern of trade between Turkey and the Union on the one hand, or between China and Egypt, and the Union on the other hand, that would be indicative of a circumvention practice. It also argued that the practice, process or work taking place in Turkey did not fall within any of the categories of the fourth subparagraph of Article 13(1) of the basic Regulation. In particular, there was no positive evidence in the request that consignment of GFF originating in China and Egypt via Turkey to the Union took place. Moreover, the practice, process or work cannot be qualified as a slight modification, as the product under investigation is a downstream product and, as such, a different product than its input materials (mainly glass fibre rovings), or an assembly operation, in particular since the product under investigation and glass fibre rovings are not classified under the same tariff headings.
- (13) It also claimed that there was sufficient due cause and economic justification within the meaning of Article 13(1) of the basic Regulation for the practice, process or work taking place in Turkey via the establishment of a GFF production plant in Turkey. There was a significant demand for GFF in Turkey, largely driven by the wind energy sector in Turkey, with a need of around 20 000-25 000 tonnes in 2020. Demand was growing, which was shown by the fact that in 2018, a Turkish company set up a new glass fibre production facility in Turkey with an additional annual production capacity of 70 000 tonnes. Finally, it claimed that there was also a growing demand for GFF in neighbouring regions, close to Turkey, such as the Middle-East and Africa and that these facts also justified the establishment of a production plant in Turkey.
- (14) Similar comments were received from another European wind blade manufacturer established in the Union, i.e. Vestas Wind Systems A/S, and from one Turkish exporting producer of GFF, i.e. Turkiz Composite, a company located in the ASB European free zone in Marmara, Turkey.
- (15) Concerning the economic justification of its establishment in Turkey, Turkiz Composite also argued that the board of directors of its Chinese parent company took the decision to establish the company in Turkey already on 24 April 2018, i.e. before the Commission initiated the original investigation ⁽⁷⁾, which led to the measures referred to in recital (1).
- (16) The Egyptian authorities claimed that Egypt had been unfairly involved in the present investigation as no circumvention practice involving Egypt has taken place. They also argued, similar to the claims of LM Wind Power, that there was a lack of evidence to prove circumvention in a form of either assembly operations in Turkey involving the exports of glass fibre rovings from Egypt or transshipment between Turkey and the Union involving GFF from Egypt and China. Furthermore, the Egyptian authorities argued that there was no evidence of a change in the pattern of trade.
- (17) The Turkish authorities emphasized that there is a significant installed capacity and production of GFF in Turkey and believed that Turkish domestic producers which fulfil the relevant conditions should be exempted from the extension of measures.
- (18) Finally, Amiblu Holding GmbH, a supplier of glass fibre reinforced plastic pipe systems and solutions in the Union argued that it is in the Union's interest to act against market distortive circumvention practices with regards to imports of GFF from third countries, including Turkey. In particular, it argued that, as its Turkish competitors are not subject to anti-dumping and countervailing measures on imports of glass fibre rovings, the competitive position of the Union industries was affected. It also urged the Commission to examine systematically circumvention mechanisms in third countries, including Turkey.

⁽⁷⁾ Notice of initiation of an anti-dumping proceeding concerning imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt (OJ C 68, 21.2.2019, p. 29).

- (19) With regard to the claims concerning the initiation of the investigation, the Commission recalled that the investigation was initiated on the basis of the evidence provided in the request concerning the consignment of GFF via Turkey to the Union after having undergone assembly operations in Turkey, in particular by the company Turkiz Composite.
- The request provided in particular sufficient evidence ⁽⁸⁾ of the existence of assembly operations, one of the practices specifically mentioned in Article 13 of the basic Regulation, in Turkey, and that these assembly operations were based on the use of glass fibre rovings, the main input material, from the PRC and Egypt ⁽⁹⁾. It also contained sufficient evidence ⁽¹⁰⁾ that such practice constituted circumvention. The tariff classification of the product under investigation or its main input materials is irrelevant for determining whether an assembly operation constitutes circumvention.
 - The request also provided sufficient evidence ⁽¹¹⁾ that Turkiz Composite had been engaged in two different forms of transshipment.
- (20) In addition, the request provided sufficient evidence regarding the lack of economic justification other than the imposition of the duties, such as the reference to the 2018 annual report of China Hengshi Foundation Company Limited ⁽¹²⁾. According to the request, the operating risks identified by the 2018 annual report with the expansion of the operations of the China National Building Materials Group to Turkey were ‘risks associated with the anti-dumping duties imposed on our products by the European Union and the Sino-U.S. trade friction’ ⁽¹³⁾.
- (21) Therefore, the Commission rejected the claims that the request did not contain sufficient evidence to warrant the initiation of the investigation. The Commission took note of the statements by Amiblu Holding GmbH and the Turkish authorities.

1.6. Investigation period and reporting period

- (22) The investigation period covered the period from 1 January 2019 to 30 June 2021 (‘the investigation period’ or ‘IP’). Data were collected for the investigation period to investigate, inter alia, the alleged change in the pattern of trade following the imposition of measures on the product concerned, and the existence of a practice, process or work for which there was insufficient due cause or economic justification other than the imposition of the duty. More detailed data were collected for the period from 1 July 2020 to 30 June 2021 (‘the reporting period’ or ‘RP’) in order to examine if imports were undermining the remedial effect of the measures in force in terms of prices and/or quantities and the existence of dumping.

1.7. Investigation

- (23) The Commission officially informed the authorities of China, Egypt and Turkey, the known exporting producers in those countries, the Union industry and the President of the EU-Turkey Association Council of the initiation of the investigation.
- (24) In addition, the Commission asked the Mission of Turkey to the European Union to provide it with the names and addresses of exporting producers and/or representative associations that could be interested in participating in the investigation in addition to the Turkish exporting producers, which had been identified in the request by the applicant.
- (25) Exemption claim forms for the producers/exporters in Turkey, questionnaires for the producers/exporters in China and Egypt, and for importers in the Union were made available on DG TRADE’s website.

⁽⁸⁾ See the request, open version, points 45 and following, page 11.

⁽⁹⁾ See the request, open version, point 35, page 9.

⁽¹⁰⁾ See the request, open version, points 47 and following, page 12.

⁽¹¹⁾ See the request, open version, points 51 and following, pages 12 and 13.

⁽¹²⁾ The China National Building Materials Group is the Chinese owned Group to which the Turkish exporting producer Turkiz Composite belongs and to which the company China Hengshi Foundation Company Limited belongs.

⁽¹³⁾ See the request, open version, point 27, page 8.

- (26) Out of the six known producers in Turkey, four submitted exemption claim forms. These were:
- Saertex Turkey Tekstil Ltd Şti.,
 - Sonmez Asf Iplik Dokuma Ve Boya San Tic A. Ş.,
 - Telateks Tekstil Ürünleri Sanayi ve Ticaret Anonim Şirketi, and Telateks Dış Ticaret ve Kompozit Sanayi Anonim Şirketi, belonging to the group 'Metyx Composites' (a division of Telateks A.S),
 - Turkiz Composite.
- (27) In addition, six Chinese and Egyptian companies, all related to Turkiz Composite, submitted questionnaire replies.
- (28) Moreover, the Hungarian company Metyx Hungary Korlátolt Felelősségű Társaság (a related importer of GFF produced by Telateks Tekstil Ürünleri Sanayi ve Ticaret Anonim Şirketi) and the German company Saertex GmbH & Co. KG (the parent company and the importer of GFF produced by Saertex Turkey Tekstil Ltd Şti.) submitted questionnaire replies.
- (29) Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the initiating Regulation. All parties were informed that the non-submission of all relevant information or the submission of incomplete, false or misleading information might lead to the application of Article 18 of the basic Regulation and to findings being based on the facts available.
- (30) A hearing was held on 4 February 2022 with LM Wind Power. Following disclosure, on 12 July a hearing was held with Turkiz Composite.

2. RESULTS OF THE INVESTIGATION

2.1. General considerations

- (31) In accordance with Article 13(1) of the basic Regulation, the following elements should be analysed in order to assess possible circumvention:
- whether there was a change in the pattern of trade between the PRC/Egypt/Turkey and the Union,
 - if this change stemmed from a practice, process or work for which there was insufficient due cause or economic justification other than the imposition of the anti-dumping measures in force,
 - if there is evidence of injury or the remedial effects of the anti-dumping measures in force were being undermined in terms of the prices and/or quantities of the product under investigation, and
 - whether there is evidence of dumping in relation to the normal values previously established for the product concerned.
- (32) The request alleged transshipment, and in particular the consignment of the product concerned from Turkey to the Union after having undergone assembly/completion operations in Turkey (see recital (4)).
- (33) With regard to transshipment, the investigation did not reveal any evidence that either of the four co-operating exporting producers were involved in such practices. Therefore, this allegation could not be confirmed by this investigation.
- (34) With regard to assembly/completion operations, the Commission specifically analysed whether the criteria set out in Article 13(2) of the basic Regulation were met, in particular:
- whether the assembly/completion operation started or substantially increased since, or just prior to, the initiation of the anti-dumping investigation and whether the parts concerned are from the country subject to measures, and
 - whether the parts constitute 60 % or more of the total value of the parts of the assembled product and whether the value added of the parts brought in, during the assembly or completion operation, was greater than 25 % of the manufacturing costs.

2.2. Cooperation

- (35) As stated in recital (26), four exporting producers in Turkey requested to be exempted from the measures, if extended to Turkey. They co-operated during the entire proceeding by submitting exemption claim forms and by providing replies to deficiency letters. The level of cooperation from the Turkish exporting producers was high, as their aggregated reported export volumes of GFF to the Union in their submitted exemption claim forms accounted for the entirety of the total Turkish import volumes during the reporting period, as reported in the EUROSTAT import statistics.
- (36) The Commission carried out a verification visit at the premises of Turkiz Composite, pursuant to Article 16 of the basic Regulation. Contrary to the other three producers that came forward, this company imported almost all its input materials and in particular 100 % of its main input material (glass fibre rovings) from its related companies in China and Egypt. Also, this company was by far the largest Turkish exporting producer of GFF during the reporting period. It exported more GFF to the Union than the three other co-operating Turkish exporting producers combined during the reporting period.

2.3. Change in the pattern of trade

2.3.1. Imports of GFF

- (37) Table 1 below shows the development of imports of GFF from China, Egypt and Turkey in the investigation period.

Table 1

Imports of GFF to the Union in the investigation period (in tonnes)

	2019	2020	Reporting period
PRC	43 460	38 440	33 263
<i>index (base = 2019)</i>	100	88	77
Egypt	11 349	6 935	3 608
<i>index (base = 2019)</i>	100	61	32
Turkey	2 334	4 152	8 367
<i>index (base = 2019)</i>	100	178	358

Source: Eurostat.

- (38) Table 1 shows that the imports of GFF from Turkey increased from 2 334 tonnes in 2019 to 8 367 tonnes in the reporting period. The significant increase in the reporting period compared to 2019 coincided in time with the increase in production by Turkiz Composite, which started to produce from March 2019 onwards.
- (39) The imports of GFF from China decreased from 43 460 tonnes in 2019 to 33 263 tonnes in the reporting period, whereas the imports of GFF from Egypt decreased from 11 349 tonnes in 2019 to 3 608 tonnes.

2.3.2. Export volumes of glass fibre rovings from China and Egypt to Turkey

- (40) Table 2 below shows the development of imports of glass fibre rovings from China and Egypt to Turkey based on the Turkish import statistics from the GTA database.

Table 2

Imports of glass fibre rovings from Egypt and China to Turkey in the investigation period (in tonnes)

	2019	2020	Reporting period
PRC			
7019 12 Glass fibre rovings	6 996	15 970	19 201
Egypt			
7019 12 Glass fibre rovings	9 142	20 565	30 149

Source: GTA.

- (41) The main input material for the production of GFF are glass fibre rovings. This input material is then further processed to produce GFF. The evidence available to the Commission showed that the GFF exported to the Union from Turkey was produced from mainly glass fibre rovings.
- (42) Table 2 shows that the imports of glass fibre rovings from China to Turkey substantially increased from 6 996 tonnes in 2019 to 19 201 tonnes in the reporting period. The imports of glass fibre rovings from Egypt into Turkey also significantly increased from 9 142 tonnes in 2019 to 30 149 tonnes in the reporting period. The imports from both China and Egypt represent around 70 % of the total imports of glass fibre rovings to Turkey for both the year 2020 and the reporting period. Moreover, the significant increase of imports of glass fibre rovings from China and Egypt to Turkey also coincided with the fact that Turkiz Composite only started to supply its largest European customer from May 2020 onwards, leading to an increased consumption of glass fibre rovings for the production of GFF.
- (43) Turkiz Composite submitted that the glass fibre rovings that it used to produce GFF were all purchased from China and from Egypt, in particular from its related companies in China and Egypt. It imported these rovings under HS code 7019 12. Imports under this code showed the most significant increase in imports from China and Egypt to Turkey.
- (44) The significant increase in import volumes of glass fibre rovings from China and Egypt to Turkey indicated an increasing demand for such input materials in Turkey, which could, at least in part, be explained by the increase in the production and exports of GFF from Turkey during the reporting period. This was also corroborated by the information provided by Turkiz Composite.

2.3.3. Conclusion on the change in the pattern of trade

- (45) The increase of exports of GFF from Turkey to the Union on the one hand, and the decrease of exports of GFF from China and Egypt to the Union on the other hand, constitutes a change in the pattern of trade between Turkey and the Union within the meaning of Article 13(1) of the basic Regulation, together with the significant increase during the reporting period compared to 2019 of Chinese and Egyptian exports of glass fibre rovings into Turkey as shown in Table 2.

2.4. Insufficient due cause or economic justification other than the imposition of the anti-dumping duty

- (46) Turkiz Composite claimed that there was due cause and an economic justification for its establishment. It claimed that its set-up in Turkey was due to the significant demand for GFF in Turkey and the increased demand for GFF in the neighbouring countries of Turkey, other than the EU (mainly Egypt, Jordan, Iran and to a certain extent Saudi Arabia), as well as due to the significant and growing demand for glass fibre rovings in Turkey.

- (47) The investigation revealed that Turkiz Composite had decided before the initiation of the original investigation to establish a company in Turkey. It was set up on 1 June 2018, but only started producing in March 2019, as it still had to find premises, and to buy, move, install and test all its GFF-machines. The date of the start of the production coincided with the date of the initiation of the original investigation on imports of GFF from China and Egypt.
- (48) Moreover, Article 13(1) of the basic Regulation establishes a link between the practice, process or work in question and the change of the pattern of trade as the latter must 'stem' from the former. It is therefore the practice, process or work leading to the change of the pattern of trade, which needs to have a sufficient due cause or economic justification other than the imposition of the duty, in order not to be considered a circumvention within the meaning of Article 13(1) of the basic Regulation.
- (49) In the light of the foregoing, the argument that the company was set up to serve the domestic, African and Middle Eastern markets is immaterial, as it is not the setting up of the company that is the practice, process or work leading to the change of the pattern of trade. The practice from which that change stems is the assembly/completion operations in Turkey that led to a significant increase of exports of GFF (the assembled product) to the Union. Turkiz Composite's export sales of GFF to the Union substantially increased when it started to gradually increase its supply to its largest European customer from May 2020 onwards (see recital (42)), which coincided with the date of the imposition of the original measures (see recital (1)).
- (50) Furthermore, the fact that a company that was allegedly set up to serve the domestic and African and Middle Eastern markets, following the initiation of the anti-dumping case actually serves the domestic and the Union market instead ⁽¹⁴⁾ further suggests that its assembly activities were developed in response to the investigation and then further increased in response to the imposition of the duties.
- (51) Following disclosure, Turkiz Composite and LM Wind Power claimed that the Commission's reasoning missed a step in its legal analysis on economic justification since it failed to assess whether there was economic justification or sufficient due cause for the practice, process or work. They also stated that the Commission applied the wrong temporal test, since it failed to recognise that the 'imposition of the duties' – and not the opening of an investigation – must be the reason for the practice, process or work. Finally, they claimed that, if the Commission had applied the correct legal tests, it would have concluded that there was sufficient due cause and an economic justification for the establishment of Turkiz Composite. They claimed that the main reason for the set-up of the Turkish plant was to serve the Turkish domestic market.
- (52) The Commission rejected these claims. First, the Commission did not fail to assess whether there was economic justification or sufficient due cause for the practice, process or work. This assessment was made, as explicitly explained in recitals (48) and (49) above. The Commission clearly identified the practice, process or work which led to the change of the pattern of trade and then analysed potential justifications for that practice. Contrary to what the interested parties claimed, and as explained in recital (49), it is not the establishment of Turkiz Composite, or its domestic sales, that are the practice, process or work in question, as the change the pattern of trade, discussed under point 2.3 above, does not stem from them.
- (53) Second, the Commission did not apply the wrong temporal test. It referred in recital (47) to the fact that the date of the start of the production coincided with the date of the initiation of the original investigation. This finding, which was based on verified information provided by Turkiz Composite, was legally relevant, as one of the conditions of Article 13(2) of the basic Regulation is, as also referred to in recital (34) above, that '... the operation started or substantially increased since, or just prior to, the initiation of the anti-dumping investigation ...'. Article 13(1) of the basic Regulation defines circumvention and thus focuses on the imposition of the duty, since without a duty being imposed there cannot be circumvention. This does not preclude the commencement of a practice, process or work after the initiation of an investigation being considered as evidence that the duty subsequently imposed (and reasonably expected) was the justification for the practice in question. The reading of Article 13(1) proposed by the interested party would not only be incompatible with the language of Article 13(2), quoted above, but would

⁽¹⁴⁾ The investigation showed that Turkiz Composite's exports to other third countries (possibly including African and Middle Eastern markets) were only a minor fraction of its total sales during the investigation period.

effectively remove circumvention practices that commence between the initiation of an investigation and the imposition of the duties from the scope of Article 13(1). This would go against the very purpose of Article 13 of the basic Regulation, as defined by the Court ⁽¹⁵⁾.

- (54) With respect to the claim that the main reason for setting up the Turkish plant was to serve the Turkish domestic market, the Commission noted that Turkiz Composite slightly changed its reasoning during the course of this proceeding, as the company claimed before disclosure that the reason was to serve the domestic, African and Middle Eastern markets. As mentioned in recital (50), Turkiz Composite served the domestic and the Union market during the investigation period. In any event, the operations of Turkiz Composite substantially increased during the investigation period as evidenced by the following findings:

- One manufacturing site was rented in 2018, another one in 2019, and the remaining ones in 2020.
- Of all GFF machines which were in use during the reporting period, less than seven were in first use in 2019, whereas more than seven were additionally put in first use in 2020 and the first half of 2021.
- These GFF machines were mainly purchased by Turkiz Composite from its related companies in China and Egypt. The significant increase of the production capacity of Turkiz Composite during the investigation period clearly showed a change in strategy by the China National Building Materials Group, of which Turkiz Composite was part, in response to the initiation of the original investigation.
- Not only the production capacity significantly increased during the investigation period, its actual production also increased, and so did the number of staff. The production capacity was three times higher in the reporting period compared to the year 2019, whereas the actual production was 60 times higher in the reporting period compared to the year 2019. Moreover, the number of staff was about six times higher in the reporting period compared to the year 2019.
- Finally, the export sales to the Union during the investigation period (see recital (57)) by Turkiz Composite grew exponentially following to the initiation of the original investigation.

- (55) In view of the above, the investigation did not reveal sufficient due cause or economic justification for the significant increase of exports by Turkiz Composite of the assembled product to the Union other than to avoid the payment of the anti-dumping duties currently in force.

2.5. Start or substantial increase of operations

- (56) Article 13(2)(a) of the basic Regulation requires the assembly or completion operation to have started or substantially increased since, or just prior to, the initiation of the anti-dumping investigation, and the parts concerned to be mainly from the countries subject to anti-dumping measures.
- (57) The original investigation was initiated on 21 February 2019 and definitive anti-dumping duties were imposed on 1 April 2020. Turkiz Composite was officially established on 1 June 2018 and started production from March 2019 onwards. Therefore, the date of the start of the production coincides with the date of the initiation of the original investigation on imports of GFF from China and Egypt (see footnote 7).
- (58) Moreover, Turkiz Composite substantially increased its export sales during the investigation period, and almost all its input materials and in particular 100 % of its main input material (glass fibre rovings) were purchased from its related companies in China and Egypt.
- (59) Therefore, the Commission concluded that the assembly or completion operation started since the initiation of the original investigation, as required by Article 13(2)(a) of the basic Regulation.

⁽¹⁵⁾ Judgment of 8 June 2022, *Guangxi Xin Fu Yuan Co. Ltd v European Commission*, T-144/20, ECLI:EU:T:2022:346, para. 59 and the case-law cited.

2.6. Value of parts and value added

2.6.1. Value of parts

- (60) Article 13(2)(b) of the basic Regulation states that, as far as assembly or completion operations are concerned, a condition to establish circumvention is that the parts from the countries subject to measures constitute 60 % or more of the total value of the parts of the assembled product and that the added value of the parts brought in, during the assembly or completion operation, is less than 25 % of the manufacturing cost.
- (61) The main input material to produce GFF is glass fibre rovings. Turkiz Composite purchased 100 % of the glass fibre rovings it used from related companies in China and Egypt. Through the sewing-knitting process carried out, which is a completion operation in Turkey, these glass fibre rovings were transformed into GFF. According to the submitted and verified information by Turkiz Composite, the main input material, namely glass fibre rovings, constitute almost 100 % of the total value of the parts of the assembled/completed product in the sense of Article 13(2)(b) of the basic Regulation.
- (62) Following disclosure, Turkiz Composite and LM Wind Power reiterated their claim that the manufacturing of GFF from the imported main raw material glass fibre rovings does not constitute an 'assembly of parts by an assembly operation' within the meaning of Article 13(2) of the basic Regulation and that glass fibre rovings are not parts but rather materials within the meaning of the Explanatory Note (VII) of the second part of General Rule 2(a) for the interpretation of the Harmonized System, providing that parts being assembled shall 'not be subjected to any further working operation for completion into the finished state'. In this context, they claimed that glass fibre rovings are not 'parts' of GFF and are not 'assembled' into GFF, but are processed into GFF by looming and stitching together various types of glass fibre rovings as well as other materials, using complex machinery. Similar comments were also received from the Egyptian authorities.
- (63) The Commission rejected these claims. The practice described in recital (60) above can be characterised as a completion operation that falls within the concept of assembly operations under Article 13(2) of the basic Regulation, as also referred to in recital (34) above. In addition, other elements were considered, as explained below.
- (64) First, the reference to the Explanatory Note (VII) of the second part of General Rule 2(a) for the interpretation of the Harmonized System is irrelevant as the direct legal basis is Article 13 of the basic Regulation and not customs law, as explicitly clarified by the Court of Justice ⁽¹⁶⁾.
- (65) Second, when interpreting Article 13(2) of the basic Regulation, the Court of Justice started by recalling that 'pursuant to settled case-law, in interpreting a provision of EU law, it is necessary to consider not only its wording, but also the context in which it occurs and the objectives pursued by the rules of which it is part' ⁽¹⁷⁾. The basic Regulation does not define the terms 'assembly operation' or 'completion operation'. However, the way Article 13(2) of the basic Regulation is constructed favours an interpretation of the term 'assembly operation' as, according to Article 13(2)(b), also meant to encapsulate explicitly 'completion operation'. It follows that 'assembly operation' within the meaning of Article 13(2) is meant to cover not only operations that consist of assembling parts of a composite article, but may also involve further processing, i.e. finishing of a product.
- (66) In addition, according to the Court ⁽¹⁸⁾, the purpose of investigations conducted in accordance with Article 13 of the basic Regulation is to ensure the effectiveness of anti-dumping duties and to prevent their circumvention. Consequently, the purpose of Article 13(2) of the basic Regulation is to capture the practices, processes or works that use predominantly parts from the country that is subject to the measures and assemble or finish them by adding limited value to these parts.

⁽¹⁶⁾ Judgment of 12 September 2019, *Commission v Kolachi Raj Industrial*, C-709/17 P, ECLI:EU:C:2019:717, para. 90 and the case-law cited.

⁽¹⁷⁾ Judgment of 12 September 2019, *Commission v Kolachi Raj Industrial*, C-709/17 P, ECLI:EU:C:2019:717, para. 82 and the case-law cited.

⁽¹⁸⁾ Judgment of 8 June 2022, *Guangxi Xin Fu Yuan Co. Ltd v European Commission*, T-144/20, ECLI:EU:T:2022:346, para. 59 and the case-law cited.

- (67) Following disclosure, Turkiz Composite, LM Wind Power and the Egyptian authorities disagreed with the approach of the Commission cumulating the value of the glass fibre rovings from Egypt with the value of the glass fibre rovings from China for determining whether the value of glass fibre rovings constituted 60 % or more of the total value of the alleged 'parts' of GFF. They pointed to the use of the wording 'parts from the country subject to measures' (in singular) in Article 13(2)(b) of the basic Regulation.
- (68) The Commission rejected this claim for the following reasons. First, as referred to in recital (1), in the original investigation the imports of GFF from China and Egypt were assessed cumulatively. It was therefore appropriate to apply the same methodology in this anti-circumvention investigation with a view to extend the original measures.
- (69) Second, Article 13 of the basic Regulation does not preclude the Commission from making such cumulative analysis to check whether the 60 % criterion set out in Article 13(2)(b) of the basic Regulation was met. Rather the contrary, to interpret the wording of Article 13(2) of the basic Regulation 'country subject to measures' in a manner that does not allow the cumulation of the value of parts when the circumventing activities take place in more than one country, is contradicted by existing EU case-law. In *Kolachi*, the Court of Justice addressed a special practice of circumvention activities (in a case where bicycle parts were first semi-assembled in Sri-Lanka and then further assembled in Pakistan) and confirmed that this practice of circumvention activities was covered by Article 13(2) of the basic Regulation, despite the use of singular language in that provision. The Court of Justice ⁽¹⁹⁾ also highlighted that any other interpretation would enable exporting producers to undermine the effectiveness of the anti-circumvention measures under Article 13 of the basic Regulation. Therefore, the same rationale applies to attempts to avoid the application of the anti-circumvention rules by sourcing raw materials from two countries that are both subject to measures.
- (70) Third, following the reasoning of Turkiz Composite, in case 50 % of the input materials would be procured from China and the other 50 % from Egypt, no circumvention would take place in a situation where 100 % of the parts is sourced from countries subject to measures. Such outcome would clearly be against the purpose of Article 13(2), also taking into consideration that all GFF exported to the Union consisted of either 100 % of parts sourced in China, or of 100 % of parts sourced in Egypt.
- (71) The Commission therefore concluded that the 60 % criterion set out in Article 13(2)(b) of the basic Regulation was met.

2.6.2. Value added

- (72) Turkiz Composite claimed that its value added cost would be above the threshold of 25 % of the total manufacturing cost. The main items in the calculation of the value added included the depreciation cost, the rental cost, the packaging material cost, the direct and indirect labour cost, and other manufacturing indirect costs, which were part of the financial data of the reporting period submitted by Turkiz Composite in its exemption claim form.
- (73) The Commission analysed all these cost items and assessed that some incurred expenses could not be classified as part of the manufacturing cost or had been overestimated:
- Rental cost: the total rental cost was reduced by excluding the rental cost related to the office space, based on the proportion of the square meters for the office space on the total square meters, as submitted by Turkiz Composite.
 - Packaging material cost: the full packaging material cost was excluded from the value added cost since the Commission assessed that this packaging material was secondary packaging material ⁽²⁰⁾. Such secondary packaging material expense is part of the distribution overheads (a selling expense), and not part of the manufacturing cost.

⁽¹⁹⁾ Judgment of 12 September 2019, *Commission v Kolachi Raj Industrial*, C-709/17 P, ECLI:EU:C:2019:717, paras 97 and 104.

⁽²⁰⁾ Secondary packaging serves a practical purpose. It organizes or stabilizes products to get them shelf ready. It also makes for easier and safer storage, so when it comes time for a manufacturer to ship off more units, you can trust they make it to consumers intact, such as a box holding the aspirin bottle, or the case securing the soda cans, or the plastic wrap on a two-for-one deal. All these are examples of secondary packaging, which holds together individual units of products.

- Other manufacturing indirect costs: the breakdown of these costs was analysed and some items (such as travelling expenses and personnel transportation expenses) were found to be operating expenses, also called selling, general and administrative expenses ('SG&A'). As such, they are not part of the manufacturing cost.
 - Salary expenses (indirect labour): based on an analysis of the monthly payroll statements during the reporting period, the salary costs of two departments (HR and the packaging department) were included in the manufacturing labour cost. The Commission reclassified them as SG&A-costs, not part of the manufacturing cost.
- (74) In view of the above, the value added to the parts brought in, as calculated by the Commission, was significantly lower than the one calculated by Turkiz Composite.
- (75) Moreover, Turkiz Composite sourced almost all its input materials and in particular 100 % of its main input material (glass fibre rovings) from related companies in China and Egypt. No positive evidence was presented by Turkiz Composite demonstrating that these prices were at arm's length and not affected by the relationship rather than transfer prices between related companies. The Commission found, on the other hand, that these prices were significantly lower than the prices paid by the three other Turkish co-operating exporting producers to unrelated suppliers during the reporting period.
- (76) Therefore, in order to arrive at reasonably accurate finding, the prices paid by Turkiz Composite were considered to be inter-company transfer prices and they were replaced by the weighted average prices paid by the three other co-operating exporting producers.
- (77) Following disclosure, Turkiz Composite and LM Wind Power alleged that the Commission could not replace the transfer prices by the weighted average prices paid by the three other Turkish exporting producers to their unrelated suppliers during the reporting period. They alleged that such approach was not allowed, and saw no legal basis to apply Article 2(5) of the basic Regulation by analogy. Both parties also claimed that the Commission failed to correctly conduct the arm's length test, and that the Commission did not ensure that the prices compared were comparable in terms of quantity and that all price elements were included.
- (78) The Commission rejected these claims for the following reasons. First, the Commission did not refer in its general disclosure document to Article 2(5) of the basic Regulation as the legal basis for this adjustment. In order to determine the value of the parts brought in from the countries subject to measures, the Commission, considered the language and the purpose of Article 13(2)(b) of the basic Regulation. The wording of Article 13(2)(b) does not prevent the Commission in any way from carrying out certain adjustments in view of determining the value of the parts, in particular in case the costs of a company do not necessarily reflect the value of the parts, which could be the case when parts are purchased from related companies. In order to determine the value of the parts, the Commission was, therefore, allowed to make the necessary adjustments, including the replacement of the transfer prices between the related companies as it was found that these prices were not at arm's length. Such approach is also in line with the purpose of Article 13 and the investigations it governs, discussed in recital (65), as it prevents circumventing companies from undervaluing the parts brought in in order to overestimate the value added to these parts.
- (79) Second, concerning the allegation that the Commission failed to correctly conduct the arm's length test, it should be recalled that Turkiz Composite is part of the China National Building Materials Group, which is a Chinese-state owned Group. Its Chinese and Egyptian related companies are subject to measures. The investigation revealed that the prices of glass fibre rovings purchased by Turkiz Composite from its related Egyptian and Chinese companies were significantly lower than the prices paid by the three other Turkish exporting producers. Therefore, it compared and subsequently replaced the intercompany prices by the weighted average prices paid by the three other Turkish exporting producers to their unrelated suppliers during the reporting period.
- (80) The Commission ensured that the prices compared were comparable in terms of quantity and that all price elements were included. First, the same period was used for making the comparison, namely the reporting period. Second, the quantity of glass fibre rovings purchased during the reporting period by the three other Turkish exporting producers from unrelated suppliers was sufficiently large (between 10 000 and 25 000 tonnes) and, accordingly, representative to be used as reliable prices for replacing the transfer prices of Turkiz Composite in order to correctly determine the value added. Third, the other three cooperating Turkish exporting producers produced GFF in the same way as Turkiz Composite, starting from glass fibre rovings. The investigation did not reveal any quality differences, as the

production process is similar for the four cooperating Turkish exporting producers. Fourth, the other Turkish exporting producers purchased large quantities of glass fibre rovings domestically, whereas Turkiz Composite exclusively bought glass fibre rovings from Egypt and China. Purchasing domestically representative quantities would normally lead to lower prices rather than higher prices. Fifth, the comparison between the four Turkish exporting producers was made on a consistent basis, namely on the basis of the total cost of purchases, as submitted in their verified tables.

- (81) Following disclosure, Turkiz Composite claimed that its purchase price from its Chinese related companies was higher than its related companies' sales prices to unrelated customers in Turkey. Therefore, it claimed that Turkiz Composite's purchases should be considered at arm's length.
- (82) The Commission rejected this claim. Based on the submitted Tables C.3 R and C.3.U of Jushi Group Co., Ltd's questionnaire reply ('Jushi Group' ⁽²¹⁾), its average unit sales price of glass fibre rovings during the reporting period to its unrelated customers in Turkey was significantly higher than to its related customer in Turkey, i.e. to Turkiz Composite. The Commission also analysed the prices of another related Chinese company of Turkiz Composite, namely Tongxiang Hengxian Trading Company Limited ('Tongxian' ⁽²²⁾). During the reporting period, Tongxian sold exclusively glass fibre rovings to Turkiz Composite, whereby its average unit sales price was also lower than the average unit sales price that the Jushi Group invoiced to its unrelated customers in Turkey. In addition, during the reporting period, Turkiz Composite purchased more than 90 % of its total glass fibre rovings from Jushi Group and Tongxian. In view of the above, the Commission concluded that Turkiz Composite's average unit purchase price from its related Chinese companies Jushi Group and Tongxian was consistently and significantly lower than the average unrelated unit purchase price paid to Jushi Group by other Turkish companies ⁽²³⁾ as well as consistently and significantly lower than the prices paid by the other three cooperating Turkish exporting producers, and therefore not at arm's length.
- (83) Following disclosure, Turkiz Composite claimed that the Commission applied the wrong formula in its sheet 'Value added test' to calculate the '% of value added cost' (row 54), as the Commission divided wrongly the total cost of manufacturing (row 50) by the 'total parts brought in (Egypt, China and other sources)' (row 49), but should have used correctly the 'total parts brought in from Egypt and China' (row 48) instead.
- (84) The Commission rejected this claim as Turkiz Composite did not provide the impact of the Commission's calculation. Even if the Commission would have used the wrong formula, quod non, and use the suggested method of Turkiz Composite to calculate the '% of value added cost', this would only have led to an insignificant difference in the 'value added', without any impact on the Commission's finding that the value added to the parts brought in, during the assembly or completion operation, was less than 25 % of the manufacturing cost.
- (85) Following disclosure, Turkiz Composite alleged that the Commission could not exclude kits from its calculations as kits are part of the product under investigation. The Commission rejected this claim for the same reasons as set out in its specific disclosure document to Turkiz Composite of 5 July 2022. First, the production and sales of the kits was a minor part of the overall total production and sales of the company during the reporting period. The quantities of GFF exported to the Union during the reporting period were more than 170 times the quantities of kits exported to the Union. Second, the company did not differentiate the costs incurred for the GFF plants and the plant for kits at the general ledger level, except that separate accounts were set up for the labour cost in the cutting workshop. Third, kits were sold mostly domestically.
- (86) Furthermore, based on the information provided by Turkiz Composite, even if the Commission would have decided not to exclude kits from its calculations, the '% of value added cost' would not have changed the Commission's finding that the value added to the parts brought in, during the assembly or completion operation, was less than 25 % of the manufacturing cost, mainly as a result of the limited production of kits.

⁽²¹⁾ Jushi Group was one of the Chinese related companies of Turkiz Composite that cooperated during the investigation as referred to in recital (27).

⁽²²⁾ Tongxian was another Chinese related company of Turkiz Composite that cooperated during the investigation as referred to in recital (27).

⁽²³⁾ Based on its questionnaire reply, Tongxian did not sell glass fibre rovings to unrelated customers in Turkey during the reporting period.

- (87) By adjusting the reported manufacturing cost and by replacing the reported transfer prices of the glass fibre rovings, the average value added thus established during the reporting period was found to be below the 25 % threshold set by Article 13(2)(b) of the basic Regulation. The Commission therefore concluded that the value added to the parts brought in, during the assembly or completion operation, was less than 25 % of the manufacturing cost, as required by Article 13(2)(b) of the basic Regulation for these operations to constitute circumvention.

2.7. Undermining of the remedial effect of the anti-dumping duty

- (88) In accordance with Article 13(1) of the basic Regulation, the Commission examined whether the imports of the product under investigation, both in terms of quantities and prices, undermined the remedial effects of the measures currently in force.
- (89) Based on the submitted and verified tables by Turkiz Composite, it imported 0-300 tonnes in 2019 compared to 6 000-8 000 tonnes during the reporting period. At the same time, the Union consumption for the year 2020 and 2021 was estimated by the applicant to be about 150 000 tonnes, and about 170 000 tonnes, respectively. The market share of the imports from Turkey represented more than 4 % during the reporting period.
- (90) Regarding prices, the Commission compared the average non-injurious price as established in the original investigation with the weighted average export CIF prices determined on the basis of the information provided by Turkiz Composite, duly adjusted to include post clearance costs. This price comparison showed that the imports from Turkiz Composite undersold the Union prices by more than 10 %.
- (91) The Commission concluded that the existing measures were undermined in terms of quantities and prices by the imports from Turkey subject to this investigation.

2.8. Evidence of dumping

- (92) In accordance with Article 13(1) of the basic Regulation, the Commission also examined whether there was evidence of dumping in relation to the normal values previously established for the like product.
- (93) To this end, export prices of Turkiz Composite on an ex-works basis were compared to the normal values established during the original investigation.
- (94) The comparison of normal values and export prices showed that GFF were imported at dumped prices during the reporting period by Turkiz Composite.

3. MEASURES

- (95) Based on the above findings, the Commission concluded that the anti-dumping duty imposed on imports of GFF originating in the PRC and Egypt were being circumvented by imports of the product under investigation consigned from Turkey by Turkiz Composite.
- (96) Given that the level of cooperation was high and that the reported export sales of Turkiz Composite were higher than the reported export sales of the three other Turkish co-operating exporting producers combined, and no other company in Turkey came forward to request an exemption, the Commission concluded that the findings on circumvention practices in respect of Turkiz Composite should be extended to all imports from Turkey.
- (97) Therefore, in accordance with Article 13(1) of the basic Regulation, the anti-dumping measures in force on imports of GFF originating in China and Egypt should be extended to imports of the product under investigation.
- (98) Pursuant to Article 13(1), second paragraph of the basic Regulation, the measure to be extended should be the one established in Article 1(2) of Implementing Regulation (EU) 2020/492, as amended by Implementing Regulation (EU) 2020/776, for 'all other companies', which is a definitive anti-dumping duty of 69 % applicable to the net, free-at-Union-frontier price, before customs duty.

- (99) Turkiz Composite imported its glass fibre rovings partially from Egypt and partially from the PRC during the reporting period. Glass fibre rovings from its related companies in Egypt and the PRC were assembled by Turkiz Composite into GFF that was exported to the Union, in circumvention of both duties imposed on imports of GFF from Egypt (20 %) and imports of GFF from the PRC (69 %). Thus, in order to preserve the effectiveness of the measures in place, the extension of the higher of the two duties, i.e. the duty for all 'other companies' in the PRC (69 %), as established in Article 1(2) of Implementing Regulation (EU) 2020/492, is justified.
- (100) Following disclosure, Turkiz Composite alleged that the Commission could not extend the duties on imports of GFF from China, as the value of imports of glass fibre rovings account for a lesser proportion of the total value of the glass fibre rovings used by Turkiz Composite to produce GFF, and, hence, did not meet the 60 % test of Article 13(2)(b) of the basic Regulation. Otherwise, such an extension of measures on imports of GFF from China would contravene the principle of proportionality, as mentioned in paragraph 127 of Case T-278/20, *Zhejiang Hantong v Commission*.
- (101) The Commission rejected the claim that it could not extend the duties on imports of GFF from China on the basis of its arguments with regard to cumulation of imports as described in recital (67). Also, the Commission recalled that the objective of the basic Regulation is to protect the EU industry from unfair imports, and of Article 13 of the basic Regulation in particular to prevent the circumvention of trade defence measures. Extending the duties only up to the level of the duties against imports from Egypt (20 %) would disregard that the measures against China were also circumvented, and would undermine the effectiveness of the measures in place.
- (102) The Commission also rejected the claim that such an extension of measures on imports of GFF from China would contravene the principle of proportionality. In view of the findings that the original anti-dumping measures, which were imposed against imports from both China and Egypt, were found to be circumvented, the Commission failed to see why an extension of the higher of the two duties, which was being circumvented, would be disproportionate. Therefore, as mentioned in recital (98) above, in order to preserve the effectiveness of the measures in place, the extension of the higher of the two duties, i.e. the duty for all 'other companies' in the PRC (69 %), as established in Article 1(2) of Implementing Regulation (EU) 2020/492, is justified.
- (103) Following disclosure, LM Wind Power stated that the extension of the anti-dumping duties on imports of GFF from Turkey would have a severe impact on the businesses of importers of GFF, which could in turn impact the Union's ability to reach its environmental goals as a result of the increased prices of GFF that Union wind turbine producers would have to pay.
- (104) The Commission took note of the statements by LM Wind Power, but reiterated that the primary purpose of investigations conducted in accordance with Article 13 of the basic Regulation is to ensure the effectiveness of the original anti-dumping duty and to prevent its circumvention. In this investigation, the Commission found that the criteria set out in Article 13 of the basic Regulation were met, and therefore it decided to extend the anti-dumping measures to Turkey. However, three of the four cooperating exporting producers were found to be genuine Turkish producers and therefore exempted from the extended measures. Users of GFF can therefore source from the exempted producers, as well as from Union producers and/or other third country producers.
- (105) Finally, following disclosure, the applicant stated that it welcomed the intention of the Commission to extend the anti-dumping measures to imports of GFF from Turkey, and that it did not have comments on the Commission's disclosure.
- (106) Pursuant to Article 13(3) of the basic Regulation, which provide that any extended measure should apply to imports that entered the Union under registration imposed by the initiating Regulation, duties are to be collected on those registered imports of the product under investigation.

4. REQUEST FOR EXEMPTION

- (107) As described above, Turkiz Composite was found to be involved in circumvention practices. Therefore, an exemption cannot be granted to this company pursuant to Article 13(4) of the basic Regulation.

- (108) According to the request, two other co-operating exporting producers were major genuine producers of GFF in Turkey, namely the companies of the group 'Metyx Composites' (see recital (26)) and Saertex Turkey Tekstil Ltd Şirketi, and not engaging in circumvention practices ⁽²⁴⁾. Indeed, the investigation confirmed that these two exporting producers did not, or hardly, import glass fibre rovings from China and/or Egypt.
- (109) The third co-operating producer (Sonmez Asf Iplik Dokuma Ve Boya San Tic A. Ş) was a small producer of GFF. It employed less than ten people, had less than five GFF machines, and made only two export sales concerning relatively insignificant quantities to the Union during the reporting period. It was established in 1975, started producing GFF in 2011, and did not import any glass fibre rovings from China or Egypt during the reporting period.
- (110) Therefore, given that the three above-mentioned Turkish exporting producers are genuine producers not engaging in either transshipment or other circumvention practices, e.g. assembly operations, they will be exempted from the extension of measures.

5. DISCLOSURE

- (111) On 5 July 2022, the Commission disclosed to all interested parties the essential facts and considerations leading to the above conclusions and invited them to comment.
- (112) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EU) 2016/1036,

HAS ADOPTED THIS REGULATION:

Article 1

1. The definitive anti-dumping duty imposed by Implementing Regulation (EU) 2020/492 imposing definitive anti-dumping duties on imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt, as amended by Implementing Regulation (EU) 2020/776, imposing definitive countervailing duties on imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt and amending Implementing Regulation (EU) 2020/492 imposing definitive anti-dumping duties on imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt, is hereby extended to imports of fabrics of woven, and/or stitched continuous filament glass fibre rovings and/or yarns with or without other elements, excluding products which are impregnated or pre-impregnated (pre-preg), and excluding open mesh fabrics with cells with a size of more than 1,8 mm in both length and width and weighing more than 35 g/m², currently classified under CN codes ex 7019 61 00, ex 7019 62 00, ex 7019 63 00, ex 7019 64 00, ex 7019 65 00, ex 7019 66 00, ex 7019 69 10, ex 7019 69 90 and ex 7019 90 00 (TARIC codes 7019 61 00 81, 7019 61 00 84, 7019 62 00 81, 7019 62 00 84, 7019 63 00 81, 7019 63 00 84, 7019 64 00 81, 7019 64 00 84, 7019 65 00 81, 7019 65 00 84, 7019 66 00 81, 7019 66 00 84, 7019 69 10 81, 7019 69 10 84, 7019 69 90 81, 7019 69 90 84, 7019 90 00 81 and 7019 90 00 84) consigned from Turkey, whether declared as originating in Turkey or not (TARIC codes 7019 61 00 83, 7019 62 00 83, 7019 63 00 83, 7019 64 00 83, 7019 65 00 83, 7019 66 00 83, 7019 69 10 83, 7019 69 90 83 and 7019 90 00 83), with the exception of those produced by the companies listed below:

Country	Company	TARIC additional code
Turkey	Saertex Turkey Tekstil Ltd Şti.	C115
Turkey	Sonmez Asf Iplik Dokuma Ve Boya San Tic A. Ş.	C116
Turkey	Telateks Tekstil Ürünleri Sanayi ve Ticaret Anonim Şirketi Telateks Dış Ticaret ve Kompozit Sanayi Anonim Şirketi	C117

2. The extended duty is the anti-dumping duty of 69 % applicable to 'all other companies' in the PRC.

⁽²⁴⁾ See the request, open version, point 23, page 7.

3. The duty extended by paragraphs 1 and 2 of this Article shall be collected on imports registered in accordance with Article 2 of Implementing Regulation (EU) 2021/2230 and Articles 13(3) and 14(5) of Regulation (EU) 2016/1036.
4. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 2

Customs authorities are directed to discontinue the registration of imports established in accordance with Article 2 of Implementing Regulation (EU) 2021/2230, which is hereby repealed.

Article 3

The exemption request submitted by Turkiz Composite Materials Technology Üretim Sanayi ve Ticaret Anonim Şirketi is rejected.

Article 4

1. Requests for exemption from the duty extended by Article 1 shall be made in writing in one of the official languages of the European Union and must be signed by a person authorised to represent the entity requesting the exemption. The request must be sent to the following address:

European Commission
Directorate-General for Trade
Directorate G Office:
CHAR 04/39
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

2. In accordance with Article 13(4) of Regulation (EU) 2016/1036, the Commission may authorise, by decision, the exemption of imports from companies which do not circumvent the anti-dumping measures imposed by Implementing Regulation (EU) 2020/492, from the duty extended by Article 1.

Article 5

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, 6 September 2022.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING REGULATION (EU) 2022/1478**of 6 September 2022**

extending the definitive countervailing duty imposed by Implementing Regulation (EU) 2020/776, on imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt to imports of certain woven and/or stitched glass fibre fabrics consigned from Turkey, whether declared as originating in Turkey or not

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1037 of the European Parliament and of the Council of 8 June 2016 on protection against subsidised imports from countries not members of the European Union ⁽¹⁾ ('the basic Regulation') and in particular Article 23 thereof,

Whereas:

1. PROCEDURE**1.1. Existing measures**

- (1) In June 2020, the European Commission ('the Commission') imposed a definitive countervailing duty on imports of certain woven and/or stitched glass fibre fabrics ('GFF') originating in the People's Republic of China ('the PRC' or 'China') and Egypt by Commission Implementing Regulation (EU) 2020/776 ⁽²⁾. The anti-subsidy measures took the form of an *ad valorem* duty ranging between 17 % and 30,7 % for imports originating in the PRC and an *ad valorem* duty of 10,9 % for imports originating in Egypt ('the initial measures'). The investigation that led to these duties was initiated on 16 May 2019 ('the initial investigation') ⁽³⁾.

1.2. Request

- (2) The Commission received a request pursuant to Articles 23(4) and 24(5) of the basic Regulation to investigate the possible circumvention of the countervailing measures imposed on imports of GFF originating in China and Egypt by imports of GFF consigned from Turkey, whether declared as originating in Turkey or not, and to make such imports subject to registration.
- (3) The request was lodged on 3 November 2021 by TECH-FAB Europe e.V, an association of Union producers of GFF ('the applicant').
- (4) The request contained sufficient evidence of a change in the pattern of trade involving exports from China, Egypt and Turkey to the Union that had taken place following the imposition of measures on GFF originating in China and Egypt. The change in the pattern of trade appeared to stem from a practice, process or work for which there is insufficient due cause or economic justification, other than the imposition of the duty, namely the consignment of the GFF from Turkey to the Union with or without having undergone some assembly or completion operation in Turkey, in particular by a company named Turkiz Composite Materials Technology Üretim Sanayi ve Ticaret Anonim Şirketi (hereafter 'Turkiz Composite' ⁽⁴⁾), a company located in the ASB European free zone in Marmara, Turkey.

⁽¹⁾ OJ L 176, 30.6.2016, p. 55.

⁽²⁾ Commission Implementing Regulation (EU) 2020/776 of 12 June 2020 imposing definitive countervailing duties on imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt and amending Commission Implementing Regulation (EU) 2020/492 imposing definitive anti-dumping duties on imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt (OJ L 189, 15.6.2020, p. 1).

⁽³⁾ OJ C 167, 16.5.2019, p. 11.

⁽⁴⁾ This company was previously named Hengshi Turkey, which is the name referred to in the request.

- (5) Furthermore, the request contained sufficient evidence showing that the practice, process or work were undermining the remedial effects of the existing anti-subsidy measures in terms of quantity and prices. Significant volumes of imports of the product under investigation appeared to have entered the EU market. In addition, there was sufficient evidence that imports of GFF were made at injurious prices.
- (6) Finally, the request contained sufficient evidence that GFF consigned from Turkey continued to benefit from subsidies for the production and sale of GFF under the existing measures. Indeed, GFF and the parts thereof are produced by and exported to Turkey by companies in China and Egypt that were found to receive countervailable subsidies for the production and sale of GFF under the existing measures.

1.3. Product concerned and product under investigation

- (7) The product concerned is fabrics of woven, and/or stitched continuous filament glass fibre rovings and/or yarns with or without other elements, excluding products which are impregnated or pre-impregnated (pre-preg), and excluding open mesh fabrics with cells with a size of more than 1,8 mm in both length and width and weighing more than 35 g/m², classified on the date of entry into force of Implementing Regulation (EU) 2020/776 under CN codes ex 7019 39 00, ex 7019 40 00, ex 7019 59 00 and ex 7019 90 00 (TARIC codes 7019 39 00 80, 7019 40 00 80, 7019 59 00 80 and 7019 90 00 80) and originating in the People's Republic of China and Egypt ('the product concerned'). This is the product to which the measures that are currently in force apply.
- (8) The product under investigation is the same as that defined in the previous recital, but consigned from Turkey, whether declared as originating in Turkey or not (classified on the date of entry into force of Commission Implementing Regulation (EU) 2021/2230 ⁽⁵⁾ under TARIC codes 7019 39 00 83, 7019 40 00 83, 7019 59 00 83 and 7019 90 00 83) ('the product under investigation').
- (9) The investigation showed that GFF exported from China and Egypt to the Union and GFF consigned from Turkey, whether originating in Turkey or not, have the same basic physical and chemical characteristics and have the same uses, and are therefore considered as like products within the meaning of Article 2(c) of the basic Regulation.

1.4. Initiation

- (10) Having determined, after having informed the Member States, that sufficient evidence existed for the initiation of an investigation pursuant to Article 23 of the basic Regulation, the Commission initiated the investigation and made imports of GFF consigned from Turkey, whether declared as originating in Turkey or not, subject to registration, by Commission Implementing Regulation (EU) 2021/2229 ⁽⁶⁾ ('the initiating Regulation').

1.5. Comments on initiation

- (11) LM Wind Power, a wind blade manufacturer established in the Union, argued that the initiation of the investigation was not justified due to a lack of sufficient evidence, and the investigation should therefore be immediately terminated.

⁽⁵⁾ Commission Implementing Regulation (EU) 2021/2230 of 14 December 2021 initiating an investigation concerning possible circumvention of the anti-dumping measures imposed by Commission Implementing Regulation (EU) 2020/492 on imports of certain woven and/or stitched glass fibre fabrics originating in People's Republic of China and Egypt by imports of certain woven and/or stitched glass fibre fabrics consigned from Turkey, whether declared as originating in Turkey or not, and making such imports subject to registration (OJ L 448, 15.12.2021, p. 58).

⁽⁶⁾ Commission Implementing Regulation (EU) 2021/2229 of 14 December 2021 initiating an investigation concerning possible circumvention of the countervailing measures imposed by Implementing Regulation (EU) 2020/776 on imports of certain woven and/or stitched glass fibre fabrics originating in People's Republic of China and Egypt by imports of certain woven and/or stitched glass fibre fabrics consigned from Turkey, whether declared as originating in Turkey or not, and making such imports subject to registration (OJ L 448, 15.12.2021, p. 52).

- (12) It argued that circumvention did not occur since there is no change in the pattern of trade between Turkey and the Union on the one hand, or between China and Egypt, and the Union on the other hand, that would be indicative of a circumvention practice. It also argued that the practice, process or work taking place in Turkey did not fall within any of the categories of the second subparagraph of Article 23(3) of the basic Regulation. In particular, there was no positive evidence in the request that consignment of GFF originating in China or Egypt from Turkey to the Union took place. Moreover, the practice, process or work cannot be qualified as a slight modification, as the product under investigation is a downstream product and, as such, a different product than its input materials (mainly glass fibre rovings), or an assembly operation, in particular since the product under investigation and glass fibre rovings are not classified under the same tariff headings.
- (13) It also claimed that there was sufficient due cause and economic justification within the meaning of Article 23(3) of the basic Regulation for the practice, process or work taking place in Turkey via the establishment of a GFF production plant in Turkey. There was a significant demand for GFF in Turkey, largely driven by the wind energy sector in Turkey, with a need of around 20 000 – 25 000 tonnes in 2020. Demand was growing, which was shown by the fact that in 2018, a Turkish company set up a new glass fibre production facility in Turkey with an additional annual production capacity of 70 000 tonnes. Finally, it claimed that there was also a growing demand for GFF in neighbouring regions, close to Turkey, such as the Middle East and Africa and that these facts also justified the establishment of a production plant in Turkey.
- (14) Similar comments were received from another European wind blade manufacturer established in the Union, i.e. Vestas Wind Systems A/S and from one Turkish exporting producer of GFF, i.e. Turkiz Composite, located in the ASB European free zone in Marmara, Turkey where it benefits from income tax and VAT exemptions.
- (15) Concerning the economic justification of its establishment in Turkey, Turkiz Composite also argued that the board of directors of its Chinese parent company took the decision to establish the company in Turkey already on 24 April 2018, i.e. before the Commission initiated the initial investigation, as referred to in recital (1).
- (16) The Egyptian authorities claimed that Egypt had been unfairly involved in the present investigation as no circumvention practice involving Egypt has taken place. They also argued, similar to the claims of LM Wind Power, that there was a lack of evidence to prove circumvention in a form of either assembly operations in Turkey involving the exports of glass fibre rovings from Egypt or transshipment between Turkey and the Union involving GFF from China and Egypt.
- (17) The Turkish authorities emphasized that there is a significant installed capacity and production of GFF in Turkey, and that it believed that Turkish domestic producers that fulfil the relevant conditions should be exempted from the extension of measures.
- (18) Finally, Amiblu Holding GmbH, a supplier of glass fibre reinforced plastic pipe systems and solutions in the Union argued that it is in the Union's interest to act against market distortive circumvention practices with regard to imports of GFF from third countries, including Turkey. In particular, it argued that as its Turkish competitors are not subject to anti-dumping and countervailing measures on imports of glass fibre rovings, the competitive position of the Union industries was affected. It also urged the Commission to examine systematically circumvention mechanisms in third countries, including Turkey.
- (19) With regard to the claims concerning the initiation of the investigation, the Commission recalled that the investigation was initiated on the basis of the evidence provided in the request. Whilst the investigation could not confirm the existence of transshipment without assembly operations, it did find evidence of assembly or completion operations. In this regard, the Commission recalled that the second subparagraph of Article 23(3) of the basic Regulation explicitly uses the wording 'inter alia', thus covering circumvention practices, such as assembly operations, which are not explicitly listed in the Article. The request provided sufficient evidence ⁽⁷⁾ of the existence of assembly operations and that these assembly operations were done using glass fibre rovings from the PRC and Egypt ⁽⁸⁾. The tariff classification of the product under investigation or its main input materials is irrelevant for determining whether an assembly operation constitutes circumvention.

⁽⁷⁾ See the request, open version, points 40 to 42, page 10.

⁽⁸⁾ See the request, open version, point 29, page 8 and point 41, page 9.

- (20) In addition, the request provided sufficient evidence regarding the lack of economic justification other than the imposition of the duties, such as its reference to the 2018 annual report of China Hengshi Foundation Company Limited ⁽⁹⁾. According to the request, the operating risks identified by the 2018 annual report with the expansion of the operations of the China National Building Materials Group to Turkey were '*risks associated with the anti-dumping duties imposed on our products by the European Union and the Sino-U.S. trade friction*' ⁽¹⁰⁾. The separate anti-dumping investigation explicitly referred to was initiated about three months before the initiation of the initial investigation, which led to the imposition of the countervailing duties. Thus, this statement shows an intention to circumvent the duties resulting from the Commission's investigation.
- (21) Therefore, the Commission rejected the claims that the request did not contain sufficient evidence to warrant the initiation of the investigation. The Commission took note of the statements by Amiblu Holding GmbH and the Turkish authorities.

1.6. Investigation period and reporting period

- (22) The investigation period covered the period from 1 January 2019 to 30 June 2021 ('the investigation period' or 'IP'). Data were collected for the IP to investigate, inter alia, the alleged change in the pattern of trade following the imposition of measures on the product concerned, and the existence of a practice, process or work for which there was insufficient due cause or economic justification other than the imposition of the duty. More detailed data were collected for the period from 1 July 2020 to 30 June 2021 ('the reporting period' or 'RP') in order to examine if imports were undermining the remedial effect of the measures in force in terms of prices and/or quantities and the existence of subsidisation.

1.7. Investigation

- (23) The Commission officially informed the authorities of China, Egypt and Turkey, the known exporting producers in those countries, the Union industry and the President of the EU-Turkey Association Council of the initiation of the investigation.
- (24) In addition, the Commission asked the Mission of Turkey to the European Union to provide it with the names and addresses of exporting producers and/or representative associations that could be interested in participating in the investigation in addition to the Turkish exporting producers, which were identified in the request by the applicant.
- (25) Exemption claim forms for the producers/exporters in Turkey, questionnaires for the producers/exporters in China and Egypt, and for importers in the Union were made available on DG TRADE's website.
- (26) Out of the six known exporting producers, four of them submitted exemption claim forms. These were:
- Saertex Turkey Tekstil Ltd. Şti.,
 - Sonmez Asf Iplik Dokuma Ve Boya San Tic A. Ş.,
 - Telateks Tekstil Ürünleri Sanayi ve Ticaret Anonim Şirketi, and Telateks Dış Ticaret ve Kompozit Sanayi Anonim Şirketi, belonging to the group 'Metyx Composites' (a division of Telateks A.S),
 - Turkiz Composite.
- (27) In addition, six Chinese and Egyptian companies, all related to Turkiz Composite, submitted questionnaire replies.
- (28) Moreover, the Hungarian company Metyx Hungary Korlátolt Felelősségű Társaság (a related importer of GFF produced by Telateks Tekstil Ürünleri Sanayi ve Ticaret Anonim Şirketi) and the German company Saertex GmbH & Co. KG (the parent company and the importer of GFF produced by Saertex Turkey Tekstil Ltd. Şti.) submitted questionnaire replies.

⁽⁹⁾ The China National Building Materials Group is the Chinese owned Group to which the Turkish exporting producer Turkiz Composite belongs and to which the company China Hengshi Foundation Company Limited belongs.

⁽¹⁰⁾ See the request, open version, point 27, page 8.

- (29) Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the initiating Regulation. All parties were informed that the non-submission of all relevant information or the submission of incomplete, false or misleading information might lead to the application of Article 28 of the basic Regulation and to findings being based on the facts available.
- (30) A hearing was held on 4 February 2022 with LM Wind Power. Following disclosure, on 12 July a hearing was held with Turkiz Composite.

2. RESULTS OF THE INVESTIGATION

2.1. General considerations

- (31) In accordance with Article 23(3) of the basic Regulation, the following elements should be analysed in order to assess possible circumvention:
- whether there was a change in the pattern of trade between the PRC/Egypt/Turkey and the Union,
 - if this change stemmed from a practice, process or work for which there was insufficient due cause or economic justification other than the imposition of the measures in force,
 - if there is evidence of injury or the remedial effects of the measures in force were being undermined in terms of the prices and/or quantities of the product under investigation, and
 - whether the imported like product and/or parts thereof still benefitted from the subsidy.
- (32) The request alleged transshipment, and in particular the consignment of the GFF from Turkey to the Union with or without having undergone some assembly or completion operation in Turkey (see recital (4)).
- (33) With regard to transshipment, the investigation did not reveal any evidence that either of the four co-operating exporting producers were involved in such practices. Therefore, this allegation could not be confirmed by this investigation.
- (34) With regard to assembly / completion operations, the second subparagraph of Article 23(3) of the basic Regulation does not list them specifically as a practice, process or work that constitutes circumvention. Nevertheless, the second subparagraph of Article 23(3) of the basic Regulation explicitly uses the wording 'inter alia', which means that it provides a non-exhaustive list of possible circumvention practices. As a result, it also covers other circumvention practices, which are not explicitly listed in the Article in question, such as assembly / completion operations. Therefore, since the evidence provided by the applicant in the request pointed to assembly / completion operations in Turkey, the Commission also analysed whether, by analogy, the criteria set out in Article 13(2) of the basic anti-dumping Regulation were met, in particular:
- whether the assembly / completion operation started or substantially increased since, or just prior to, the initiation of the anti-subsidy investigation and whether the parts concerned are from the country subject to measures, and
 - whether the parts constitute 60 % or more of the total value of the parts of the assembled product and whether the value added of the parts brought in, during the assembly or completion operation, was greater than 25 % of the manufacturing costs.

2.2. Cooperation

- (35) As stated in recital (26), four exporting producers in Turkey requested to be exempted from the measures, if extended to Turkey. They cooperated during the entire proceeding by submitting exemption claim forms and by providing replies to deficiency letters. The level of cooperation from the Turkish exporting producers was high, as their aggregated reported export volumes of GFF to the Union in their submitted exemption claim forms accounted for the entirety of the total Turkish import volumes during the reporting period, as reported in the Eurostat import statistics.

- (36) The Commission carried out a verification visit at the premises of Turkiz Composite, pursuant to Article 26 of the basic Regulation. Contrary to the other three producers that came forward, this company imported almost all its input materials and in particular 100 % of its main input material (glass fibre rovings) from its related companies in China and Egypt. Also, this company was by far the largest Turkish exporting producer of GFF during the reporting period. It exported more GFF to the Union than the three other co-operating Turkish exporting producers combined during the reporting period.

2.3. Change in the pattern of trade

2.3.1. Imports of GFF

- (37) Table 1 below shows the development of imports of GFF from China, Egypt and Turkey in the investigation period.

Table 1

Imports of GFF to the Union in the investigation period (in tonnes)

	2019	2020	Reporting period
PRC	43 460	38 440	33 263
<i>index (base = 2019)</i>	100	88	77
Egypt	11 349	6 935	3 608
<i>index (base = 2019)</i>	100	61	32
Turkey	2 334	4 152	8 367
<i>index (base = 2019)</i>	100	178	358

Source: Eurostat.

- (38) Table 1 shows that the imports of GFF from Turkey increased from 2 334 tonnes in 2019 to 8 367 tonnes in the reporting period. The significant increase in the reporting period compared to 2019 coincided in time with the increase in production by Turkiz Composite, which started to produce from March 2019 onwards.
- (39) The imports of GFF from China decreased from 43 460 tonnes in 2019 to 33 263 tonnes in the reporting period, whereas the imports of GFF from Egypt decreased from 11 349 tonnes in 2019 to 3 608 tonnes.

2.3.2. Export volumes of glass fibre rovings from China and Egypt to Turkey

- (40) Table 2 below shows the development of imports of glass fibre rovings from China and Egypt by Turkey based on the Turkish import statistics from the GTA database.

Table 2

Imports of glass fibre rovings from China and Egypt by Turkey in the investigation period (in tonnes)

	2019	2020	RP
PRC			
7019 12 Glass fibre rovings	6 996	15 970	19 201

Egypt

7019 12 Glass fibre rovings	9 142	20 565	30 149
-----------------------------	-------	--------	--------

Source: GTA.

- (41) The main input material for the production of GFF are glass fibre rovings. This input material is then further processed to produce GFF. The evidence available to the Commission showed that the GFF exported to the Union from Turkey was produced from mainly glass fibre rovings.
- (42) Table 2 shows that the imports of glass fibre rovings from China to Turkey substantially increased from 6 996 tonnes in 2019 to 19 201 tonnes in the reporting period. The imports of glass fibre rovings from Egypt into Turkey also significantly increased from 9 142 tonnes in 2019 to 30 149 tonnes in the reporting period. The imports from both China and Egypt represent around 70 % of the total imports of glass fibre rovings to Turkey for both the year 2020 and the reporting period. Moreover, the significant increase of imports of glass fibre rovings from China and Egypt to Turkey also coincided with the fact that Turkiz Composite only started to supply its largest European customer from May 2020 onwards, leading to an increased consumption of glass fibre rovings for the production of GFF.
- (43) Turkiz Composite submitted that the glass fibre rovings that it used to produce GFF were all purchased from China and from Egypt, in particular from its related companies in China and Egypt. It imported these rovings under HS code 7019 12. Imports under this code showed the most significant increase in imports from China and Egypt to Turkey.
- (44) The significant increase in import volumes of glass fibre rovings from China and Egypt to Turkey indicated an increasing demand for such input materials in Turkey, which could, at least in part, be explained by the increase in the production and exports of GFF from Turkey during the reporting period. This was also corroborated by the information provided by Turkiz Composite.

2.3.3. Conclusion on the change in the pattern of trade

- (45) The increase of exports of GFF from Turkey to the Union on the one hand, and the decrease of exports of GFF from China and Egypt to the Union on the other hand, constitutes a change in the pattern of trade between Turkey and the Union within the meaning of Article 23 of the basic Regulation, together with the significant increase during the reporting period compared to 2019 of Chinese and Egyptian exports of glass fibre rovings into Turkey as shown in Table 2.

2.4. Insufficient due cause or economic justification other than the imposition of the countervailing duty

- (46) Article 23(3) of the basic Regulation requires that the change in the pattern of trade stems from a practice, process or work for which there is insufficient due cause or economic justification other than the imposition of the duty.
- (47) The Commission recalled that the practice, process or work includes the assembly of parts/completion operations in a third country, as explained in recital (19).
- (48) Turkiz Composite claimed that there was due cause and an economic justification for its establishment. It claimed that its set-up in Turkey was due to the significant demand for GFF in Turkey and the increased demand for GFF in the neighbouring countries of Turkey, other than the EU (mainly Egypt, Jordan, Iran and to a certain extent Saudi Arabia), as well as due to the significant and growing demand for glass fibre rovings in Turkey.

- (49) The investigation revealed that Turkiz Composite had decided before the initiation of the initial investigation to establish a company in Turkey. It was set up on 1 June 2018, but only started producing in March 2019, as it still had to find premises, and to buy, move, install and test all its GFF-machines. The date of the start of the production coincided with the date of the initiation ⁽¹¹⁾ of the initial anti-dumping investigation on imports of GFF from China and Egypt, which preceded the initiation of the initial investigation by about three months.
- (50) Moreover, Article 23(3) of the basic Regulation establishes a link between the practice, process or work in question and the change of the pattern of trade as the latter must ‘stem’ from the former. It is therefore the practice, process or work leading to the change of the pattern of trade, which needs to have a sufficient due cause or economic justification other than the imposition of the duty, in order not to be considered a circumvention within the meaning of Article 23(3) of the basic Regulation.
- (51) In the light of the foregoing, the argument that the company was set up to serve the domestic, African and Middle Eastern markets is immaterial, as it is not the setting up of the company that is the practice, process or work leading to the change of the pattern of trade. The practice from which that change stems is the assembly/completion operations in Turkey that leads to a significant increase of exports of GFF (the assembled product) to the Union. Turkiz Composite’s export sales of GFF to the Union substantially increased when it started to gradually increase its supply to its largest European customer from May 2020 onwards (see recital (42)), which coincided with the date of the imposition of the initial measures (see recital (1)).
- (52) Furthermore, the fact that a company that was allegedly set up to serve the domestic and African and Middle Eastern markets, following the initiation of the anti-dumping case actually serves the domestic and the Union market instead ⁽¹²⁾ further suggests that its assembly activities were developed in response to the investigation and then further increased in response to the imposition of the duties.
- (53) Following disclosure, Turkiz Composite and LM Wind Power claimed that the Commission’s reasoning missed a step in its legal analysis on economic justification since it failed to assess whether there was economic justification or sufficient due cause for the practice, process or work. They also stated that the Commission applied the wrong temporal test, since it failed to recognise that the ‘imposition of the duties’ – and not the opening of an investigation – must be the reason for the practice, process or work. Finally, they claimed that, if the Commission had applied the correct legal tests, it would have concluded that there was sufficient due cause and an economic justification for the establishment of Turkiz Composite. They claimed that the main reason for the set-up of the Turkish plant was to serve the Turkish domestic market.
- (54) The Commission rejected these claims. First, the Commission did not fail to assess whether there was economic justification or sufficient due cause for the practice, process or work. This assessment was made, as explicitly explained in recitals (49) and (50) above. The Commission clearly identified the practice, process or work which led to the change of the pattern of trade and then analysed potential justifications for that practice. Contrary to what the interested parties claimed, and as explained in recital (51), it is not the establishment of Turkiz Composite, or its domestic sales, that are the practice, process or work in question, as the change the pattern of trade, discussed under point 2.3. above, does not stem from them.
- (55) Second, the Commission did not apply the wrong temporal test. It referred in recital (49) to the fact that the date of the start of the production coincided with the date of the initiation of the original investigation. This finding, which was based on verified information provided by Turkiz Composite, was legally relevant, as one of the conditions of Article 13(2) of the basic anti-dumping Regulation ⁽¹³⁾ is that ‘... the operation started or substantially increased since, or just prior to, the initiation of the anti-dumping investigation ...’. Article 23(3) of the basic Regulation defines circumvention and thus focuses on the imposition of the duty, since without a duty being imposed there cannot be

⁽¹¹⁾ OJ C 68, 21.2.2019, p. 29.

⁽¹²⁾ The investigation showed that Turkiz Composite’s exports to other third countries (possibly including African and Middle Eastern markets) were only a minor fraction of its total sales during the investigation period.

⁽¹³⁾ As referred to in recital (19), the legal standards contained in Article 13(2) of basic anti-dumping Regulation can by analogy be used in assessing the anti-subsidy case in the context of Article 23(3) of the basic Regulation.

circumvention. This does not preclude the commencement of a practice, process or work after the initiation of an investigation being considered as evidence that the duty subsequently imposed (and reasonably expected) was the justification for the practice in question. The reading of Article 23(3) proposed by the interested party would not only be incompatible with the language of Article 13(2) of the basic anti-dumping Regulation, quoted above, but would effectively remove circumvention practices that commence between the initiation of an investigation and the imposition of the duties from the scope of Article 23(3). This would go against the very purpose of Article 13 of the basic anti-dumping Regulation (and by analogy Article 23 of the basic Regulation), as defined by the Court. ⁽¹⁴⁾

- (56) With respect to the claim that the main reason for setting up the Turkish plant was to serve the Turkish domestic market, the Commission noted that Turkiz Composite slightly changed its reasoning during the course of this proceeding, as the company claimed before disclosure that the reason was to serve the domestic, African and Middle Eastern markets. As mentioned in recital (52), Turkiz Composite served the domestic and the Union market during the investigation period. In any event, the operations of Turkiz Composite substantially increased during the investigation period as evidenced by the following findings:

- One manufacturing site was rented in 2018, another one in 2019, and the remaining ones in 2020;
- Of all GFF machines which were in use during the reporting period, less than seven were in first use in 2019, whereas more than seven were additionally put in first use in 2020 and the first half of 2021;
- These GFF machines were mainly purchased by Turkiz Composite from its related companies in China and Egypt. The significant increase of the production capacity of Turkiz Composite during the investigation period clearly showed a change in strategy by the China National Building Materials Group, of which Turkiz Composite was part, in response to the initiation of the original investigation;
- Not only the production capacity significantly increased during the investigation period, its actual production also increased, and so did the number of staff. The production capacity was three times higher in the reporting period compared to the year 2019, whereas the actual production was 60 times higher in the reporting period compared to the year 2019. Moreover, the number of staff was about six times higher in the reporting period compared to the year 2019;
- Finally, the export sales to the Union during the investigation period (see recital (60)) by Turkiz Composite grew exponentially following to the initiation of the original investigation.

- (57) In view of the above, the investigation did not reveal sufficient due cause or economic justification for the significant increase of exports by Turkiz Composite of the assembled product to the Union other than to avoid the payment of the anti-dumping duties currently in force.

2.5. Start or substantial increase of operations

- (58) Article 13(2) of the basic anti-dumping Regulation requires the assembly operation to have started or substantially increased since, or just prior to, the initiation of the anti-dumping investigation, and the parts concerned to be from the country subject to anti-dumping measures. As referred to in recital (19), the legal standards contained in Article 13(2) of basic anti-dumping Regulation can by analogy be used in assessing the anti-subsidy case in the context of Article 23(3) of the basic Regulation.

⁽¹⁴⁾ Judgment of 8 June 2022, *Guangxi Xin Fu Yuan Co. Ltd v European Commission*, T-144/20, ECLI:EU:T:2022:346, para. 59 and the case-law cited.

- (59) The initial investigation was initiated on 16 May 2019 and definitive countervailing duties were imposed on 15 June 2020. Turkiz Composite was officially established on 1 June 2018 and started production from March 2019 onwards. Therefore, the date of the start of the production coincides with the date of the initiation of the initial anti-dumping investigation on imports of GFF from China and Egypt, which preceded the initiation of the initial investigation by about three months.
- (60) Moreover, Turkiz Composite substantially increased its export sales in 2020 and during the investigation period compared to 2019. This substantial increase of the assembly or completion operation coincides with the date of the imposition of the definitive countervailing duties, i.e. on 15 June 2020 (see previous recital). Moreover, almost all its input materials and in particular 100 % of its main input material (glass fibre rovings) were purchased from its related companies in China and Egypt.
- (61) Therefore, the Commission concluded that the assembly or completion operation started or substantially increased since the initiation of the initial investigation.

2.6. Value of parts and value added

2.6.1. Value of parts

- (62) As far as assembly operations are concerned, Article 13(2)(b) of the basic anti-dumping Regulation states that another condition to establish circumvention is that the parts (of Chinese and Egyptian origin, in this case) constitute 60 % or more of the total value of the parts of the assembled product and that the added value of the parts brought in, during the assembly or completion operation, is less than 25 % of the manufacturing cost. The legal standards contained in Article 13(2) of basic anti-dumping Regulation can by analogy be used in assessing the anti-subsidy case in the context of Article 23(3) of the basic Regulation.
- (63) The main input material to produce GFF is glass fibre rovings. Turkiz Composite purchased 100 % of the glass fibre rovings it used from related companies in China and Egypt. Through the sewing-knitting process carried out, which is a completion operation in Turkey, these glass fibre rovings were transformed into GFF. According to the submitted and verified information by Turkiz Composite, the main input material, namely glass fibre rovings, constitute almost 100 % of the total value of the parts of the assembled/completed product in the sense of Article 13(2)(b) of the basic anti-dumping Regulation.
- (64) Following disclosure, Turkiz Composite and LM Wind Power reiterated their claim that the manufacturing of GFF from the imported main raw material glass fibre rovings does not constitute an 'assembly of parts by an assembly operation' within the meaning of Article 13(2) of the basic anti-dumping Regulation, which is applied by analogy (see above recital (62)), and that glass fibre rovings are not parts but rather materials within the meaning of the Explanatory Note (VII) of the second part of General Rule 2(a) for the interpretation of the Harmonised System, providing that parts being assembled shall 'not be subjected to any further working operation for completion into the finished state'. In this context, they claimed that glass fibre rovings are not 'parts' of GFF and are not 'assembled' into GFF, but are processed into GFF by looming and stitching together various types of glass fibre rovings as well as other materials, using complex machinery. Similar comments were also received from the Egyptian authorities.
- (65) The Commission rejected these claims. The practice described in recital (63) above can be characterised as a completion operation that falls within the concept of assembly operations under Article 13(2) of the basic anti-dumping Regulation, as also referred to in recital (62) above. In addition, other elements were considered, as explained below.
- (66) First, the reference to the Explanatory Note (VII) of the second part of General Rule 2(a) for the interpretation of the Harmonised System is irrelevant as the direct legal basis is Article 23 of the basic Regulation and not customs law, as explicitly clarified by the Court of Justice ⁽¹⁵⁾.

⁽¹⁵⁾ Judgment of 12 September 2019, *Commission/Kolachi Raj Industrial*, C-709/17 P, ECLI:EU:C:2019:717, para. 90 and the case-law cited.

- (67) Second, when interpreting Article 13(2) of the basic anti-dumping Regulation, which is applied by analogy in assessing the anti-subsidy case in the context of Article 23(3) of the basic Regulation, the Court of Justice started by recalling that *'pursuant to settled case-law, in interpreting a provision of EU law, it is necessary to consider not only its wording, but also the context in which it occurs and the objectives pursued by the rules of which it is part'* ⁽¹⁶⁾. The basic anti-dumping Regulation does not define the terms 'assembly operation' or 'completion operation'. However, the way Article 13(2) of the basic anti-dumping Regulation is constructed favours an interpretation of the term 'assembly operation' as, according to Article 13(2)(b) of the basic anti-dumping Regulation, also meant to encapsulate explicitly 'completion operation'. It follows that 'assembly operation' within the meaning of Article 13(2) of the basic anti-dumping Regulation is meant to cover not only operations that consist of assembling parts of a composite article, but may also involve further processing, i.e. finishing of a product.
- (68) In addition, according to the Court ⁽¹⁷⁾, the purpose of investigations conducted in accordance with Article 23 of the basic Regulation is to ensure the effectiveness of anti-dumping duties and to prevent their circumvention. Consequently, the purpose of Article 13(2) of the basic anti-dumping Regulation (which is applied by analogy in assessing the anti-subsidy case in the context of Article 23(3) of the basic Regulation) is to capture the practices, processes or works that use predominantly parts from the country that is subject to the measures and assemble or finish them by adding limited value to these parts.
- (69) Following disclosure, Turkiz Composite, LM Wind Power and the Egyptian authorities disagreed with the approach of the Commission cumulating the value of the glass fibre rovings from Egypt with the value of the glass fibre rovings from China for determining whether the value of glass fibre rovings constituted 60 % or more of the total value of the alleged 'parts' of GFF. They pointed to the use of the wording 'parts from the country subject to measures' (in singular) in Article 13(2)(b) of the basic anti-dumping Regulation.
- (70) The Commission rejected this claim for the following reasons. First, as referred to in recital (1), in the original investigation the imports of GFF from China and Egypt were assessed cumulatively. It was therefore appropriate to apply the same methodology in this anti-circumvention investigation with a view to extend the original measures.
- (71) Second, Article 13 of the basic anti-dumping Regulation – which is applied by analogy in assessing the anti-subsidy case in the context of Article 23(3) of the basic Regulation – does not preclude the Commission from making such cumulative analysis to check whether the 60 % criterion set out in Article 13(2)(b) of the basic anti-dumping Regulation was met. Rather the contrary, to interpret the wording of Article 13(2) of the basic anti-dumping Regulation 'country subject to measures' in a manner that does not allow the cumulation of the value of parts when the circumventing activities take place in more than one country, is contradicted by existing EU case-law. In *Kolachi*, the Court of Justice addressed a special practice of circumvention activities (in a case where bicycle parts were first semi-assembled in Sri-Lanka and then further assembled in Pakistan) and confirmed that this practice of circumvention activities was covered by Article 13(2) of the basic anti-dumping Regulation, despite the use of singular language in that provision. The Court of Justice ⁽¹⁸⁾ also highlighted that any other interpretation would enable exporting producers to undermine the effectiveness of the anti-circumvention measures. Therefore, the same rationale applies to attempts to avoid the application of the anti-circumvention rules by sourcing raw materials from two countries that are both subject to measures.
- (72) Third, following the reasoning of Turkiz Composite, in case 50 % of the input materials would be procured from China and the other 50 % from Egypt, no circumvention would take place in a situation where 100 % of the parts is sourced from countries subject to measures. Such outcome would clearly be against the purpose of Article 13(2) of the basic anti-dumping Regulation, also taking into consideration that all GFF exported to the Union consisted of either 100 % of parts sourced in China, or of 100 % of parts sourced in Egypt.
- (73) The Commission therefore concluded that the 60 % criterion was met.

⁽¹⁶⁾ Judgment of 12 September 2019, *Commission v Kolachi Raj Industrial*, C-709/17 P, ECLI:EU:C:2019:717, para. 82 and the case-law cited.

⁽¹⁷⁾ Judgment of 8 June 2022, *Guangxi Xin Fu Yuan Co. Ltd v European Commission*, T-144/20, ECLI:EU:T:2022:346, para. 59 and the case-law cited.

⁽¹⁸⁾ Judgment of 12 September 2019, *Commission/Kolachi Raj Industrial*, C-709/17 P, ECLI:EU:C:2019:717, paras 97 and 104.

2.6.2. Added value

- (74) Turkiz Composite claimed that its value added cost would be above the threshold of 25 % of the total manufacturing cost. The main items in the calculation of the value added included the depreciation cost, the rental cost, the packaging material cost, the direct and indirect labour cost, and other manufacturing indirect costs, which were part of the financial data of the reporting period submitted by Turkiz Composite in its exemption claim form.
- (75) The Commission analysed all these cost items and assessed that some incurred expenses could not be classified as part of the manufacturing cost or had been overestimated:
- Rental cost: The total rental cost was reduced by excluding the rental cost related to the office space, based on the proportion of the square meters for the office space on the total square meters, as submitted by Turkiz Composite;
 - Packaging material cost: The full packaging material cost was excluded from the value added cost since the Commission assessed that this packaging material was secondary packaging material ⁽¹⁹⁾. Such secondary packaging material expense is part of the distribution overheads (a selling expense), and not part of the manufacturing cost;
 - Other manufacturing indirect costs: The breakdown of these costs was analysed and some items (such as travelling expenses and personnel transportation expenses) were found to be operating expenses, also called selling, general and administrative expenses ('SG&A'). As such they are not part of the manufacturing cost;
 - Salary expenses (indirect labour): Based on an analysis of the monthly payroll statements during the reporting period, the salary costs of two departments (HR and the packaging department) were included in the manufacturing labour cost. The Commission reclassified them as SG&A – costs, not part of the manufacturing cost.
- (76) In view of the above, the value added to the parts brought in, as calculated by the Commission, was significantly lower than the one calculated by Turkiz Composite.
- (77) Moreover, Turkiz Composite sourced almost all its input materials and in particular 100 % of its main input material (glass fibre rovings) from related companies in China and Egypt. No positive evidence was presented by Turkiz Composite demonstrating that these prices were at arm's length and not affected by the relationship rather than transfer prices between related companies. The Commission found, on the other hand, that these prices were significantly lower than the prices paid by the three other Turkish co-operating exporting producers to unrelated suppliers during the reporting period.
- (78) Therefore, in order to arrive at reasonably accurate finding, the prices paid by Turkiz Composite were considered to be inter-company transfer prices and they were replaced by the weighted average prices paid by the three other co-operating exporting producers.
- (79) Following disclosure, Turkiz Composite and LM Wind Power alleged that the Commission could not replace the transfer prices by the weighted average prices paid by the three other Turkish exporting producers to their unrelated suppliers during the reporting period. They alleged that such approach was not allowed, and saw no legal basis to apply Article 2(5) of the basic anti-dumping Regulation by analogy. Both parties also claimed that the Commission failed to correctly conduct the arm's length test, and that the Commission did not ensure that the prices compared were comparable in terms of quantity and that all price elements were included.

⁽¹⁹⁾ Secondary packaging serves a practical purpose. It organizes or stabilizes products to get them shelf ready. It also makes for easier and safer storage, so when it comes time for a manufacturer to ship off more units, you can trust they make it to consumers intact, such as a box holding the aspirin bottle, or the case securing the soda cans, or the plastic wrap on a two-for-one deal. All these are examples of secondary packaging, which holds together individual units of products.

- (80) The Commission rejected these claims for the following reasons. First, the Commission did not refer in its general disclosure document to Article 2(5) of the basic anti-dumping Regulation as the legal basis for this adjustment. In order to determine the value of the parts brought in from the countries subject to measures, the Commission, considered the language and the purpose of Article 13(2)(b) of the basic anti-dumping Regulation (which is applied by analogy in assessing the anti-subsidy case in the context of Article 23(3) of the basic Regulation). The wording of Article 13(2)(b) of the basic anti-dumping Regulation does not prevent the Commission in any way from carrying out certain adjustments in view of determining the value of the parts, in particular in case the costs of a company do not necessarily reflect the value of the parts, which could be the case when parts are purchased from related companies. In order to determine the value of the parts, the Commission was, therefore, allowed to make the necessary adjustments, including the replacement of the transfer prices between the related companies as it was found that these prices were not at arm's length. Such approach is also in line with the purpose of Article 23 of the basic Regulation and the investigations it governs, discussed in recital (68), as it prevents circumventing companies from undervaluing the parts brought in in order to overestimate the value added to these parts.
- (81) Second, concerning the allegation that the Commission failed to correctly conduct the arm's length test, it should be recalled that Turkiz Composite is part of the China National Building Materials Group, which is a Chinese-state owned Group. Its Chinese and Egyptian related companies are subject to measures. The investigation revealed that the prices of glass fibre rovings purchased by Turkiz Composite from its related Egyptian and Chinese companies were significantly lower than the prices paid by the three other Turkish exporting producers. Therefore, it compared and subsequently replaced the intercompany prices by the weighted average prices paid by the three other Turkish exporting producers to their unrelated suppliers during the reporting period.
- (82) The Commission ensured that the prices compared were comparable in terms of quantity and that all price elements were included. First, the same period was used for making the comparison, namely the reporting period. Second, the quantity of glass fibre rovings purchased during the reporting period by the three other Turkish exporting producers from unrelated suppliers was sufficiently large (between 10 000 and 25 000 tonnes) and, accordingly, representative to be used as reliable prices for replacing the transfer prices of Turkiz Composite in order to correctly determine the value added. Third, the other three cooperating Turkish exporting producers produced GFF in the same way as Turkiz Composite, starting from glass fibre rovings. The investigation did not reveal any quality differences, as the production process is similar for the four cooperating Turkish exporting producers. Fourth, the other Turkish exporting producers purchased large quantities of glass fibre rovings domestically, whereas Turkiz Composite exclusively bought glass fibre rovings from Egypt and China. Purchasing domestically representative quantities would normally lead to lower prices rather than higher prices. Fifth, the comparison between the four Turkish exporting producers was made on a consistent basis, namely on the basis of the total cost of purchases, as submitted in their verified tables.
- (83) Following disclosure, Turkiz Composite claimed that its purchase price from its Chinese related companies was higher than its related companies' sales prices to unrelated customers in Turkey. Therefore, it claimed that Turkiz Composite's purchases should be considered at arm's length.
- (84) The Commission rejected this claim. Based on the submitted tables C.3 R and C.3.U of Jushi Group Co., Ltd.'s questionnaire reply ('Jushi Group' ⁽²⁰⁾), its average unit sales price of glass fibre rovings during the reporting period to its unrelated customers in Turkey was significantly higher than to its related customer in Turkey, i.e. to Turkiz Composite. The Commission also analysed the prices of another related Chinese company of Turkiz Composite, namely Tongxian Hengxian Trading Company Limited ('Tongxian' ⁽²¹⁾). During the reporting period, Tongxian sold exclusively glass fibre rovings to Turkiz Composite, whereby its average unit sales price was also lower than the average unit sales price that the Jushi Group invoiced to its unrelated customers in Turkey. In addition, during the reporting period, Turkiz Composite purchased more than 90 % of its total glass fibre rovings from Jushi Group and Tongxian. In view of the above, the Commission concluded that Turkiz Composite's average unit purchase price from its related Chinese companies Jushi Group and Tongxian was consistently and significantly lower than the

⁽²⁰⁾ Jushi Group was one of the Chinese related companies of Turkiz Composite that cooperated during the investigation as referred to in recital (27).

⁽²¹⁾ Tongxian was another Chinese related company of Turkiz Composite that cooperated during the investigation as referred to in recital (27).

average unrelated unit purchase price paid to Jushi Group by other Turkish companies ⁽²²⁾ as well as consistently and significantly lower than the prices paid by the other three cooperating Turkish exporting producers, and therefore not at arm's length.

- (85) Following disclosure, Turkiz Composite claimed that the Commission applied the wrong formula in its sheet 'Value added test' to calculate the '% of value added cost' (row 54), as the Commission divided wrongly the total cost of manufacturing (row 50) by the 'total parts brought in (Egypt, China and other sources)' (row 49), but should have used correctly the 'total parts brought in from Egypt and China' (row 48) instead.
- (86) The Commission rejected this claim as Turkiz Composite did not provide the impact of the Commission's calculation. Even if the Commission would have used the wrong formula, quod non, and use the suggested method of Turkiz Composite to calculate the '% of value added cost', this would only have led to an insignificant difference in the 'value added', without any impact on the Commission's finding that the value added to the parts brought in, during the assembly or completion operation, was less than 25 % of the manufacturing cost.
- (87) Following disclosure, Turkiz Composite alleged that the Commission could not exclude kits from its calculations as kits are part of the product under investigation. The Commission rejected this claim for the same reasons as set out in its specific disclosure document to Turkiz Composite of 5 July 2022. First, the production and sales of the kits was a minor part of the overall total production and sales of the company during the reporting period. The quantities of GFF exported to the Union during the reporting period were more than 170 times the quantities of kits exported to the Union. Second, the company did not differentiate the costs incurred for the GFF plants and the plant for kits at the general ledger level, except that separate accounts were set up for the labour cost in the cutting workshop. Third, kits were sold mostly domestically.
- (88) Furthermore, based on the information provided by Turkiz Composite, even if the Commission would have decided not to exclude kits from its calculations, the '% of value added cost' would not have changed the Commission's finding that the value added to the parts brought in, during the assembly or completion operation, was less than 25 % of the manufacturing cost, mainly as a result of the limited production of kits.
- (89) By adjusting the reported manufacturing cost and by replacing the reported transfer prices of the glass fibre rovings, the average value added thus established during the reporting period was found to be below the 25 % threshold. The Commission therefore concluded that the value added to the parts brought in, during the assembly or completion operation, was less than 25 % of the manufacturing cost.

2.7. Undermining of the remedial effect of the duty

- (90) In accordance with Article 23(3) of the basic Regulation, the Commission examined whether the imports of the product under investigation, both in terms of quantities and prices, undermined the remedial effects of the measures currently in force.
- (91) Regarding quantities, based on the submitted and verified tables by Turkiz Composite, it imported 0 – 300 tonnes in 2019 compared to 6 000 – 8 000 tonnes during the reporting period. At the same time, the Union consumption for the year 2020 and 2021 was estimated by the applicant to be about 150 000 tonnes, and about 170 000 tonnes, respectively. The market share of the imports from Turkey represented more than 4 % during the reporting period.
- (92) Regarding prices, the Commission compared the average non-injurious price as established in the initial investigation with the weighted average export CIF prices determined on the basis of the information provided by Turkiz Composite, duly adjusted to include post clearance costs. This price comparison showed that the imports from Turkiz Composite undersold the Union prices by more than 10 %.

⁽²²⁾ Based on its questionnaire reply, Tongxian did not sell glass fibre rovings to unrelated customers in Turkey during the reporting period.

- (93) The Commission concluded that the existing measures were undermined in terms of quantities and prices by the imports from Turkey subject to this investigation.

2.8. Evidence of subsidisation

- (94) In accordance with Article 23(3) of the basic Regulation, the Commission also examined whether the imported like product and/or parts thereof still benefitted from subsidies.
- (95) As set out in Implementing Regulation (EU) 2020/776 (see recital (1)), Chinese and Egyptian exporting producers were found to benefit from a number of subsidy schemes by the Government of the PRC and Egypt. In this respect, the related Chinese and Egyptian companies of the China National Building Materials Group were found to benefit also from a number of subsidy schemes such as grants, preferential financing and revenue foregone. Those subsidies were found to benefit the total production of the companies as they were not tied to a specific product.
- (96) No new information became available in this investigation that would put into question the conclusion from the initial investigation and would suggest that those subsidy schemes were no longer valid.
- (97) Moreover, Turkiz Composite purchased 100 % of the glass fibre rovings it used for the production of GFF from its related companies in China and Egypt. As set out in Commission Implementing Regulation (EU) 2020/870 ⁽²³⁾ of 24 June 2020 and Commission Implementing Regulation (EU) 2021/328 ⁽²⁴⁾, the related companies of Turkiz Composite benefitted from subsidies for the production of glass fiber rovings.
- (98) No evidence was presented during the investigation showing that the glass fibre rovings produced in Egypt and China by Turkiz Composite related companies have stopped benefiting from the subsidy. Hence, the Commission concluded that parts of the imported like product were still benefitting from the subsidy.
- (99) The Commission also noted that, a pass-through of subsidies between related companies not operating at arm's length can be presumed ⁽²⁵⁾, even more so when the downstream company is assembling and exporting a product to the Union. The Commission therefore concluded that the imported like product and parts thereof still benefit from the subsidy.

3. MEASURES

- (100) Based on the above findings, the Commission concluded that the definitive countervailing measures imposed on imports of GFF originating in the PRC and Egypt were being circumvented by imports of the product under investigation consigned from Turkey by Turkiz Composite.
- (101) Given that the level of cooperation was high and that the reported export sales of Turkiz Composite were higher than the reported export sales of the three other Turkish co-operating exporting producers combined, and no other company in Turkey came forward to request an exemption, the Commission concluded that the findings on circumvention practices in respect of Turkiz Composite should be extended to all imports from Turkey.
- (102) Therefore, in accordance Article 23(1) of the basic Regulation, the anti-subsidy measures in force on imports of GFF originating in China and Egypt should be extended to imports of the product under investigation.

⁽²³⁾ Commission Implementing Regulation (EU) 2020/870 of 24 June 2020 imposing a definitive countervailing duty and definitively collecting the provisional countervailing duty imposed on imports of continuous filament glass fibre products originating in Egypt, and levying the definitive countervailing duty on the registered imports of continuous filament glass fibre products originating in Egypt (OJ L 201, 25.6.2020, p. 10).

⁽²⁴⁾ Commission Implementing Regulation (EU) 2021/328 of 24 February 2021 imposing a definitive countervailing duty on imports of continuous filament glass fibre products originating in the People's Republic of China following an expiry review pursuant to Article 18 of the Regulation (EU) 2016/1037 of the European Parliament and of the Council (OJ L 65, 25.2.2021, p. 1).

⁽²⁵⁾ WTO Appellate Body Report, *United States – Final Countervailing Duty Determination with respect to Certain Softwood Lumber from Canada*, WT/DS257/AB/R, 19 January 2004, para. 143.

- (103) Pursuant to Article 23(2) of the basic Regulation, the measure to be extended should be the one established in Article 1(2) of Implementing Regulation (EU) 2020/776 for 'all other companies', which is a definitive countervailing duty of 30,7 % applicable to the net, free-at-Union-frontier price, before customs duty.
- (104) Turkiz Composite imported its glass fibre rovings partially from Egypt and partially from the PRC during the reporting period. Glass fibre rovings from its related companies in Egypt and the PRC were assembled by Turkiz Composite into GFF that was exported to the Union, in circumvention of both duties imposed on imports of GFF from Egypt (10,9 %) and imports of GFF from the PRC (30,7 %). Thus, in order to preserve the effectiveness of the measures in place, the extension of the higher of the two duties i.e. the duty for all 'other companies' in the PRC (30,7 %), as established in Article 1(2) of Implementing Regulation (EU) 2020/776, is justified.
- (105) Following disclosure, Turkiz Composite alleged that the Commission could not extend the duties on imports of GFF from China, as the value of imports of glass fibre rovings account for a lesser proportion of the total value of the glass fibre rovings used by Turkiz Composite to produce GFF, and, hence, did not meet the 60 % test of Article 13(2)(b) of the basic anti-dumping Regulation which is applied by analogy in assessing the anti-subsidy case in the context of Article 23(3) of the basic Regulation. Otherwise, such an extension of measures on imports of GFF from China would contravene the principle of proportionality, as mentioned in para. 127 of Case T-278/20, *Zhejiang Hantong v Commission*.
- (106) The Commission rejected the claim that it could not extend the duties on imports of GFF from China on the basis of its arguments with regard to cumulation of imports as described in recital (71). Also, the Commission recalled that the objective of the basic Regulation is to protect the EU industry from unfair imports, and of Article 23 of the basic Regulation in particular to prevent the circumvention of trade defence measures. Extending the duties only up to the level of the duties against imports from Egypt (10,9 %) would disregard that the measures against China were also circumvented, and would undermine the effectiveness of the measures in place.
- (107) The Commission also rejected the claim that such an extension of measures on imports of GFF from China would contravene the principle of proportionality. In view of the findings that the original countervailing measures, which were imposed against imports from both China and Egypt, were found to be circumvented, the Commission failed to see why an extension of the higher of the two duties, which was being circumvented, would be disproportionate. Therefore, as mentioned in recital (104) above, in order to preserve the effectiveness of the measures in place, the extension of the higher of the two duties i.e. the duty for all 'other companies' in the PRC (30,7 %), as established in Article 1(2) of Implementing Regulation (EU) 2020/776, is justified.
- (108) Following disclosure, LM Wind Power stated that the extension of the duties on imports of GFF from Turkey would have a severe impact on the businesses of importers of GFF, which could in turn impact the Union's ability to reach its environmental goals as a result of the increased prices of GFF that Union wind turbine producers would have to pay.
- (109) The Commission took note of the statements by LM Wind Power, but reiterated that the primary purpose of investigations conducted in accordance with Article 23 of the basic Regulation is to ensure the effectiveness of the original countervailing duty and to prevent its circumvention. In this investigation, the Commission found that the criteria set out in Article 23 of the basic Regulation were met, and therefore it decided to extend the countervailing measures to Turkey. However, three of the four cooperating exporting producers were found to be genuine Turkish producers and therefore exempted from the extended measures. Users of GFF can therefore source from the exempted producers, as well as from Union producers and/or other third country producers.
- (110) Finally, following disclosure, the applicant stated that it welcomed the intention of the Commission to extend the measures to imports of GFF from Turkey, and that it did not have comments on the Commission's disclosure.
- (111) Pursuant to Articles 23(3) and 24(5) of the basic Regulation, which provide that any extended measure should apply to imports that entered the Union under registration imposed by the initiating Regulation, duties are to be collected on those registered imports of the product under investigation.

4. REQUEST FOR EXEMPTION

- (112) As described above, Turkiz Composite was found to be involved in circumvention practices. Therefore, an exemption cannot be granted to this company pursuant to Article 23(6) of the basic Regulation.
- (113) According to the request, two other co-operating exporting producers were major genuine producers of GFF in Turkey, namely the companies of the group 'Metyx Composites' (see recital (26)) and Saertex Turkey Tekstil Ltd. Şirketi, and not engaging in circumvention practices ⁽²⁶⁾. Indeed the investigation confirmed that these two exporting producers did not, or hardly, import glass fibre rovings from China and/or Egypt.
- (114) The third co-operating producer (Sonmez Asf Iplik Dokuma Ve Boya San Tic A. Ş) was a small producer of GFF. It employed less than ten people, had less than five GFF machines, and made only two export sales concerning relatively insignificant quantities to the Union during the reporting period. It was established in 1975, started producing GFF in 2011, and did not import any glass fibre rovings from China or Egypt during the reporting period.
- (115) Therefore, given that the three above-mentioned Turkish exporting producers are genuine producers not engaging in either transshipment or other circumvention practices, such as assembly operations, they will be exempted from the extension of measures.

5. DISCLOSURE

- (116) On 5 July 2022, the Commission disclosed to all interested parties the essential facts and considerations leading to the above conclusions and invited them to comment.
- (117) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 25(3) of Regulation (EU) 2016/1037,

HAS ADOPTED THIS REGULATION:

Article 1

1. The definitive countervailing duty imposed by Implementing Regulation (EU) 2020/776 of 12 June 2020 imposing definitive countervailing duties on imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt and amending Commission Implementing Regulation (EU) 2020/492 imposing definitive anti-dumping duties on imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt is hereby extended to imports of fabrics of woven, and/or stitched continuous filament glass fibre rovings and/or yarns with or without other elements, excluding products which are impregnated or pre-impregnated (pre-preg), and excluding open mesh fabrics with cells with a size of more than 1,8 mm in both length and width and weighing more than 35 g/m², currently classified under CN codes ex 7019 61 00, ex 7019 62 00, ex 7019 63 00, ex 7019 64 00, ex 7019 65 00, ex 7019 66 00, ex 7019 69 10, ex 7019 69 90 and ex 7019 90 00 (TARIC codes 7019 61 00 81, 7019 61 00 84, 7019 62 00 81, 7019 62 00 84, 7019 63 00 81, 7019 63 00 84, 7019 64 00 81, 7019 64 00 84, 7019 65 00 81, 7019 65 00 84, 7019 66 00 81, 7019 66 00 84, 7019 69 10 81, 7019 69 10 84, 7019 69 90 81, 7019 69 90 84, 7019 90 00 81 and 7019 90 00 84) consigned from Turkey, whether declared as originating in Turkey or not (TARIC codes 7019 61 00 83, 7019 62 00 83, 7019 63 00 83, 7019 64 00 83, 7019 65 00 83, 7019 66 00 83, 7019 69 10 83, 7019 69 90 83 and 7019 90 00 83), with the exception of those produced by the companies listed below:

Country	Company	TARIC additional code
Turkey	Saertex Turkey Tekstil Ltd. Şti.	C115
Turkey	Sonmez Asf Iplik Dokuma Ve Boya San Tic A. Ş.	C116
Turkey	Telateks Tekstil Ürünleri Sanayi ve Ticaret Anonim Şirketi Telateks Dış Ticaret ve Kompozit Sanayi Anonim Şirketi	C117

⁽²⁶⁾ See the request, open version, point 23, page 7.

2. The extended duty is the countervailing duty of 30,7 % applicable to 'all other companies' in the PRC.
3. The duty extended by paragraphs 1 and 2 of this Article shall be collected on imports registered in accordance with Article 2 of Implementing Regulation (EU) 2021/2229 and Articles 23(4) and 24(5) of Regulation (EU) 2016/1037.
4. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 2

Customs authorities are directed to discontinue the registration of imports established in accordance with Article 2 of Implementing Regulation (EU) 2021/2229, which is hereby repealed.

Article 3

The exemption request submitted by Turkiz Composite Materials Technology Üretim Sanayi ve Ticaret Anonim Şirketi is rejected.

Article 4

1. Requests for exemption from the duty extended by Article 1 shall be made in writing in one of the official languages of the European Union and must be signed by a person authorised to represent the entity requesting the exemption. The request must be sent to the following address:

European Commission
Directorate-General for Trade
Directorate G Office:
CHAR 04/39
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

2. In accordance with Article 23(6) of Regulation (EU) 2016/1037, the Commission may authorise, by decision, the exemption of imports from companies which do not circumvent countervailing measures imposed by Implementing Regulation (EU) 2020/776, from the duty extended by Article 1.

Article 5

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, 6 September 2022.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING REGULATION (EU) 2022/1479**of 7 September 2022****amending Annex I to Council Regulation (EC) No 1005/2008 as regards the definition of fishery products**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing ⁽¹⁾, and in particular Articles 12(5) and 52 thereof,

Whereas:

- (1) Regulation (EC) No 1005/2008 applies to fishery products as defined in Article 2 thereof. Annex I to that Regulation lists the products excluded from the definition of fishery products. The list of excluded products may be reviewed each year and should be amended on the basis of new information gathered under the administrative cooperation with third countries provided for in Article 20(4) of Regulation (EC) No 1005/2008.
- (2) Annex I to Regulation (EC) No 1005/2008 should be amended accordingly.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture.

HAS ADOPTED THIS REGULATION:

Article 1

In Regulation (EC) No 1005/2008, Annex I is replaced by the text in the Annex to this regulation.

*Article 2*This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 7 September 2022.

For the Commission
The President
Ursula VON DER LEYEN

⁽¹⁾ OJ L 286, 29.10.2008, p. 1.

ANNEX

‘ANNEX I

List of products excluded from the definition of “fishery products” set out in point 8 of Article 2

ex Chapter 3 ex 1604 ex 1605	Aquaculture products obtained from fry or larvae
0302 91 00 ex 0302 99 00 0303 91 10 0303 91 90 ex 0303 99 00 0305 20 00 0305 72 00 ex 0305 79 00 ex 1604	Livers, roes, milt, fish fins (with exception to fins of fish of the class <i>Chondrichthyes</i>), heads, tails, maws and other edible fish offal
0301 11 00 0301 19 00	Ornamental fish, live
ex 0301 91	Trout (<i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> , <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> , <i>Oncorhynchus gilae</i> , <i>Oncorhynchus apache</i> and <i>Oncorhynchus chrysogaster</i>), live, caught in freshwater
ex 0301 92	Eels (<i>Anguilla</i> spp.), live, caught in freshwater
0301 93 00	Carp (<i>Cyprinus</i> spp., <i>Carassius</i> spp., <i>Ctenopharyngodon idellus</i> , <i>Hypophthalmichthys</i> spp., <i>Cirrhinus</i> spp., <i>Mylopharyngodon piceus</i> , <i>Catla catla</i> , <i>Labeo</i> spp., <i>Osteochilus hasselti</i> , <i>Leptobarbus hoeveni</i> , <i>Megalobrama</i> spp.), live
ex 0301 99 11	Pacific salmon (<i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i>), Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>), live, caught in freshwater
0301 99 17	Other freshwater fish, live
ex 0302 11	Trout (<i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> , <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> , <i>Oncorhynchus gilae</i> , <i>Oncorhynchus apache</i> and <i>Oncorhynchus chrysogaster</i>), fresh or chilled, excluding fish fillets and other fish meat of heading 0304, caught in freshwater
ex 0302 13 00	Pacific salmon (<i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i>), fresh or chilled, excluding fish fillets and other fish meat of heading 0304, caught in freshwater
ex 0302 14 00	Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>), fresh or chilled, excluding fish fillets and other fish meat of heading 0304, caught in freshwater
ex 0302 19 00	Other Salmonidae, fresh or chilled, excluding fish fillets and other fish meat of heading 0304, caught in freshwater
0302 71 00	Tilapias (<i>Oreochromis</i> spp.), fresh or chilled, excluding fish fillets and other fish meat of heading 0304
0302 72 00	Catfish (<i>Pangasius</i> spp., <i>Silurus</i> spp., <i>Clarias</i> spp., <i>Ictalurus</i> spp.), fresh or chilled, excluding fish fillets and other fish meat of heading 0304
0302 73 00	Carp (<i>Cyprinus</i> spp., <i>Carassius</i> spp., <i>Ctenopharyngodon idellus</i> , <i>Hypophthalmichthys</i> spp., <i>Cirrhinus</i> spp., <i>Mylopharyngodon piceus</i> , <i>Catla catla</i> , <i>Labeo</i> spp., <i>Osteochilus hasselti</i> , <i>Leptobarbus hoeveni</i> , <i>Megalobrama</i> spp.), fresh or chilled, excluding fish fillets and other fish meat of heading 0304

ex 0302 74 00	Eels (<i>Anguilla</i> spp.), fresh or chilled, excluding fish fillets and other fish meat of heading 0304, caught in freshwater
0302 79 00	Nile perch (<i>Lates niloticus</i>) and snakeheads (<i>Channa</i> spp.), fresh or chilled, excluding fish fillets and other fish meat of heading 0304
0302 89 10	Other freshwater fish, fresh or chilled, excluding fish fillets and other fish meat of heading 0304
ex 0303 11 00	Sockeye salmon (red salmon) (<i>Oncorhynchus nerka</i>), frozen, excluding fish fillets and other fish meat of heading 0304, caught in freshwater
ex 0303 12 00	Other Pacific salmon (<i>Oncorhynchus gorbusha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i>), frozen, excluding fish fillets and other fish meat of heading 0304, caught in freshwater
ex 0303 13 00	Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>), frozen, excluding fish fillets and other fish meat of heading 0304, caught in freshwater
ex 0303 14	Trout (<i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> , <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> , <i>Oncorhynchus gilae</i> , <i>Oncorhynchus apache</i> and <i>Oncorhynchus chrysogaster</i>), frozen, excluding fish fillets and other fish meat of heading 0304, caught in freshwater
ex 0303 19 00	Other salmonidae, frozen, excluding fish fillets and other fish meat of heading 0304, caught in freshwater
0303 23 00	Tilapias (<i>Oreochromis</i> spp.), frozen, excluding fish fillets and other fish meat of heading 0304
0303 24 00	Catfish (<i>Pangasius</i> spp., <i>Silurus</i> spp., <i>Clarias</i> spp., <i>Ictalurus</i> spp.), frozen, excluding fish fillets and other fish meat of heading 0304
0303 25 00	Carp (<i>Cyprinus</i> spp., <i>Carassius</i> spp., <i>Ctenopharyngodon idellus</i> , <i>Hypophthalmichthys</i> spp., <i>Cirrhinus</i> spp., <i>Mylopharyngodon piceus</i> , <i>Catla catla</i> , <i>Labeo</i> spp., <i>Osteochilus hasselti</i> , <i>Leptobarbus hoeveni</i> , <i>Megalobrama</i> spp.), frozen, excluding fish fillets and other fish meat of heading 0304
ex 0303 26 00	Eels (<i>Anguilla</i> spp.), frozen, excluding fish fillets and other fish meat of heading 0304, caught in freshwater
0303 29 00	Nile perch (<i>Lates niloticus</i>) and snakeheads (<i>Channa</i> spp.), frozen, excluding fish fillets and other fish meat of heading 0304
0303 89 10	Other freshwater fish, frozen, excluding fish fillets and other fish meat of heading 0304
0304 31 00	Fresh or chilled fillets of tilapias (<i>Oreochromis</i> spp.)
0304 32 00	Fresh or chilled fillets of catfish (<i>Pangasius</i> spp., <i>Silurus</i> spp., <i>Clarias</i> spp., <i>Ictalurus</i> spp.)
0304 33 00	Fresh or chilled fillets of Nile perch (<i>Lates niloticus</i>)
ex 0304 39 00	Fresh or chilled fillets of carp (<i>Cyprinus</i> spp., <i>Carassius</i> spp., <i>Ctenopharyngodon idellus</i> , <i>Hypophthalmichthys</i> spp., <i>Cirrhinus</i> spp., <i>Mylopharyngodon piceus</i> , <i>Catla catla</i> , <i>Labeo</i> spp., <i>Osteochilus hasselti</i> , <i>Leptobarbus hoeveni</i> , <i>Megalobrama</i> spp.), eels (<i>Anguilla</i> spp.), caught in freshwater, and snakeheads (<i>Channa</i> spp.)
ex 0304 41 00	Fresh or chilled fillets of Pacific salmon (<i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbusha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i>), Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>), caught in freshwater

ex 0304 42	Fresh or chilled fillets of trout (<i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> , <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> , <i>Oncorhynchus gilae</i> , <i>Oncorhynchus apache</i> and <i>Oncorhynchus chrysogaster</i>), caught in freshwater
0304 49 10	Fresh or chilled fillets of other freshwater fish
ex 0304 51 00	Fish meat (whether or not minced) other than fish fillets, fresh or chilled, of tilapias (<i>Oreochromis</i> spp.), catfish (<i>Pangasius</i> spp., <i>Silurus</i> spp., <i>Clarias</i> spp., <i>Ictalurus</i> spp.), carp (<i>Cyprinus</i> spp., <i>Carassius</i> spp., <i>Ctenopharyngodon idellus</i> , <i>Hypophthalmichthys</i> spp., <i>Cirrhinus</i> spp., <i>Mylopharyngodon piceus</i> , <i>Catla catla</i> , <i>Labeo</i> spp., <i>Osteochilus hasselti</i> , <i>Leptobarbus hoeveni</i> , <i>Megalobrama</i> spp.), eels (<i>Anguilla</i> spp.), caught in freshwater, Nile perch (<i>Lates niloticus</i>) and snakeheads (<i>Channa</i> spp.)
ex 0304 52 00	Fish meat (whether or not minced) other than fish fillets, fresh or chilled, of salmonidae, caught in freshwater
0304 59 10	Fish meat (whether or not minced) other than fish fillets, fresh or chilled, of other freshwater fish
0304 61 00	Frozen fillets of tilapias (<i>Oreochromis</i> spp.)
0304 62 00	Frozen fillets of catfish (<i>Pangasius</i> spp., <i>Silurus</i> spp., <i>Clarias</i> spp., <i>Ictalurus</i> spp.)
0304 63 00	Frozen fillets of Nile perch (<i>Lates niloticus</i>)
ex 0304 69 00	Frozen fillets of carp (<i>Cyprinus</i> spp., <i>Carassius</i> spp., <i>Ctenopharyngodon idellus</i> , <i>Hypophthalmichthys</i> spp., <i>Cirrhinus</i> spp., <i>Mylopharyngodon piceus</i> , <i>Catla catla</i> , <i>Labeo</i> spp., <i>Osteochilus hasselti</i> , <i>Leptobarbus hoeveni</i> , <i>Megalobrama</i> spp.), eels (<i>Anguilla</i> spp.), caught in freshwater, and snakeheads (<i>Channa</i> spp.)
ex 0304 81 00	Frozen fillets of Pacific salmon (<i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i>), Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>), caught in freshwater
ex 0304 82	Frozen fillets of trout (<i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> , <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> , <i>Oncorhynchus gilae</i> , <i>Oncorhynchus apache</i> and <i>Oncorhynchus chrysogaster</i>), caught in freshwater
0304 89 10	Frozen fillets of other freshwater fish
ex 0304 93	Fish meat (whether or not minced) other than fish fillets, frozen, of tilapias (<i>Oreochromis</i> spp.), catfish (<i>Pangasius</i> spp., <i>Silurus</i> spp., <i>Clarias</i> spp., <i>Ictalurus</i> spp.), carp (<i>Cyprinus</i> spp., <i>Carassius</i> spp., <i>Ctenopharyngodon idellus</i> , <i>Hypophthalmichthys</i> spp., <i>Cirrhinus</i> spp., <i>Mylopharyngodon piceus</i> , <i>Catla catla</i> , <i>Labeo</i> spp., <i>Osteochilus hasselti</i> , <i>Leptobarbus hoeveni</i> , <i>Megalobrama</i> spp.), eels (<i>Anguilla</i> spp.), caught in freshwater, Nile perch (<i>Lates niloticus</i>) and snakeheads (<i>Channa</i> spp.)
0304 99 21	Fish meat (whether or not minced) other than fish fillets, frozen, of other freshwater fish
ex 0305 31 00	Fish fillets, dried, salted or in brine, but not smoked, of tilapias (<i>Oreochromis</i> spp.), catfish (<i>Pangasius</i> spp., <i>Silurus</i> spp., <i>Clarias</i> spp., <i>Ictalurus</i> spp.), carp (<i>Cyprinus</i> spp., <i>Carassius</i> spp., <i>Ctenopharyngodon idellus</i> , <i>Hypophthalmichthys</i> spp., <i>Cirrhinus</i> spp., <i>Mylopharyngodon piceus</i> , <i>Catla catla</i> , <i>Labeo</i> spp., <i>Osteochilus hasselti</i> , <i>Leptobarbus hoeveni</i> , <i>Megalobrama</i> spp.), eels (<i>Anguilla</i> spp.), caught in freshwater, Nile perch (<i>Lates niloticus</i>) and snakeheads (<i>Channa</i> spp.)
ex 0305 39 10	Fish fillets, salted or in brine, but not smoked, of Pacific salmon (<i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i>), Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>), caught in freshwater

ex 0305 39 90	Fish fillets, dried, salted or in brine, but not smoked, of other freshwater fish
ex 0305 41 00	Pacific salmon (<i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i>), Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>), smoked, including fillets, caught in freshwater
ex 0305 43 00	Trout (<i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> , <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> , <i>Oncorhynchus gilae</i> , <i>Oncorhynchus apache</i> and <i>Oncorhynchus chrysogaster</i>), smoked, including fillets, caught in freshwater
ex 0305 44 10	Eels (<i>Anguilla</i> spp.), smoked, including fillets, caught in freshwater
0305 44 90	Tilapias (<i>Oreochromis</i> spp.), catfish (<i>Pangasius</i> spp., <i>Silurus</i> spp., <i>Clarias</i> spp., <i>Ictalurus</i> spp.), carp (<i>Cyprinus</i> spp., <i>Carassius</i> spp., <i>Ctenopharyngodon idellus</i> , <i>Hypophthalmichthys</i> spp., <i>Cirrhinus</i> spp., <i>Mylopharyngodon piceus</i> , <i>Catla catla</i> , <i>Labeo</i> spp., <i>Osteochilus hasselti</i> , <i>Leptobarbus hoeveni</i> , <i>Megalobrama</i> spp.), Nile perch (<i>Lates niloticus</i>) and snakeheads (<i>Channa</i> spp.), smoked, including fillets
ex 0305 49 80	Other freshwater fish, smoked, including fillets
ex 0305 52 00	Tilapias (<i>Oreochromis</i> spp.), catfish (<i>Pangasius</i> spp., <i>Silurus</i> spp., <i>Clarias</i> spp., <i>Ictalurus</i> spp.), carp (<i>Cyprinus</i> spp., <i>Carassius</i> spp., <i>Ctenopharyngodon idellus</i> , <i>Hypophthalmichthys</i> spp., <i>Cirrhinus</i> spp., <i>Mylopharyngodon piceus</i> , <i>Catla catla</i> , <i>Labeo</i> spp., <i>Osteochilus hasselti</i> , <i>Leptobarbus hoeveni</i> , <i>Megalobrama</i> spp.), eels (<i>Anguilla</i> spp.), caught in freshwater, Nile perch (<i>Lates niloticus</i>) and snakeheads (<i>Channa</i> spp.), dried, whether or not salted but not smoked
ex 0305 59 85	Other freshwater dried fish, whether or not salted but not smoked
ex 0305 64 00	Tilapias (<i>Oreochromis</i> spp.), catfish (<i>Pangasius</i> spp., <i>Silurus</i> spp., <i>Clarias</i> spp., <i>Ictalurus</i> spp.), carp (<i>Cyprinus</i> spp., <i>Carassius</i> spp., <i>Ctenopharyngodon idellus</i> , <i>Hypophthalmichthys</i> spp., <i>Cirrhinus</i> spp., <i>Mylopharyngodon piceus</i> , <i>Catla catla</i> , <i>Labeo</i> spp., <i>Osteochilus hasselti</i> , <i>Leptobarbus hoeveni</i> , <i>Megalobrama</i> spp.), eels (<i>Anguilla</i> spp.), caught in freshwater, Nile perch (<i>Lates niloticus</i>) and snakeheads (<i>Channa</i> spp.), in brine or salted but not dried or smoked
ex 0305 69 50	Pacific salmon (<i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i>), Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>), in brine or salted but not dried or smoked, caught in freshwater
ex 0305 69 80	Other freshwater fish, in brine or salted but not dried or smoked
0306 19 10	Freshwater crayfish, frozen
ex 0306 31 00	Rock lobster and other sea crawfish (<i>Palinurus</i> spp., <i>Panulirus</i> spp., <i>Jasus</i> spp.), ornamental live
ex 0306 32 10	Lobsters (<i>Homarus</i> spp.), ornamental live
ex 0306 33 10 ex 0306 33 90	Crabs, ornamental live
ex 0306 34 00	Norway lobsters (<i>Nephrops norvegicus</i>), ornamental live
ex 0306 35 50 ex 0306 35 90	Cold-water shrimps and prawns (<i>Pandalus</i> spp., <i>Crangon crangon</i>), ornamental live
ex 0306 36 10	Shrimps of the family Pandalidae, other than of the genus <i>Pandalus</i> , ornamental live

ex 0306 36 50	Shrimps of the genus <i>Crangon</i> , other than of the species <i>Crangon crangon</i> , ornamental, live
ex 0306 36 90	Other shrimps and prawns, ornamental live
0306 39 10	Freshwater crayfish, live, fresh or chilled
ex 0306 39 90	Other crustaceans, ornamental live; crustaceans caught in freshwater
0306 99 10	Freshwater crayfish, dried, salted or in brine; smoked, whether in shell or not, whether or not cooked before or during the smoking process
0307 11 10 0307 11 90 0307 12 00 0307 19 00	Oysters, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; smoked oysters, whether in shell or not, whether or not cooked before or during the smoking process
0307 21 10	Scallops, including queen scallops, of the genera <i>Pecten</i> , <i>Chlamys</i> or <i>Placopecten</i> , whether in shell or not, live, fresh or chilled
0307 21 90	Other scallops and other molluscs of the family <i>Pectinidae</i> , whether in shell or not, live, fresh or chilled
0307 22 10 0307 22 90	Scallops, including queen scallops, of the genera <i>Pecten</i> , <i>Chlamys</i> or <i>Placopecten</i> , whether in shell or not, frozen
0307 22 95	Other scallops and other molluscs of the family <i>Pectinidae</i> , whether in shell or not, frozen
0307 29 10	Scallops, including queen scallops, of the genera <i>Pecten</i> , <i>Chlamys</i> or <i>Placopecten</i> , whether in shell or not, dried, salted or in brine; smoked, whether in shell or not, whether or not cooked before or during the smoking process
0307 29 90	Other scallops and other molluscs of the family <i>Pectinidae</i> , whether in shell or not, dried, salted or in brine; smoked, whether in shell or not, whether or not cooked before or during the smoking process
0307 31 10 0307 31 90 0307 32 10 0307 32 90 0307 39 20 0307 39 80	Mussels (<i>Mytilus</i> spp., <i>Perna</i> spp.), whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; smoked mussels, whether in shell or not, whether or not cooked before or during the smoking process
ex 0307 42	Cuttle fish and squid, ornamental live
ex 0307 51 00	Octopus (<i>Octopus</i> spp.), ornamental live
0307 60 00	Snails, other than sea snails, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; smoked snails, other than sea snails, whether in shell or not, whether or not cooked before or during the smoking process
0307 71 00 0307 72 10 0307 72 90 0307 79 00	Clams, cockles and ark shells (families Arcidae, Arctidae, Cardiidae, Donacidae, Hiatellidae, Mactridae, Mesodesmatidae, Myidae, Semelidae, Solecurtidae, Solenidae, Tridacnidae and Veneridae), whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; smoked clams, cockles and ark shells, whether in shell or not, whether or not cooked before or during the smoking process
ex 0307 81 00 ex 0307 82 00	Abalone (<i>Haliotis</i> spp.) and stromboid conchs (<i>Strombus</i> spp.), ornamental live
0307 91 00 0307 92 00 0307 99 00	Other molluscs, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; other smoked molluscs, whether in shell or not, whether or not cooked before or during the smoking process

ex 0308 11 00 ex 0308 21 00 ex 0308 30 80 ex 0308 90 10	Aquatic invertebrates other than crustaceans and molluscs, ornamental live; freshwater aquatic invertebrates other than crustaceans and molluscs
0308 30 50 0308 30 80	Jellyfish (<i>Rhopilema</i> spp.)
0308 90 10 0308 90 50 0308 90 90	Other aquatic invertebrates other than crustaceans and molluscs
0309 10 00 0309 90 00	Flours, meals and pellets of fish, crustaceans, molluscs and other aquatic invertebrates, fit for human consumption
ex 1604 11 00	Salmon, caught in freshwater, prepared or preserved, whole or in pieces, but not minced
ex 1604 17 00	Eels, caught in freshwater, prepared or preserved, whole or in pieces, but not minced
ex 1604 19 10	Salmonidae, other than salmon, caught in freshwater, prepared or preserved, whole or in pieces, but not minced
ex 1604 19 91	Fillets of freshwater fish, raw, merely coated with batter or breadcrumbs, whether or not pre-fried in oil, frozen
ex 1604 19 97	Other freshwater fish, prepared or preserved, whole or in pieces, but not minced, other than fish fillets, raw, merely coated with batter or breadcrumbs, whether or not pre-fried in oil, frozen
ex 1604 20 10	Salmon, caught in freshwater, otherwise prepared or preserved (other than whole or in pieces, but not minced)
ex 1604 20 30	Salmonidae, other than salmon, caught in freshwater, otherwise prepared or preserved (other than whole or in pieces, but not minced)
ex 1604 20 90	Other freshwater fish, otherwise prepared or preserved (other than whole or in pieces, but not minced)
1604 32 00	Caviar substitutes
ex 1605 40 00	Freshwater crayfish, prepared or preserved
1605 51 00	Oysters, prepared or preserved
1605 52 00	Scallops, including queen scallops, prepared or preserved
1605 53 10 1605 53 90	Mussels, prepared or preserved
1605 56 00	Clams, cockles and ark shells, prepared or preserved
1605 58 00	Snails, other than sea snails, prepared or preserved
ex 1605 59 00	Other molluscs (except stromboid conchs (<i>Strombus</i> spp.)), prepared or preserved
1605 63 00	Jellyfish, prepared or preserved
1605 69 00	Other aquatic invertebrates, prepared or preserved'

COMMISSION IMPLEMENTING REGULATION (EU) 2022/1480

of 7 September 2022

amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances 2-phenylphenol (including its salts such as the sodium salt), 8-hydroxyquinoline, amidosulfuron, bensulfuron, bifenox, chlormequat, chlorotoluron, clofentezine, clomazone, daminozide, deltamethrin, dicamba, difenoconazole, diflufenican, dimethachlor, esfenvalerate, etofenprox, fenoxaprop-P, fenpropidin, fenpyrazamine, fludioxonil, flufenacet, flumetralin, fosthiazate, lenacil, MCPA, MCPB, nicosulfuron, paraffin oils, paraffin oil, penconazole, picloram, prohexadione, propaquizafop, prosulfocarb, quizalofop-P-ethyl, quizalofop-P-tefuryl, sodium 5-nitroguaiacolate, sodium o-nitrophenolate, sodium p-nitrophenolate, sulphur, tebufenpyrad, tetraconazole, tri-allate, triflusaluron and tritosulfuron

(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 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾, and in particular Article 17, first paragraph, thereof,

Whereas:

- (1) Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽²⁾ sets out the active substances deemed to have been approved under Regulation (EC) No 1107/2009 whereas Part B of that Annex sets out the active substances approved under Regulation (EC) No 1107/2009 and Part E sets out the active substances approved under Regulation (EC) No 1107/2009 as candidates for substitution.
- (2) Commission Implementing Regulation (EU) 2021/1449 ⁽³⁾ extended the approval period of the active substances chlorotoluron, clomazone, daminozide, deltamethrin, fludioxonil, flufenacet, fosthiazate, MCPA, MCPB and prosulfocarb until 31 October 2022, of the active substances chlormequat, propaquizafop, quizalofop-P-ethyl, quizalofop-P-tefuryl and tritosulfuron until 30 November 2022 and of the active substances 2-phenylphenol, 8-hydroxyquinoline, amidosulfuron, bifenox, clofentezine, dicamba, difenoconazole, diflufenican, dimethachlor, etofenprox, fenoxaprop-P, fenpropidin, lenacil, nicosulfuron, paraffin oils, paraffin oil, penconazole, picloram, sulphur, tetraconazole, tri-allate and triflusaluron until 31 December 2022. Commission Implementing Regulation (EU) 2017/555 ⁽⁴⁾ extended the approval period of the active substances bensulfuron, sodium 5-nitroguaiacolate,

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).

⁽³⁾ Commission Implementing Regulation (EU) 2021/1449 of 3 September 2021 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances 2-phenylphenol (including its salts such as the sodium salt), 8-hydroxyquinoline, amidosulfuron, bifenox, chlormequat, chlorotoluron, clofentezine, clomazone, cypermethrin, daminozide, deltamethrin, dicamba, difenoconazole, diflufenican, dimethachlor, etofenprox, fenoxaprop-P, fenpropidin, fludioxonil, flufenacet, fosthiazate, indoxacarb, lenacil, MCPA, MCPB, nicosulfuron, paraffin oils, paraffin oil, penconazole, picloram, propaquizafop, prosulfocarb, quizalofop-P-ethyl, quizalofop-P-tefuryl, sulphur, tetraconazole, tri-allate, triflusaluron and tritosulfuron (OJ L 313, 6.9.2021, p. 20).

⁽⁴⁾ Commission Implementing Regulation (EU) 2017/555 of 24 March 2017 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of several active substances listed in Part B of the Annex to Implementing Regulation (EU) No 686/2012 (AIR IV renewal programme) (OJ L 80, 25.3.2017, p. 1).

sodium o-nitrophenolate, sodium p-nitrophenolate and tebufenpyrad until 31 October 2022. Commission Implementing Regulation (EU) 2019/291 ⁽⁵⁾ extended the approval period of the active substance prohexadione until 31 December 2022.

- (3) The approval of the active substance esfenvalerate is set to expire on 31 December 2022 in accordance with Commission Implementing Regulation (EU) 2015/2047 ⁽⁶⁾.
- (4) The approval of the active substance fenpyrazamine is set to expire on 31 December 2022 in accordance with Commission Implementing Regulation (EU) No 595/2012 ⁽⁷⁾.
- (5) The approval of the active substance flumetralin is set to expire on 11 December 2022 in accordance with Commission Implementing Regulation (EU) 2015/2105 ⁽⁸⁾.
- (6) Applications for the renewal of the approval of those active substances were submitted in accordance with Commission Implementing Regulation (EU) No 844/2012 ⁽⁹⁾. Although Implementing Regulation (EU) No 844/2012 was repealed by Commission Implementing Regulation (EU) 2020/1740 ⁽¹⁰⁾, for the renewal of the approval of those active substances, the provisions of Implementing Regulation (EU) No 844/2012, continue to apply pursuant to Article 17 of Implementing Regulation (EU) 2020/1740.
- (7) Due to the fact that the assessment of those active substances has been delayed for reasons beyond the control of the applicants, the approvals of those active substances are likely to expire before a decision has been taken on their renewal. It is therefore necessary to extend their approval periods to provide the time necessary to complete the assessment.
- (8) In addition, an extension of the approval period is required for the active substances amidosulfuron, clomazone, daminozide, difenoconazole, diflufenican, fenoxaprop-P, fludioxonil, flufenacet, and tritosulfuron to provide the time necessary to carry out an assessment relating to endocrine disrupting properties of those active substances in accordance with the procedure set out in Articles 13 and 14 of Implementing Regulation (EU) No 844/2012.
- (9) As regards cases where the Commission is to adopt a Regulation providing that the approval of an active substance referred to in the Annex to this Regulation is not renewed because the approval criteria are not satisfied, the Commission is to set the expiry date at the same date as before this Regulation or at the date of the entry into force

⁽⁵⁾ Commission Implementing Regulation (EU) 2019/291 of 19 February 2019 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances 1-naphthylacetamide, 1-naphthylacetic acid, acrinathrin, azoxystrobin, fluazifop p, fluroxypyr, imazalil, kresoxim-methyl, oxyfluorfen, prochloraz, prohexadione, spiroxamine, tefluthrin and terbuthylazine (OJ L 48, 20.2.2019, p. 17).

⁽⁶⁾ Commission Implementing Regulation (EU) 2015/2047 of 16 November 2015 renewing the approval of the active substance esfenvalerate, as a candidate for substitution, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 (OJ L 300, 17.11.2015, p. 8).

⁽⁷⁾ Commission Implementing Regulation (EU) No 595/2012 of 5 July 2012 approving the active substance fenpyrazamine, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 (OJ L 176, 6.7.2012, p. 46).

⁽⁸⁾ Commission Implementing Regulation (EU) 2015/2105 of 20 November 2015 approving the active substance flumetralin, as a candidate for substitution, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending Commission Implementing Regulation (EU) No 540/2011 (OJ L 305, 21.11.2015, p. 31).

⁽⁹⁾ Commission Implementing Regulation (EU) No 844/2012 of 18 September 2012 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market (OJ L 252, 19.9.2012, p. 26).

⁽¹⁰⁾ Commission Implementing Regulation (EU) 2020/1740 of 20 November 2020 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council, and repealing Commission Implementing Regulation (EU) No 844/2012 (OJ L 392, 23.11.2020, p. 20).

of the Regulation providing that the approval of the active substance is not renewed, whichever date is later. As regards cases where the Commission is to adopt a Regulation providing for the renewal of an active substance referred to in the Annex to this Regulation, the Commission will endeavour to set, as appropriate under the circumstances, the earliest possible application date.

- (10) Implementing Regulation (EU) No 540/2011 should therefore be amended accordingly.
- (11) 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 540/2011 is amended in accordance with 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*.

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

Done at Brussels, 7 September 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

The Annex to Implementing Regulation (EU) No 540/2011 is amended as follows:

(a) Part A is amended as follows:

- (1) in the sixth column, expiration of approval, of row 40, Deltamethrin, the date is replaced by '31 October 2023';
- (2) in the sixth column, expiration of approval, of row 65, Flufenacet, the date is replaced by '31 October 2023';
- (3) in the sixth column, expiration of approval, of row 69, Fosthiazate, the date is replaced by '31 October 2023';
- (4) in the sixth column, expiration of approval, of row 102, Chlorotoluron, the date is replaced by '31 October 2023';
- (5) in the sixth column, expiration of approval, of row 104, Daminozide, the date is replaced by '31 October 2023';
- (6) in the sixth column, expiration of approval, of row 107, MCPA, the date is replaced by '31 October 2023';
- (7) in the sixth column, expiration of approval, of row 108, MCPB, the date is replaced by '31 October 2023';
- (8) in the sixth column, expiration of approval, of row 160, Prosulfocarb, the date is replaced by '31 October 2023';
- (9) in the sixth column, expiration of approval, of row 161, Fludioxonil, the date is replaced by '31 October 2023';
- (10) in the sixth column, expiration of approval, of row 162, Clomazone, the date is replaced by '31 October 2023';
- (11) in the sixth column, expiration of approval, of row 169, Amidosulfuron, the date is replaced by '31 December 2023';
- (12) in the sixth column, expiration of approval, of row 170, Nicosulfuron, the date is replaced by '31 December 2023';
- (13) in the sixth column, expiration of approval, of row 171, Clofentezine, the date is replaced by '31 December 2023';
- (14) in the sixth column, expiration of approval, of row 172, Dicamba, the date is replaced by '31 December 2023';
- (15) in the sixth column, expiration of approval, of row 173, Difenconazole, the date is replaced by '31 December 2023';
- (16) in the sixth column, expiration of approval, of row 176, Lenacil, the date is replaced by '31 December 2023';
- (17) in the sixth column, expiration of approval, of row 178, Picloram, the date is replaced by '31 December 2023';
- (18) in the sixth column, expiration of approval, of row 180, Bifenox, the date is replaced by '31 December 2023';
- (19) in the sixth column, expiration of approval, of row 181, Diflufenican, the date is replaced by '31 December 2023';
- (20) in the sixth column, expiration of approval, of row 182, Fenoxaprop-P, the date is replaced by '31 December 2023';
- (21) in the sixth column, expiration of approval, of row 183, Fenpropidin, the date is replaced by '31 December 2023';
- (22) in the sixth column, expiration of approval, of row 186, Tritosulfuron, the date is replaced by '30 November 2023';
- (23) in the sixth column, expiration of approval, of row 271, Bensulfuron, the date is replaced by '31 October 2023';

- (24) in the sixth column, expiration of approval, of row 272, Sodium 5-nitroguaiacolate, the date is replaced by '31 October 2023';
 - (25) in the sixth column, expiration of approval, of row 273, Sodium o-nitrophenolate, the date is replaced by '31 October 2023';
 - (26) in the sixth column, expiration of approval, of row 274, Sodium p-nitrophenolate, the date is replaced by '31 October 2023';
 - (27) in the sixth column, expiration of approval, of row 275, Tebufenpyrad, the date is replaced by '31 October 2023';
 - (28) in the sixth column, expiration of approval, of row 276, Chlormequat, the date is replaced by '30 November 2023';
 - (29) in the sixth column, expiration of approval, of row 278, Propaquizafop, the date is replaced by '30 November 2023';
 - (30) in the sixth column, expiration of approval, of row 279, Quizalofop-P-ethyl and Quizalofop-P-tefuryl, the date is replaced by '30 November 2023';
 - (31) in the sixth column, expiration of approval, of row 284, Dimethachlor, the date is replaced by '31 December 2023';
 - (32) in the sixth column, expiration of approval, of row 285, Etofenprox, the date is replaced by '31 December 2023';
 - (33) in the sixth column, expiration of approval, of row 287, Penconazole, the date is replaced by '31 December 2023';
 - (34) in the sixth column, expiration of approval, of row 288, Tri-allate, the date is replaced by '31 December 2023';
 - (35) in the sixth column, expiration of approval, of row 289, Triflusaluron, the date is replaced by '31 December 2023';
 - (36) in the sixth column, expiration of approval, of row 292, Sulphur, the date is replaced by '31 December 2023';
 - (37) in the sixth column, expiration of approval, of row 293, Tetraconazole, the date is replaced by '31 December 2023';
 - (38) in the sixth column, expiration of approval, of row 294, Paraffin oils, the date is replaced by '31 December 2023';
 - (39) in the sixth column, expiration of approval, of row 295, Paraffin oil, the date is replaced by '31 December 2023';
 - (40) in the sixth column, expiration of approval, of row 299, 2-phenylphenol (including its salts such as the sodium salt), the date is replaced by '31 December 2023';
- (b) Part B is amended as follows:
- (1) in the sixth column, expiration of approval, of row 6, Prohexadione, the date is replaced by '31 December 2023';
 - (2) in the sixth column, expiration of approval, of row 18, 8-hydroxyquinoline, the date is replaced by '31 December 2023';
 - (3) in the sixth column, expiration of approval, of row 25, Fenpyrazamine, the date is replaced by '31 December 2023';
- (c) Part E is amended as follows:
- (1) in the sixth column, expiration of approval, of row 1, Flumetralin, the date is replaced by '11 December 2023';
 - (2) in the sixth column, expiration of approval, of row 2, Esfenvalerate, the date is replaced by '31 December 2023'.
-

COMMISSION IMPLEMENTING REGULATION (EU) 2022/1481**of 7 September 2022****fixing the import duties applicable to certain types of husked rice from 8 September 2022**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 183, first paragraph, point (a) thereof,

Whereas:

- (1) The Agreement in the form of an Exchange of Letters between the European Community and the United States of America relating to the method of calculation of applied duties for husked rice, approved by Council Decision 2005/476/EC ⁽²⁾, establishes a method for calculating duties applied to imports of husked rice.
- (2) On the basis of the information provided by the competent authorities, the Commission notes that import licences for husked rice falling within CN code 1006 20, other than import licences for basmati rice, were issued in respect of 531 635 tonnes for the period from 1 September 2021 to 31 August 2022. The import duty for husked rice falling within CN code 1006 20, other than basmati rice, fixed by Commission Implementing Regulation (EU) 2022/386 should therefore be adjusted ⁽³⁾.
- (3) Implementing Regulation (EU) 2022/386 should therefore be repealed.
- (4) The applicable duty must be fixed within 10 days of the end of the period referred to above. This Regulation should therefore enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

The import duty for husked rice falling within CN code 1006 20, other than husked basmati rice of the varieties referred to in Article 1 of Commission Regulation (EC) No 972/2006 ⁽⁴⁾, shall be EUR 65 per tonne.

Article 2

Implementing Regulation (EU) 2022/386 is hereby repealed.

Article 3

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

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Council Decision 2005/476/EC of 21 June 2005 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the United States of America relating to the method of calculation of applied duties for husked rice and amending Decisions 2004/617/EC, 2004/618/EC and 2004/619/EC (OJ L 170, 1.7.2005, p. 67).

⁽³⁾ Commission Implementing Regulation (EU) 2022/386 of 7 March 2022 fixing the import duties applicable to certain types of husked rice from 8 March 2022 (OJ L 78, 8.3.2022, p. 36).

⁽⁴⁾ Commission Regulation (EC) No 972/2006 of 29 June 2006 laying down special rules for imports of Basmati rice and a transitional control system for determining their origin (OJ L 176, 30.6.2006, p. 53).

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

Done at Brussels, 7 September 2022.

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

DECISIONS

POLITICAL AND SECURITY COMMITTEE DECISION (CFSP) 2022/1482

of 25 August 2022

on the appointment of the EU Mission Force Commander for the European Union Military Training Mission in Mozambique (EUTM Mozambique) (EUTM Mozambique/1/2022)

THE POLITICAL AND SECURITY COMMITTEE,

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

Having regard to Council Decision (CFSP) 2021/1143 of 12 July 2021 on a European Union Military Training Mission in Mozambique (EUTM Mozambique) ⁽¹⁾, and in particular Article 5(1) thereof,

Whereas:

- (1) Decision (CFSP) 2021/1143 appointed Brigadier General Nuno LEMOS PIRES as EU Mission Force Commander for the European Union Military Training Mission in Mozambique (EUTM Mozambique).
- (2) Pursuant to Article 5(1) of Decision (CFSP) 2021/1143, the Council authorised the Political and Security Committee (PSC) to take decisions concerning the political control and strategic direction of EUTM Mozambique, including the relevant decisions on the appointment of the subsequent EU Mission Force Commanders for EUTM Mozambique.
- (3) On 22 July 2022, the EU Operation Commander recommended the appointment of Navy Captain Rogério Paulo Figueira MARTINS de BRITO as the new EU Mission Force Commander for EUTM Mozambique as from 9 September 2022. The Portuguese authorities have indicated that Navy Captain Rogério Paulo Figueira MARTINS de BRITO will be promoted to Commodore upon his appointment as EU Mission Force Commander.
- (4) On 26 July 2022, the EU Military Committee supported that recommendation and agreed to recommend that the PSC is to approve this proposal.
- (5) A decision on the appointment of Navy Captain Rogério Paulo Figueira MARTINS de BRITO as the EU Mission Force Commander for EUTM Mozambique as from 9 September 2022 should be taken,

HAS ADOPTED THIS DECISION:

Article 1

Commodore Rogério Paulo Figueira MARTINS de BRITO is hereby appointed EU Mission Force Commander for the European Union Military Training Mission in Mozambique (EUTM Mozambique) as from 9 September 2022.

⁽¹⁾ OJ L 247, 13.7.2021, p. 93.

Article 2

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

Done at Brussels, 25 August 2022.

For the Political and Security Committee

The Chairperson

D. PRONK

COMMISSION IMPLEMENTING DECISION (EU) 2022/1483**of 6 September 2022****amending the Annex to Implementing Decision (EU) 2021/641 concerning emergency measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States***(notified under document C(2022) 6509)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') ⁽¹⁾, and in particular Article 259(1), point (c), thereof,

Whereas:

- (1) Highly pathogenic avian influenza (HPAI) is an infectious viral disease in birds and may have a severe impact on the profitability of poultry farming causing disturbance to trade within the Union and exports to third countries. HPAI viruses can infect migratory birds, which can then spread these viruses over long distances during their autumn and spring migrations. Therefore, the presence of HPAI viruses in wild birds poses a continuous threat for the direct and indirect introduction of these viruses into holdings where poultry or captive birds are kept. In the event of an outbreak of HPAI, there is a risk that the disease agent may spread to other holdings where poultry or captive birds are kept.
- (2) Regulation (EU) 2016/429 establishes a new legislative framework for the prevention and control of diseases that are transmissible to animals or humans. HPAI falls within the definition of a listed disease in that Regulation, and it is subject to the disease prevention and control rules laid down therein. In addition, Commission Delegated Regulation (EU) 2020/687 ⁽²⁾ supplements Regulation (EU) 2016/429 as regards the rules for the prevention and control of certain listed diseases, including disease control measures for HPAI.
- (3) Commission Implementing Decision (EU) 2021/641 ⁽³⁾ has been adopted within the framework of Regulation (EU) 2016/429 and it lays down disease control measures in relation to outbreaks of HPAI.
- (4) More particularly, Implementing Decision (EU) 2021/641 provides that the protection, surveillance and further restricted zones established by the Member States following outbreaks of HPAI, in accordance with Delegated Regulation (EU) 2020/687, are to comprise at least the areas listed as protection, surveillance and further restricted zones in the Annex to that Implementing Decision.
- (5) The Annex to Implementing Decision (EU) 2021/641 was recently amended by Commission Implementing Decision (EU) 2022/1433 ⁽⁴⁾ following outbreaks of HPAI in poultry or captive birds in Germany, Spain, France, the Netherlands and Portugal that needed to be reflected in that Annex.

⁽¹⁾ OJ L 84, 31.3.2016, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2020/687 of 17 December 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and the Council, as regards rules for the prevention and control of certain listed diseases (OJ L 174, 3.6.2020, p. 64).

⁽³⁾ Commission Implementing Decision (EU) 2021/641 of 16 April 2021 concerning emergency measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 134, 20.4.2021, p. 166).

⁽⁴⁾ Commission Implementing Decision (EU) 2022/1433 of 26 August 2022 amending the Annex to Implementing Decision (EU) 2021/641 concerning emergency measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 223, 29.8.2022, p. 1).

- (6) Since the date of adoption of Implementing Decision (EU) 2022/1433, Germany, Spain, France, the Netherlands and Portugal have notified the Commission of further outbreaks of HPAI in establishments where poultry or captive birds were kept, located in the Lower Saxony Land in Germany, in the Badajoz Province in Spain, in the Morbihan and Ain Departments in France, in the Noord-Holland and Zuid-Holland Provinces in the Netherlands and in Évora District in Portugal.
- (7) The competent authorities of Germany, Spain, France, the Netherlands and Portugal have taken the necessary disease control measures required in accordance with Delegated Regulation (EU) 2020/687, including the establishment of protection and surveillance zones around those outbreaks.
- (8) The Commission has examined the disease control measures taken by Germany, Spain, France, the Netherlands and Portugal in collaboration with those Member States and it is satisfied that the boundaries of the protection and surveillance zones in Germany, Spain, France, the Netherlands and Portugal established by the competent authority of those Member States are at a sufficient distance from the establishments where the outbreaks of HPAI have been confirmed.
- (9) In order to prevent any unnecessary disturbance to trade within the Union and to avoid unjustified barriers to trade being imposed by third countries, it is necessary to rapidly describe at Union level, in collaboration with Germany, Spain, France, the Netherlands and Portugal, the protection and surveillance zones established by those Member States in accordance with Delegated Regulation (EU) 2020/687.
- (10) Therefore, the areas listed as protection and surveillance zones for Germany, Spain, France, the Netherlands and Portugal in the Annex to Implementing Decision (EU) 2021/641 should be amended.
- (11) Accordingly, the Annex to Implementing Decision (EU) 2021/641 should be amended to update regionalisation at Union level to take account of the protection and surveillance zones duly established by Germany, Spain, France, the Netherlands and Portugal in accordance with Delegated Regulation (EU) 2020/687, and the duration of the measures applicable therein.
- (12) Implementing Decision (EU) 2021/641 should therefore be amended accordingly.
- (13) Given the urgency of the epidemiological situation in the Union as regards the spread of HPAI, it is important that the amendments to be made to Implementing Decision (EU) 2021/641 by this Decision take effect as soon as possible.
- (14) 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 (EU) 2021/641 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, 6 September 2022.

For the Commission
Stella KYRIAKIDES
Member of the Commission

ANNEX

‘ANNEX

Part A

Protection zones in the concerned Member States* as referred to in Articles 1 and 2:

Member State: Germany

Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
NIEDERSACHSEN	
Landkreis Cloppenburg 3 km Radius um den Ausbruchsbetrieb GPS Koordinaten: 7.796401/52.671550 Betroffen sind Teile der Gemeinde Lönningen	21.9.2022
Landkreis Emsland 3 km Radius um den Ausbruchsbetrieb GPS Koordinaten: 7.104553/52.73651 Betroffen sind Teile der Gemeinden Haren (Ems), Meppen und Twist	22.9.2022
Landkreis Oldenburg 3 km Radius um den Ausbruchsbetrieb GPS Koordinaten: 8.513265/52.978638 Betroffen sind Teile der Gemeinden Dötlingen, Ganderkesee und Prinzhöfte.	15.9.2022
Landkreis Osnabrück Vereinigung aus den 3 km Radien um die drei Ausbruchsbetriebe mit den GPS Koordinaten: — 8.101651/52.617726 — 8.098485/52.614376 — 8.103228/52.617181 Betroffen sind Teile der Gemeinde Badbergen.	13.9.2022
Landkreis Osnabrück 3 km Radius um den Ausbruchsbetrieb GPS Koordinaten: 7.796401/52.671550 Betroffen sind Teile der Gemeinden Berge und Menslage.	21.9.2022
Landkreis Vechta Vereinigung aus den 3 km Radien um die drei Ausbruchsbetriebe mit den GPS Koordinaten: — 8.101651/52.617726 — 8.098485/52.614376 — 8.103228/52.617181 Betroffen sind Teile der Gemeinden Dinklage und Holdorf	13.9.2022

Member State: Spain

Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
Those parts in the province of Huelva of the comarca of Cortegana contained within a circle of a radius of 3 kilometres, centered on UTM 30, ETRS89 coordinates long -6,7487797, lat 37,9657681 (2022/32)	6.9.2022
Those parts in the province of Huelva of the comarca of Aracena contained within a circle of a radius of 3 kilometres, centered on UTM 30, ETRS89 coordinates long -6,4810241, lat 37,8458011 (2022/33)	13.9.2022
Those parts in the province of Badajoz of the comarca of Azuaga contained within a circle of a radius of 3 kilometres, centered on UTM 30, ETRS89 coordinates long -5,85867886940119, lat 38,2579862102977 (2022/34)	23.9.2022

Member State: France

Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
<i>Département: Ain (01)</i>	
CHALAMONT DOMPIERRE-SUR-VEYLE LE PLANTAY MARLIEUX SAINT-NIZIER-LE-DESERT SAINT-PAUL-DE-VARAX	17.9.2022
<i>Département: Morbihan (56)</i>	
AUGAN Partie de la commune à l'ouest de la D134 CAMPENEAC Partie de la commune au sud de la D 724 et à l'ouest de la D134 CARO Partie de la commune au nord de la D 166 et à l'est de la D 8 GOURHEL Partie de la commune au sud de la D 724 MONTERREIN Partie de la commune à l'est de la D 8 PLOERMEL Partie de la commune à l'est des D 8 et D 766 et au sud de la D 724	8.9.2022
MENEAC Partie de la commune au sud de la D 763 et à l'ouest de la D 106 MOHON Partie de la commune au nord de la D 2	15.9.2022

Member State: the Netherlands

Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
Municipality Lunteren, province Gelderland	
Those parts of the municipality Ede and Renswoude contained within a circle of a radius of 3 kilometres, centered on WGS84 dec. coordinates long 5.66 lat 52.13.	4.9.2022
Municipality Kapelle, province Zeeland	
Those parts of the municipality Kapelle contained within a circle of a radius of 3 kilometres, centered on WGS84 dec. coordinates long 4.0, lat 51.46.	7.9.2022
Municipality Vlaardingen, province Zuidholland	
Those parts of the municipality Vlaardingen contained within a circle of a radius of 3 kilometres, centered on WGS84 dec. coordinates long 4.35 lat 51.93	7.9.2022
Municipality Buren, province Gelderland	
Those parts of the municipality Buren contained within a circle of a radius of 3 kilometres, centered on WGS84 dec. coordinates long 5.39 lat 51.95.	8.9.2022
Municipality Lunteren, province Gelderland	
Those parts of the municipality Ede and Renswoude contained within a circle of a radius of 3 kilometres, centered on WGS84 dec. coordinates long 5.63 lat 52.12.	8.9.2022
Municipality Medemblik, province Noordholland	
Those parts of the municipality Medemblik and contained within a circle of a radius of 3 kilometres, centered on WGS84 dec. coordinates long 5.01931 lat 52.74081	14.9.2022
Municipality Nissewaard, province Zuidholland	
Those parts of the municipality Nissewaard and contained within a circle of a radius of 3 kilometres, centered on WGS84 dec. coordinates long 4.33125 lat 51.84625	15.9.2022

Member State: Portugal

Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
The part of Castro Verde municipality, that are contained within circle of 3 kilometers radius, centered on GPS coordinates 37.755718 N, 7.887479 W	3.9.2022
The parts of Vendas Novas and Montemor-o-Novo municipalities, that are contained within circle of 3 kilometers radius, centered on GPS coordinates 38.652439 N, 8.4827665 W	28.9.2022
The parts of Benavente and Montijo municipalities, that are contained within circle of 3 kilometers radius, centered on GPS coordinates 38.829589 N, 8.710556 W	21.10.2022

Part B

Surveillance zones in the concerned Member States* as referred to in Articles 1 and 3:

Member State: Germany

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
NIEDERSACHSEN	
Landkreis Cloppenburg 10 km Radius um den Ausbruchsbetrieb GPS Koordinaten: 7.796401/52.671550 Betroffen sind Teile der Gemeinden Essen, Lastrup und Lönningen.	30.9.2022
Landkreis Cloppenburg 3 km Radius um den Ausbruchsbetrieb GPS Koordinaten: 7.796401/52.671550 Betroffen sind Teile der Gemeinde Lönningen.	22.9.2022 – 30.9.2022
Landkreis Cuxhaven Beginnend an der Autobahnausfahrt 9 Bremerhaven-Wulsdorf der A27 auf die B71 in Richtung Beverstedt, bis zur Abbiegung nach Nückel. Auf der Straße „Nückel“ übergehend in die Straßen „Heudamm“, „Hosermühlen“ und „Hosermühlener Straße“ Richtung Pennhop folgend bis zum Bahnübergang der Bahnstrecke RB33 Bremerhaven – Bremervörde. Dem Bahnverlauf folgend bis Geestenseth zum Bahnübergang der Straße „Geestensether Straße“ (K40), dieser durch den Ort Frelsdorf folgend. Über die Straßen „Malser Straße“ und „Frelsdorfer Weg“ bis zur Kreuzung der Straße „Hipstedter Straße“. Auf dieser Straße weiter, übergehend in die Straße „Malser Weg“ in südliche Richtung bis zur Landkreisgrenze nach Rotenburg (Wümme). Der Landkreisgrenze Richtung Süden folgend, übergehend zur Landkreisgrenze Osterholz. Von der Landkreisgrenze Osterholz an der Straße „Bundesstraße“ (L135) auf die „Wulsbütteler Str.“ (K48) übergehend auf die „Lindenstraße“ und „Lehnstedter Straße“ bis zur Autobahn A27 an der Anschlussstelle 13 Uthlede. Der A27 folgend bis zum Ausgangspunkt des Ausfahrt 9 Bremerhaven-Wulsdorf.	8.9.2022
Landkreis Cuxhaven Beginnend im Ort Lunestedt am Bahnübergang/Heerstedter Straße (K45) Richtung Norden bis zur Querung des Gewässers „Dohrener Bach“. Dem Verlauf des Baches stromaufwärts in östlicher Richtung folgend bis zum Übergang auf die Straße „Kiefernweg“ (B71), auf dieser Straße entlang weiter bis nach Beverstedt. An der Kreuzung der L134 auf die Straße „Alte Bundesstraße“ übergehend in die Straße „Logestraße“. Dieser folgend bis zur Kreuzung der Straße „Wellener Straße“ (L128). Nach Süden weiter auf der L128, bis zur Straße „Drillmoor“ in Richtung Kramelheide abbiegend. Dem Straßenverlauf folgend und in die Straße „Nasse Straße“ abbiegend auf die Straße „Neue Dorfstraße“ (L128) bis zur Landkreisgrenze Osterholz. Von der Landkreisgrenze Osterholz an der „Axstedter Straße“ (K46) kommend in westliche Richtung auf die Straße „Finnaerberg“, übergehend in die Straße „Finna“. An der Kreuzung weiter auf „An der Bundesstraße“ (L135) und dann abbiegend auf die „Landesstraße“ (L134) übergehend auf die „Dorfstraße“. Der Straße folgend und auf die Straße „Neuer Weg“, „Kanalstraße“ und „Schulberg“ abbiegend. Ankommend an der Straße „Heiser Weg“ nach Norden abbiegend in die Straße „Oberheiser Straße“ übergehend in die Straßen „Oberheise“, „Hollenerheide“, „Alte Reihe“ und weiter in die Straße „Schuldamm“, auf die Straße „Bei den Bauern“	30.8.2022 – 8.9.2022

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
(K45) fortlaufend bis zur Überquerung des „Bewehrter Abzugsgraben“ nach Norden in den Fluss „Lune“ stromabwärts. Der Fluss flussabwärts folgend bis zur Mündung des „Hammerwiesen Graben“. Diesem entlang, ankommend an der Straße „Heudamm“, weiter bis in die Straße „Rauhe Stätte“, abbiegend in die Straße „An der Bahn“ und dort weiter bis zum Bahnübergang als Ausgangspunkt	
Landkreis Emsland 10 km Radius um den Ausbruchsbetrieb GPS Koordinaten: 7.104553/52.73651 Betroffen sind Teile der Gemeinden Haren (Ems), Meppen und Twist	1.10.2022
Landkreis Emsland 3 km Radius um den Ausbruchsbetrieb GPS Koordinaten: 7.104553/52.73651 Betroffen sind Teile der Gemeinden Haren (Ems), Meppen und Twist	23.9.2022 – 1.10.2022
Landkreis Emsland 10 km Radius um den Ausbruchsbetrieb GPS Koordinaten: 7.796401/52.671550 Betroffen sind Teile der Gemeinden Dohren und Herzlake.	30.9.2022
Landkreis Osnabrück 10 km Radius um den Ausbruchsbetrieb GPS Koordinaten: 7.796401/52.671550 Betroffen sind Teile der Gemeinden Ankum, Badbergen, Berge, Bippin, Eggermühlen, Kettenkamp, Nortrup, Menslage und Quakenbrück.	30.9.2022
Landkreis Osnabrück 3 km Radius um den Ausbruchsbetrieb GPS Koordinaten: 7.796401/52.671550 Betroffen sind Teile der Gemeinden Berge und Menslage.	22.9.2022 – 30.9.2022
Landkreis Osterholz 10 km Umkreis um den Ausbruchsbetrieb GPS Koordinaten: 8.771991/52.397016 Betroffen sind die Gemeinden Axstedt, Holste und Lübberstedt, sowie Teile der Gemeinde Hambergen und der Stadt Osterholz-Scharmbeck.	8.9.2021
Landkreis Vechta Vereinigung aus den 10 km Radien um die drei Ausbruchsbetriebe mit den GPS Koordinaten: — 8.101651/52.617726 — 8.098485/52.614376 — 8.103228/52.617181	22.9.2022

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
Betroffen sind Teile der Gemeinden Dinklage, Holdorf, Bakum, Lohne (Oldenburg), Steinfeld (Oldenburg), Holdorf, Neuenkirchen-Vörden und Damme.	
Landkreis Vechta Vereinigung aus den 3 km Radien um die drei Ausbruchsbetriebe mit den GPS Koordinaten: — 8.101651/52.617726 — 8.098485/52.614376 — 8.103228/52.617181 Betroffen sind Teile der Gemeinden Dinklage und Holdorf.	14.9.2022 – 22.9.2022
Landkreis Osnabrück Vereinigung aus den 10 km Radien um die drei Ausbruchsbetriebe mit den GPS Koordinaten: — 8.101651/52.617726 — 8.098485/52.614376 — 8.103228/52.617181 Betroffen sind Teile der Gemeinde Badbergen, Quakenbrück, Gehrde und Bersenbrück.	22.9.2022
Landkreis Osnabrück Vereinigung aus den 3 km Radien um die drei Ausbruchsbetriebe mit den GPS Koordinaten: — 8.101651/52.617726 — 8.098485/52.614376 — 8.103228/52.617181 Betroffen sind Teile der Gemeinde Badbergen.	14.9.2022 – 22.9.2022
Landkreis Cloppenburg Vereinigung aus den 10 km Radien um die drei Ausbruchsbetriebe mit den GPS Koordinaten: — 8.101651/52.617726 — 8.098485/52.614376 — 8.103228/52.617181 Betroffen sind Teile der Gemeinde Essen (Oldenburg).	22.9.2022
Landkreis Oldenburg 10 km Radius um den Ausbruchsbetrieb GPS Koordinaten: 8.513265/52.978638 Betroffen sind Teile der Gemeinden Dötlingen, Dünsen, Ganderkesee, Groß Ippener, Hatten, Harpstedt, Hude, Kirchseelte, Prinzhöfte, Wildeshausen und Winkelsett.	24.9.2022

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
Landkreis Oldenburg 3 km Radius um den Ausbruchsbetrieb GPS Koordinaten: 8.513265/52.978638 Betroffen sind Teile der Gemeinden Dötlingen, Ganderkesee und Prinzhöfte.	16.9.2022 – 24.9.2022
Stadt Delmenhorst 10 km Radius um den Ausbruchsbetrieb GPS Koordinaten: 8.513265/52.978638 Betroffen ist ein Teil der Stadt Delmenhorst.	24.9.2022
Landkreis Diepholz 10 km Radius um den Ausbruchsbetrieb GPS Koordinaten: 8.513265/52.978638 Betroffen ist ein Teil der Gemeinde Stuhr.	24.9.2022
SCHLESWIG-HOLSTEIN	
Kreis Dithmarschen Amt Mitteldithmarschen: Die Gemeinden Bargenstedt, Barlt, Busenwuth, Elpersbüttel, Krumstedt, Nindorf, Windbergen und Wolmersdorf, die Stadt Meldorf sowie Teile der Gemeinde Epenwöhrden, soweit sie nicht im Sperrbezirk liegen. Amt Burg – St. Michaelisdonn: Die Gemeinden Averlak, Brickeln, Buchholz, Burg, Dingen, Edddelak, Eggstedt, Frestedt, Großenrade, Kuden, Quickborn, St. Michaelisdonn und Süderhastedt, soweit sie nicht im Sperrbezirk liegen. Amt Marne-Nordsee: Die Gemeinden Diekhusen-Fahrstedt, Helse, Kronprinzenkoog, Ramhus-en, Schmedeswuth, Trennewurth und Volsenhusen, die Stadt Marne und Teile der Gemeinde Friedrichskoog. Stadt Brunsbüttel: Das Gemeindegebiet westlich der Straße Borsweg, nördlich der B 5, östlich der Straßen Bredenweg und Westerbeltmhusener Straße.	5.9.2022
Kreis Dithmarschen Gemeinde Gudendorf: das gesamte Gemeindegebiet Gemeinde Barlt: das Gemeindegebiet nördlich der Gemeindegrenze Barlt/Volsenhusen ab dem Gemeindegrenzpunkt St. Michaelisdonn/Volsenhusen/Barlt bis zur Dorfstraße (L 173) und östlich der Bebauung der Dorfstraße (L 173) sowie östlich der Straße Neuerweg bis zur Einmündung Einfeldsweg, diesem folgend bis zum nächsten Feldweg rechts Richtung Brustwehrstrom/Gemeindegrenze Barlt/Busenwuth (54.027926, 9.065093). Gemeinde Busenwuth: das Gemeindegebiet nordöstlich der Gemeindegrenze Barlt/Busenwuth (54.027926, 9.065093) bis zur Einmündung in die Wolfenbüttler Straße, südlich der Wolfenbüttler Straße bis zur Einmündung in die Straße Wolfenbüttel, östlich der Straße Wolfenbüttel bis zur Einmündung in den Grenzweg der Gemeinde Elpersbüttel.	28.8.2022-5.9.2022

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
Gemeinde Elpersbüttel: das Gemeindegebiet östlich der Straße Grenzweg bis zur Einmündung in die Straße Elpersbüttlerdonn, südlich der Straße Elpersbüttlerdonn bis zur Gemeindegrenze Windbergen. Gemeinde Windbergen: das gesamte Gemeindegebiet Gemeinde Frestedt: das Gemeindegebiet südlich der Straße Windberger Weg (K 22) bis zur Einmündung Loheweg, westlich der Straßen Loheweg, Westertsweg, Scharfenstein und Hauptstraße bis zur Gemeindegrenze St. Michaelisdonn. Gemeinde St. Michaelisdonn: das gesamte Gemeindegebiet von der Gemeindegrenze Frestedt nordwestlich der Hauptstraße bis Einmündung Burger Straße; nördlich der Straße Burger Weg bis zur Einmündung in die Straße Hopfen, nördlich der Bebauungsgrenze der Gemeinde St. Michaelisdonn Richtung Westen bis zur Einmündung in die Marner Straße (L 142), nördlich der Marner Straße (L 142) entlang der Gemeindegrenze St. Michaelisdonn/Volsenhusen.	

Member State: Spain

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
Those parts in the province of Huelva of the comarca of Cortegana beyond the area described in the protection zone and contained within a circle of a radius of 10 kilometres centered on UTM 30, ETRS89 coordinates long -6,7487797, lat 37,9657681 (2022/32)	15.9.2022
Those parts in the province of Huelva of the comarca of Cortegana contained within a circle of a radius of 3 kilometres, centered on UTM 30, ETRS89 coordinates long -6,7487797, lat 37,9657681 (2022/32)	7.9.2022 – 15.9.2022
Those parts in the province of Huelva of the comarca of Aracena beyond the area described in the protection zone and contained within a circle of a radius of 10 kilometres, centered on UTM 30, ETRS89 coordinates long -6,4810241, lat 37,8458011 (2022/33)	22.9.2022
Those parts in the province of Huelva of the comarca of Aracena contained within a circle of a radius of 3 kilometres, centered on UTM 30, ETRS89 coordinates long -6,4810241, lat 37,8458011 (2022/33)	14.9.2022 – 22.9.2022
Those parts in the province of Badajoz of the comarca of Azuaga beyond the area described in the protection zone and contained within a circle of a radius of 10 kilometres, centered on UTM 30, ETRS89 coordinates long -5,85867886940119, lat 38,2579862102977 (2022/34)	2.10.2022
Those parts in the province of Badajoz of the comarca of Azuaga contained within a circle of a radius of 3 kilometres, centered on UTM 30, ETRS89 coordinates long -5,85867886940119, lat 38,2579862102977 (2022/34)	24.9.2022 – 2.10.2022

Member State: France

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
<i>Département: Ain (01)</i>	
BOULIGNEUX CERTINES CHATENAY CHATILLON-LA-PALUD CONDEISSIAT CRANS DRUILLAT LA CHAPELLE-DU-CHATELARD LA TRANCLIERE LENT RIGNIEUX-LE-FRANC ROMANS SAINT-ANDRE-LE-BOUCHOUX SAINT-ANDRE-SUR-VIEUX-JONC SAINT-GEORGES-SUR-RENON SAINT-GERMAIN-SUR-RENON SANDRANS SERVAS VARAMBON VERSAILLEUX VILLARS-LES-DOBES VILLETTE-SUR-AIN	26.9.2022
CHALAMONT DOMPIERRE-SUR-VEYLE LE PLANTAY MARLIEUX SAINT-NIZIER-LE-DESERT SAINT-PAUL-DE-VARAX	18.9.2022 – 26.9.2022
<i>Département: Côtes-d'Armor (22)</i>	
Coëtlogon Commune en totalité Illifaut Commune en totalité Gomené Partie de la commune située au sud de la N164 Merdrignac Partie de la commune située au sud de la N164 Plumieux Commune en totalité	24.9.2022
<i>Département: Dordogne (24)</i>	
"AURIAC-DU-PERIGORD à l'Ouest de l'Affluent de la Laurence" "AZERAT à l'Ouest du lieu-dit Servolle"	28.9.2022

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
"BARS au nord des lieux-dits la Tuilières, Lascasses, Le Four de Marty, le Bousquet, la Bleyrie" THENON	
<i>Département: Maine-et-Loire (49)</i>	
Beaupréau-en-Mauges Bégrolles-en-Mauges Cholet La Romagne La Séguinière La Tessouale Le May-sur-Evre Le Puy-Saint-Bonnet Les Cerqueux Maulévrier Mazières-en-Mauges Nuillé Saint-Christophe-du-Bois Saint-Léger-sous-Cholet Sèvremoine Toutlemonde Trémentines Yzernay	5.9.2022
<i>Département: Manche (50)</i>	
BENOITVILLE BREUVILLE BRICQUEBOSQ BRIX COLOMBY COUVILLE L'ETANG-BERTRAND GOLLEVILLE GROSVILLE HARDINVEST LIEUSAINTE MAGNEVILLE MARTINVEST MORVILLE NEGREVILLE NEHOU PIERREVILLE SAINT-CHRISTOPHE-DU-FOC SAINT-GERMAIN-LE-GAILLARD	1.9.2022

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
SAINT-JACQUES-DE-NEHOU SAINT-JOSEPH SAINT-MARTIN-LE-GREARD SAINT-PIERRE-D'ARTHEGLISE SIDEVILLE SORTOSVILLE-EN-BEAUMONT SOTTEVILLE TOLLEVAST VALOGNES VIRANDEVILLE YVETOT-BOCAGE BRICQUEBEC-EN-CONTENTIN: partie située à l'est de la D900 au nord de la rue de la République et au nord de la D902 RAUVILLE-LA-BIGOT: partie située au sud de la D418 et à l'est de la D900 ROCHEVILLE SOTTEVAST: partie située au sud de la D62	
<i>Departement: Morbihan (56)</i>	
AUGAN Partie de la commune à l'est de la D134 CAMPENEAC Partie de la commune au nord de la D 724 et à l'est de la D134 CARO Partie de la commune au sud de la D 166 et à l'ouest de la D 8 GOURHEL Partie de la commune au nord de la D 724 LOYAT Commune entière MISSIRIAC Commune entière MONTENEUF Commune entière MONTERREIN Partie de la commune à l'ouest de la D 8 MONTERTELOT Commune entière PLOERMEL Partie de la commune à l'ouest des D 8 et D 766 et au nord de la D 724 PORCARO Commune entière REMINIAC Commune entière RUFFIAC Commune entière SAINT-ABRAHAM Commune entière TAUPONT Commune entière TREAL Commune entière VAL D'OUST Commune entière	17.9.2022
AUGAN Partie de la commune à l'ouest de la D134 CAMPENEAC Partie de la commune au sud de la D 724 et à l'ouest de la D134 CARO Partie de la commune au nord de la D 166 et à l'est de la D 8 GOURHEL Partie de la commune au sud de la D 724 MONTERREIN Partie de la commune à l'est de la D 8 PLOERMEL Partie de la commune à l'est des D 8 et D 766 et au sud de la D 724	9.9.2022 – 17.9.2022

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
BRIGNAC Commune entière EVRIGUET Commune entière GUILLIERS Commune entière LA TRINITE-PORHOET Commune entière LES FORGES Partie de la commune à l'est de la D 117 MAURON Partie de la commune à l'ouest de la D 304 jusqu'à la D 766 et à l'ouest de la D 766 MENEAC Partie de la commune au nord de la D 763 et à l'est de la D 106 MOHON Partie de la commune au sud de la D 2 SAINT-BRIEUC-DE-MAURON Commune entière SAINT-MALO-DES-TROIS-FONTAINES Commune entière	24.9.2022
MENEAC Partie de la commune au sud de la D 763 et à l'ouest de la D 106 MOHON Partie de la commune au nord de la D 2	15.9.2022 – 24.9.2022
<i>Les communes suivantes dans le département: Vendée (85)</i>	
Beaurepaire Chambretau La Gaubretière La Verrie Les Herbiers Les Landes-Genusson Mortagne-sur-Sèvre Saint-Aubin-des-Ormeaux Saint-Laurent-sur-Sèvre Saint-Malô-du-Bois Saint-Martin-des-Tilleuls Tiffauges	6.9.2022
Antigny Breuil-Barret Cezais Chavagnes-les-Redoux Cheffois La Châtaigneraie La Meilleraie-Tillay La Tardière Le Boupère Les Epesses Mallièvre	13.9.2022

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
Menomblet Monsireigne Montournais Mouilleron-Saint-Germain Pouzauges Réaumur Saint-Mars-La Reorthe Saint-Maurice-des-Noues Saint-Maurice-le-Girard Saint-Mesmin Saint-Pierre-du-Chemin Saint-Prouant Saint-Sulpice-en-Pareds Sèvermont Tallud-Sainte-Gemme Treize-Vents Treize-Vents Vouvant	

Member State: the Netherlands

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
Municipality Dalfsen, province Overijssel	
1. Vanaf de kruising Molenweg/Spoorlijn Raalte-Zwolle, Spoorlijn volgen in westelijke richting tot aan Oldenallee. 2. Oldenallee volgen in noordelijke richting tot aan Ring N35. 3. Ring N35 volgen in westelijke richting tot aan A28. 4. A28 volgen in oostelijke richting tot aan Haersterveerweg. 5. Haersterveerweg volgen in noordelijke richting overgaand in De Doornweg overgaand in Verkavelingsweg tot aan Klinkerweg. 6. Klinkerweg volgen in oostelijke richting tot aan Kanaal Broek. 7. Kanaal Broek volgen in noordelijke richting tot aan Groote Grift. 8. Groote Grift volgen in oostelijke richting overgaand in Steenwetering tot aan De Dedemsvaart. 9. De Dedemsvaart volgen in oostelijke richting tot aan Klaas kloosterweg West. 10. Klaas Kloosterweg West volgen in noordelijke richting tot aan Groensland. 11. Groensland volgen in oostelijke richting tot aan Koezenkooiweg. 12. Koezenkooiweg volgen in noordelijke richting tot aan Stadsweg. 13. Stadsweg volgen in oostelijke richting tot aan Oude Rijksweg. 14. Oude Rijksweg volgen in noordelijke richting tot aan Kruumteweg. 15. Kruumteweg volgen in oostelijke richting overgaand in Schoolwijksweg tot aan Leidijk.	2.9.2022

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
16. Leidijk volgen in noordelijke richting tot aan Meester J.B. Kanlaan tot aan Vijverweg. 17. Vijverweg volgen in noordelijke richting tot aan Schotweg. 18. Schotweg volgen in oostelijke richting overgaand in Burgermeester van Wijngaardenstraat overgaand in Hoofdweg tot aan N377. 19. N377 volgen in oostelijke richting tot aan Ommerweg. 20. Ommerweg volgen in zuidelijke richting overgaand in Balkerweg tot aan De Haar. 21. De Haar volgen in oostelijke richting tot aan N48. 22. N48 volgen in zuidelijke richting overgaand in N340 tot aan Balkerweg. 23. Balkerweg volgen in zuidelijke richting tot aan Schurinkstraat. 24. Schurinkstraat volgen in zuidelijke richting overgaand in Stationsweg overgaand in Hammerweg overgaand in Lemelerweg tot aan Dalmsholterweg. 25. Dalmsholterweg volgen in westelijke richting tot aan Dalmsholterdijk. 26. Dalmsholterdijk volgen in zuidelijke richting tot aan Ommerweg. 27. Ommerweg volgen in zuidelijke richting tot aan Kerkstraat. 28. Kerkstraat volgen in westelijke richting tot aan N348. 29. N348 volgen in zuidelijke richting tot aan Schoolstraat. 30. Schoolstraat volgen in westelijke richting overgaand in Weerdhuisweg tot aan Lemelerveldseweg. 31. Lemelerveldseweg volgen in zuidelijke richting overgaand in Van Der Capellenweg overgaand in Zwolseweg tot aan Molenweg. 32. Molenweg volgen in zuidelijke richting tot aan Spoorlijn Raalte-Zwolle.	
Those parts of the municipality Dalfsen contained within a circle of a radius of 3 kilometres, centered on WGS84 dec. coordinates long 6,27, lat 52,53.	25.8.2022 – 2.9.2022
Municipality Lunteren, province Gelderland	
10km gebiedsbeschrijving Lunteren X 1. Vanaf kruising Spoorlijn Arnhem Utrecht/Onderweg, Onderweg volgen in noordelijke richting tot aan N224. 2. N224 volgen in westelijke richting tot aan Ruwinkelseweg. 3. Ruwinkelseweg volgen in noordelijke richting tot aan Heintjeskampen. 4. Heintjeskampen volgen in oostelijke richting viaa waterweg langs eendenpoel naar Breeschoten. 5. Breeschoten volgen in westelijke richting naar N802. 6. N802 volgen in noordelijke richting tot aan Huigenboschbeek. 7. Huigenboschbeek volgen in noordelijke richting tot aan Kolfschoten. 8. Kolfschoten volgen in noordelijke richting tot aan Postweg. 9. Postweg volgen in oostelijke richting tot aan Rudolphlaan. 10. Rudolphlaan volgen in noordelijke richting tot aan Schoonderbekerweg. 11. Schoonderbekerweg volgen in westelijke richting tot aan Provinciegrens Utrecht-Gelderland. 12. Provinciegrens volgen in oostelijke richting tot aan Klettersteeg.	13.9.2022

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
13. Klettersteeg volgen in noordelijke richting tot aan Fliertpad. 14. Fkiertpad volgen in noordelijke richting tot aan Barneveldsche Beek. 15. Barneveldsche beek volgen in westelijke richting tot aan Tweelweg. 16. Tweelweg volgen in noordelijke richting tot aan Kallenbroekerweg. 17. Kallenbroekerweg volgen in westelijke richting tot aan Stoutenburgerweg. 18. Stoutenburgerweg volgen in noordelijke richting tot aan Hoevelakenseweg. 19. Hoevelakenseweg volgen in oostelijke richting tot aan Leemweg 20. Leemweg volgen in noordelijke richting tot aan Diepenrustweg. 21. Diepenrustweg volgen in oostelijke richting tot aan Zelderseweg. 22. Zelderseweg volgen in noordelijke richting tot aan Appelstraat. 23. Appelstraat volgen in oostelijke richting overgaand in Oude Voorthuizerweg tot aan Schoenlapperweg. 24. Schoenlapperweg volgen in noordelijke richting tot aan Woudweg. 25. Woudweg volgen in oostelijke richting tot aan Voorthuizerweg. 26. Voorthuizerweg volgen in noordelijke richting tot aan Tolweg. 27. Tolweg volgen in oostelijke richting tot aan Drosteweg. 28. Drosteweg volgen in noordelijke richting tot aan Veenwaterweg. 29. Veenwaterweg volgen in zuidelijke richting tot aan Traa. 30. Traa volgen in oostelijke richting tot aan Hardewijkerkarweg. 31. Hardewijkerkarweg volgen in zuidelijke richting tot aan N344. 32. N344 volgen in oostelijke richting tot aan N302. 33. N302 volgen in zuidelijke richting tot aan Asselseweg. 34. Asselseweg volgen in oostelijke richting tot aan Radioweg. 35. Radioweg volgen in zuidelijke richting tot aan Turfbergweg. 36. Turfbergweg volgen in oostelijke richting overgaand in Burelhul tot aan Alverschotenseweg. 37. Alverschotenseweg volgen in zuidelijke richting tot aan Ossenweg. 38. Ossenweg volgen in westelijke richting tot aan Stevenpolsepad. 39. Stevenpolsepad volgen in zuidelijke richting tot aan N304. 40. N304 volgen in westelijke richting tot aan N310. 41. N310 volgen in zuidelijke richting tot aan Koningsweg. 42. Koningsweg volgen in zuidelijke richting tot aan A12. 43. A12 volgen in westelijke richting tot aan N224. 44. N224 volgen in westelijke richting tot aan Nieuwe Kazernelaan. 45. Nieuwe Kazernelaan volgen in zuidelijke richting tot aan Spoorlijn Arnhem Utrecht. 46. Spoorlijn Arnhem Utrecht volgen in westelijke richting tot aan Onderweg.	
Those parts of the municipality Ede and Renswoude contained within a circle of a radius of 3 kilometres, centered on WGS84 dec. coordinates long 5.66 lat 52.13.	5.9.2022 – 13.9.2022

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
Municipality Kapelle, province Zeeland	
10km gebiedsbeschrijving Schore 1. Vanaf kruising Zeedijk/Vogelsangsedijk, Vogelsangsedijk volgen in noordelijke richting tot aan Zuidpolderdijk. 2. Zuidpolderdijk volgen in westelijke richting tot aan Van Renesseweg. 3. Van Renesseweg volgen in noordelijke richting tot aan Hellenburgstraat. 4. Hellenburgstraat volgen in oostelijke richting tot aan Westdorpseweg. 5. Westdorpseweg volgen in noordelijke richting tot aan Museumspoorlijn. 6. Museumspoorlijn volgen in westelijke richting tot aan Stationsstraat. 7. Stationsstraat volgen in noordelijke richting overgaand in Dierikweg tot aan Stelsedijk. 8. Stelsedijk volgen in westelijke richting tot aan Kruiningenpolderweg. 9. Kruiningenpolderweg volgen in noordelijke richting tot aan Drieweg. 10. Drieweg volgen in noordelijke richting tot aan Grotedijk. 11. Grotedijk volgen in noordelijke richting tot aan Noordweg. 12. Noordweg volgen in noordelijke richting tot aan Noordhoekweg. 13. Noordhoekweg volgen in westelijke richting tot aan Sinoutkerkseweg. 14. Sinoutkerkseweg volgen in noordelijke richting tot aan Ploegweg. 15. Ploegweg volgen in oostelijke richting tot aan A256. 16. A256 volgen in noordelijke richting overgaand in N256 tot aan Langeweg. 17. Langeweg volgen in oostelijke richting overgaand in Brugstraat tot aan Havenkanaal. 18. Havenkanaal volgen in noordelijke richting tot aan Oosterschelde. 19. Oosterschelde volgen in oostelijke richting de Pietermanskreek overstekend tot aan Tennet. 20. Tennet volgen in zuidelijke richting tot aan Koedijk. 21. Koedijk volgen in oostelijke richting tot aan A58. 22. A58 volgen westelijke richting tot aan Krommeweg. 23. Krommeweg volgen in zuidelijke richting tot aan Frederikaweg. 24. Frederikaweg volgen in zuidelijke richting tot aan Zusterzand. 25. Zusterzand volgen zuidelijke richting de Westerschelde overstekend tot aan Zeedijk. 26. Zeedijk overstekend tot aan Kruisstraat. 27. Kruisstraat volgen in zuidelijke richting tot aan Kruisdorpsedijk. 28. Kruisdorpsedijk volgen in westelijke richting tot aan President Rooseveltstraat. 29. President Rooseveltstraat volgen in noordelijke richting tot aan Hof Te Zandeplein. 30. Hof te Zandeplein volgen in noordelijke richting tot aan Cloosterstraat. 31. Cloosterstraat volgen in westelijke richting overgaand in Hengstdijksestraat tot aan Zoutlandsedijk. 32. Zoutlandsedijk volgen in westelijke richting tot aan Koningsdijk.	16.9.2022

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
33. Koningsdijk volgen in zuidelijke richting overgaand in Polderdijk tot aan Langeweg. 34. Langeweg volgen in noordelijke richting tot aan Zeestraat. 35. Zeestraat volgen in westelijke richting tot aan Westdijk. 36. Westdijk volgen in zuidelijke richting tot aan Kanaaldijk. 37. Vanaf Kanaaldijk Westerschelde overstekend tot aan kruising Zeedijk/Vogelsangsedijk.	
Those parts of the municipality Kapelle contained within a circle of a radius of 3 kilometres, centered on WGS84 dec. coordinates long 4.0, lat 51.46.	8.9.2022 – 16.9.2022
Municipality Vlaardingen, province Zuidholland	
1. Vanaf kruising Oude Maas/Hartelkanaal, Hartelkanaal volgen in westelijke richting overgaand in Callandkanaal tot aan Oranjekanaal. 2. Oranjekanaal volgen in noordelijke richting tot aan N220. 3. N220 volgen in oostelijke richting tot aan N223. 4. N223 volgen in noordelijke richting tot aan N213. 5. N213 volgen in noordelijke richting tot aan N466. 6. N466 volgen in noordelijke richting overgaand in Kerkstraat overgaand in Heulweg overgaand in Herenstraat overgaand in Oosteinde overgaand in Sir Winston Churchillaan tot aan Prinses Beatrixlaan. 7. Prinses Beatrixlaan volgen in zuidelijke richting tot aan A4. 8. A4 volgen in noordelijke richting tot aan A13. 9. A13 volgen in zuidelijke richting tot aan Brasserkade. 10. Brasserkade volgen in oostelijke richting tot aan Rijswijkse Watering. 11. Rijswijkse Watering volgen in oostelijke richting overgaand in Brasserhoutweg overgaand in Braslaan tot aan Oudeweg. 12. Oudeweg volgen in zuidelijke richting overgaand in Noordweg overgaand in Noorddorpseweg tot aan Westlaan. 13. Westlaan volgen in oostelijke richting overgaand in Oostlaan tot aan N472. 14. N472 volgen in zuidelijke richting tot aan Bergweg-Zuid. 15. Bergweg-Zuid volgen in zuidelijke richting overgaand in Grindweg tot aan Molenlaan. 16. Molenlaan volgen in zuidelijke richting overgaand in Terbregseweg tot aan Bosdreef. 17. Bosdreef volgen in westelijke richting overgaand in Nieuwe Boezenstraat overgaand in Boezenweg overgaand in Oostplein overgaand in Oostmolenwerf tot aan Haringvliet. 18. Haringvliet volgen in westelijke richting tot aan Oude Hoofdplein. 19. Oude Hoofdplein volgen in zuidelijke richting overgaand in Willemsbrug overgaand in Brugweg tot aan Prins Hendrikkade. 20. Prins Hendrikkade volgen in westelijke richting tot aan Koninginnebrug.	16.9.2022

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
21. Koninginnebrug volgen in zuidelijke richting tot aan Nassaukade. 22. Nassaukade volgen in oostelijke richting tot aan Rosestraat. 23. Rosestraat volgen in zuidelijke richting overgaand in 2 ^e Rosestraat overgaand in Putselaan tot aan Dordtselaan. 24. Dordtselaan volgen in zuidelijke richting tot aan Strevelsweg. 25. Strevelsweg volgen in zuidelijke richting tot aan Pleinweg. 26. Pleinweg volgen in westelijke richting tot aan Maastunnelplein. 27. Maastunnelplein volgen in zuidelijke richting overgaand in Dorpsweg overgaand in Groene Kruisweg tot aan Schroeder van der Kolklaan. 28. Schroeder van der kolklaan volgen in zuidelijke richting tot aan Albrandswaardsedijk. 29. Albrandswaardsedijk volgen in westelijke richting tot aan Nijvelandsekade. 30. Nijvelandsekade volgen in westelijke richting tot aan Albrandswaardsedijk. 31. Albrandswaardsedijk volgen in zuidelijke richting tot aan Oude Maas. 32. Oude Maas volgen in westelijke richting tot aan Hartelkanaal.	
Those parts of the municipality Vlaardingen contained within a circle of a radius of 3 kilometres, centered on WGS84 dec. coordinates long 4.35 lat 51.93.	8.9.2022 – 16.9.2022
Municipality Buren, province Gelderland	
10km beschrijving Maurik 1. Vanaf kruising A15/Spoorlijn Nijmegen-Utrecht, Spoorlijn volgen in westelijke richting tot aan N320. 2. N320 volgen in oostelijke richting tot aan Voorkoopstraat. 3. Voorkoopstraat volgen in noordelijke richting overgaand in Weithusen tot aan Weidsteeg. 4. Weidsteeg volgen in oostelijke richting tot aan Beusichemsedijk. 5. Beusichemsedijk volgen in noordelijke richting tot aan de Lek. 6. De leg volgen in oostelijke richting tot aan Lekdijk West. 7. Lekdijk West volgen in noordelijke richting overgaand in Beusichemseweg tot aan Nachtdijk. 8. Nachtdijk volgen in noordelijke richting tot aan Tuurdijk. 9. Tuurdijk volgen in oostelijke richting overgaand in Watertorenweg tot aan Leemkolkweg 10. Leemkolkweg volgen in oostelijke richting overgaand in Korte Zuwe overgaand in De Zuwe tot aan Langbroekerdijk. 11. Langbroekerdijk volgen in westelijke richting tot aan Sterkenburglaan. 12. Sterkenburglaan volgen in noordelijke richting tot aan Gooyerdijk. 13. Gooyerdijk volgen in oostelijke richting tot aan Langbroekerweg. 14. Langbroekerweg volgen in noordelijke richting tot aan N225. 15. N225 volgen in oostelijke richting tot aan Maarsbergseweg.	17.9.2022

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
16. Maarsbergseweg volgen in noordelijke richting overgaand in Sandenburgerlaan overgaand in Maarnse Grindweg tot aan Woudenbergseweg. 17. Woudenbergseweg volgen in zuidelijke richting overgaand in Maarsbergseweg tot aan Utrechtse Baan. 18. Utrechtse Baan volgen in oostelijke richting tot aan Scherpenzeelseweg. 19. Scherpenzeelseweg volgen in noordelijke richting overgaand in Ginkelseweg tot aan Bovenhaarweg. 20. Bovenhaarweg volgen in westelijke richting tot aan Haarweg. 21. Haarweg volgen in oostelijke richting tot aan Bergweg. 22. Bergweg volgen in zuidelijke richting tot aan Dwarsweg. 23. Dwarsweg volgen in oostelijke richting tot aan spoorlijn Ede-Amersfoort. 24. Spoorlijn volgen in zuidelijke richting tot aan Rondweg-West. 25. Rondweg-West volgen in zuidelijke richting overgaand in Cuneraweg tot aan Veenendaalsestraatweg. 26. Veenendaalsestraatweg volgen in zuidelijke richting tot aan Defensieweg. 27. Defensieweg volgen in oostelijke richting overgaand in Stokweg Utrechtsesstraatweg overstekend tot aan Nederrijn. 28. Nederrijn volgen in zuidelijke richting tot aan Cuneraweg (N233). 29. N233 volgen in zuidelijke richting tot aan Nedereindsestraat. 30. Nedereindsestraat volgen in westelijke richting tot aan Schaaapsteeg. 31. Schaaapsteeg volgen in zuidelijke richting tot aan Walenhoek. 32. Walenhoek volgen in zuidelijke richting A15 overstekend tot aan Walenhoekseweg. 33. Walenhoekseweg volgen in westelijke richting tot aan Pottumsestraat. 34. Pottumsestraat volgen in zuidelijke overgaand in Keizerstraat tot aan Zondagstraatje. 35. Zondagstraatje volgen in zuidelijke richting via Waalbandijk uiterwaarden overstekend tot aan De Waal. 36. De Waal volgen in westelijke richting tot aan N223. 37. N223 volgen in zuidelijke richting tot aan Liesterstraat. 38. Liesterstraat volgen in westelijke richting tot aan Parkenstraat. 39. Parkenstraat volgen in zuidelijke richting tot aan Hoevenstraat. 40. Hoevenstraat volgen in westelijke richting overgaand in Bemerdweg tot aan N322. 41. N322 volgen in zuidelijke richting tot aan Melkweg. 42. Melkweg volgen in westelijke richting tot aan Lageweg. 43. Lageweg volgen in zuidelijke richting tot aan Schepenstraat. 44. Schepenstraat volgen in westelijke richting overgaand in Polderstraat overgaand in Polstraat De Waal overstekend tot aan Waalbanddijk. 45. Waalbanddijk volgen in zuidelijke richting tot aan Hermoesestraat.	

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
46. Hermoesestraat volgen in westelijke richting tot aan Zuiveringestraat. 47. Zuiveringestraat volgen in westelijke richting tot aan Bommelweg. 48. Bommelweg volgen in westelijke richting tot aan Bredestraat. 49. Bredestraat volgen in noordelijke richting tot aan Spoorlijn Nijmegen-Utrecht. 50. Spoorlijn volgen in westelijke richting tot aan A15.	
Those parts of the municipality Buren contained within a circle of a radius of 3 kilometres, centered on WGS84 dec. coordinates long 5.39 lat 51.95.	9.9.2022 – 17.9.2022
Municipality Lunteren, province Gelderland	
10km gebiedsbeschrijving Lunteren XI 1. Vanaf kruising De Dreef/Rensersteeg, Rensersteeg volgen in noordelijke richting overgaand in Goorsteeg tot aan Moorsterweg. 2. Moorsterweg volgen in noordelijke richting tot aan Dashorsterweg. 3. Dashorsterweg volgen in noordelijke richting overgaand in provinciegrens Utrecht/Gelderland tot aan Moorsterweg. 4. Moorsterweg volgen in noordelijke richting tot aan Postweg. 5. Postweg volgen in westelijke richting tot aan Asschaterweg. 6. Asschaterweg volgen in noordelijke richting overgaand in Koningin Julianaweg overgaand in Pater Stormstraat tot aan Jan van Arkelweg. 7. Jan van Arkelweg volgen in noordelijke richting overgaand in Stoutenburgerweg overgaand in Eendrachtstraat tot aan Wielweg. 8. Wielweg volgen in oostelijke richting tot aan Peerweg. 9. Peerweg volgen in noordelijke richting tot aan Vrouwenweg. 10. Vrouwenweg volgen in oostelijke richting overgaand in Zelderseweg tot aan Appelsestraat. 11. Appelsestraat volgen in oostelijke richting tot aan Woudweg. 12. Woudweg volgen in noordelijke richting tot aan Schoenlapperweg. 13. Schoenlapperweg volgen in noordelijke richting tot aan Nieuwe Voorthuizerweg. 14. Nieuwe Voorthuizerweg volgen in oostelijke richting tot aan Woudweg. 15. Woudweg volgen in oostelijke richting aan N303. 16. N303 volgen in noordelijke richting tot aan Veldbeek. 17. Veldbeek volgen in oostelijke richting tot aan Traa. 18. Traa volgen in oostelijke richting tot aan Hunnerweg. 19. Hunnerweg volgen in zuidelijke richting tot aan Meeuwenveenseweg.	17.9.2022

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
20. Meeuwenveenseweg volgen in oostelijke richting tot aan Zevenbergjesweg. 21. Zevenbergjesweg volgen in zuidelijke richting tot aan Hoge Boeschoterweg. 22. Hoge Boeschoterweg volgen in zuidelijke richting tot aan N344. 23. N344 volgen in oostelijke richting tot aan Tolnegenweg. 24. Tolnegenweg volgen in zuidelijke richting tot aan A1. 25. A1 volgen in oostelijke richting tot aan Provincialeweg N310. 26. N310 volgen in zuidelijke richting tot aan Mosselsepad. 27. Mosselsepad volgen in zuidelijke richting overgaand in Koeweg tot aan zandweg langs Heide. 28. Zandweg volgen in zuidelijke richting tot aan Kreelseweg. 29. Kreelseweg volgen in westelijke richting tot aan N224. 30. N224 volgen in westelijke richting tot aan Raadhuisstraat. 31. Raadhuisstraat volgen in zuidelijke richting overgaand Klinkenbergerweg tot aan Spoorlijn Utrecht-Arnhem. 32. Spoorlijn volgen in westelijke richting tot aan A30. 33. A30 volgen in zuidelijke richting tot aan Schutterweg. 34. Schutterweg volgen in westelijke richting overgaand in Pakhuisweg overgaand in Maanderbuurtweg tot aan A12. 35. A12 volgen in westelijke richting tot aan N323. 36. N323 volgen in noordelijke richting tot aan Griftweg volgen in westelijke richting tot aan Veenendaalseweg. 37. Veenendaalseweg volgen in zuidelijke richting tot aan A12. 38. A12 volgen in westelijke richting tot aan Kooiweg. 39. Kooiweg volgen in noordelijke richting tot aan Munnikebeek. 40. Minnikebeek volgen in westelijke richting tot aan Luntersebeek. 41. Luntersebeek volgen in zuidelijke richting tot aan aan Hopeseweg. 42. Hopeseweg volgen in noordelijke richting overgaand Verlengde Hopeseweg tot aan De Dreef. 43. De Dreef volgen in noordelijke richting tot aan Rensersteeg.	
Those parts of the municipality Ede and Renswoude contained within a circle of a radius of 3 kilometres, centered on WGS84 dec. coordinates long 5.63 lat 52.12	9.9.2022 – 17.9.2022
<i>Municipality Medemblik, province Noordholland</i>	
1. Vanaf kruising Oostdijk/Plempdijk. 2. Plempdijk volgen in noordelijke richting overgaand in Berkmeerdijk tot aan Groenedijk. 3. Groenedijk volgen in noordelijke richting tot aan Kerkweg. 4. Kerkweg volgen in westelijke richting tot aan Venhuizerweg.	23.9.2022

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
5. Venhuizerweg volgen in noordelijke richting overgaand in Schapenweg tot aan N241. 6. N241 volgen in noordelijke richting tot aan Niedorperfaart. 7. Niedorpervaart volgen in westelijke richting tot aan De Leijen. 8. De Leijen volgen in noordelijke richting tot aan Leijenspolderweg. 9. Leijenspolderweg volgen in oostelijke richting tot aan Koggeweg. 10. Koggeweg volgen in noordelijke richting tot aan Rijderstraat. 11. Rijderstraat volgen in westelijke richting tot aan Valburgweg. 12. Valburgweg volgen in noordelijke richting tot aan Raaksmatsweg. 13. Raaksmatsweg volgen in oostelijke richting tot aan Moerbekerweg. 14. Moerbekerweg volgen in noordelijke richting tot aan `t Wijde Gat.</li> <li>15. `t Wijde Gat volgen in oostelijke richting tot aan Weereweg. 16. Weereweg volgen in westelijke richting overgaand in Zoutkaag overgaand in Weere Sloot tot aan Kromme Gouw. 17. Kromme Gouw volgen in noordelijke richting tot aan Westergraftvaart. 18. Westergraftvaart volgen in oostelijke richting tot aan Kanaal Schagen-Kolhorn. 19. Kanaal Schagen-Kolhorn volgen in oostelijke richting overgaand in Kolhornerdiep tot aan Waardkanaal. 20. Waardkanaal volgen in noordelijke richting tot aan Sloot naast Waardweg nr 9. 21. Sloot volgen in oostelijke richting tot aan Waardtocht. 22. Waardtocht volgen in noordelijke richting tot aan Slotvaart. 23. Slotvaart volgen in noordelijke richting tot aan Dolfijnweg. 24. Dolfijnweg volgen in oostelijke richting tot aan Schagerweg. 25. Schagerweg volgen in noordelijke richting tot aan Zuidrak. 26. Zuidrak volgen in oostelijke richting tot aan Wieringerwerfvaart. 27. Wieringerwerfvaart volgen in noordelijke richting tot aan Hoekvaart. 28. Hoekvaart volgen in oostelijke richting tot aan Schervenweg. 29. Schervenweg volgen in oostelijke richting tot aan Hoge Kwelvaart. 30. Hoge Kwelvaart volgen in zuidelijke richting tot aan Korte Middenmeertocht. 31. Korte Middenmeertocht volgen in oostelijke richting tot aan Oostermiddenmeerweg. 32. Oostermiddenmeerweg volgen in oostelijke richting tot aan Oever Ijsselmeer.	

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
33. Oever volgen in zuidelijke richting tot aan Voeroever. 34. Vooroever volgen in zuidelijke richting tot aan Kagerdijk. 35. Kagerdijk volgen in zuidelijke richting overgaand in Zeeweg overgaand in Dorpsstraat tot aan De Kibbel. 36. De Kibbel tot aan Nieuwe Dijk. 37. Nieuwe Dijk volgen in westelijke richting overgaand in Zwaagdijk tot aan Tolweg. 38. Tolweg volgen in zuidelijke richting tot aan Streekweg. 39. Streekweg volgen in westelijke richting overgaand in Docto Nuijnensstraat tot aan Doctor Wijtemalaan. 40. Doctor Wijtemalaan volgen in zuidelijke richting tot aan Spoorlijn Enkhuizen-Alkmaar. 41. Spoorlijn volgen in oostelijke richting tot aan Oostdijk. 42. Oostdijk volgen in noordelijke richting tot aan Plempdijk.	
Those parts of the municipality Medemblik and contained within a circle of a radius of 3 kilometres, centered on WGS84 dec. coordinates long 5.01931 lat 52.74081	15.9.2022 – 23.9.2022
<i>Municipality Nissewaard, province Zuidholland</i>	
1. Vanaf kruising Jan Vollaardsweg, Nieuwendijk, Nieuwendijk volgen in westelijke richting overgaand in oever Vuile Gat overgaand in Korendijksche Geul tot aan Zeedijk. 2. Zeedijk volgen in noordelijke richting overgaand in Ruigendijk tot aan Tussenweg. 3. Tussenweg volgen in westelijke richting tot aan Molendijk. 4. Molendijk volgen in noordelijke richting tot aan Ravensweg. 5. Ravensweg volgen in westelijke richting tot aan Voltaweg. 6. Voltaweg volgen in noordelijke richting tot aan Braberseweg. 7. Braberseweg volgen in westelijke richting tot aan N494. 8. N494 volgen in noordelijke richting tot aan Grondweg. 9. Grondweg volgen in noordelijke richting tot aan Hoogenboomseweg. 10. Hoogenboomseweg volgen in oostelijke richting tot aan Willem Rosenweg. 11. Willem Rosenweg volgen in noordelijke richting tot aan Mosterdijk. 12. Mosterdijk volgen in westelijke richting tot aan N57. 13. N57 volgen in noordelijke richting tot aan N15. 14. N15 volgen in oostelijke richting tot aan Merseyweg. 15. Merseyweg volgen in noordelijke richting overgaand in Noordzeeweg tot aan Boulevard. 16. Boulevard volgen in oostelijke richting Het Scheur overstekend overgaand in Buitenhaven overgaand in Binnenhaven tot aan Laan 1940-1945. 17. Laan 1940-1945 volgen in oostelijke richting overgaand in oude veiling tot aan Noordvliet.	24.9.2022

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
18. Noordvliet volgen in oostelijke richting tot aan Vlaardingerwaard. 19. Vlaardingerwaard volgen in zuidelijke richting tot aan Holyweg. 20. Holyweg volgen in oostelijke richting overgaand in Woudweg tot aan A4. 21. A4 volgen in zuidelijke richting tot aan A20. 22. A20 volgen in oostelijke richting tot aan Tjalklaan S114. 23. S114 volgen in zuidelijke richting tot aan Schiemonddijk. 24. Schiemonddijk volgen in zuidelijke richting overgaand in Barendrechtse Haven tot aan Sluisjesdijk. 25. Sluisjesdijk volgen in oostelijke richting tot aan Doklaan. 26. Doklaan volgen in oostelijke richting tot aan Wolphaertsbocht. 27. Wolphaertsbocht volgen in zuidelijke richting tot aan Dorpsweg. 28. Dorpsweg volgen in zuidelijke richting overgaand in Groene Kruisweg tot aan Oldegaarde. 29. Oldegaarde volgen in oostelijke richting tot aan Zuiderparkweg overgaand in verlengde Zuiderparkweg tot aan Rhoonsebaan. 30. Rhoonsebaan volgen in westelijke richting tot aan Portlandsebaan. 31. Portlandsebaan volgen in zuidelijke richting tot aan Korte Koedoodsdijk. 32. Korte Koedoodsdijk volgen in zuidelijke richting tot aan Koedood. 33. Koedood volgen in Zuidelijke richting tot aan Koedoodhaven. 34. Koedoodhaven volgen in zuidelijke richting Oude maas overstekend tot aan Buitenpolderpad. 35. Buitenpolderpad volgen in westelijke richting tot aan Kreek. 36. Kreek volgen in zuidelijke richting tot aan Provincialeweg. 37. Provincialeweg volgen in oostelijke richting tot aan A29. 38. A29 volgen in zuidelijke richting tot aan Stougjesdijk. 39. Stougjesdijk volgen in zuidelijke richting overgaand in Molendijk tot aan Dangersweg. 40. Dangersweg volgen in westelijke richting tot aan A29. 41. A29 volgen in zuidelijke richting tot aan Bommelkousdijk. 42. Bommelkousdijk volgen in westelijke richting tot aan Schoutsdijk. 43. Schoutsdijk volgen in zuidelijke richting overgaand in Dorpsstraat overgaand in Molendijk tot aan Jan Vollaardsweg. 44. Jan Vollaardsweg volgen in zuidelijke richting tot aan Buitendijk.	
Those parts of the municipality Nissewaard and contained within a circle of a radius of 3 kilometres, centered on WGS84 dec. coordinates long 4.33125 lat 51.84625	15.9.2022 – 24.9.2022

Member State: Portugal

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
The parts of Castro Verde, Beja and Mertola municipalities that are beyond the areas described in the protection zone, and are contained within circle of 10 kilometers radius, centered on GPS coordinates 37.755718 N, 7.887479 W	12.9.2022
The part of Castro Verde municipality, that are contained within circle of 3 kilometers radius, centered on GPS coordinates 37.755718 N, 7.887479 W	4.9.2022 – 12.9.2022
The parts of Torres Vedras, Montemor-o-Novo and Montijo municipalities that are beyond the areas described in the protection zone, and are contained within circle of 10 kilometers radius, centered on GPS coordinates 38.652439 N, 8.4827665 W	7.10.2022
The parts of Torres Vedras and Montemor-o-Novo municipalities, that are contained within circle of 3 kilometers radius, centered on GPS coordinates 38.652439 N, 8.4827665 W	29.9.2022 – 7.10.2022
The parts of Benavente, Montijo and Coruche municipalities that are beyond the areas described in the protection zone, and are contained within circle of 10 kilometers radius, centered on GPS coordinates 38.829589 N, 8.710556 W	30.10.2022
The parts of Benavente and Montijo municipalities, that are contained within circle of 3 kilometers radius, centered on GPS coordinates 38.829589 N, 8.710556 W	22.10.2022 – 30.10.2022

Part C

Further restricted zones in the concerned Member States* as referred to in Articles 1 and 3a:

- * In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, for the purposes of this Annex, references to Member State include the United Kingdom in respect of Northern Ireland.'

COMMISSION IMPLEMENTING DECISION (EU) 2022/1484**of 7 September 2022****postponing the expiry date of the approval of DDACarbonate for use in biocidal products of product-type 8 in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ⁽¹⁾, and in particular Article 14(5) thereof,

After consulting the Standing Committee on Biocidal Products,

Whereas:

- (1) DDACarbonate was included in Annex I to Directive 98/8/EC of the European Parliament and of the Council ⁽²⁾ as an active substance for use in biocidal products of product-type 8. Pursuant to Article 86 of Regulation (EU) No 528/2012, it is therefore considered approved under that Regulation subject to the conditions set out in Annex I to Directive 98/8/EC.
- (2) The approval of DDACarbonate for use in biocidal products of product-type 8 ('the approval') is to expire on 31 January 2023. On 31 July 2021, an application was submitted in accordance with Article 13(1) of Regulation (EU) No 528/2012 for the renewal of the approval ('the application').
- (3) On 26 October 2021, the evaluating competent authority of Switzerland informed the Commission that it had decided, pursuant to Article 14(1) of Regulation (EU) No 528/2012, that a full evaluation of the application was necessary. Pursuant to Article 8(1) of that Regulation, the evaluating competent authority is to perform a full evaluation of the application within 365 days of its validation.
- (4) The evaluating competent authority may, as appropriate, require the applicant to provide sufficient data to carry out the evaluation, in accordance with Article 8(2) of Regulation (EU) No 528/2012. In that event, the 365-day period is suspended for a period that may not exceed 180 days in total unless a longer suspension is justified by the nature of the data requested or by exceptional circumstances.
- (5) Within 270 days of receipt of a recommendation from the evaluating competent authority, the European Chemicals Agency is to prepare and submit to the Commission an opinion on renewal of the approval of the active substance in accordance with Article 14(3) of Regulation (EU) No 528/2012.
- (6) Consequently, for reasons beyond the control of the applicant, the approval is likely to expire before a decision has been taken on its renewal. It is therefore appropriate to postpone the expiry date of the approval for a period of time sufficient to enable the examination of the application. Taking into account the time-limits for evaluation by the evaluating competent authority and for preparation and submission by the European Chemicals Agency of its opinion, and the time needed to decide whether the approval of DDACarbonate for use in biocidal products for product-type 8 may be renewed, the expiry date should be postponed to 31 July 2025.
- (7) After the postponement of the expiry date of the approval, DDACarbonate remains approved for use in biocidal products of product-type 8 subject to the conditions set out in Annex I to Directive 98/8/EC,

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.

⁽²⁾ Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market (OJ L 123, 24.4.1998, p. 1).

HAS ADOPTED THIS DECISION:

Article 1

The expiry date of the approval of DDACarbonate for use in biocidal products of product-type 8 set out in Annex I to Directive 98/8/EC is postponed to 31 July 2025.

Article 2

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

Done at Brussels, 7 September 2022.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING DECISION (EU) 2022/1485**of 7 September 2022****postponing the expiry date of the approval of IPBC for use in biocidal products of product-type 8 in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ⁽¹⁾, and in particular Article 14(5) thereof,

After consulting the Standing Committee on Biocidal Products,

Whereas:

- (1) IPBC was included in Annex I to Directive 98/8/EC of the European Parliament and of the Council ⁽²⁾ as an active substance for use in biocidal products of product-type 8. Pursuant to Article 86 of Regulation (EU) No 528/2012, it was therefore considered approved until 30 June 2020 under that Regulation subject to the requirements set out in Annex I to Directive 98/8/EC.
- (2) On 20 December 2018, an application was submitted in accordance with Article 13(1) of Regulation (EU) No 528/2012 for the renewal of the approval of IPBC for use in biocidal products of product-type 8 ('the application').
- (3) On 11 April 2019, the evaluating competent authority of Denmark informed the Commission that it had decided, pursuant to Article 14(1) of Regulation (EU) No 528/2012, that a full evaluation of the application was necessary. Pursuant to Article 8(1) of that Regulation, the evaluating competent authority is to perform a full evaluation of the application within 365 days of its validation.
- (4) Commission Implementing Decision (EU) 2019/1969 ⁽³⁾ postponed the expiry date of the approval of IPBC for use in biocidal products of product-type 8 to 31 December 2022 in order to allow sufficient time for the examination of the application.
- (5) On 24 May 2022, the evaluating competent authority informed the Commission that the evaluation is delayed because additional studies are needed to assess the criteria for the determination of endocrine-disrupting properties for non-target organisms. The evaluating competent authority has requested the applicant to submit the additional information to carry out the evaluation in accordance with Article 8(2) of Regulation (EU) No 528/2012. This information is expected to be submitted to the evaluating competent authority by July 2023.
- (6) Within 270 days of receipt of a recommendation from the evaluating competent authority, the European Chemicals Agency is to prepare and submit to the Commission an opinion on renewal of the approval of the active substance in accordance with Article 14(3) of Regulation (EU) No 528/2012.

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.

⁽²⁾ Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market (OJ L 123, 24.4.1998, p. 1).

⁽³⁾ Commission Implementing Decision (EU) 2019/1969 of 26 November 2019 postponing the expiry date of approval of IPBC for use in biocidal products of product-type 8 (OJ L 307, 28.11.2019, p. 45).

- (7) Consequently, for reasons beyond the control of the applicant, the approval of IPBC for use in biocidal products of product-type 8 is likely to expire before a decision has been taken on its renewal. It is therefore appropriate to postpone the expiry date of the approval for a period of time sufficient to enable the examination of the application. Taking into account the time needed for the evaluation by the evaluating competent authority, for preparation and submission by the European Chemicals Agency of its opinion, and for the Commission to decide whether to renew the approval of IPBC for use in biocidal products of product-type 8, the expiry date should be postponed to 31 July 2025.
- (8) After the postponement of the expiry date of the approval, IPBC remains approved for use in biocidal products of product-type 8 subject to the requirements set out in Annex I to Directive 98/8/EC,

HAS ADOPTED THIS DECISION:

Article 1

The expiry date of the approval of IPBC for use in biocidal products of product-type 8 set out in Implementing Decision (EU) 2019/1969 is postponed to 31 July 2025.

Article 2

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

Done at Brussels, 7 September 2022.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING DECISION (EU) 2022/1486**of 7 September 2022****postponing the expiry date of the approval of acrolein for use in biocidal products of product-type 12 in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ⁽¹⁾, and in particular Article 14(5) thereof,

After consulting the Standing Committee on Biocidal Products,

Whereas:

- (1) Acrolein was included in Annex I to Directive 98/8/EC of the European Parliament and of the Council ⁽²⁾ as an active substance for use in biocidal products of product-type 12. Pursuant to Article 86 of Regulation (EU) No 528/2012, it was therefore considered approved until 31 August 2020 under that Regulation subject to the requirements set out in Annex I to Directive 98/8/EC.
- (2) On 28 February 2019, an application was submitted in accordance with Article 13(1) of Regulation (EU) No 528/2012 for the renewal of the approval of acrolein for use in biocidal products of product-type 12 ('the application').
- (3) On 25 February 2020, the evaluating competent authority of Czechia informed the Commission that it had decided, pursuant to Article 14(1) of Regulation (EU) No 528/2012, that a full evaluation of the application was necessary. Pursuant to Article 8(1) of that Regulation, the evaluating competent authority is to perform a full evaluation of the application within 365 days of its validation.
- (4) The evaluating competent authority may, as appropriate, require the applicant to provide sufficient data to carry out the evaluation, in accordance with Article 8(2) of Regulation (EU) No 528/2012. In that event, the 365-day period is suspended for a period that may not exceed 180 days in total unless a longer suspension is justified by the nature of the data requested or by exceptional circumstances.
- (5) Within 270 days of receipt of a recommendation from the evaluating competent authority, the European Chemicals Agency ('the Agency') is to prepare and submit to the Commission an opinion on renewal of the approval of the active substance in accordance with Article 14(3) of Regulation (EU) No 528/2012.
- (6) Commission Implementing Decision (EU) 2020/1037 ⁽³⁾ postponed the expiry date of the approval of acrolein for use in biocidal products of product-type 12 to 28 February 2023 in order to allow sufficient time for the examination of the application.

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.

⁽²⁾ Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market (OJ L 123, 24.4.1998, p. 1).

⁽³⁾ Commission Implementing Decision (EU) 2020/1037 of 15 July 2020 postponing the expiry date of approval of acrolein for use in biocidal products of product-type 12 (OJ L 227, 16.7.2020, p. 72).

- (7) On 12 May 2022, the evaluating competent authority informed the Commission that the evaluation is delayed due to the need to assess additional data requested from the applicant. The evaluating competent authority expects to submit the renewal assessment report to the Agency in the third quarter of 2023.
- (8) Consequently, for reasons beyond the control of the applicant, the approval is likely to expire before a decision has been taken on its renewal. It is therefore appropriate to postpone the expiry date of the approval for a period of time sufficient to enable the examination of the application. Taking into account the time-limits for evaluation by the evaluating competent authority, for preparation and submission by the Agency of its opinion and for the Commission to decide whether to renew the approval of acrolein for use in biocidal products for product-type 12, the expiry date should be postponed to 28 February 2025.
- (9) After the postponement of the expiry date of the approval, acrolein remains approved for use in biocidal products of product-type 12 subject to the requirements set out in Annex I to Directive 98/8/EC,

HAS ADOPTED THIS DECISION:

Article 1

The expiry date of the approval of acrolein for use in biocidal products of product-type 12 set out in Implementing Decision (EU) 2020/1037 is postponed to 28 February 2025.

Article 2

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

Done at Brussels, 7 September 2022.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING DECISION (EU) 2022/1487**of 7 September 2022****postponing the expiry date of the approval of etofenprox for use in biocidal products of product-type 8 in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ⁽¹⁾, and in particular Article 14(5) thereof,

After consulting the Standing Committee on Biocidal Products,

Whereas:

- (1) Etofenprox was included in Annex I to Directive 98/8/EC of the European Parliament and of the Council ⁽²⁾ as an active substance for use in biocidal products of product-type 8. Pursuant to Article 86 of Regulation (EU) No 528/2012, it was therefore considered approved under that Regulation until 31 January 2020 subject to the requirements set out in Annex I to Directive 98/8/EC.
- (2) On 27 July 2018, an application was submitted in accordance with Article 13(1) of Regulation (EU) No 528/2012 for the renewal of the approval of etofenprox for use in biocidal products of product-type 8 ('the application').
- (3) On 19 December 2018, the evaluating competent authority of Austria informed the Commission that it had decided, pursuant to Article 14(1) of Regulation (EU) No 528/2012, that a full evaluation of the application was necessary. Pursuant to Article 8(1) of that Regulation, the evaluating competent authority is to perform a full evaluation of the application within 365 days of its validation.
- (4) The evaluating competent authority may, as appropriate, require the applicant to provide sufficient data to carry out the evaluation, in accordance with Article 8(2) of Regulation (EU) No 528/2012. In that event, the 365-day period is suspended for a period that may not exceed 180 days in total unless a longer suspension is justified by the nature of the data requested or by exceptional circumstances.
- (5) Within 270 days of receipt of a recommendation from the evaluating competent authority, the European Chemicals Agency ('the Agency') is to prepare and submit to the Commission an opinion on renewal of the approval of the active substance in accordance with Article 14(3) of Regulation (EU) No 528/2012.
- (6) Commission Implementing Decision (EU) 2019/994 ⁽³⁾ postponed the expiry date of the approval of etofenprox for use in biocidal products of product-type 8 to 31 October 2022 in order to allow sufficient time for the examination of the application.
- (7) On 11 April 2022, the evaluating competent authority informed the Commission that the evaluation is delayed further because additional studies are needed to assess the criteria for the determination of endocrine-disrupting properties of etofenprox. The evaluating competent authority expects to submit the renewal assessment report to the Agency in the first quarter of 2025.

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.

⁽²⁾ Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market (OJ L 123, 24.4.1998, p. 1).

⁽³⁾ Commission Implementing Decision (EU) 2019/994 of 17 June 2019 postponing the expiry date of approval of etofenprox for use in biocidal products of product-type 8 (OJ L 160, 18.6.2019, p. 26).

- (8) Consequently, for reasons beyond the control of the applicant, the approval is likely to expire before a decision has been taken on its renewal. It is therefore appropriate to postpone the expiry date of the approval for a period of time sufficient to enable the examination of the application. Taking into account the time-limits for evaluations by the evaluating competent authorities and for preparation and submission by the Agency of its opinion and the time needed for the Commission to decide whether to renew the approval of etofenprox for use in biocidal products for product-type 8, the expiry date should be postponed to 31 October 2026.
- (9) After the postponement of the expiry date of the approval, etofenprox remains approved for use in biocidal products of product-type 8 subject to the requirements set out in Annex I to Directive 98/8/EC,

HAS ADOPTED THIS DECISION:

Article 1

The expiry date of the approval of etofenprox for use in biocidal products of product-type 8 set out in Implementing Decision (EU) 2019/994 is postponed to 31 October 2026.

Article 2

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

Done at Brussels, 7 September 2022.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING DECISION (EU) 2022/1488**of 7 September 2022****postponing the expiry date of the approval of K-HDO for use in biocidal products of product-type 8
in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ⁽¹⁾, and in particular Article 14(5) thereof,

After consulting the Standing Committee on Biocidal Products,

Whereas:

- (1) K-HDO was included in Annex I to Directive 98/8/EC of the European Parliament and of the Council ⁽²⁾ as an active substance for use in biocidal products of product-type 8. Pursuant to Article 86 of Regulation (EU) No 528/2012, it was therefore considered approved until 30 June 2020 under that Regulation subject to the requirements set out in Annex I to Directive 98/8/EC.
- (2) On 14 December 2018, an application was submitted in accordance with Article 13(1) of Regulation (EU) No 528/2012 for the renewal of the approval of K-HDO for use in biocidal products of product-type 8 ('the application').
- (3) On 6 May 2019, the evaluating competent authority of Austria informed the Commission that it had decided, pursuant to Article 14(1) of Regulation (EU) No 528/2012, that a full evaluation of the application was necessary. Pursuant to Article 8(1) of that Regulation, the evaluating competent authority is to perform a full evaluation of the application within 365 days of its validation.
- (4) The evaluating competent authority may, as appropriate, require the applicant to provide sufficient data to carry out the evaluation, in accordance with Article 8(2) of Regulation (EU) No 528/2012. In that event, the 365-day period is suspended for a period that may not exceed 180 days in total unless a longer suspension is justified by the nature of the data requested or by exceptional circumstances.
- (5) Within 270 days of receipt of a recommendation from the evaluating competent authority, the European Chemicals Agency ('the Agency') is to prepare and submit to the Commission an opinion on renewal of the approval of the active substance in accordance with Article 14(3) of Regulation (EU) No 528/2012.
- (6) Commission Implementing Decision (EU) 2019/1950 ⁽³⁾ postponed the expiry date of the approval of K-HDO for use in biocidal products of product-type 8 to 31 December 2022 in order to allow sufficient time for the examination of the application.

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.

⁽²⁾ Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market (OJ L 123, 24.4.1998, p. 1).

⁽³⁾ Commission Implementing Decision (EU) 2019/1950 of 25 November 2019 postponing the expiry date of approval of K-HDO for use in biocidal products of product-type 8 (OJ L 304, 26.11.2019, p. 19).

- (7) On 11 April 2022, the evaluating competent authority informed the Commission that the evaluation is delayed because studies are needed to assess the criteria for the determination of endocrine-disrupting properties of K-HDO. The evaluating competent authority expects to submit the renewal assessment report to the Agency in the first quarter of 2025.
- (8) Consequently, for reasons beyond the control of the applicant, the approval is likely to expire before a decision has been taken on its renewal. It is therefore appropriate to postpone the expiry date of the approval for a period of time sufficient to enable the examination of the application. Taking into account the time-limits for evaluations by the evaluating competent authority, for preparation and submission by the Agency of its opinion and for the Commission to decide whether to renew the approval of K-HDO for use in biocidal products for product-type 8, the expiry date should be postponed to 31 December 2026.
- (9) After the postponement of the expiry date of the approval, K-HDO remains approved for use in biocidal products of product-type 8 subject to the requirements set out in Annex I to Directive 98/8/EC,

HAS ADOPTED THIS DECISION:

Article 1

The expiry date of the approval of K-HDO for use in biocidal products of product-type 8 set out in Implementing Decision (EU) 2019/1950 is postponed to 31 December 2026.

Article 2

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

Done at Brussels, 7 September 2022.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING DECISION (EU) 2022/1489**of 7 September 2022****postponing the expiry date of the approval of spinosad for use in biocidal products of product-type 18 in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ⁽¹⁾, and in particular Article 14(5) thereof,

After consulting the Standing Committee on Biocidal Products,

Whereas:

- (1) Spinosad was included in Annex I to Directive 98/8/EC of the European Parliament and of the Council ⁽²⁾ as an active substance for use in biocidal products of product-type 18. Pursuant to Article 86 of Regulation (EU) No 528/2012, it is therefore considered approved under that Regulation subject to the conditions set out in Annex I to Directive 98/8/EC.
- (2) The approval of spinosad for use in biocidal products of product-type 18 ('the approval') is to expire on 31 October 2022. On 27 April 2021 and 28 April 2021, two applications were submitted in accordance with Article 13(1) of Regulation (EU) No 528/2012 for the renewal of the approval ('the applications').
- (3) On 13 September 2021, the evaluating competent authority of the Netherlands informed the Commission that it had decided, pursuant to Article 14(1) of Regulation (EU) No 528/2012, that a full evaluation of the applications was necessary. Pursuant to Article 8(1) of that Regulation, the evaluating competent authority is to perform a full evaluation of the applications within 365 days of their validation.
- (4) The evaluating competent authority may, as appropriate, require the applicants to provide sufficient data to carry out the evaluation, in accordance with Article 8(2) of Regulation (EU) No 528/2012. In that event, the 365-day period is suspended for a period that may not exceed 180 days in total unless a longer suspension is justified by the nature of the data requested or by exceptional circumstances.
- (5) Within 270 days of receipt of a recommendation from the evaluating competent authority, the European Chemicals Agency is to prepare and submit to the Commission an opinion on renewal of the approval of the active substance in accordance with Article 14(3) of Regulation (EU) No 528/2012.
- (6) Consequently, for reasons beyond the control of the applicants, the approval is likely to expire before a decision has been taken on its renewal. It is therefore appropriate to postpone the expiry date of the approval for a period of time sufficient to enable the examination of the applications. Taking into account the time-limits for the evaluation by the evaluating competent authority and for preparation and submission by the European Chemicals Agency of its opinion, and the time needed to decide whether the approval of spinosad for use in biocidal products for product-type 18 may be renewed, the expiry date should be postponed to 30 April 2025.
- (7) After the postponement of the expiry date of the approval, spinosad remains approved for use in biocidal products of product-type 18 subject to the conditions set out in Annex I to Directive 98/8/EC,

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.

⁽²⁾ Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market (OJ L 123, 24.4.1998, p. 1).

HAS ADOPTED THIS DECISION:

Article 1

The expiry date of the approval of spinosad for use in biocidal products of product-type 18 set out in Annex I to Directive 98/8/EC is postponed to 30 April 2025.

Article 2

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

Done at Brussels, 7 September 2022.

For the Commission
The President
Ursula VON DER LEYEN

ISSN 1977-0677 (electronic edition)
ISSN 1725-2555 (paper edition)



Publications Office
of the European Union
L-2985 Luxembourg
LUXEMBOURG

EN