

Official Journal of the European Union

L 107



English edition

Legislation

Volume 60

25 April 2017

Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Commission Delegated Regulation (EU) 2017/723 of 16 February 2017 amending Delegated Regulation (EU) No 640/2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross compliance** 1
- ★ **Commission Implementing Regulation (EU) 2017/724 of 24 April 2017 imposing a definitive anti-dumping duty on imports of certain continuous filament glass fibre products originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council** 4
- ★ **Commission Implementing Regulation (EU) 2017/725 of 24 April 2017 renewing the approval of the active substance mesotrione 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 ⁽¹⁾** 24
- Commission Implementing Regulation (EU) 2017/726 of 24 April 2017 establishing the standard import values for determining the entry price of certain fruit and vegetables 29

DECISIONS

- ★ **Commission Implementing Decision (EU) 2017/727 of 23 March 2017 on the recognition of Montenegro pursuant to Directive 2008/106/EC of the European Parliament and of the Council as regards the systems for training and certification of seafarers (notified under document C(2017) 1815) ⁽¹⁾** 31

⁽¹⁾ Text with EEA relevance.

EN

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

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

★ Commission Implementing Decision (EU) 2017/728 of 20 April 2017 amending Implementing Decision 2013/92/EU on the supervision, plant health checks and measures to be taken on wood packaging material actually in use in the transport of specified commodities originating in China (notified under document C(2017) 2429)	33
★ Commission Implementing Decision (EU) 2017/729 of 20 April 2017 on a request for derogation by the Republic of Croatia in accordance with Article 9(4) of Council Directive 98/41/EC on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community (notified under document C(2017) 2437)	35

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2017/723

of 16 February 2017

amending Delegated Regulation (EU) No 640/2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross compliance

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 ⁽¹⁾, and in particular Article 77(7) thereof,

Whereas:

- (1) In the light of the experience gained after the introduction of the payment for agricultural practices beneficial for the climate and the environment ('the greening payment') as provided for in Chapter 3 of Title III of Regulation (EU) No 1307/2013 of the European Parliament and of the Council ⁽²⁾, it is appropriate to simplify certain rules regarding the method of calculation of the greening payment laid down in Commission Delegated Regulation (EU) No 640/2014 ⁽³⁾.
- (2) Within the integrated administration and control system, the calculation of the aid to which the beneficiary is entitled is based on the concept of crop group. It appears however that that concept is not necessary in the specific context of the greening payment, since the greening payment is to be based on the total area of the holding. In the interest of simplification, the concept of crop group should therefore be abolished for the greening payment.
- (3) Articles 24 and 26 of Delegated Regulation (EU) No 640/2014 lay down the rules for the calculation of the reduction of the greening payment in case of non-compliance with the crop diversification requirements and the ecological focus area requirements, respectively. Those calculations involve a ratio of difference and a reduction factor of 50 %. For the sake of clarification without altering the level of the reductions, it is justified to reformulate those provisions and replace the ratio of difference as well as the reduction factor of 50 % by a multiplier.

⁽¹⁾ OJ L 347, 20.12.2013, p. 549.

⁽²⁾ Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 (OJ L 347, 20.12.2013, p. 608).

⁽³⁾ Commission Delegated Regulation (EU) No 640/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross compliance (OJ L 181, 20.6.2014, p. 48).

- (4) With a view to strike a better balance between the level of severity of the reductions and the need to preserve proportionate and fair reductions, it is appropriate to alleviate the reductions of the greening payment where the crop diversification obligation requires three different crops to be grown.
- (5) Delegated Regulation (EU) No 640/2014 should therefore be amended accordingly.
- (6) In order to avoid the situation where Member States would have to adapt their systems of payment calculation for claim year 2016 during the payment period, and to give predictability to beneficiaries as to which rules are applicable for the payment calculation, this Regulation should apply from 16 October 2017 in respect of claim years starting as from 1 January 2017,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment of Delegated Regulation (EU) No 640/2014

Delegated Regulation (EU) No 640/2014 is amended as follows:

- (1) Article 22 is replaced by the following:

'Article 22

General principles

For the purposes of this Section, where the same area is determined for more than one of the agricultural practices beneficial for the climate and the environment as referred to in Article 43(2) of Regulation (EU) No 1307/2013, that area shall be taken into account separately for each of those practices in view of calculating the payment for agricultural practices beneficial for the climate and the environment, hereinafter referred to as "the greening payment".;

- (2) in Article 23(2), the first subparagraph is replaced by the following:

'2. Without prejudice to the administrative penalties applicable in accordance with Article 28, if the area declared in a single application for the basic payment or the single area payment exceeds the area determined, the area determined shall be used for the calculation of the greening payment.;

- (3) Article 24 is replaced by the following:

'Article 24

Reduction of the greening payment in case of non-compliance with crop diversification

1. In respect of arable land for which the first subparagraph of Article 44(1) of Regulation (EU) No 1307/2013 requires at least two different crops while the main crop shall not cover more than 75 % of the total area of arable land, but the area determined for the main crop covers more than 75 % of the total area of arable land determined, the area to be used for the calculation of the greening payment in accordance with Article 23 of this Regulation shall be reduced by 2 times the area of the main crop in excess of the 75 % of the total area of arable land determined.

2. In respect of arable land for which the second subparagraph of Article 44(1) of Regulation (EU) No 1307/2013 requires at least three different crops while the main crop shall not cover more than 75 % of the total area of arable land, but the area determined for the main crop covers more than 75 % of the total area of arable land determined, the area to be used for the calculation of the greening payment in accordance with Article 23 of this Regulation shall be reduced by the area of the main crop in excess of the 75 % of the total area of arable land determined.

3. In respect of arable land for which the second subparagraph of Article 44(1) of Regulation (EU) No 1307/2013 requires at least three different crops while the two main crops shall not cover more than 95 % of the total area of arable land, but the area determined for the two main crops covers more than 95 % of the total area of arable land determined, the area to be used for the calculation of the greening payment in accordance with Article 23 of this Regulation shall be reduced by 5 times the area of the two main crops in excess of the 95 % of the total area of arable land determined.

4. In respect of holdings for which Article 44(2) of Regulation (EU) No 1307/2013 requires that the main crop on the remaining arable land shall not cover more than 75 % of that remaining arable land, but the area determined for the main crop on the remaining arable land determined covers more than 75 %, the area to be used for the calculation of the greening payment in accordance with Article 23 of this Regulation shall be reduced by 2 times the area of the main crop in excess of the 75 % of that remaining arable land determined.

5. Where a beneficiary has been found non-compliant with crop diversification as described in this Article for three years, the area by which the area to be used for the calculation of the greening payment is to be reduced in accordance with paragraphs 1 to 4 for the subsequent years shall be multiplied by 2.;

(4) in Article 26, paragraphs 2 and 3 are replaced by the following:

‘2. If the ecological focus area required exceeds the ecological focus area determined taking account of the weighting of ecological focus areas provided for in Article 46(3) of Regulation (EU) No 1307/2013, the area to be used for the calculation of the greening payment in accordance with Article 23 of this Regulation shall be reduced by 10 times the ecological focus area not found.

For the purposes of the first subparagraph, the ecological focus area determined shall not exceed the share of the ecological focus areas declared in the total area of arable land declared.

3. Where a beneficiary has been found non-compliant with the ecological focus area requirements as described in this Article for three years, the area by which the area to be used for the calculation of the greening payment is to be reduced in accordance with paragraph 2 for the subsequent years shall be multiplied by 2.’

Article 2

Entry into force and application

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

It shall apply from 16 October 2017 to aid applications for the greening payment and to single applications relating to claim years starting as from 1 January 2017.

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

Done at Brussels, 16 February 2017.

For the Commission

The President

Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2017/724**of 24 April 2017****imposing a definitive anti-dumping duty on imports of certain continuous filament glass fibre products originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council**

THE EUROPEAN COMMISSION,

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

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

Whereas:

1. PROCEDURE**1.1. Measures in force**

- (1) By Council Implementing Regulation (EU) No 248/2011 ⁽²⁾, the Council imposed a definitive anti-dumping duty on imports of certain continuous filament glass fibre products originating in the People's Republic of China ('the PRC'). The duty, based on the injury elimination level, ranged between 7,3 % to 13,8 %.
- (2) By Commission Implementing Regulation (EU) No 1379/2014 ⁽³⁾, following an anti-subsidy investigation and a partial interim review of the anti-dumping measures, the Commission amended the original anti-dumping duty to values ranging between 0 % to 19,9 % and imposed an additional countervailing duty ranging between 4,9 % to 10,3 %.
- (3) The resulting combined countervailing and anti-dumping measures in form of *ad valorem* duties therefore ranged between 4,9 % to 30,2 %.

1.2. Request for an expiry review

- (4) Following the publication of a notice of impending expiry of the anti-dumping measures in force, the Commission received a request for the initiation of an expiry review of these measures pursuant to Article 11(2) of the basic Regulation.
- (5) The request was lodged on 14 December 2015 by the European Glass Fibre Producers Association ('APFE') on behalf of producers representing more than 25 % of the total Union production of certain continuous filament glass fibre products.
- (6) The request is based on the grounds that the expiry of the anti-dumping measures would be likely to result in continuation of dumping and recurrence of injury to the Union industry.

1.3. Initiation of an expiry review

- (7) Having determined that sufficient evidence existed for the initiation of the review, the Commission initiated an expiry review ⁽⁴⁾ pursuant to Article 11(2) of the basic Regulation on 15 March 2016.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ OJ L 67, 15.3.2011, p. 1.

⁽³⁾ OJ L 367, 23.12.2014, p. 22.

⁽⁴⁾ OJ C 99, 15.3.2016, p. 10.

1.4. Interested parties

- (8) In the Notice of Initiation of an expiry review, the Commission invited interested parties to participate in the investigation. In addition, the Commission specifically informed APFE, other known Union producers, the known exporting producers and the authorities of the PRC, known importers, suppliers and users, traders, as well as associations known to be concerned about the initiation of the investigation and invited them to participate.
- (9) In the Notice of Initiation of an expiry review, the Commission stated that it envisaged using Turkey as a third market economy country ('analogue country') within the meaning of Article 2(7)(a) of the basic Regulation. The Commission also stated that according to the information available to it, other market economy producers may be located, inter alia, in Egypt, Malaysia and Taiwan.
- (10) The Commission sent notices to the authorities in Egypt, Japan, Malaysia, Taiwan, Turkey and the USA notifying them of the initiation of the investigation and requesting information on production and sale of certain continuous filament glass fibre products in those countries. Letters were then sent to all known producers asking for their cooperation with the review and enclosing a questionnaire.
- (11) Interested parties had an opportunity to comment on the initiation and to request a hearing with the Commission and/or the Hearing Officer in trade proceedings.

1.5. Sampling

- (12) In the Notice of Initiation, the Commission stated that it might sample the interested parties in accordance with Article 17 of the basic Regulation.

Sampling of exporting producers in the PRC

- (13) To decide whether sampling was necessary and, if so, to select a sample, the Commission asked all known exporting producers and an association in the PRC to provide the information specified in the Notice of Initiation. In addition, the Commission asked the authorities of the PRC to identify and/or contact other exporting producers, if any, that could be interested in participating in the investigation.
- (14) Five exporting producers in the PRC provided the requested information and agreed to be included in the sample. In accordance with Article 17(1) of the basic Regulation, the Commission originally proposed a sample of three exporting producers, based on the largest volume of exports which could reasonably be investigated within the time available.
- (15) In accordance with Article 17(2) of the basic Regulation, all known exporting producers concerned and the authorities of the PRC were consulted on the selection of the sample. No comments were made.
- (16) Shortly after receiving the questionnaire, the largest of the three sampled companies withdrew its cooperation. The Commission replaced it by the next largest exporting producer based on the volume of exports.

Sampling of Union producers

- (17) In the Notice of Initiation, the Commission stated that it had provisionally selected a sample of Union producers. In accordance with Article 17(1) of the basic Regulation, the Commission selected the sample on the basis of the largest sales volumes on the Union market of the like product.
- (18) This sample consisted of three company groups with manufacturing plants located in Belgium, France, Italy and Slovakia, representing around 74 % of the total sales on the Union market. The Commission invited interested parties to comment on the provisional sample. No comments were received. Therefore, the Commission concluded that the sample is representative of the Union industry.

Sampling of importers

- (19) To decide whether sampling was necessary and, if so, to select a sample, the Commission asked importers to provide the information specified in the Notice of Initiation.
- (20) Eight importers provided the requested information and agreed to be included in the sample. In accordance with Article 17(1) of the basic Regulation, the Commission selected a sample of three on the basis of the largest volume of imports into the Union. In accordance with Article 17(2) of the basic Regulation, all known importers concerned were consulted on the selection of the sample. No comments were made.

1.6. Replies to the questionnaire

- (21) The Commission sent questionnaires to the three sampled Union producers, the three sampled importers, the sampled exporting producers and known exporting producers in Egypt, Japan, Malaysia, Taiwan, Turkey and the USA.
- (22) Questionnaire replies were received from three Union producers, two importers and three producers in Japan, Malaysia and Turkey. None of the sampled Chinese exporting producers submitted a questionnaire reply.
- (23) The Commission also sent questionnaires to 64 known users and received 19 replies.

1.7. Verification visits

- (24) The Commission sought and verified all the information deemed necessary for the purpose of this investigation. Verification visits pursuant to Article 16 of the basic Regulation were carried out at the premises of the following companies:
 - (a) Union producers
 - 3B Fibreglass SPRL, Belgium;
 - European Owens Corning Fibreglass SPRL, Belgium;
 - Johns Manville Slovakia a.s., Slovakia.
 - (b) Exporting producer in the analogue country
 - Nippon Electric Glass Co., Ltd, Japan.

1.8. Review investigation period and period considered

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

2. PRODUCT CONCERNED AND LIKE PRODUCT

2.1. Product concerned

- (27) The product concerned is chopped glass fibre strands, of a length of not more than 50 mm; glass fibre rovings, excluding glass fibre rovings which are impregnated and coated and have a loss on ignition of more than 3 % (as determined by the ISO Standard 1887); and mats made of glass fibre filaments excluding mats of glass wool, currently falling within CN codes 7019 11 00, ex 7019 12 00 (TARIC codes 7019 12 00 21, 7019 12 00 22, 7019 12 00 23, 7019 12 00 25, 7019 12 00 39) and 7019 31 00, originating in the PRC.
- (28) The product concerned is the raw material most often used to reinforce thermoplastic and thermoset resins in the composites industry. The resulting composite materials (filament glass fibre reinforced materials) find its use in a large number of industries: transportation (automotive, marine, aerospace, military), electric/electronics, wind energy, building and construction, tanks/pipes, consumer goods, etc.

2.2. Like product

- (29) The investigation showed that the following products have the same basic physical chemical and technical characteristics as well as the same basic uses:
- (a) the product concerned;
 - (b) the product produced and sold on the domestic market of Japan, which served as an analogue country; and
 - (c) the product produced and sold in the Union by the Union industry.
- (30) The Commission therefore decided that those products are like products within the meaning of Article 1(4) of the basic Regulation.

3. DUMPING

3.1. Likelihood of recurrence or continuation of dumping

- (31) In accordance with Article 11(2) of the basic Regulation, the Commission examined whether dumping was currently taking place and whether dumping was likely to continue or recur upon a possible expiry of the measures in force on imports from the PRC.

3.1.1. Normal value and analogue country

- (32) According to Article 2(7)(a) of the basic Regulation, normal value was determined on the basis of the price or constructed value in a market economy third country. For this purpose the Commission had to select the analogue country.
- (33) The Commission asked known exporting producers of the like product in Egypt, Japan, Malaysia, Taiwan, Turkey and the USA to provide information by replying to the analogue country questionnaire and it received replies from three producers in Japan, Malaysia and Turkey ⁽¹⁾.
- (34) Following publication of the Notice of Initiation, APFE provided comments in support of Turkey being the analogue country.
- (35) In the original investigation in 2011, the Commission used Turkey as an analogue country for the purpose of establishing normal value in respect of the PRC. In the original investigation the Commission received only one reply from Turkey.
- (36) For the purpose of selecting the analogue country, the Commission took due account of all reliable information made available to it at the time of selection, considering elements such as, but not limited to, domestic sales, size of the market and competitive environment on the domestic market.
- (37) Domestic sales of the Japanese producer matched almost fully the product types exported by the PRC at the level of CN codes. In case of Turkey this matching was less than 50 %. Concerning matching for domestic sales of the exporting producer in Malaysia its level was so low that the Commission had to exclude Malaysia as an analogue country.
- (38) The Commission estimated the Japanese market of the like product to be approximately three times larger than the Turkish market. The Commission found the Japanese market more competitive with six known local producers, compared with only one known producer in Turkey. There were no customs duties for the like product in Japan compared with customs duties of 7 % as well as anti-dumping and countervailing duties, together in the range of 24,5 % to 35,75 % against the PRC in Turkey.
- (39) Based on the above consideration the Commission concluded that Japan is the most appropriate analogue country under Article 2(7)(a) of the basic Regulation.
- (40) The Commission did not receive further comments concerning the analogue country following the selection of Japan.

⁽¹⁾ Japan, Nippon Electric Glass Co., Ltd (Japan), Malaysia, Nippon Electric Glass (Malaysia) and CAM ELYAF SANAYİİ A.Ş. (Turkey).

- (41) The information received from the cooperating producer in the analogue country was used as a basis for the determination of the normal value for the PRC, pursuant to Article 2(7)(a) of the basic Regulation.
- (42) The normal value was established on the basis of domestic prices in the ordinary course of trade of the cooperating Japanese producer.

3.1.2. *Export price*

- (43) The Commission did not receive a reply to the questionnaire from any of the sampled exporting producers in the PRC. As a consequence of non-cooperation, pursuant to Article 18(1) of the basic Regulation, the Commission informed the exporting producers in the PRC and the authorities of the PRC that if sufficient cooperation on the part of exporting producers was not forthcoming, the Commission may base its findings on the facts available. The Commission also stressed that a finding based on facts available may be less advantageous to the parties concerned. No reaction was received. The Commission thus established the export price on Eurostat imports statistics (COMEXT) at the level of the relevant CN codes.

3.1.3. *Comparison*

- (44) Where justified by the need to ensure a fair comparison, the Commission adjusted the normal value and/or the export price for differences affecting prices and price comparability, in accordance with Article 2(10) of the basic Regulation. Adjustments in the range of 0 – 7 % were made for transport, insurance, handling, loading and ancillary costs, credit cost and packing.

3.1.4. *Dumping margin*

- (45) During the investigation the Commission established that the product control numbers requested in the Commission's questionnaire could not be linked to the TARIC codes. The Commission therefore made comparison of export price and normal value on the basis of CN codes (7019 11 00 for chopped strands, 7019 12 00 for rovings and 7019 31 00 for mats).
- (46) On this basis, the Commission found a dumping margin, expressed as a percentage of the CIF Union frontier price duty unpaid, at the level of above 70 %.

3.2. **Development of imports should measures be repealed**

- (47) As a consequence of non-cooperation, pursuant to Article 18(5) of the basic Regulation, the Commission used for its determinations information supplied in the review request and information from other independent available sources, such as published price lists, official import statistics, or information obtained from interested parties during the investigation and information obtained in the course of the previous investigations.

3.2.1. *Capacity*

- (48) In order to establish the possible development of imports in case measures are repealed, the Commission analysed information available concerning the capacities, production and consumption of glass fibres products on the domestic market in the PRC, as well as exports from the PRC. The source of information in this regard was mainly limited to information provided by APFE ⁽¹⁾. This information was based on trade statistics (import/export) and business intelligence information collected by the association's members. The Commission checked it by reference to information from other independent available sources and found no additional evidence. The information provided by APFE with regard to capacity was not contested by the interested parties.
- (49) The total production of glass fibres in the PRC during the review investigation period exceeded the domestic consumption by more than 700 thousand metric tonnes, of which around 90 % were exported to other third countries, and around 10 % to the Union. The excess capacity in the PRC during the review investigation period was estimated at around 150 thousand metric tonnes, which is equivalent to more than 15 % of the total Union consumption (see recital (68) below). Based on estimates, the excess capacity in the PRC more than doubled in 2016 to around 300 thousand tonnes or 30 % of the total Union consumption.

⁽¹⁾ Information provided by APFE in October 2016, based on the presentation 'European Market and Supply Situation'.

- (50) Despite this excess capacity and the forecasted slowdown in growth of the domestic demand in 2016, Chinese glass fibre producers continued to build capacity in the PRC and in other third countries targeting the Union market.
- (51) The excess capacities in the PRC and a comparison with the Union consumption reinforce the likelihood that imports will significantly increase should the anti-dumping measures be repealed.

3.2.2. *Prices on the Union market*

- (52) In order to establish possible development of imports in case measures are repealed, the Commission analysed attractiveness of the Union market with regard to prices.
- (53) The Commission analysed export data from the PRC at the CN code level ⁽¹⁾ during the review investigation period. Rovings were the glass fibres with the highest volume of exports from the PRC. For exports of rovings, the Union market was the second most important, after the USA. Prices, although similar worldwide, were the highest in the Union and were at the level of 1 USD per kilogram. For comparison they were at the level of 0,99 USD to the USA and as low as 0,85 USD per kilogram to Malaysia and India ⁽²⁾. Prices to the Union were the highest among the 10 most important export markets ⁽³⁾.
- (54) For chopped strands the Union market was the fifth most important for exports from the PRC. Prices in the Union were significantly higher compared with main export markets, in order of importance, the USA, Korea, Japan and India.
- (55) For mats of glass fibres the Union market was the most important and prices to the Union were the most attractive among the main export markets from the PRC. The second most important market for mats of glass fibres was the USA, with an average price level slightly higher. To the other markets, Vietnam, Indonesia, United Arab Emirates, in order of importance, this price was lower or significantly lower than to the Union.
- (56) The Commission based the above analysis on data at the customs code level (CN code level). Due to the lack of cooperation of the Chinese exporting producers the Commission did not possess data at the product control number level. Data on prices at the product control number level would have been more precise and would not have been exposed to possible inaccuracies resulting from large variations of prices within the same category of product (e.g. chopped strands of various diameters).
- (57) In spite of this limitation, the facts available show that prices to the majority of other markets were lower than prices to the Union market during the review investigation period. Given the attractive prices on the Union market, it is likely that significant quantities currently sold to other markets would be redirected to the Union market, should the anti-dumping measures be repealed. As indicated in recital (49) above, more than 600 thousand tonnes were exported to other markets, and could therefore at least partially be redirected to the Union market.
- (58) The attractiveness of the Union market is also confirmed by Chinese exporters' investments in third countries, in particular in Egypt. The estimated capacity of furnaces installed in Egypt was 80 thousand metric tonnes in the review investigation period. It is estimated to reach 160 thousand metric tonnes by the end of 2017 and 200 thousand metric tonnes by 2019 ⁽⁴⁾.
- (59) The level of prices on the Union market and its importance for exports from the PRC allow the Commission to conclude that the Union market is attractive for glass fibre producers in the PRC. There is high likelihood that imports will significantly increase should the anti-dumping measures be repealed.

⁽¹⁾ Information on prices based on customs statistics.

⁽²⁾ Volumes exported from the PRC during the RIP in metric tonnes were around 111 thousand to the USA, 78 thousand to the Union, 16 thousand to Malaysia and 14 thousand to India.

⁽³⁾ In order of importance: USA, EU, Saudi Arabia, South Korea, United Arab Emirates, Canada, Thailand, Japan, Malaysia and India.

⁽⁴⁾ Information provided by APFE in October 2016, based on the presentation 'European Market and Supply Situation'.

3.2.3. Other considerations

- (60) The Commission's proceedings in the anti-subsidy investigation in 2014 confirmed a number of incentives made available to the glass fibre industry in the PRC, which indicates that the PRC is willing to support the glass fibre industry's expansion and its worldwide presence. An increase of exports to the Union market should therefore be expected, should the anti-dumping measures be repealed.
- (61) In September 2016 India extended its anti-dumping duties on imports of glass fibre from the PRC. Turkey extended the anti-dumping duties on these imports in November 2016. The existence of anti-dumping duties in other markets reduces their attractiveness for Chinese exporters.
- (62) With regard to the Chinese pricing behaviour, the Commission considers the existence of anti-dumping measures in other third countries to be an additional indication of dumping practices by the Chinese exporting producers.

3.2.4. Conclusion on the likelihood of continuation of dumping

- (63) Based on the above, the Commission expects that Chinese dumped exports would resume in larger volumes and exercise increased price pressure on the Union market should the current measures be repealed.

4. INJURY

4.1. Definition of the Union industry and Union production

- (64) The like product was manufactured by seven producers in the Union during the review investigation period. They constitute the 'Union industry' within the meaning of Article 4(1) of the basic Regulation.
- (65) The Commission established the total Union production during the review investigation period at around 652 thousand tonnes based on information concerning the Union industry provided by APFE.
- (66) As indicated in recital (18), the Commission sampled manufacturing plants of three Union producers, representing 74 % of the total sales of the like product on the Union market and 68 % of the total production in the Union.

4.2. Union consumption

- (67) The Commission established the Union consumption on the basis of (i) the volume of sales of the Union industry on the Union market based on data provided by APFE and (ii) imports from third countries based on data extracted from Eurostat (COMEXT).
- (68) Union consumption developed as follows:

Table 1

Union consumption (metric tonnes)

	2012	2013	2014	2015 (RIP)
Total Union consumption	750 645	813 760	897 396	960 818
Index (2012 = 100)	100	108	120	128

Source: Data provided by APFE; Eurostat (COMEXT).

- (69) The Union consumption developed strongly during the period considered. This growth marks a return to the level of activity preceding the financial crisis. The growth was fuelled by the robust development of the thermo-plastic industry and substantially increasing demand for lightweight durable materials.

4.3. Imports from the country concerned

4.3.1. Volume and market share of imports from the country concerned

- (70) Imports into the Union from the PRC developed as follows:

Table 2

Import volume (metric tonnes), market share

	2012	2013	2014	2015 (RIP)
Volume of imports from the PRC	101 953	121 634	148 796	77 669
<i>Index (2012 = 100)</i>	100	119	146	76
Market share (%)	14	15	17	8
<i>Index (2012 = 100)</i>	100	107	121	57

Source: Eurostat (COMEXT).

- (71) The import volume growth between 2012 and 2014 demonstrate the limited impact of the original anti-dumping duty imposed in 2011. The increase of the level of measures in 2014 reversed this trend, together with the appreciation of the USD. The exporting producers in the PRC quote their prices in USD and its appreciation made the imports less attractive for the Union importers.

4.3.2. Prices of imports from the country concerned and price undercutting

- (72) The Commission established the prices of imports on the basis of the Eurostat statistics.
- (73) The average price of imports into the Union from the country concerned developed as follows:

Table 3

Import prices from the PRC (EUR/tonne)

	2012	2013	2014	2015 (RIP)
Import prices (EUR/tonne)	912	821	874	1 146
<i>Index (2012 = 100)</i>	100	90	96	126

Source: Eurostat (COMEXT).

- (74) The average price of the product concerned declined by 4 % between 2012 and 2014, but then marked a 31 % increase in the review investigation period.
- (75) The Commission determined the price undercutting during the review investigation period by comparing:
- (76) the weighted average sales prices per product type of the sampled Union producers charged to unrelated customers on the Union market, adjusted to an ex-works level; and
- (77) Eurostat based import statistics per CN code established on a cost, insurance, freight ('CIF') basis, with appropriate adjustments for customs duties and post-importation costs.
- (78) The result of the comparison was expressed as a percentage of the Union industry's hypothetical turnover during the review investigation period.

- (79) Despite the increase of the average price of Chinese imports in 2015, the level of undercutting thus established was 15 %.

4.4. Imports from other third countries

4.4.1. Volume and market share of imports from other third countries

- (80) Import volumes into the Union from other third countries developed as follows:

Table 4

Import volume (metric tonnes), market share — other countries

	2012	2013	2014	2015 (RIP)
Import volume Malaysia	60 571	64 188	53 398	68 774
<i>Index (2012 = 100)</i>	100	106	88	114
Market share Malaysia (%)	8	8	6	7
<i>Index</i>	100	98	74	89
Import volume Egypt	0	0	12 835	45 516
<i>Index</i>	n/a	n/a	n/a	n/a
Market share Egypt (%)	0	0	1	5
<i>Index</i>	n/a	n/a	n/a	n/a
Import volume Norway	33 260	35 255	35 496	41 619
<i>Index</i>	100	106	107	125
Market share Norway (%)	4	4	4	4
<i>Index</i>	100	98	89	98
Import volume Turkey	20 940	17 619	19 252	19 703
<i>Index</i>	100	84	92	94
Market share Turkey (%)	3	2	2	2
<i>Index</i>	100	78	77	74
Import volume other countries	46 148	47 624	59 493	73 795
<i>Index</i>	100	103	129	160
Market share other countries (%)	6	6	7	8
<i>Index</i>	100	95	108	125

Source: Eurostat (COMEXT).

- (81) The main other sources of supply to the Union were Malaysia, Egypt, Norway and Turkey.
- (82) The market share of the other third countries increased from 21 % to 26 % during the period considered.

- (83) The most significant was the increase of imports from Egypt. There were no imports in the first years of the period considered, but in 2015 imports from Egypt, where one large PRC based producer continues to significantly invest, reached 5 % of market share.

4.4.2. Import prices of imports from other third countries

- (84) The prices of imports from the other third countries developed as follows:

Table 5

Import prices (EUR/tonne)

	2012	2013	2014	2015 (RIP)
Import price Malaysia	999	946	918	941
<i>Index (2012 = 100)</i>	100	95	92	94
Import price Egypt	—	—	823	997
<i>Index</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>
Import price Norway	912	821	874	1 146
<i>Index</i>	100	90	96	126
Import price Turkey	912	821	874	1 146
<i>Index</i>	100	90	96	126
Import price other countries	874	827	1 206	1 310
<i>Index</i>	100	95	138	150

Source: Eurostat (COMEXT).

- (85) Based on CN code comparison, until the review investigation period, the import prices from Malaysia were above the import prices from the PRC. In the review investigation period, Malaysian prices, unlike the import prices from other countries, slightly decreased.
- (86) Since the Norwegian producer is related to one Union producer, the prices from Norway are to a significant extent transfer prices between related parties and thus the Commission considered them not reliable for a meaningful comparison.
- (87) Average statistical prices are not indicative of actual prices since there are significant price differences between different product types and the product types mix is not known. Therefore, no conclusion can be reached with regard to import prices from other third countries.

4.5. Economic situation of the Union industry

4.5.1. General remarks

- (88) In accordance with Article 3(5) of the basic Regulation, the examination of the impact of the dumped imports on the Union industry included an evaluation of all economic indicators having a bearing on the state of the Union industry during the period considered. As mentioned in recital (18), sampling was used for the determination of possible injury suffered by the Union industry.
- (89) For the injury determination, the Commission distinguished between macroeconomic and microeconomic injury indicators.

- (90) The Commission evaluated the macroeconomic indicators on the basis of data provided in the complaint and in the review request as well as in subsequent submissions, cross-checked, where possible with statistics. The data related to all Union producers.
- (91) The Commission evaluated the microeconomic indicators on the basis of data contained in the questionnaire replies from the sampled Union producers.
- (92) Data used for calculating the indicators were found to be representative of the economic situation of the Union industry.
- (93) The macroeconomic indicators are: production, production capacity, capacity utilisation, sales volume, market share, growth, employment, productivity, magnitude of the dumping margin, and recovery from past dumping.
- (94) The microeconomic indicators are: average unit prices, unit cost, labour costs, inventories, profitability, cash flow, investments, return on investments, and ability to raise capital.

4.5.2. Macroeconomic indicators

4.5.2.1. Production, production capacity and capacity utilisation

- (95) The total Union production, production capacity and capacity utilisation developed over the period considered as follows:

Table 6

Production, production capacity and capacity utilisation

	2012	2013	2014	2015 (RIP)
Production in tonnes	536 878	584 197	616 382	652 857
<i>Index</i>	100	109	115	122
Production Capacity in tonnes	645 229	690 737	698 182	725 960
<i>Index</i>	100	107	108	113
Capacity Utilisation (%)	83	85	88	90
<i>Index</i>	100	102	106	108

Source: Questionnaire replies, APFE.

- (96) The year 2012 was characterised by a low production volume, a low level of capacity and a low capacity utilisation rate. In the following years the production gradually increased, positively reacting to the increasing demand. There were also less furnace rebuilds in the period following 2012. All this factors considered together contributed positively to the favourable development of both capacity and capacity utilisation.

4.5.2.2. Sales volume, market share, growth

- (97) The Union industry's sales volume and market share developed over the period considered as follows:

Table 7

Sales volume and market share (metric tonnes)

	2012	2013	2014	2015 (RIP)
Sales volume on the Union market	487 774	527 441	568 126	633 743
<i>Index</i>	100	108	116	130

	2012	2013	2014	2015 (RIP)
Market share (%)	65	65	63	66
<i>Index</i>	100	100	97	102

Source: Questionnaire replies, APFE.

- (98) Starting at the lows of 2012, the increasing demand gradually drove the sales volumes up, reaching a 30 % increase in 2015 compared to 2012.
- (99) However, until 2014, the increase in the Union industry sales was slower than the development of the Union consumption due to the presence of Chinese imports at undercutting prices. The market share of the Union industry declined from 65 % to 63 % between 2012 and 2014, and increased to 66 % in the review investigation period, after the increase of measures in 2014.

4.5.2.3. Employment and productivity

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

Table 8

Employment and productivity

	2012	2013	2014	2015 (RIP)
Number of employees	3 580	3 456	3 366	3 404
<i>Index</i>	100	97	94	95
Productivity (tonne/employee)	150	169	183	192
<i>Index</i>	100	113	122	128

Source: Questionnaire replies, APFE.

- (101) Employment decreased by 5 % between 2012 and 2015, despite a positive development during the review investigation period. The restructuring of the industry, its efforts to innovate and optimise its production processes as well as the increased capacity utilisation led to a significant improvement of productivity during the period considered.

4.5.2.4. Magnitude of the dumping margin and recovery from past dumping

- (102) This investigation established a dumping margin of more than 70 %. The impact of the magnitude of the actual margins of dumping on the Union industry was mitigated since the increase of measures in 2014. The Union industry started to fully benefit from those in 2015.
- (103) The combined measures in place helped to the decrease of the Chinese imports and enabled the Union industry to maintain its market share. However, prices of the Union industry remained low and on average below their 2012 levels.
- (104) It can therefore be concluded that the Union industry was able to benefit from the measures in force and started to recover from the injury caused by the past dumping of Chinese exporting producers.

4.5.3. Microeconomic indicators

4.5.3.1. Prices and factors affecting prices

- (105) The average unit sales prices of the sampled Union producers to unrelated customers in the Union developed over the period considered as follows:

Table 9

Sales prices to unrelated customers in the Union

	2012	2013	2014	2015 (RIP)
Average ex works unit sales price to unrelated customers in the Union (EUR/tonne)	1 107	1 064	1 059	1 079
<i>Index</i>	100	96	96	97

Source: Data of the sampled Union producers.

- (106) The average sales prices haven't changed significantly since 2012, though recording a slight decrease of 3 % in 2015 compared to 2012.

4.5.3.2. Average unit production costs

- (107) The unit cost of production developed over the period considered as follows:

Table 10

The unit cost of production

	2012	2013	2014	2015 (RIP)
Unit cost of production (EUR/tonnes)	1 188	1 082	1 055	1 005
<i>Index</i>	100	91	89	85

Source: Data of the sampled Union producers.

- (108) The unit cost of production decreased over the period considered. This trend can be explained by the increasing capacity utilisation, which contributes to the decreasing unit production costs in this capital intensive industry. The Union industry also benefited from low prices of raw materials and energy.

4.5.3.3. Labour costs

- (109) The average labour costs of the sampled Union producers developed over the period considered as follows:

Table 11

Average labour costs per employee

	2012	2013	2014	2015 (RIP)
Average labour costs per employee (EUR)	52 316	53 849	57 443	59 099
<i>Index</i>	100	103	110	113

Source: Data of the sampled Union producers.

- (110) The slightly increasing salaries and redundancies of lower-paid workers resulting from the efficiency project of one of the sampled producers caused an increase of the average labour costs per employee figure.

4.5.3.4. Inventories

- (111) Stock levels of the sampled Union producers developed over the period considered as follows:

Table 12

Inventories (metric tonnes)

	2012	2013	2014	2015 (RIP)
Closing stocks	111 626	119 813	105 740	92 914
<i>Index</i>	100	107	95	83

Source: Data of the sampled Union producers.

- (112) The closing stock first slightly increased in 2013 and then continued to further decrease over the period considered, driven by the increasing demand.
- (113) The increase of level of measures in 2014 played a role in the decrease towards the end of the period considered.

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

- (114) Profitability, cash flow, investments and return on investments of the sampled Union producers developed over the period considered as follows:

Table 13

Profitability

	2012	2013	2014	2015 (RIP)
Profitability of sales in the Union to unrelated customers (% of sales turnover)	– 13,7	– 3,3	0,4	8,6
<i>Index</i>	– 100	– 24	3	63
Cash flow (EUR '000)	– 25 623	– 17 008	635	47 361
<i>Index</i>	– 100	– 66	2	185
Investments (EUR '000)	39 573	34 088	41 500	49 664
<i>Index</i>	100	86	105	126
Return on investments (%)	– 10	– 3	0	8
<i>Index</i>	– 100	– 27	4	82

Source: Data of the sampled Union producers.

- (115) The Commission established the profitability of the sampled Union producers by expressing the pre-tax net profit of the sales of the like product to unrelated customers in the Union as a percentage of the turnover of those sales. During the period considered, the profitability of the sampled Union producers started to improve gradually, and turned positive during the review investigation period.

- (116) The net cash flow is the ability of the Union producers to self-finance their activities. The Union producers faced negative cash flows in 2012 and 2013. The situation gradually improved over the period considered and the Union producers earned positive cash flows as of 2014.
- (117) The investments made by the sampled Union producers followed an increasing trend over the period considered. The increase was more significant towards 2015. The investments were to a great extent driven by furnace rebuilds.
- (118) The return on investments is the profit in percentage of the net book value of investments. The return on investment developed in line with the profitability. The restoration of the return on investment is a consequence of the improved economic situation of the Union industry at the end of the period considered.
- (119) The poor financial performance of the Union industry between 2012 and 2014 limited its ability to raise capital. The Union industry requires significant and long term investments to be able to rebuild furnaces at regular interval of time and continue its operation.

4.5.4. Conclusion on the situation of the Union industry

- (120) The year 2012 was characterised by a low level of demand, a low level of capacity due to furnace rebuilds, a low capacity utilisation rate, high stock levels, restructuring measures and depressed prices resulting from prior dumping, altogether resulting in massive losses and a cash outflow for the sampled companies.
- (121) Subsequently, between 2012 and 2014, the strong development of demand drove the development of sales, which translated into increased production output and lower stock levels. Capacity and capacity utilisation increased. The better absorption of fixed costs, the improvement in productivity and the deflation of some important inputs enabled a substantial reduction of costs of production for the sampled companies.
- (122) Nevertheless, the initial anti-dumping measures imposed in 2011 did not fully offset the undercutting of the Chinese imports which increased by 46 % between 2012 and 2014. This situation undermined the recovery of the Union industry.
- (123) In order to maintain its market share, the Union industry had to endure a continued erosion of prices and could barely break-even in 2014.
- (124) Following the increase of measures in 2014, the market share and prices of the Union industry reversed and took an upward trend. Unit costs of production diminished further due to increased production volumes enabling the Union industry to reach a 8,6 % profit in the review investigation period. All performance indicators turned positive, including job creations.
- (125) As established by the 2014 investigation, the Union industry continued to suffer material injury through September 2013. The injurious effect of dumped and subsidised imports continued in 2014. Only after the increase of measures did the Union Industry return to profitability and jobs creation.
- (126) On the basis of the above, the Commission concluded that the Union industry, following the increase of measures in 2014 partially recovered from the injury caused by the past dumping and did not suffer material injury in the review investigation period within the meaning of Article 3(5) of the basic Regulation.

4.6. Likelihood of a recurrence of injury

- (127) As mentioned in recital (49), the estimated unused capacities of the producers in the PRC represented a significant amount of the total Union consumption during the review investigation period. In 2016 the unused capacities doubled compared to 2015. Due to this increasing trend and a high attractiveness of the Union market as concluded in recital (59), it is likely that the import levels from the PRC would resume in significant volumes should the measures be repealed.

- (128) As established in recital (75), Chinese imports continued to significantly undercut the Union industry's prices during the review investigation period despite an adverse evolution of the EUR/USD exchange rate.
- (129) The recovery of glass fibre prices has been limited. Prices of the Union industry remain below their 2012 levels and the effect of increase of level of measures in 2014 has been subdued by the growing pressure of imports from Egypt. Having reached its pre-financial crisis levels, the growth of Union consumption is expected to gradually decelerate.
- (130) The production of glass fibres is a highly capital intensive industry. In the period considered, the sampled producers have invested EUR 165 million in their production capacities. In the same period, their operating cash flow reached only EUR 5 million. For these reasons, repealing the measures would create a level of risk and financial strain further undermining the economic rationale behind these long term investments. The Union industry would be forced to shut down their furnaces. This would jeopardise its existence. Furthermore, high proportion of fixed costs in this industry makes it very sensitive to fluctuation of production volumes. This means that a relatively small decline in production would generate high losses. The recent improvement of the Union industry relates largely to a better absorption of fixed costs due to increased capacity utilisation, which was possible mainly because of the measures in place, in particularly after 2014.
- (131) In addition, the performance of the Union industry over the period considered was also positively influenced by external factors such as energy and raw material prices, which were relatively low. From the long term perspective, it is unlikely that the prices of those inputs would stay at that low level. Increase of those inputs would have an additional negative impact on the profitability of the Union industry.
- (132) The situation of the Union industry, although it improved in 2015, remains therefore vulnerable and is characterised by a persistence of depressed prices, volatile costs of production and high capital requirements. In this context, large quantities of dumped Chinese imports at undercutting prices would likely cause deterioration of Union industry's financial performance.
- (133) On this basis, should the anti-dumping measures be repealed and countervailing duty remains at a level which already proved ineffective to restrict the arrival of large quantities of imports at undercutting prices, the Commission concluded that there is a likelihood of recurrence of injury.

5. UNION INTEREST

- (134) In accordance with Article 21 of the basic Regulation, the Commission examined whether it could clearly conclude that it was not in the Union interest to maintain the existing anti-dumping measures in this case, despite the determination of the likelihood of a recurrence of injurious dumping. The determination of the Union interest was based on an appreciation of all the various interests involved, including those of the Union industry, importers and users.

5.1. Interest of the Union industry

- (135) There was a very high degree of cooperation of the Union producers in this investigation.
- (136) The Union industry has shown that their operations are viable when not subject to unfair competition by dumped and subsidised imports and the measures in force have allowed the industry to partially recover from the past injury.
- (137) At the same time, removal of the measures would very likely lead to an increased unfair competition by dumped Chinese imports, threatening the continued operation of the Union producers.
- (138) It is therefore concluded that it is in the interest of the Union industry to maintain the measures in force.

5.2. Interest of unrelated importers

- (139) As stated in recital (20) above, eight unrelated importers replied to the sampling form. The three largest importers were sampled and two of them cooperated. They represented 5 % of Chinese imports during the review investigation period. None of the importers who registered as interested parties in this investigation expressed its position, whether in favour or against the measures under review.
- (140) Importers and traders have access to a large number of supply sources inside and outside the Union. In addition the product concerned is to a high extent standardised and its supply sources can be changed efficiently.
- (141) Based on the above, the Commission concludes that the extension of the anti-dumping duty would have a limited impact on the situation of the importers.

5.3. Interest of users

- (142) The product under investigation is used for a large number of applications such as the transportation (automotive, marine, aerospace, military), electric/electronics, wind energy, building and construction, tanks/pipes, consumer goods. Cooperation was obtained from a large variety of users.
- (143) 19 out of 64 users that registered themselves as interested parties responded to the Commission's questionnaire. They represent approximately 10 % of the total Union consumption.
- (144) 14 companies were against the extension of the measures, three companies took position in favour of maintaining the measures, and two abstained. One user association expressed its opposition to the measures.
- (145) Several users have claimed that measures in force make downstream products uncompetitive compared to the same products produced in Asia. They also claimed that they were not able to absorb the corresponding cost increase or to pass it on to their customers.
- (146) Following the increase of measures in 2014, the Commission increased the level of duties imposed on the product concerned to approximately twice the level of the initial anti-dumping duty. The Commission had assessed that the impact of such increase would not exceed one percentage point of profitability for the user industries, although it recognized that some industry sectors were more exposed than others.
- (147) This was confirmed in the current investigation. The data supplied by the cooperating users indeed indicate that the cost of glass fibre, irrespective of its origin, increased between 2014 and 2015 by an amount representing 0,5 % of their turnover. Meanwhile, the turnover, profits and jobs linked to the product concerned increased. Only two companies reported a decline of turnover and employment and four companies a decline of profits.
- (148) Some users also claimed that the Union industry does not have enough production capacity to satisfy the Union demand, is not increasing capacities and is not competitive because it has older equipment and higher energy and labour costs.
- (149) The investigation showed that these claims are not justified. As described in previous recitals, the Union industry made significant investments, improved its productivity and increased its production capacities despite a prolonged period of losses which ended in 2014, following the increase of measures in 2014. Further expansion of capacities requires long-term capital commitments which themselves are dependent on maintaining a level playing field where competitive producers can expect an adequate return on investments.

- (150) Furthermore, despite the increase of measures between 2014 and 2015, the Union consumption continued to develop at the same pace as in previous years. Indeed, alternative sources of supply exist outside of the PRC, such as in Bahrain, Egypt, Japan, Malaysia and the US. During the period considered, imports from the PRC almost never exceeded half of total imports from third countries and their market share culminated at 17 % of the total Union consumption in 2014. In any event, the purpose of the anti-dumping and anti-subsidy duties is not to stop Chinese imports into the Union, but to ensure that such imports compete on fair terms with other sources of supply.
- (151) Based on the above, the Commission concluded that the extension of the anti-dumping duty would have a limited impact on the situation of users.

5.4. Conclusion on Union interest

- (152) The repeal of the measures would have a material and negative impact on the Union producers.
- (153) The extension of the anti-dumping duty would have a limited impact on the importers, who remained neutral.
- (154) Although operations of certain users are exposed to the cost increase of the product concerned and the like product, the investigation confirmed that the measures had a limited impact on the overall performance of the user industries.
- (155) The Commission concludes that on balance, no compelling reasons existed against the continuation of the current anti-dumping measures on imports of the product concerned from the PRC.

6. CONCLUSION AND DISCLOSURE

- (156) All interested parties were informed of the essential facts and considerations on the basis of which it was intended to maintain the anti-dumping measures in force. They were also granted a period within which they could submit comments subsequent to this disclosure. Only one interested party, the complainant, came forward following the disclosure and expressed its agreement with the Commission's findings and proposal to maintain the anti-dumping measures in force.
- (157) It follows from the above considerations that under Article 11(2) of the basic Regulation, the anti-dumping measures applicable to imports of certain continuous filament glass fibres originating in the PRC, imposed by Implementing Regulation (EU) No 248/2011, as last amended by Implementing Regulation (EU) No 1379/2014, should be maintained.
- (158) The Committee established by Article 15(1) of the basic Regulation (EU) 2016/1036 did not deliver an opinion,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of chopped glass fibre strands, of a length of not more than 50 mm; glass fibre rovings, excluding glass fibre rovings which are impregnated and coated and have a loss on ignition of more than 3 % (as determined by the ISO Standard 1887); and mats made of glass fibre filaments excluding mats of glass wool, currently falling within CN codes 7019 11 00, ex 7019 12 00 (TARIC codes 7019 12 00 21, 7019 12 00 22, 7019 12 00 23, 7019 12 00 25, 7019 12 00 39) and 7019 31 00 and originating in the People's Republic of China.

2. The rates of the definitive anti-dumping duty applicable to the net, free-at-Union-frontier price, before duty, of the product described in paragraph 1 and produced by the companies listed below shall be as follows:

Company	Definitive anti-dumping duty (%)	TARIC additional code
Jushi Group Co., Ltd; Jushi Group Chengdu Co., Ltd; Jushi Group Jiujiang Co., Ltd	14,5	B990
Changzhou New Changhai Fiberglass Co., Ltd; Jiangsu Changhai Composite Materials Holding Co., Ltd; Changzhou Tianma Group Co., Ltd	0	A983
Chongqing Polycomp International Corporation	19,9	B991
Other cooperating companies listed in Annex I	15,9	
All other companies	19,9	A999

3. The application of the individual anti-dumping duty rates specified for the companies mentioned in paragraph 2 shall be conditional upon presentation to the customs authorities of the Member States of a valid commercial invoice, which shall conform to the requirements set out in Annex II. If no such invoice is presented, the duty applicable to 'All other companies' shall apply.

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

Article 2

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

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

Done at Brussels, 24 April 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

Cooperating exporting producers not included in the sample:

Name	TARIC additional code
Taishan Fiberglass Inc.;	B992
PPG Sinoma Jinjing Fiber Glass Company Ltd	
Xingtai Jinniu Fiberglass Co., Ltd	B993
Weiyuan Huayuan Composite Material Co., Ltd	B994
Changshu Dongyu Insulated Compound Materials Co., Ltd	B995
Glasstex Fiberglass Materials Corp.	B996

ANNEX II

A declaration signed by an official of the entity issuing the commercial voice, in the following format, must appear on the valid commercial invoice referred to in Article 1(3):

1. The name and function of the official of the entity issuing the commercial invoice.
2. The following declaration: 'I, the undersigned, certify that the (volume) of filament glass fibre products sold for export to the European Union covered by this invoice was manufactured by (company name and address) (TARIC additional code) in the PRC. I declare that the information provided in this invoice is complete and correct'.
3. Date and signature.

COMMISSION IMPLEMENTING REGULATION (EU) 2017/725**of 24 April 2017****renewing the approval of the active substance mesotrione 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****(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 20(1) thereof,

Whereas:

- (1) Commission Directive 2003/68/EC ⁽²⁾ included mesotrione as an active substance in Annex I to Council Directive 91/414/EEC ⁽³⁾.
- (2) Active substances included in Annex I to Directive 91/414/EEC are deemed to have been approved under Regulation (EC) No 1107/2009 and are listed in Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽⁴⁾.
- (3) The approval of the active substance mesotrione, as set out in Part A of the Annex to Implementing Regulation (EU) No 540/2011, expires on 31 July 2017.
- (4) An application for the renewal of the approval of mesotrione was submitted in accordance with Article 1 of Commission Implementing Regulation (EU) No 844/2012 ⁽⁵⁾ within the time period provided for in that Article.
- (5) The applicant submitted the supplementary dossiers required in accordance with Article 6 of Implementing Regulation (EU) No 844/2012. The application was found to be complete by the rapporteur Member State.
- (6) The rapporteur Member State prepared a renewal assessment report in consultation with the co-rapporteur Member State and submitted it to the European Food Safety Authority ('the Authority') and the Commission on 23 February 2015.
- (7) The Authority communicated the renewal assessment report to the applicant and to the Member States for comments and forwarded the comments received to the Commission. The Authority also made the supplementary summary dossier available to the public.
- (8) On 7 March 2016 ⁽⁶⁾ the Authority communicated to the Commission its conclusion on whether mesotrione can be expected to meet the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009. The Commission presented the draft renewal report for mesotrione to the Standing Committee on Plants, Animals, Food and Feed on 6 December 2016.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ Commission Directive 2003/68/EC of 11 July 2003 amending Council Directive 91/414/EEC to include trifloxystrobin, carfentrazone-ethyl, mesotrione, fenamidone and isoxaflutole as active substances (OJ L 177, 16.7.2003, p. 12).

⁽³⁾ Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ L 230, 19.8.1991, p. 1).

⁽⁴⁾ 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).

⁽⁵⁾ 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).

⁽⁶⁾ EFSA (European Food Safety Authority), 2016. Conclusion on the peer review of the pesticide risk assessment of the active substance mesotrione. *EFSA Journal* 2016;14(3):4419, 103 pp. doi:10.2903/j.efsa.2016.4419; Available online: www.efsa.europa.eu

- (9) It has been established with respect to one or more representative uses of at least one plant protection product containing mesotrione that the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009 are satisfied. It is therefore appropriate to renew the approval of mesotrione.
- (10) The risk assessment for the renewal of the approval of mesotrione is based on a limited number of representative uses, which however do not restrict the uses for which plant protection products containing mesotrione may be authorised. It is therefore appropriate not to maintain the restriction for use only as herbicide.
- (11) In accordance with Article 14(1) of Regulation (EC) No 1107/2009 in conjunction with Article 6 thereof and in the light of current scientific and technical knowledge, it is, however, necessary to include certain conditions and restrictions. It is, in particular, appropriate to require further confirmatory information.
- (12) In accordance with Article 20(3) of Regulation (EC) No 1107/2009, in conjunction with Article 13(4) thereof, the Annex to Implementing Regulation (EU) No 540/2011 should be amended accordingly.
- (13) Commission Implementing Regulation (EU) 2016/950 ⁽¹⁾ extended the approval period of mesotrione to 31 July 2017 in order to allow the renewal process to be completed before the expiry date of the approval of that substance. However, given that a decision on renewal has been taken ahead of this extended expiry date, this Regulation shall apply from 1 June 2017.
- (14) 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

Renewal of the approval of active substance

The approval of the active substance mesotrione, as specified in Annex I, is renewed subject to the conditions laid down in that Annex.

Article 2

Amendments to Implementing Regulation (EU) No 540/2011

The Annex to Implementing Regulation (EU) No 540/2011 is amended in accordance with Annex II to this Regulation.

Article 3

Entry into force and date of application

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

It shall apply from 1 June 2017.

⁽¹⁾ Commission Implementing Regulation (EU) 2016/950 of 15 June 2016 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances 2,4 DB, beta-cyfluthrin, carfentrazone ethyl, *Coniothyrium minitans* Strain CON/M/91-08 (DSM 9660), cyazofamid, deltamethrin, dimethenamid-P, ethofumesate, fenamidone, flufenacet, flurtamone, foramsulfuron, fosthiazate, imazamox, iodosulfuron, iprodione, isoxaflutole, linuron, maleic hydrazide, mesotrione, oxasulfuron, pendimethalin, picoxystrobin, silthiofam and trifloxystrobin (OJ L 159, 16.6.2016, p. 3).

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

Done at Brussels, 24 April 2017.

For the Commission

The President

Jean-Claude JUNKER

ANNEX I

Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Date of approval	Expiration of approval	Specific provisions
Mesotrione CAS No 104206-82-8 CIPAC No 625	Mesotrione 2-(4-mesyl-2-nitro- benzoyl) cyclohex- ane -1,3-dione	≥ 920 g/kg R287431 max 2 mg/kg R287432 max 2 g/kg 1,2-dichloroethane max 1 g/kg	1 June 2017	31 May 2032	For the implementation of the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the renewal report on mesotrione, and in particular Appendices I and II thereof, shall be taken into account. In this overall assessment Member States shall pay particular attention to: — the protection of operators, — the protection of groundwater in vulnerable regions, — the protection of mammals, aquatic and non-target plants. Conditions of use shall include risk mitigation measures, where appropriate. The applicant shall submit confirmatory information as regards: 1. the genotoxic profile of the metabolite AMBA; 2. the potential endocrine disrupting mode of action of the active substance in particular level 2 and 3 tests, currently indicated in the OECD Conceptual framework (OECD 2012) and analysed in the EFSA Scientific opinion on the hazard assessment of endocrine disruptors; 3. the effect of water treatment processes on the nature of residues present in surface and groundwater, when surface water or groundwater are abstracted for drinking water. The applicant shall submit to the Commission, the Member States and the Authority the relevant information requested under point 1 by 1 July 2017 and the relevant information requested under point 2 by 31 December 2017. The applicant shall submit to the Commission, the Member States and the Authority the confirmatory information requested under point 3 within a period of two years after a guidance document on evaluation of the effect of water treatment processes on the nature of residues present in surface and groundwater be made public by the Commission.

⁽¹⁾ Further details on identity and specification of active substance are provided in the review report.

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

(1) in Part A, the entry 61 on Mesotrione is deleted;

(2) in Part B, the following entry is added:

'112	Mesotrione CAS No 104206-82-8 CIPAC No 625	Mesotrione 2-(4-mesy1-2-nitro- benzoyl) cyclohex- ane -1,3-dione	≥ 920 g/kg R287431 max 2 mg/kg R287432 max 2 g/kg 1,2-dichloroethane max 1 g/kg	1 June 2017	31 May 2032	For the implementation of the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the renewal report on mesotrione, and in particular Appendices I and II thereof, shall be taken into account. In this overall assessment Member States shall pay particular attention to: — the protection of operators, — the protection of groundwater in vulnerable regions, — the protection of mammals, aquatic and non-target plants. Conditions of use shall include risk mitigation measures, where appropriate. The applicant shall submit confirmatory information as regards: 1. the genotoxic profile of the metabolite AMBA; 2. the potential endocrine disrupting mode of action of the active substance in particular level 2 and 3 tests, currently indicated in the OECD Conceptual framework (OECD 2012) and analysed in the EFSA Scientific opinion on the hazard assessment of endocrine disruptors; 3. the effect of water treatment processes on the nature of residues present in surface and groundwater, when surface water or groundwater are abstracted for drinking water. The applicant shall submit to the Commission, the Member States and the Authority the relevant information requested under point 1 by 1 July 2017 and the relevant information requested under point 2 by 31 December 2017. The applicant shall submit to the Commission, the Member States and the Authority the confirmatory information requested under point 3 within a period of two years after a guidance document on evaluation of the effect of water treatment processes on the nature of residues present in surface and groundwater being made public by the Commission.'
------	--	---	---	-------------	-------------	---

COMMISSION IMPLEMENTING REGULATION (EU) 2017/726**of 24 April 2017****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.
- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 24 April 2017.

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

Jerzy PLEWA

Director-General

Directorate-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	EG	325,6
	MA	101,7
	TR	127,7
	ZZ	185,0
0707 00 05	MA	79,4
	TR	156,1
	ZZ	117,8
0709 93 10	MA	78,6
	TR	140,8
	ZZ	109,7
0805 10 22, 0805 10 24, 0805 10 28	EG	52,4
	IL	130,6
	MA	68,9
	TR	71,4
	ZZ	80,8
0805 50 10	AR	68,9
	TR	67,2
	ZZ	68,1
0808 10 80	AR	88,6
	BR	124,2
	CL	127,8
	CN	147,6
	NZ	152,4
	US	116,7
	ZA	86,9
	ZZ	120,6
0808 30 90	AR	175,5
	CL	133,5
	CN	113,2
	ZA	123,8
	ZZ	136,5

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). Code 'ZZ' stands for 'of other origin'.

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2017/727

of 23 March 2017

on the recognition of Montenegro pursuant to Directive 2008/106/EC of the European Parliament and of the Council as regards the systems for training and certification of seafarers

(notified under document C(2017) 1815)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2008/106/EC of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers ⁽¹⁾, and in particular Article 19(3) thereof,

Whereas:

- (1) According to Directive 2008/106/EC Member States may decide to endorse seafarers' appropriate certificates issued by third countries, provided that the third country concerned is recognised by the Commission. Those third countries have to meet all the requirements of the International Maritime Organisation Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW Convention).
- (2) By letter of 29 March 2011, Greece requested the recognition of Montenegro. Following this request, the Commission contacted the Montenegrin authorities with a view to carry out an assessment of their training and certification system in order to verify whether Montenegro meets all the requirements of the STCW Convention and whether the appropriate measures have been taken to prevent fraud involving certificates. It was explained that the assessment would be based on the results of a fact finding inspection to be carried out by the experts of the European Maritime Safety Agency (the Agency).
- (3) The Commission proceeded with the assessment of the training and certification system in Montenegro based on the results of an inspection which took place in February 2012 and taking into account a voluntary corrective action plan submitted by the Montenegrin authorities in June 2013.
- (4) The assessment identified several areas that needed to be properly addressed by the Montenegrin authorities, including shortcomings relating to national provisions, such as missing provisions for qualifications of certain categories of instructors and insufficient or incomplete certification requirements, as well as quality procedures and training programmes. Therefore, it was considered necessary that the Agency carries out an additional inspection which took place in March 2015.
- (5) Following the additional inspection, the Montenegrin authorities have submitted an updated corrective action plan in November 2015. In May 2016 the Commission communicated to the Montenegrin authorities an assessment report based on the results of the inspection of March 2015 and taking into account the updated corrective action plan and asked for further clarifications which were provided by the Montenegrin authorities in July, September and October 2016.
- (6) Based on all collected information, it can be concluded that the Montenegrin authorities have taken measures to bring the Montenegrin system for training and certification of seafarers in line with the requirements of the STCW Convention, including the provision of appropriate documentary evidence.
- (7) In particular, Montenegro has adopted new legislation addressing the identified shortcomings relating to national provisions, has updated the quality procedures of its administration and maritime education institutions and the curricula and training programmes of its maritime education institutions.

⁽¹⁾ OJ L 323, 3.12.2008, p. 33.

- (8) The final outcome of the assessment demonstrates that Montenegro complies with the requirements of the STCW Convention, while this country has taken appropriate measures to prevent fraud involving certificates.
- (9) Member States were provided with a report on the results of the assessment.
- (10) The measure provided for in this Decision is in accordance with the opinion of the Committee on Safe Seas and the Prevention of Pollution from Ships,

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of Article 19 of Directive 2008/106/EC, Montenegro is recognised as regards the systems for the training and certification of seafarers.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 23 March 2017.

For the Commission
Violeta BULC
Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU) 2017/728**of 20 April 2017****amending Implementing Decision 2013/92/EU on the supervision, plant health checks and measures to be taken on wood packaging material actually in use in the transport of specified commodities originating in China***(notified under document C(2017) 2429)*

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ⁽¹⁾, and in particular the fourth sentence of Article 16(3) thereof,

Whereas:

- (1) Commission Implementing Decision 2013/92/EU ⁽²⁾ provides for the supervision, plant health checks and measures to be taken on wood packaging material actually in use in the transport of certain commodities originating in China.
- (2) The application of Implementing Decision 2013/92/EU has shown that wood packaging material used in the transport of certain commodities originating in China continues to present a phytosanitary risk to the Union. Therefore, the supervision, plant health checks and measures provided for by the Implementing Decision should continue to apply until 31 July 2018 and the date by which Member States have to report on phytosanitary import checks should be set accordingly.
- (3) The Combined Nomenclature Codes of certain commodities have been updated by Commission Implementing Regulation (EU) 2016/1821 ⁽³⁾. The reporting templates set out in Annexes I and II to Decision 2013/92/EU should thus be aligned to the updated nomenclature.
- (4) Decision 2013/92/EU should therefore be amended accordingly.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Implementing Decision 2013/92/EU is amended as follows:

- (1) Article 5 is replaced by the following:

*'Article 5***Reporting**

Without prejudice to Commission Directive 94/3/EC ^(*), Member States shall notify to the Commission, by 31 July 2017 for the period from 1 April 2016 to 31 March 2017 and by 30 April 2018 for the period from 1 April 2017 to 31 March 2018, the number and the results of the plant health checks carried out in accordance with Articles 2 and 3 of this Decision. To that end, Member States shall use the reporting template set out in Annex II.

^(*) Commission Directive 94/3/EC of 21 January 1994 establishing a procedure for the notification of interception of a consignment or a harmful organism from third countries and presenting an imminent phytosanitary danger (OJ L 32, 5.2.1994, p. 37).;

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

⁽²⁾ Commission Implementing Decision 2013/92/EU of 18 February 2013 on the supervision, plant health checks and measures to be taken on wood packaging material actually in use in the transport of specified commodities originating in China (OJ L 47, 20.2.2013, p. 74).

⁽³⁾ Commission Implementing Regulation (EU) 2016/1821 of 6 October 2016 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 294, 28.10.2016, p. 1).

(2) in Article 7, the second paragraph is replaced by the following:

‘Articles 1 to 4 shall apply until 31 July 2018.’;

(3) Annexes I and II are amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 20 April 2017.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

1. In the eighth row of the table in Annex I to Implementing Decision 2013/92/EU, the number ‘6908’ is replaced by ‘6907’.
2. In the eighth column of the table in Annex II to Implementing Decision 2013/92/EU, the number ‘6908’ is replaced by ‘6907’.

COMMISSION IMPLEMENTING DECISION (EU) 2017/729**of 20 April 2017****on a request for derogation by the Republic of Croatia in accordance with Article 9(4) of Council Directive 98/41/EC on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community***(notified under document C(2017) 2437)***(Only the Croatian text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 98/41/EC of 18 June 1998 on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community ⁽¹⁾, and in particular Article 9(4) thereof,

Whereas:

- (1) Directive 98/41/EC aims at enhancing the safety and possibilities of rescue of passengers and crew on board passenger ships and ensuring that search and rescue and the aftermath of any accident can be dealt with more effectively.
- (2) Article 5(1) of Directive 98/41/EC requires certain information to be recorded regarding every passenger ship that departs from a port located in a Member State to undertake a voyage of more than twenty miles from the point of departure.
- (3) Article 9(4) of Directive 98/41/EC allows Member States to request the Commission to derogate from this requirement.
- (4) By letter of 3 September 2015, the Republic of Croatia transmitted to the Commission a request to derogate from the requirement to record information specified in Article 5(1) of Directive 98/41/EC concerning persons on board all passenger ships travelling on a number of routes around the Croatian islands.
- (5) The Commission requested on 20 October 2015 additional information from the Republic of Croatia, in order to allow it to assess the request. On 18 May 2016, the Republic of Croatia submitted its response and modified the derogation request regarding the following routes: Zadar-Ist and Zadar-Olib routes on the ferry line 'Zadar-Premuda/Mali Lošinj'; Split-Hvar, Hvar-Prigradica and Hvar-Korčula routes on the high-speed line 'Korčula-(Prigradica)-Hvar-Split'; Zadar-Ist and Zapuntel-Zadar routes on the high-speed line 'Ist-Molat-Zadar'; Split-Bol route on the high-speed line 'Jelsa-Bol-Split'; Split-Hvar route on the high-speed line 'Split-(Milna)-Hvar'; Split-Hvar route on the high-speed line 'Lastovo-Vela Luka-Hvar-Split'; Rijeka-Rab route on the high-speed line 'Novalja-Rab-Rijeka'; Split-Vela Luka route on the ferry line 'Lastovo-Vela Luka-Split'; Split-Stari Grad route on the ferry line 'Split-Stari Grad'; Vis-Split route on the ferry line 'Vis-Split'; Mali Lošinj-Cres and Cres-Rijeka routes on the high-speed line 'Mali Lošinj-Ilovik-Susak-Unije-Martinšćica-Cres-Rijeka'; Premuda-Zadar route on the high-speed line 'Olib-Silba-Premuda-Zadar'; Vis-Split and Hvar-Split routes on the high-speed line 'Vis-Hvar-Split'; Dubrovnik-Sobra and Korčula-Lastovo routes on the high-speed line 'Dubrovnik-Šipanska luka-Sobra-Polače-Korčula-Lastovo'.
- (6) The Commission, assisted by EMSA, assessed the derogation request on the basis of the information at its disposal.
- (7) The Republic of Croatia provided the following information: (1) the annual probability of the significant wave height's exceeding two metres is less than 10 % on the identified routes; (2) the ships to which the derogation would apply are engaged in regular services; (3) the primary purpose of the service is to provide regular links to outlying communities for customary purposes; (4) the sea area where the passenger ships are sailing is provided with shore-based navigational guidance, reliable weather forecast services as well as adequate and sufficient search and rescue facilities; (5) there is a lack of adequate buffer infrastructure and port facilities for registering passenger details in a way compatible with the schedule of the voyages and with the synchronisation with land transport; and (6) the derogation request would apply to all operators sailing on the specified routes.

⁽¹⁾ OJ L 188, 2.7.1998, p. 35.

- (8) The final outcome of the assessment demonstrates that all the conditions for approving the derogation are fulfilled.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Committee on Safe Seas and the Prevention of Pollution from Ships,

HAS ADOPTED THIS DECISION:

Article 1

The derogation request of the Republic of Croatia pursuant to Article 9(4) of Directive 98/41/EC regarding recording of all information specified in Article 5(1) of this Directive for persons on board all passenger ships in regular service sailing on the routes listed below (including vice versa routes), is hereby approved:

- (1) Zadar-Ist and Zadar-Olib routes on the ferry line 'Zadar-Premuda/Mali Lošinj';
- (2) Split-Hvar, Hvar-Prigradica and Hvar-Korčula routes on the high-speed line 'Korčula-(Prigradica)-Hvar-Split';
- (3) Zadar-Ist and Zapuntel-Zadar routes on the high-speed line 'Ist-Molat-Zadar';
- (4) Split-Bol route on the high-speed line 'Jelsa-Bol-Split';
- (5) Split-Hvar route on the high-speed line 'Split-(Milna)-Hvar';
- (6) Split-Hvar route on the high-speed line 'Lastovo-Vela Luka-Hvar-Split';
- (7) Rijeka-Rab route on the high-speed line 'Novalja-Rab-Rijeka';
- (8) Split-Vela Luka route on the ferry line 'Lastovo-Vela Luka-Split';
- (9) Split-Stari Grad route on the ferry line 'Split-Stari Grad';
- (10) Vis-Split route on the ferry line 'Vis-Split';
- (11) Mali Lošinj-Cres and Cres-Rijeka routes on the high-speed line 'Mali Lošinj-Ilovik-Susak-Unije-Martinšćica-Cres-Rijeka';
- (12) Premuda-Zadar route on the high-speed line 'Olib-Silba-Premuda-Zadar';
- (13) Vis-Split and Hvar-Split routes on the high-speed line 'Vis-Hvar-Split';
- (14) Dubrovnik-Sobra and Korčula-Lastovo routes on the high-speed line 'Dubrovnik-Šipanska luka-Sobra-Polače-Korčula-Lastovo'.

Article 2

This Decision is addressed to the Republic of Croatia.

Done at Brussels, 20 April 2017.

For the Commission
Violeta BULC
Member of the Commission

