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II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2017/1155

of 15 February 2017

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

THE EUROPEAN COMMISSION,

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

Having regard to 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 ⁽¹⁾, and in particular Article 35(2) and (3), Articles 44(5)(b) and 46(9)(a) and (c), Article 50(11), Article 52(9)(a) and Article 67(1) and (2)(a) thereof,

Whereas:

- (1) According to Article 35(3) of Regulation (EU) No 1307/2013, the Commission is empowered to adopt delegated acts making the granting of payments conditional upon the use of certified seeds of certain hemp varieties and laying down the procedure for the determination of hemp varieties and the verification of their tetrahydrocannabinol content (THC content) referred to in Article 32(6) of that Regulation. At present, Article 9 of Commission Delegated Regulation (EU) No 639/2014 ⁽²⁾ only provides for the obligation to use seed of the varieties listed in the 'Common Catalogue of Varieties of Agricultural Plant Species' and to use seed certified in accordance with Council Directive 2002/57/EC ⁽³⁾. The rules for the determination of hemp varieties and the verification of their THC content currently laid down in Article 45 of Commission Implementing Regulation (EU) No 809/2014 ⁽⁴⁾ and the Annex to that Regulation should be included in Article 9 of Delegated Regulation (EU) No 639/2014.
- (2) The rules for the determination of hemp varieties and the verification of the THC content are based on the assumption that hemp is cultivated as main crop, but they are not fully suitable for hemp cultivated as catch crop. As this latter cultivation method has proved to be appropriate for industrial hemp and compatible with environmental requirements, it is justified to adapt both provisions to take into account the characteristics of hemp cultivated as catch crop. In that context, it is also appropriate to provide a definition of hemp cultivated as catch crop.

⁽¹⁾ OJ L 347, 20.12.2013, p. 608.

⁽²⁾ Commission Delegated Regulation (EU) No 639/2014 of 11 March 2014 supplementing Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and amending Annex X to that Regulation (OJ L 181, 20.6.2014, p. 1).

⁽³⁾ Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants (OJ L 193, 20.7.2002, p. 74).

⁽⁴⁾ Commission Implementing Regulation (EU) No 809/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance (OJ L 227, 31.7.2014, p. 69).

- (3) Article 24 of Delegated Regulation (EU) No 639/2014 lays down requirements for the activation of payment entitlements. In order to avoid any diverging interpretation, it is appropriate to clarify that for the purposes of Article 31(1)(b) of Regulation (EU) No 1307/2013, also a fraction of a payment entitlement is considered as fully activated. However, it should be stated explicitly that the payment is calculated on the basis of the corresponding fraction of an eligible hectare.
- (4) Articles 38 to 48 of Delegated Regulation (EU) No 639/2014 lay down rules supplementing the provisions on standard greening practices established by Regulation (EU) No 1307/2013. On the basis of the experience gained during the first year in which those practices were applied, it is necessary to amend certain aspects of those rules in order to simplify the implementation of the greening practices for the benefit of farmers and national administrations while maintaining or improving the environment and climate impact. In particular, the modifications should contribute to address the actions identified in the conclusions of the Mid-Term Review of the EU Biodiversity Strategy to 2020 and enable progress of the coverage of agricultural area by biodiversity related measures under the common agricultural policy ⁽¹⁾.
- (5) In the rules on the calculation of shares of different crops for crop diversification set out in Article 40 of Delegated Regulation (EU) No 639/2014, the crop diversification period is based on traditional cultivation practices in Member States. It is appropriate to allow Member States to fix different periods at regional or sub-regional level in order to take into account possible diverse climatic conditions within a territory of a Member State. In some specific situations where a significant variety of crops on a small area exists, it should be possible, in order to simplify the declaration of crops grown, to declare them as one mixed crop.
- (6) As regards land lying fallow, setting a period in Article 45(2) of Delegated Regulation (EU) No 639/2014 during which there should be no agricultural production is fundamental to ensure the environmental effectiveness of such land and to avoid any confusion with other areas such as grasslands. In order to take into account the different agro-climatic conditions across the Union, Member States should have the possibility to set such period to allow farmers to resume main crops before the end of the year. However, such period should not be shorter than 6 months in order to meet the objectives of environmental effectiveness and to avoid any confusion with other areas.
- (7) The distinction between different landscape features listed in Article 45(4) of Delegated Regulation (EU) No 639/2014 is a source of uncertainty for farmers when declaring ecological focus areas. In order to reduce this uncertainty, simplify the management of the scheme for Member States' authorities and address the complexity encountered by farmers when declaring ecological focus areas, hedges and wooded strips referred to in point (a) of that provision and trees in line referred to in point (c) of that provision should be grouped as one type of landscape feature so that one single dimension limit applies to them. Moreover, for the same reasons, the areas referred to in Article 45(4)(d) of Delegated Regulation (EU) No 639/2014 should be grouped under field copses.
- (8) Furthermore, even if, as stated in recital 51 of Delegated Regulation (EU) No 639/2014, maximum dimensions of landscape features are needed to ensure that the area is predominantly agricultural, such dimension limits should not lead to the exclusion of features that exceed such dimensions but which are valuable for biodiversity. Therefore, the area which may be qualified as a landscape feature pursuant to Article 45(4) of Delegated Regulation (EU) No 639/2014 should be calculated up to the maximum dimension of the feature.
- (9) Given the high environmental benefit of riparian vegetation referred to in the fifth subparagraph of Article 45(4) and in Article 45(5) of Delegated Regulation (EU) No 639/2014, it is appropriate to set out that all riparian vegetation should be taken into account for the purpose of calculating the ecological focus areas.
- (10) For the same reasons as mentioned in recitals 7 and 8 in relation to Article 45(4) of Delegated Regulation (EU) No 639/2014, field margins, currently referred to in point (e) of that provision, should be merged with buffer strips in Article 45(5) of that Regulation and a single dimension limit should be set in relation to buffer strips

⁽¹⁾ COM(2015) 478 final, Report from the Commission to the European Parliament and the Council — The Mid Term review of the EU Biodiversity Strategy to 2020.

and field margins. Such maximum dimension in relation to buffer strips and field margins should refer to the area which may be qualified as buffer strips and field margins pursuant to Article 45(5) of Delegated Regulation (EU) No 639/2014. In order to provide the maximum flexibility to farmers, the definition of buffer strips under GAEC 1, SMR 1 or SMR 10 as referred to in Annex II to Regulation (EU) No 1306/2013 of the European Parliament and of the Council ⁽¹⁾ and field margins protected under GAEC 7, SMR 2 or SMR 3 as referred to in that Annex, should be supplemented by other buffer strips and field margins, meaning any kind of strips not covered by these two categories under cross-compliance rules.

- (11) The second subparagraph of Article 46(2) of Regulation (EU) No 1307/2013 allows landscape features and buffer strips adjacent to arable land to be considered as ecological focus areas. In order to maximise the environmental benefit of landscape features and buffer strips referred to in Article 45(4) and (5) of Delegated Regulation (EU) No 639/2014 and encourage the protection and maintenance of additional elements, this provision should be supplemented with rules offering flexibility by taking into account other environmentally valuable elements which fulfil the definition of these ecological focus area types and which are not adjacent to the arable land of the holding. Therefore, where such buffer strip and field margin or landscape feature is adjacent to the ecological focus area directly adjacent to the arable land of a holding, it should also be recognised as an ecological focus area.
- (12) For the same reasons as mentioned in recitals 7 and 8 in relation to Article 45(4) of Delegated Regulation (EU) No 639/2014, the maximum dimensions set in relation to strips of eligible hectares along forest edges referred to in Article 45(7) of that Regulation should refer to the area which may be qualified as such strips pursuant to that provision.
- (13) In light of the provisions of point (g) of the first subparagraph of Article 46(2) of Regulation (EU) No 1307/2013 it is appropriate to clarify that the establishment of the requirements as regards the use of mineral fertilisers and/or plant protection products is relevant only in case such input products are authorised.
- (14) The existing deadline for sowing of catch crops and green cover laid down in Article 45(9) of Delegated Regulation (EU) No 639/2014 does not always fit with the agronomic and climatic conditions. With a view to better achieving the environmental objectives of this ecological focus area type, it is appropriate to replace the deadline for sowing of catch crops and green cover with a minimum period of time during which areas under catch crops and green cover have to be in place. In order to provide the necessary flexibility to take into account seasonal weather conditions, Member States should be allowed to fix that period at the most appropriate geographical level. However, since the permanence of catch crops and green cover on the ground is a key factor in ensuring an effective take up of residual nitrate and coverage of soil while the area is not covered by the main crop, the minimum length of the period should be set at Union level. In order to be consistent with the interpretation provided on the definition of grasses or other herbaceous forage laid down in Article 4(1)(i) of Regulation (EU) No 1307/2013, under-sowing leguminous crops in the main crop should also be possible. Furthermore, in order to ensure consistency between equivalent practices covered by commitments and certification schemes as referred to in Article 43(3)(a) and (b) of Regulation (EU) No 1307/2013, respectively, rules on qualifying catch crops or green cover as ecological focus areas should be aligned.
- (15) Even if, as a general rule only areas with nitrogen-fixing crops grown as pure species should be qualified as ecological focus areas, given that in traditional cultivation practices such crops are often mixed with other crops, it is appropriate to allow, under Article 45(10) of Delegated Regulation (EU) No 639/2014, that areas with mixtures may also be qualified as ecological focus areas provided that the predominance of the nitrogen-fixing crops in such mixtures is ensured. In addition, based on the experience with the application of the first subparagraph of Article 45(10) of Delegated Regulation (EU) No 639/2014 and in light of the implementation of Council Directive 91/676/EEC ⁽²⁾ and Directive 2000/60/EC of the European Parliament and of the Council ⁽³⁾, it is superfluous to prescribe specific rules on the location of these nitrogen-fixing crops. Instead, and with a view to strengthening Member States efforts to address the risk of nitrogen leaching in the autumn, Member States

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

⁽²⁾ Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991, p. 1).

⁽³⁾ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

should be allowed to establish additional conditions on nitrogen-fixing crops if necessary. Furthermore, in order to ensure consistency between equivalent practices covered by commitments and certification schemes as referred to in Article 43(3)(a) and (b) of Regulation (EU) No 1307/2013, respectively, rules on qualifying nitrogen-fixing crops as ecological focus area should be aligned.

- (16) Experience with the application of Delegated Regulation (EU) No 639/2014 has proven that certain provisions relating to the ecological focus area types need to be more detailed as regards the requirement of 'no production' including the rules on cutting and grazing with a view to meeting the objective of biodiversity and to ensuring consistency with other instruments of the common agricultural policy. In particular, as regards the 'no agricultural production' requirement applicable to the ecological focus area types referred to in Article 45(2), (4)(e), (5) and (7) of Delegated Regulation (EU) No 639/2014, it should be clarified that production should be understood as agricultural activity in the meaning of Article 4(1)(c)(i) of Regulation (EU) No 1307/2013, and not in the broader sense of Article 4(1)(c)(ii) and (iii) of the same Regulation, and should not affect the rules on minimum soil cover under GAEC 4 as referred to in Annex II to Regulation (EU) No 1306/2013. In addition, undertaking actions by farmers, in particular, by facilitating pollination, in order to safeguard and improve biodiversity, aiming at establishing a green soil cover and which are, for instance, covered by an agri-environment-climate commitment, should be incentivised to maximise the environmental benefits.
- (17) Given that the three main types of areas declared by farmers as ecological focus areas in the first year of implementation of Article 46 of Regulation (EU) No 1307/2013 are areas which are, or may be, productive, namely land lying fallow, catch crops or green cover and nitrogen-fixing crops, plant production products are likely to be used in ecological focus areas. Therefore, in order to safeguard and improve biodiversity in line with the objectives of 'greening', it is appropriate to ban the use of plant protection products on the following ecological focus areas which are or may be productive: land lying fallow, strips of eligible hectares along forest edges with production, catch crops or green cover and nitrogen-fixing crops. Where catch crops or green cover is established by under-sowing grass or leguminous crops in the main crop, in order to avoid, for proportionality reasons, consequences for the management of the main crop, such a ban should apply from the moment of the harvesting of the main crop. In order to ensure consistency of the ban with the usual agronomic practices, ensure legal certainty and avoid administrative difficulties for farmers and national administrations it should be specified that the ban for under-sowing should apply for at least a minimum period, equal to the minimum period during which areas under catch crops or green cover have to be in place when established by sowing a mixture of crop species, or until the sowing of the next main crop.
- (18) Article 49 of Delegated Regulation (EU) No 639/2014 lays down the rules under which legal persons have access to the payment for young farmers provided for in Article 50(1) of Regulation (EU) No 1307/2013. On the basis of the experience gained with the application of Article 49(3) of Delegated Regulation (EU) No 639/2014, a further clarification should be provided as to the interpretation of the requirement laid down in point (b) of Article 50(2) of Regulation (EU) No 1307/2013 in respect of the time when a young farmer who exercises effective and long-term control over a legal person has to comply with the age limit. In particular, it is appropriate to clarify that the young farmer has to comply with the age limit of 40 years in the year of the first submission of an application under the basic payment scheme or the single area payment scheme by the legal person with a young farmer in control.
- (19) According to the second subparagraph of Article 53(2) of Delegated Regulation (EU) No 639/2014, the per unit amount of voluntary coupled support results from the ratio between the amount fixed for the financing of the relevant measure and either the quantitative limit fixed pursuant to the first subparagraph of Article 53(2), or the number of hectares or animals that are eligible for the support in the year in question. It is appropriate to reformulate that provision in such a way that Member States may fix the per unit amount at a value within the range between those two values where the number of eligible units is lower than the quantitative limit.
- (20) Pursuant to Article 64(5) of Delegated Regulation (EU) No 639/2014, Member States applying the single area payment scheme in accordance with Article 36 of Regulation (EU) No 1307/2013 are to notify the Commission by 1 September each year of the total number of hectares declared by farmers under that scheme. However, that information is notified to the Commission annually in more detail pursuant to Article 9(1) of Implementing Regulation (EU) No 809/2014. Article 64(5) of Delegated Regulation (EU) No 639/2014 can therefore be deleted.

- (21) Based on the Commission's experience with the management of the notifications relating to greening pursuant to Article 65 to Delegated Regulation (EU) No 639/2014, some adjustments should be made as regards their content, including with respect to greening provisions of Delegated Regulation (EU) No 639/2014 as amended by this Regulation.
- (22) In accordance with Article 67(2) of Delegated Regulation (EU) No 639/2014, Member States are to notify the Commission of the total number of beneficiaries, the amount of the payments which have been granted as well as the total area and the total number of animals for which the support has actually been paid for each coupled support measure and each of the specific types of farming or specific agricultural sectors concerned.
- (23) As from claim year 2015, the total number of beneficiaries and the total area or total number of animals claimed and determined for each voluntary coupled support measure are notified by Member States in accordance with Article 9(1) and (3) of Implementing Regulation (EU) No 809/2014. Furthermore, as from claim year 2016, the amount of the payments which have been granted for each coupled support measure will be included in the communications of information by the Member States in accordance with Article 10 of Commission Implementing Regulation (EU) No 908/2014⁽¹⁾. Therefore, Article 67(2) of Delegated Regulation (EU) No 639/2014 should be deleted.
- (24) Delegated Regulation (EU) No 639/2014 should therefore be amended accordingly.
- (25) As a consequence of the amendment of certain provisions of Delegated Regulation (EU) No 639/2014 concerning the ecological focus area types, changes to Annex X to Regulation (EU) No 1307/2013 need to be made, in particular by adapting the list of ecological focus area types and the corresponding factors, where necessary. Recital 45 of Regulation (EU) No 1307/2013 emphasises the importance of ecological focus areas to be established in a coherent way. Therefore, conversion and weighting factors applicable to equivalent practices have to be consistent with the factors applicable to similar or identical standard practices. In the interest of legal certainty and equal treatment between farmers, Annex X to Regulation (EU) No 1307/2013 should be amended accordingly.
- (26) This Regulation should enter into force on the third day after its publication. However, as the clarification of Article 49(3) of Delegated Regulation (EU) No 639/2014 and the reformulation of the second subparagraph of Article 53(2) of that Regulation reflect an interpretation given to those provisions since the application of that Regulation, it is appropriate that those amendments apply retroactively. Considering the time necessary for the national authorities to update their existing administrative tools and to inform farmers sufficiently in advance of the amendments of the greening provisions made by this Regulation, those amendments should only apply with respect to aid applications relating to calendar years starting as from 1 January 2018. However, Member States should be given the possibility to apply them with respect to aid applications relating to calendar year 2017 while bearing in mind that any choices in this regard should be coherent from the perspective of farmers. A notification obligation as regards consequential changes to previous notifications relating to that calendar year should be provided for,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment of Delegated Regulation (EU) No 639/2014

Delegated Regulation (EU) No 639/2014 is amended as follows:

- (1) Article 9 is replaced by the following:

'Article 9

Hemp

1. For the purposes of Article 32(6) of Regulation (EU) No 1307/2013, the eligibility of areas used for the production of hemp shall be subject to the use of seed of the varieties listed in the "Common Catalogue of Varieties of Agricultural Plant Species" on 15 March of the year in respect of which the payment is granted and published in accordance with Article 17 of Council Directive 2002/53/EC (*). The seed shall be certified in accordance with Council Directive 2002/57/EC (**).

⁽¹⁾ Commission Implementing Regulation (EU) No 908/2014 of 6 August 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, rules on checks, securities and transparency (OJ L 255, 28.8.2014, p. 59).

2. Member States shall establish the system for determining the Δ^9 -tetrahydrocannabinol content (hereinafter referred to as "THC content") in hemp varieties, which allows them to apply the method set out in Annex III.

3. The competent authority of the Member State shall keep the records related to findings on the THC content. Such records shall comprise for each variety at least the results in terms of THC content from each sample expressed in percentage to two decimal places, the procedure used, the number of tests carried out, an indication of the point at which the sample was taken and measures taken at national level.

4. If an average of all the samples of a given variety exceeds the THC content as laid down in Article 32(6) of Regulation (EU) No 1307/2013, Member States shall use procedure B as described in Annex III to this Regulation for the variety concerned in the course of the following claim year. That procedure shall be used in the course of the next claim years unless all the analytical results for the given variety are below the THC content as laid down in Article 32(6) of Regulation (EU) No 1307/2013.

5. If for the second year the average of all the samples of a given variety exceeds the THC content as laid down in Article 32(6) of Regulation (EU) No 1307/2013, the Member State shall notify the Commission of the request for authorisation to prohibit the marketing of such variety in accordance with Article 18 of Directive 2002/53/EC. Such notification shall be sent in accordance with Commission Regulation (EC) No 792/2009 (***) by 15 January of the following claim year at the latest. Starting from that claim year, the variety covered by that request shall not be eligible for direct payments in the Member State concerned.

6. For the purposes of this Regulation, "hemp cultivated as catch crop" means crop of hemp sown after 30 June of a given year.

7. Crops of hemp shall continue to be cultivated under normal growing conditions in accordance with local practice for at least 10 days from the date of the end of flowering so that the checks necessary for the application of this Article can be made. Hemp cultivated as catch crop shall continue to be cultivated under normal growing conditions in accordance with local practice at least until the end of the vegetation period.

However, Member States may authorise hemp to be harvested after flowering has begun but before the end of the 10-day period after the end of flowering, provided that the inspectors indicate which representative parts of each plot concerned must continue to be cultivated for at least 10 days following the end of flowering for inspection purposes, in accordance with the method set out in Annex III.

(*) Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species (OJ L 193, 20.7.2002, p. 1).

(**) Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants (OJ L 193, 20.7.2002, p. 74).

(***) Commission Regulation (EC) No 792/2009 of 31 August 2009 laying down detailed rules for the Member States' notification to the Commission of information and documents in implementation of the common organisation of the markets, the direct payments' regime, the promotion of agricultural products and the regimes applicable to the outermost regions and the smaller Aegean islands (OJ L 228, 1.9.2009, p. 3).'

(2) In Article 24, paragraph 2 is replaced by the following:

'2. Where a farmer declares a number of payment entitlements exceeding his total eligible area declared pursuant to Article 33(1) of Regulation (EU) No 1307/2013, the payment entitlement or the fraction of a payment entitlement which is partially exceeding that eligible area shall be deemed as fully activated for the purposes of Article 31(1)(b) of that Regulation. However, the payment shall be calculated on the basis of the corresponding fraction of an eligible hectare.'

(3) Article 40 is amended as follows:

(a) in the first subparagraph of paragraph 1, the following sentence is added:

'That period may be fixed at national, regional or the appropriate sub-regional level.';

(b) in paragraph 3, the following fourth subparagraph is added:

'Areas on which different crops are grown next to each other, where each single crop covers an area that is smaller than the minimum size set by Member States referred to in the second subparagraph of Article 72(1) of Regulation (EU) No 1306/2013, may be considered by Member States as covered with one 'mixed crop' as referred to in the third subparagraph of this paragraph.'

(4) Article 45 is amended as follows:

(a) paragraph 2 is replaced by the following:

‘2. On land lying fallow there shall be no agricultural production. Member States shall fix a period during which the land must be lying fallow in a given calendar year. That period shall not be shorter than 6 months. By way of derogation from Article 4(1)(h) of Regulation (EU) No 1307/2013, land lying fallow for the purpose of fulfilling the ecological focus area for more than 5 years shall remain arable land.’;

(b) paragraphs 4 and 5 are replaced by the following:

‘4. Landscape features shall be at the disposal of the farmer and may be those that are protected under GAEC 7, SMR 2 or SMR 3 as referred to in Annex II to Regulation (EU) No 1306/2013 and/or one or more of the following features:

- (a) hedges, wooded strips or trees in line;
- (b) isolated trees;
- (c) field copses including trees, bushes or stones;
- (d) ponds. Reservoirs made of concrete or plastic shall not be considered ecological focus areas;
- (e) ditches, including open watercourses for the purpose of irrigation or drainage. Channels with walls of concrete shall not be considered ecological focus areas.
- (f) traditional stone walls.

Member States may decide to limit the selection of landscape features to those under GAEC 7, SMR 2 or SMR 3 as referred to in Annex II to Regulation (EU) No 1306/2013 and/or to one or more of points (a) to (f) of the first subparagraph.

For the hedges, wooded strips and trees in line as well as ditches referred to in points (a) and (e) of the first subparagraph, respectively, the area to be qualified as ecological focus area shall be calculated up to a maximum width of 10 metres.

For the field copses and ponds referred to in points (c) and (d) of the first subparagraph, respectively, the area to be qualified as ecological focus area shall be calculated up to a maximum size of 0,3 hectare.

For the purposes of point (d) of the first subparagraph, Member States may set a minimum size for ponds. Where there is a strip with riparian vegetation along the water the corresponding area shall be included for the purpose of calculating the ecological focus area. Member States may establish criteria to ensure that ponds are of natural value, taking into account the role that natural ponds play for the conservation of habitats and species.

For the purposes of point (f) of the first subparagraph, Member States shall establish minimum criteria based on national or regional specificities, including limits to the dimensions of height and width.

5. Buffer strips and field margins may be any buffer strips and field margins including those buffer strips along water courses required under GAEC 1, SMR 1 or SMR 10 as referred to in Annex II to Regulation (EU) No 1306/2013 or field margins protected under GAEC 7, SMR 2 or SMR 3 as referred to in that Annex.

Member States shall not limit the selection of buffer strips and field margins to those required under the cross compliance rules referred to in the first subparagraph.

Member States shall establish the minimum width of buffer strips and field margins which shall not be below 1 metre for ecological focus area purposes. Along water courses, riparian vegetation shall be included for the purpose of calculating the ecological focus area. There shall be no agricultural production on buffer strips and field margins.

For buffer strips and field margins other than those required or protected under GAEC 1, GAEC 7, SMR 1, SMR 2, SMR 3 or SMR 10 as referred to in Annex II to Regulation (EU) No 1306/2013, the area to be qualified as ecological focus area shall be calculated up to a maximum width of 20 metres.’;

(c) the following paragraph 5a is inserted:

‘5a. For the purposes of the second sentence of the second subparagraph of Article 46(2) of Regulation (EU) No 1307/2013, areas referred to in paragraphs 4 and 5 of this Article shall be considered as adjacent areas or features where they are adjacent to an ecological focus area directly adjacent to the arable land of the holding.’;

(d) paragraphs 7 to 10 are replaced by the following:

‘7. As regards strips of eligible hectares along forest edges Member States may decide either to allow agricultural production or to establish a requirement of no agricultural production, or to provide the two options for farmers. Member States shall establish the minimum width of those strips, which shall not be below 1 metre.

The area to be qualified as ecological focus area shall be calculated up to a maximum width of 10 metres where Member States decide to allow agricultural production and 20 metres where Member States decide not to allow agricultural production.

8. For areas with short rotation coppice with no use of mineral fertiliser and/or plant protection products, Member States shall establish a list of species that may be used for this purpose, by selecting from the list established pursuant to Article 4(2)(c) of Regulation (EU) No 1307/2013 the species that are most suitable from an ecological perspective, thereby excluding species that are clearly not indigenous. Member States shall also establish the requirements as regards the use of mineral fertilisers and/or plant protection products in case Member States authorise their use, keeping in mind the objective of ecological focus areas in particular to safeguard and improve biodiversity.

9. Areas under catch crops or green cover shall include such areas established pursuant to the requirements under SMR 1 as referred to in Annex II to Regulation (EU) No 1306/2013 as well as other areas under catch crops or green cover, on the condition that they were established by sowing a mixture of crop species or by under-sowing grass or leguminous crops in the main crop.

Member States shall set up the list of mixtures of crop species to be used and fix the period at national, regional, sub-regional or farm level during which areas under catch crops or green cover when established by sowing a mixture of crop species have to be in place. This period shall not be less than 8 weeks. Member States may establish additional conditions notably with regard to production methods.

Areas under catch crops or green cover shall not include areas under winter crops which are sown in autumn normally for harvesting or for grazing. They shall also not include the areas covered with equivalent practices mentioned in points I.3 and 4 of Annex IX to Regulation (EU) No 1307/2013.

10. On areas with nitrogen-fixing crops, farmers shall grow those nitrogen-fixing crops which are included in a list established by the Member State. That list shall contain the nitrogen-fixing crops that the Member State considers as contributing to the objective of improving biodiversity and may include mixtures of nitrogen-fixing crops with other crops provided that nitrogen-fixing crop species are predominant. Those crops shall be present during the growing season. Member States may establish additional conditions notably with regard to production method, in particular with a view to taking into account the need to meet the objectives of Directive 91/676/EEC and Directive 2000/60/EC, given the potential of nitrogen-fixing crops to increase the risk of nitrogen leaching in the autumn.

Areas with nitrogen-fixing crops shall not include the areas covered with equivalent practices mentioned in points I.3 and 4 of Annex IX to Regulation (EU) No 1307/2013.’;

(e) the following paragraphs 10a, 10b and 10c are inserted:

‘10a. For the purposes of paragraphs 2, 5 and 7, “no agricultural production” means no agricultural activity as defined in Article 4(1)(c)(i) of Regulation (EU) No 1307/2013, without prejudice to the requirements defined under GAEC 4 as referred to in Annex II to Regulation (EU) No 1306/2013. Actions aiming at establishing a green soil cover for biodiversity purposes, including sowing mixtures of wild flower seeds, shall be allowed.

However, by way of derogation from the “no production” requirement, for the purposes of paragraphs 5 and 7, Member States may allow cutting or grazing on buffer strips and field margins as well as on strips of eligible hectares along forest edges without production, provided that the strip remains distinguishable from adjacent agricultural land.

10b. The use of plant protection products shall be prohibited on all areas referred to in paragraphs 2, 9 and 10 as well as on areas with agricultural production referred to in paragraph 7.

10c. On areas referred to in paragraph 9 established by under-sowing grass or leguminous crops in the main crop, this prohibition shall apply from the moment of the harvesting of the main crop for at least 8 weeks or until the sowing of the next main crop.’

(5) In Article 49(3), the following subparagraph is added:

‘A young farmer who exercises effective and long-term control over the legal person within the meaning of point (b) of the first subparagraph of paragraph 1 of this Article shall, for the purposes of Article 50(2)(b) of Regulation (EU) No 1307/2013, be no more than 40 years of age in the year of the first submission of an application under the basic payment scheme or the single area payment scheme by that legal person with a young farmer in control.’

(6) In Article 53(2), the second subparagraph is replaced by the following:

‘The annual payment shall be expressed as the per unit amount of support. It may be either one of the following amounts, or, when the area or the number of animals eligible for the support does not exceed the area or the number of animals fixed as referred to in the first subparagraph of this paragraph, an amount between them:

- (a) the ratio between the amount fixed for the financing of the measure as notified according to point (3)(i) of Annex I to this Regulation and the area or the number of animals eligible for the support in the year in question;
- (b) the ratio between the amount fixed for the financing of the measure as notified according to point (3)(i) of Annex I to this Regulation and the area or the number of animals fixed as referred to in the first subparagraph of this paragraph.’

(7) In Article 64, paragraph 5 is deleted.

(8) Article 65(1) is amended as follows:

(a) point (c) is amended as follows:

(i) point (ii) is replaced by the following:

‘(ii) the total number of farmers exempted from one or more greening practices and the number of hectares declared by such farmers, the number of farmers exempted from all practices because they comply with the requirements of Regulation (EC) No 834/2007, the number of farmers participating in the small farmer scheme, the number of farmers exempted from the crop diversification obligation, and the number of farmers exempted from the ecological focus area obligation, and the respective number of hectares declared by such farmers;’;

(ii) point (vi) is replaced by the following:

‘(vi) the total number of farmers declaring environmentally sensitive permanent grassland, the total number of hectares covered by environmentally sensitive permanent grassland declared by such farmers, the total number of hectares of designated environmentally sensitive permanent grasslands and the total number of hectares of permanent grassland in areas covered by Directives 92/43/EEC or 2009/147/EC;’;

(b) the following point (e) is added:

‘(e) by 1 August of each year, the period to be taken into account for the calculation of the shares of different crops in accordance with Article 40(1) of this Regulation, as well as the geographical level at which that period is fixed.’

(9) In Article 67, paragraph 2 is deleted.

(10) Annex III is added, the text of which is set out in Annex I to this Regulation.

Article 2

Amendment of Regulation (EU) No 1307/2013

Annex X to Regulation (EU) No 1307/2013 is replaced by the text set out in Annex II to this Regulation.

Article 3

Transitional measures

1. By way of derogation from the second paragraph of Article 4, Member States may decide to apply some or all of the amendments made by points (3), (4) and (8) of Article 1 and, as a consequence, the amendment made by Article 2 in relation to standard ecological focus area features, with respect to aid applications relating to calendar year 2017.

2. Member States shall notify the Commission and shall inform farmers of the decision referred to in paragraph 1 and of the consequential changes to the notifications made pursuant to Article 65(1) to (4) of Delegated Regulation (EU) No 639/2014 no later than 1 month after the entry into force of this Regulation.

Article 4

Entry into force and application

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

Points (3), (4), and (8) of Article 1 and Article 2 shall apply with respect to aid applications relating to calendar years starting as from 1 January 2018.

Points (5) and (6) of Article 1 shall apply with respect to aid applications relating to calendar years subsequent to calendar year 2014.

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

Done at Brussels, 15 February 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

'ANNEX III

Union method for the quantitative determination of the Δ^9 -tetrahydrocannabinol content in hemp varieties**1. Scope**

The method set out in this Annex seeks to determine the Δ^9 -tetrahydrocannabinol (hereinafter referred to as THC) content of varieties of hemp (*Cannabis sativa* L.). As appropriate, the method involves applying procedure A or B as described in this Annex.

The method is based on the quantitative determination of THC by gas chromatography (GC) after extraction with a suitable solvent.

1.1. Procedure A

Procedure A shall be used for checks on the production of hemp as referred to in Article 32(6) of Regulation (EU) No 1307/2013 and Article 30(g) of Commission Implementing Regulation (EU) No 809/2014 (*).

1.2. Procedure B

Procedure B shall be used in cases as referred to in Article 36(6) of Implementing Regulation (EU) No 809/2014.

2. Sampling**2.1. Samples**

The samples shall be taken during the day following a systematic pattern to ensure that the sample is representative of the field, but excluding the edges of the crop.

- 2.1.1. Procedure A: in a standing crop of a given variety of hemp, a 30 cm part containing at least one female inflorescence of each plant selected shall be taken. Sampling shall be carried out during the period running from 20 days after the start of flowering to 10 days after the end of flowering.

Member States may authorise sampling to be carried out during the period from the start of flowering to 20 days after the start of flowering provided that, for each variety grown, other representative samples are taken in accordance with the first subparagraph during the period from 20 days after the start of flowering to 10 days after the end of flowering.

For hemp cultivated as catch crop, in the absence of female inflorescences, the top 30 cm of the plant stem shall be taken. In that case sampling shall be carried out just before the end of the vegetation period, once the leaves begin presenting the first signs of yellowing, however no later than the onset of a forecast period of frost.

- 2.1.2. Procedure B: in a standing crop of a given variety of hemp, the upper third of each plant selected shall be taken. Sampling shall be carried out during the 10 days following the end of flowering or, for hemp cultivated as catch crop, in the absence of female inflorescences, just before the end of the vegetation period, once the leaves begin presenting the first sign of yellowing, but no later than the onset of a forecast period of frost. In the case of dioecious varieties, only female plants shall be taken.

2.2. Sample size

Procedure A: the sample shall comprise parts of 50 plants per field.

Procedure B: the sample shall comprise parts of 200 plants per field.

Each sample shall be placed in a fabric or paper bag, without crushing it, and be sent to the laboratory for analysis.

The Member State may provide for a second sample to be collected for counteranalysis, if required, to be kept either by the producer or by the body responsible for the analysis.

2.3. *Drying and storage of the sample*

Drying of the samples shall begin as soon as possible and, in any case, within 48 hours using any method below 70 °C.

Samples shall be dried to a constant weight and to a moisture content of between 8 % and 13 %.

After drying, the samples shall be stored without crushing them at below 25 °C in a dark place.

3. **Determination of THC content**

3.1. *Preparation of the test sample*

Stems and seeds over 2 mm in size shall be removed from the dried samples.

The dried samples shall be grinded to obtain a semi-fine powder (passing through a 1 mm mesh sieve).

The powder may be stored for 10 weeks at below 25 °C in a dark, dry place.

3.2. *Reagents and extraction solution*

Reagents

— Δ^9 -tetrahydrocannabinol, pure for chromatographic purposes,

— squalane, pure for chromatographic purposes, as an internal standard.

Extraction solution

— 35 mg of squalane per 100 ml hexane.

3.3. *Extraction of THC*

100 mg of the powdered test sample shall be weighed, be placed in a centrifuge tube and 5 ml of extraction solution shall be added containing the internal standard.

The sample shall be placed in an ultrasound bath and be left for 20 minutes. It shall be centrifuged for 5 minutes at 3 000 r.p.m. and then the supernatant THC solution shall be removed. The solution shall be injected into the chromatograph and a quantitative analysis shall be carried out.

3.4. *Gas chromatography*

(a) Apparatus

— gas chromatograph with a flame ionisation detector and a split/splitless injector,

— column allowing good separation of cannabinoids, for example a glass capillary column 25 m long and 0,22 mm in diameter impregnated with a 5 % non-polar phenyl-methyl-siloxane phase.

(b) Calibration ranges

At least three points for procedure A and five points for procedure B, including points 0,04 and 0,50 mg/ml THC in extraction solution.

(c) Experimental conditions

The following conditions are given as an example for the column referred to in (a):

— oven temperature 260 °C,

— injector temperature 300 °C,

— detector temperature 300 °C.

(d) Volume injected: 1 µl.

4. **Results**

The findings shall be expressed to two decimal places in grams of THC per 100 grams of analytical sample dried to constant weight. A tolerance of 0,03 g per 100 g shall apply.

— Procedure A: one determination per test sample.

However, where the result obtained is above the limit laid down in Article 32(6) of Regulation (EU) No 1307/2013, a second determination shall be carried out per analysis sample and the mean value of the two determinations shall be taken as the result.

— Procedure B: the result shall correspond to the mean value of two determinations per test sample.

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

ANNEX II

'ANNEX X

Conversion and weighting factors referred to in Article 46(3)

Features	Conversion factor (m/tree to m ²)	Weighting factor	Ecological focus area (if both factors are applied)
Land lying fallow (per 1 m ²)	n.a.	1	1 m ²
Terraces (per 1 m)	2	1	2 m ²
Landscape features:			
Hedges/wooded strips/trees in line (per 1 m)	5	2	10 m ²
Isolated tree (per tree)	20	1,5	30 m ²
Field copses (per 1 m ²)	n.a.	1,5	1,5 m ²
Ponds (per 1 m ²)	n.a.	1,5	1,5 m ²
Ditches (per 1 m)	5	2	10 m ²
Traditional stone walls (per 1 m)	1	1	1 m ²
Other features not listed above but protected under GAEC7, SMR 2 or SMR 3 (per 1 m ²)	n.a.	1	1 m ²
Buffer strips and field margins (per 1 m)	6	1,5	9 m ²
Hectares of agro-forestry (per 1 m ²)	n.a.	1	1 m ²
Strips of eligible hectares along forest edges (per 1 m)			
Without production	6	1,5	9 m ²
With production	6	0,3	1,8 m ²
Areas with short rotation coppice (per 1 m ²)	n.a.	0,3	0,3 m ²
Afforested areas as referred to in Article 32(2)(b)(ii) (per 1 m ²)	n.a.	1	1 m ²
Areas with catch crops or green cover (per 1 m ²)	n.a.	0,3	0,3 m ²
Areas with nitrogen-fixing crops (per 1 m ²)	n.a.	0,7	0,7 m ²

Conversion and weighting factors referred to in Article 46(3) to be applied to features included in the equivalent practices as listed in Section III of Annex IX

Equivalent ecological focus area	Similar standard ecological focus area	Conversion factor	Weighting factor	Ecological focus area (if both factors are applied)
(1) Ecological set-aside (per 1 m ²)	Land lying fallow	n.a.	1	1 m ²
(2) Creation of "buffer zones" (per 1 m)	Buffer strips and field margins	6	1,5	9 m ²
(3) Management of uncultivated buffer strips and field margins (per 1 m)	Buffer strips and field margins	6	1,5	9 m ²
(4) Borders, in-field strips and patches:				
Borders, in-field strips (per 1 m)	Buffer strips and field margins	6	1,5	9 m ²
Patches (per 1 m ²)	Field copses	n.a.	1,5	1,5 m ²
(5) Management of landscape features:				
Isolated tree (per tree)	Isolated tree	20	1,5	30 m ²
Trees in line (per 1 m)	Hedges/wooded strips/trees in line	5	2	10 m ²
Group of trees/Field copses (per 1 m ²)	Field copses	n.a.	1,5	1,5 m ²
Hedgerows (per 1m)	Hedges/wooded strips/trees in line	5	2	10 m ²
Riparian woody vegetation (per 1m)	Hedges/wooded strips/trees in line	5	2	10 m ²
Terraces (per 1m)	Terraces	2	1	2 m ²
Stone walls (per 1m)	Traditional stone walls	1	1	1 m ²
Ditches (per 1m)	Ditches	5	2	10 m ²
Ponds (per 1 m ²)	Ponds	n.a.	1,5	1,5 m ²
(6) Keeping arable peaty or wet soils under grass (no use of fertilisers and no use of plant protection products) (per 1 m ²)	Land lying fallow	n.a.	1	1 m ²
(7) Production on arable land with no use of fertiliser and/or plant protection products, and not irrigated, not sown with the same crop two years in a row (per 1 m ²)	Areas with short rotation coppice; Strips along forest edges with production; Areas with nitrogen-fixing crops	n.a.	0,3 0,7 for nitrogen-fixing crops	0,3 m ² 0,7 m ²
(8) Conversion of arable land into permanent grassland (per 1 m ²)	Land lying fallow	n.a.	1	1 m ²

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1156**of 27 June 2017****amending Regulation (EC) No 1385/2007 laying down detailed rules for the application of Council Regulation (EC) No 774/94 as regards opening and providing for the administration of certain Community tariff quotas for poultrymeat**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular point (a) of Article 187 thereof,

Whereas:

- (1) An Agreement in the form of an Exchange of Letters between the European Union and the Federative Republic of Brazil pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedule of the Republic of Croatia in the course of its accession to the European Union ⁽²⁾ ('the Agreement') was signed on 25 November 2016. Its signature on behalf of the European Union was authorised by Council Decision (EU) 2016/1995 ⁽³⁾ and its conclusion by Council Decision (EU) 2017/730 ⁽⁴⁾.
- (2) Under the terms of the Agreement, the European Union is to allocate an additional 4 766 tonnes to the present allocation for Brazil under the EU tariff rate quota 'Cut of fowls of the species *gallus domesticus*, frozen', tariff item numbers 0207.14.10, 0207.14.50 and 0207.14.70, maintaining the present in quota rate of 0 %, and to allocate an additional 610 tonnes to the present allocation for Brazil under the EU tariff rate quota 'Cut of turkey, frozen', tariff item numbers 0207.27.10, 0207.27.20 and 0207.27.80, maintaining the present in quota rate of 0 %.
- (3) Commission Regulation (EC) No 1385/2007 ⁽⁵⁾ provides for the opening and administration of certain EU import tariff quotas for poultrymeat, including from Brazil. It is appropriate to amend that regulation to take account of the additional quantities allocated under the Agreement.
- (4) For 2017 the additional quantities of poultrymeat are calculated on a pro rata basis, based on the additional annual quantity under the Agreement and taking into account the date of the entry into force of the Agreement.
- (5) The Agreement enters into force on 30 June 2017. Given that the poultrymeat quotas concerned by the Agreement are administered on a quarterly basis and that the application period for the quarter commencing 1 July 2017 would have expired at the time of entry into force of the Agreement, the additional quantities under the Agreement for 2017 should be made available for application in the subperiod commencing 1 October 2017.
- (6) As from the quota period commencing 1 January 2018 the full annual additional quantities of poultrymeat under the Agreement should be available.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Agreement in the form of an Exchange of Letters between the European Union and the Federative Republic of Brazil pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedule of the Republic of Croatia in the course of its accession to the European Union (OJ L 108, 26.4.2017, p. 3).

⁽³⁾ Council Decision (EU) 2016/1995 of 11 November 2016 on the signing, on behalf of the European Union, of the Agreement in the form of an Exchange of Letters between the European Union and the Federative Republic of Brazil pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedule of the Republic of Croatia in the course of its accession to the European Union (OJ L 308, 16.11.2016, p. 1).

⁽⁴⁾ Council Decision (EU) 2017/730 of 25 April 2017 on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the Federative Republic of Brazil pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedule of the Republic of Croatia in the course of its accession to the European Union (OJ L 108, 26.4.2017, p. 1).

⁽⁵⁾ Commission Regulation (EC) No 1385/2007 of 26 November 2007 laying down detailed rules for the application of Council Regulation (EC) No 774/94 as regards opening and providing for the administration of certain Community tariff quotas for poultrymeat (OJ L 309, 27.11.2007, p. 47).

- (7) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1385/2007 is replaced by the text set out 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, 27 June 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

'ANNEX I

For the quota period 1 January 2017-31 December 2017:**REDUCTION IN CUSTOMS DUTY SET AT 100 %****Chicken***(tonnes)*

Country	Group number	Order number	CN Code	Annual quantities for 2017	Additional quantity available for the fourth quota sub-period in 2017 (*)
Brazil	1	09.4410	0207 14 10 0207 14 50 0207 14 70	11 932	2 396

(*) The additional quantity is made available pursuant to the Agreement between the European Union and Brazil in force on 30 June 2017. This additional quantity is calculated on pro rata basis for the period 30 June 2017 until 31 December 2017 and is available for licence applications submitted for the quota subperiod commencing 1 October 2017.

Country	Group number	Order number	CN Code	Annual quantities for 2017
Thailand	2	09.4411	0207 14 10 0207 14 50 0207 14 70	5 100
Other	3	09.4412	0207 14 10 0207 14 50 0207 14 70	3 300

Turkey*(tonnes)*

Country	Group number	Order number	CN Code	Annual quantities for 2017	Additional quantity available for the fourth quota sub-period in 2017 (*)
Brazil	4	09.4420	0207 27 10 0207 27 20 0207 27 80	4 300	307

(*) The additional quantity is made available pursuant to the Agreement between the European Union and Brazil in force on 30 June 2017. This additional quantity is calculated on pro rata basis for the period 30 June 2017 until 31 December 2017 and is available for licence applications submitted for the quota subperiod commencing 1 October 2017.

Country	Group number	Order number	CN Code	Annual quantities for 2017
Other	5	09.4421	0207 27 10 0207 27 20 0207 27 80	700
Erga omnes	6	09.4422	0207 27 10 0207 27 20 0207 27 80	2 485

For the quota period commencing 1 January 2018:**REDUCTION IN CUSTOMS DUTY SET AT 100 %****Chicken***(tonnes)*

Country	Group number	Order number	CN Code	Annual quantities
Brazil	1	09.4410	0207 14 10 0207 14 50 0207 14 70	16 698
Thailand	2	09.4411	0207 14 10 0207 14 50 0207 14 70	5 100
Other	3	09.4412	0207 14 10 0207 14 50 0207 14 70	3 300

Turkey*(tonnes)*

Country	Group number	Order number	CN Code	Annual quantities
Brazil	4	09.4420	0207 27 10 0207 27 20 0207 27 80	4 910
Other	5	09.4421	0207 27 10 0207 27 20 0207 27 80	700
Erga omnes	6	09.4422	0207 27 10 0207 27 20 0207 27 80	2 485'

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1157**of 28 June 2017****amending Regulation (EC) No 1484/95 as regards fixing representative prices in the poultrymeat and egg sectors and for egg albumin**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 183(b) thereof,Having regard to Regulation (EU) No 510/2014 of the European Parliament and of the Council of 16 April 2014 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products and repealing Council Regulations (EC) No 1216/2009 and (EC) No 614/2009 ⁽²⁾, and in particular Article 5(6)(a) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 ⁽³⁾ lays down detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.
- (2) Regular monitoring of the data used to determine representative prices for poultrymeat and egg products and for egg albumin shows that the representative import prices for certain products should be amended to take account of variations in price according to origin.
- (3) Regulation (EC) No 1484/95 should therefore be amended accordingly.
- (4) Given the need to ensure that this measure applies as soon as possible after the updated data have been made available, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1484/95 is replaced by the text set out 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, 28 June 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 150, 20.5.2014, p. 1.

⁽³⁾ Commission Regulation (EC) No 1484/95 of 28 June 1995 laying down detailed rules for implementing the system of additional import duties and fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and repealing Regulation No 163/67/EEC (OJ L 145, 29.6.1995, p. 47).

ANNEX

'ANNEX I

CN code	Description	Representative price (EUR/100 kg)	Security under Article 3 (EUR/100 kg)	Origin ⁽¹⁾
0207 12 10	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as "70 % chickens", frozen	126,2	0	AR
0207 12 90	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as "65 % chickens", frozen	131,0 138,0	0 0	AR BR
0207 14 10	Fowls of the species <i>Gallus domesticus</i> , boneless cuts, frozen	261,7 202,4 301,9 213,2	12 29 0 26	AR BR CL TH
0207 27 10	Turkeys, boneless cuts, frozen	316,7 332,5	0 0	BR CL
0408 91 80	Eggs, not in shell, dried	362,4	0	AR
1602 32 11	Preparations of fowls of the species <i>Gallus domesticus</i> , uncooked	215,1	21	BR

⁽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). The code "ZZ" represents "other origins".

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1158**of 29 June 2017****laying down implementing technical standards with regards to the procedures and forms for competent authorities exchanging information with the European Securities Market Authority as referred to in Article 33 of Regulation (EU) No 596/2014 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC ⁽¹⁾, and in particular Article 33(5) thereof,

Whereas:

- (1) It is appropriate to set out common procedures and forms for competent authorities to submit information to the European Securities and Markets Authority (ESMA) with regard to investigations, sanctions and measures referred to in Article 33 of Regulation (EU) No 596/2014.
- (2) In order to facilitate the communication between competent authorities and ESMA and avoid unnecessary delays or failed submissions, each competent authority should designate a contact point specifically for the purpose of submitting the information required.
- (3) To ensure that all required information concerning sanctions and measures imposed by competent authorities is correctly identified and registered by ESMA, competent authorities should provide detailed and harmonised information using specific forms to that purpose.
- (4) Information about investigations to be provided to ESMA should be consistent and comparable in order to reflect the actual investigatory activity carried out under the Market Abuse Regulation on a given year. Therefore, the information should only include the investigations on which the relevant authorities have worked on during the reference period.
- (5) This Regulation is based on the draft implementing technical standards submitted by ESMA to the Commission.
- (6) ESMA did not conduct open public consultations on the draft implementing technical standards on which this Regulation is based, nor did it analyse potential related costs and benefits of introducing the standard forms and procedures for the relevant competent authorities, as this would have been disproportionate in relation to their scope and impact, taking into account that the addressees of the implementing technical standards would only be the national competent authorities of the Member States and not market participants.
- (7) ESMA has requested the opinion of the Securities and Markets Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council ⁽²⁾,

⁽¹⁾ OJ L 173, 12.6.2014, p. 1.

⁽²⁾ Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84).

HAS ADOPTED THIS REGULATION:

Article 1

Definition

For the purposes of this Regulation, 'electronic means' are means of electronic equipment for the processing (including digital compression), storage and transmission of data, employing wires, radio, optical technologies, or any other electromagnetic means.

Article 2

Contact points

1. Each competent authority shall designate a single contact point for sending the information referred to in Article 3 and for communications on any issue relating to submission of that information.
2. Competent authorities shall notify the European Securities and Markets Authority (ESMA) of the contact points designated in accordance with paragraph 1.
3. ESMA shall designate a contact point for receiving the information set out in Articles 3 and 4 and for communications on any issue relating to the reception of that information.
4. ESMA shall publish the contact point referred to in paragraph 2 on its website.

Article 3

Annual submission of aggregated information

1. Competent authorities shall provide ESMA with the information referred to in paragraphs 1 and 2 of Article 33 of Regulation (EU) No 596/2014, by filling in, as appropriate, the form set out in Annex I to this Regulation.
2. The information referred to in paragraph 1 shall be provided to ESMA no later than 31 of March of each year and shall relate to all investigations undertaken and all sanctions and measures imposed during the previous calendar year.
3. Competent authorities shall provide ESMA with the information referred to in paragraph 1 by secure electronic means of transmission.
4. For the purposes of paragraph 1, ESMA shall specify and identify the secure electronic means to be used. Those means shall ensure that the completeness, integrity and confidentiality of the information is maintained during its transmission.

Article 4

Reporting procedures and forms

1. Competent authorities shall report to ESMA the sanctions and measures referred to in Article 33(3) of Regulation (EU) No 596/2014 using the interfaces provided by the information technology system, and the related database, set up by ESMA to manage the receipt, storage and publication of information on those sanctions and measures.

2. The sanctions and measures referred to in paragraph 1 shall be submitted to ESMA in a report file in the format set out in Annex II.

Article 5

Invalidation and updating of reports

1. Where a competent authority wishes to invalidate an existing report file it has previously submitted to ESMA in accordance with Article 4, it shall cancel the existing report file and send a new report file.
2. Where a competent authority wishes to update an existing report file it has previously submitted to ESMA in accordance with Article 4, it shall resubmit the report file with the updated information.

Article 6

Entry into force and application

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

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

Done at Brussels, 29 June 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

Form for annual submission of aggregated and anonymous information regarding all sanctions and measures imposed and investigations undertaken**Aggregated and anonymous information regarding measures and sanctions imposed and investigations undertaken in accordance with Articles 30, 31 and 32 of Regulation (EU) No 596/2014 in [year]**

FROM:

Member State:

Competent authority:

Address:

(Contact details of the designated contact point)

Name:

Telephone:

Email:

TO:

ESMA

(Contact details of the designated contact point)

Name:

Telephone:

Email:

Dear *[insert appropriate name]*

In accordance with Article 33(1) and (2) of Regulation (EU) No 596/2014, I wish to provide you with the following aggregated information regarding:

- all administrative sanctions and measures imposed by *[name of the competent authority]*, in section 1;
- all criminal sanctions imposed by judicial authorities in *[name of the Member State]*, in section 2, if applicable;
- all administrative investigations undertaken *[name of the competent authority]*, in section 3;
- all criminal investigations undertaken by judicial authorities in *[name of the Member State]*, in section 4, if applicable.

Yours sincerely,

[signature]

SECTION 1 Administrative measures and sanctions imposed (including settlement decisions where applicable) over the reporting period

	Number of measures and sanctions			Number of persons concerned by the measures and sanctions	
	Imposed (*)	Published	Under appeal	Natural persons	Legal persons
Total administrative measures and sanctions					

Number of measures and sanctions by type of infringements and nature of the measure/sanction	Pecuniary sanctions (including sub-total for disgorgement where applicable)		Other than pecuniary	Settlement decisions (where applicable)	
	In numbers (+)	Aggregated monetary amount (*)		In numbers (+)	Aggregated monetary amount (**)
For prohibitions under Article 14 of Regulation (EU) No 596/2014					
For prohibitions under Article 15 of Regulation (EU) No 596/2014					
For other infringements					

(+) As measures and sanctions may cover more than one infringement, the sum of the number of measures and sanctions in this table may not correspond to the total number of measures or sanctions contained in the box under 'imposed' in the previous table.

(*) The figure expected concerns the sanctions and measures that a competent authority has decided to impose.

(**) Please insert value in Euro or in national currency. If the relevant penalties refer not only to breaches relating to the relevant article of Regulation (EU) No 596/2014, but also to other provisions, add the mention 'AGGREGATED FIGURE' to each value.

SECTION 2 Criminal sanctions imposed over the reporting period in accordance with the second subparagraph of Article 30(1) of Regulation (EU) No 596/2014 (if applicable)

	Number of sanctions		Number of persons concerned by the sanctions	
	Imposed (*)	Under appeal	Natural persons	Legal persons
Total criminal sanctions				

Number of sanctions by type of infringements and nature of the criminal sanction (+)	Pecuniary (**)	Imprisonment	Settlement decisions	Other kind
For prohibitions under Article 14 of Regulation (EU) No 596/2014				
For prohibitions under Article 15 of Regulation (EU) No 596/2014				
For other infringements				

(+) As measures and sanctions may cover more than one infringement, the sum of the number of measures and sanctions in this table may not correspond to the total number of measures or sanctions contained in the box under 'imposed' in the previous table.

(*) The figure expected concerns the sanctions and measures that an authority has decided to impose.

(**) Please insert value in Euro or in national currency. If the relevant penalties refer not only to breaches relating to the relevant article of Regulation (EU) No 596/2014, but also to other provisions, add the mention 'AGGREGATED FIGURE' to each value.

SECTION 3 **Administrative investigations undertaken over the reporting period**

Type of investigation	Number of investigations that have been ongoing during year [yyyy] (+)			Outcome of the closed investigations			
	Total	Opened	Closed	Initiation of administrative enforcement proceedings (including settlement decisions)	Referral to criminal authorities	Other actions (e.g., prohibitions)	Closed without further actions
For prohibitions under Article 14 of Regulation (EU) No 596/2014							
For prohibitions under Article 15 of Regulation (EU) No 596/2014							
For other type of infringements							

(+) Some investigations can cover several infringements and concern more than one person.

SECTION 4 Criminal investigations undertaken over the reporting period in accordance with the second subparagraph of Article 30(1) of Regulation (EU) No 596/2014 (if applicable)

Type of investigation	Number of investigations that have been ongoing during year [yyyy] (+)			Outcome of the closed investigations		
	Total	Opened	Closed	Initiation of criminal enforcement proceedings (including settlement decisions)	Closed without further actions	Other actions (e.g.: prohibitions)
For prohibitions under Article 14 of Regulation (EU) No 596/2014						
For prohibitions under Article 15 of Regulation (EU) No 596/2014						
For other type of infringements						

(+) Some investigations can cover several infringements and concern more than one person.

ANNEX II

Format for notifying administrative or criminal sanctions or other administrative measures disclosed to the public

Field	Description	Type
Legal Framework	The acronym of the Union legislative act under which the administrative or criminal sanctions or other administrative measures have been imposed.	Mandatory
Sanction identifier	The identification code attributed by the competent authority for the purpose of the notification of the administrative or criminal sanctions or other administrative measures	Optional
Member State	The acronym of the Member State of the competent authority submitting the sanction or measure	Mandatory
Entity Identifier	The identifier used to uniquely identify a legal entity on which an administrative or criminal sanction or other administrative measures have been imposed, in case the entity is an authorised entity under MiFID ⁽¹⁾ , UCITS ⁽²⁾ or AIFMD ⁽³⁾ legal framework.	Optional (for legal persons only)
Authority Key	The identifier of the authority submitting the sanction or measure	Mandatory
Entity Legal Framework	The acronym of the Union legislative text that applies to the entity on which the administrative or criminal sanction or other administrative measures have been imposed.	Optional (for legal persons only)
Nature of sanction	Information on whether the sanction notified is a criminal sanction, an administrative sanction or an administrative measure.	Mandatory (only for sanctions)
Entity Full name	Full name of the entity the sanction is imposed to, in case the entity is not authorised under MiFID, UCITS or AIFMD legal framework.	Optional (for legal persons only)
Person Full Name	Full name of the persons on whom an administrative or criminal sanction or other administrative measures have been imposed.	Optional (for natural persons only)
Sanctioning NCA	The acronym of the competent authority that has imposed the administrative or criminal sanctions or other administrative measures.	Mandatory
Free Text	Text of the administrative or criminal sanctions or other administrative measures in a national language or in English.	Mandatory
Free Text	Text of the administrative sanction or measure in English.	Optional
Date	The date on which the administrative or criminal sanction or other administrative measure was imposed.	Mandatory
Expiration Date	Date on which the effects of the administrative sanction or measure ends.	Optional

(1) Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349).

(2) Directive 2009/65/EC of 13 July 2009 of the European Parliament and of the Council on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) (OJ L 302, 17.11.2009, p. 32).

(3) Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers and amending Directives 2003/41/EC and 2009/65/EC and Regulations (EC) No 1060/2009 and (EU) No 1095/2010 (OJ L 174, 1.7.2011, p. 1).

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1159**of 29 June 2017**

amending Council Implementing Regulation (EU) No 1105/2010 and Commission Implementing Regulation (EU) 2017/325 as regards the definition of the product scope of the current anti-dumping measures concerning imports of high tenacity yarns of polyesters originating in the People's Republic of China, and providing for the possibility of repayment or remission of duties in certain cases

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(3) and Article 14 thereof,

Whereas:

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

- (1) By Implementing Regulation (EU) No 1105/2010 ⁽²⁾ ('the original Regulation') the Council imposed a definitive anti-dumping duty on imports of high tenacity yarns of polyesters ('HTY') originating in the People's Republic of China ('China').
- (2) Following an expiry review ('the expiry review') based on Article 11(2) of the basic Regulation, the original measures were prolonged for 5 years by Commission Implementing Regulation (EU) 2017/325 ⁽³⁾ ('the expiry review Regulation').
- (3) The measures imposed took the form of an ad valorem duty with a residual rate set at 9,8 %, while the companies on which anti-dumping duties were imposed received an individual duty rate ranging from 5,1 % to 9,8 %. Two companies were found not to be dumping in the original investigation.

2. Initiation on interim review

- (4) A Slovenian importer, A&E Europe ('the applicant'), on 4 October 2016 lodged a request for a partial interim review pursuant to Article 11(3) of the basic Regulation. The applicant requested the exclusion of certain types of sewing thread (ST), namely greige sewing thread ('GST'), from the scope of the measures in force on the basis of their allegedly different physical and technical characteristics.
- (5) Having determined, after informing the Member States, that sufficient evidence exists to justify the initiation of a partial interim review, the European Commission ('the Commission') announced by a notice ('the Notice of Initiation') published in the *Official Journal of the European Union* ⁽⁴⁾, the initiation of a partial interim review of the anti-dumping measures applicable to imports of HTY originating in China.
- (6) The current review was limited to the examination of the definition of the product scope in order to clarify whether certain types of ST, in particular GST, fall within the scope of the original measures, as prolonged.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ Council Implementing Regulation (EU) No 1105/2010 of 29 November 2010 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of high tenacity yarn of polyesters originating in the People's Republic of China and terminating the proceeding concerning imports of high tenacity yarn of polyesters originating in the Republic of Korea and Taiwan (OJ L 315, 1.12.2010, p. 1).

⁽³⁾ Commission Implementing Regulation (EU) 2017/325 of 24 February 2017 imposing a definitive anti-dumping duty on imports of high tenacity yarns of polyesters 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 (OJ L 49, 25.2.2017, p. 6).

⁽⁴⁾ OJ C 384, 18.10.2016, p. 15.

- (7) The applicant's claim was explicitly supported by one of the Union producers of HTY (DuraFiber) which represented 49 % of the Union production of HTY in the expiry review investigation.
- (8) The representatives of the applicant were invited to present their case before the Commission. The meeting took place on 29 September 2016.

3. Parties concerned by the review

- (9) The four known Union producers of HTY, their association and the representative of the exporting country were informed by the Commission of the initiation of the review.
- (10) The Commission requested information from all the abovementioned parties and from those other parties who made themselves known within the time limit set in the Notice of Initiation. The Commission also gave interested parties the opportunity to make their views known in writing and to request a hearing.
- (11) None of the Chinese exporting producers or their association came forward in the proceedings.
- (12) No hearings were requested during the investigation by any of the parties.
- (13) Amann Group was the sole importer of GST and user of HTY that came forward as interested party for this investigation. The company came forward on its own initiative and supported the applicant's request for the exclusion of the GST from the product scope of the existing measures. The party also opposed the claims made from the association of the Union producers of HTY, presented below in recitals (15) to (20).
- (14) None of the Union producers of the product concerned came forward during the review.
- (15) The European Manmade Fibres Association (CIRFS) submitted comments opposing any change to the existing product definition. First, CIRFS claimed that the subject of the request would fall under the competence of the national Customs authorities in their role of implementing the basic Regulation, rather than giving rise to a product scope review.
- (16) However, it should be noted that anti-dumping measures are imposed on specific products and that therefore an adequate product definition is a crucial element for their correct application. Pursuant to Article 11(3) of the basic Regulation, the need for the continued imposition of the measures may be reviewed and in particular the product scope can be reassessed in order to clarify whether certain product types fall within the definition of the scope of an anti-dumping measure. The claim was therefore rejected.
- (17) Second, CIRFS claimed that the letter of support mentioned above in recital (7) came from DuraFiber, which is only one of the four complaining producers which requested the expiry review investigation. Allegedly, the other three producers would be opposed to the request for review. However, since no evidence or specific letters in this respect were provided by other producers, the claim was therefore rejected.
- (18) Third, CIRFS claimed that other users and/or importers could also take example from the request for partial interim review and also request the exclusion of other types of HTY with certain specific and particular characteristics. In the opinion of CIRFS, the possibilities in this respect are endless and the prefix 'ex' should not be put before the CN code in order to avoid its fragmenting. In this respect, it should be pointed out that the present review is limited to clarifying whether certain types of sewing thread (greige sewing thread) were part of the product scope. Any interested party has the right to request a clarification whether certain products fall or not under the product scope of anti-dumping measures. The Commission will assess the merits of each request on an individual basis and open a proceeding when warranted. The claim was therefore rejected.
- (19) Fourth, CIRFS further claimed that the level of expertise regarding fibres and textiles at Customs in different Member States is allegedly not consistent, which puts doubt on the correct implementation of the anti-dumping measures and the detection of possible circumvention. In this respect, it should be noted that all Customs officials in all Member States are bound by the same Union Customs framework. If any party has concerns regarding the existence of possible circumvention practices, it may request the Commission to initiate a circumvention investigation pursuant to Article 13(3) of the basic Regulation. Given that CIRFS did not make such request and did not substantiate its allegations, the claim was therefore rejected.

- (20) Fifth and finally, CIRFS claimed that the request was made at a very late stage and the support letter was drafted a few days after the opening of the expiry review. In this respect, it should be pointed out that the basic Regulation does not establish a time limit for requesting a review regarding the clarification of the product scope. Thus, the claim was rejected.

B. PRODUCT CONCERNED AND PRODUCT UNDER REVIEW

1. Product concerned

- (21) The product concerned, as defined in Article 1(1) of the expiry review Regulation, is high tenacity yarn of polyesters (other than sewing thread), not put up for retail sale, including monofilament of less than 67 decitex originating in the PRC ('the product concerned' or 'HTY') currently falling within CN code 5402 20 00.
- (22) Note 5 to Section XI of the Combined Nomenclature defines 'sewing thread' (ST) as follows:
- '... the expression "sewing thread" means multiple (folded) or cabled yarn:
- (a) Put up on supports (for example, reels, tubes) of a weight (including support) not exceeding 1 000 g;
 - (b) Dressed for use as sewing thread; and
 - (c) With a final "Z" twist.'

2. Product under review

- (23) In its request for review, the applicant claimed that 'greige sewing thread' ('the product under review' or 'GST'), which is undyed and/or unfinished sewing thread in the state following final plying, should not fall within the scope of the measures.
- (24) The applicant explained that the Slovenian customs authorities could not accept declaring the product under review as ST, as the weight of the imported products exceeded the 1 000 g limit (including support) and would thus not meet the above mentioned (a) condition defined in Section XI — Note 5 from the Combined Nomenclature. The product under investigation is actually imported with a weight not exceeding 2 000 g (including support).

C. FINDINGS OF THE REVIEW

- (25) In order to assess whether GST was covered by the original measures, the Commission examined whether GST and HTY share the same basic physical, chemical and technical characteristics and end-uses. The interchangeability and competition between GST and HTY was also assessed. All information with respect to the scope of the existing anti-dumping measures was also collected and verified.
- (26) HTY is the basic material for the production of ST, which is therefore a downstream product of the product subject to measures. Consequently, the required machinery for the production of the product under review (GST) differs completely from that of the product concerned (HTY). This was confirmed during a verification visit to a European manufacturer, Amann Group, and during the verification visits to the Union producers of the product concerned in the context of the recent expiry review investigation of the measures in force.
- (27) Furthermore, the investigation revealed that GST, since it consists of HTY that has been 'Z' twisted in a certain way to form a sewing thread, it is no longer appropriate for the uses to which HTY is typically an input.
- (28) In fact, the product under review meets the requirements to be considered in substance as ST, a product excluded from the scope of the original measures, although it does not fulfil two conditions of the relevant section note of the Combined Nomenclature on 'sewing thread': (1) its weight exceeds 1 000 grams at importation when put up on a support — a plastic, perforated bobbin on which the product is loosely wound for purposes of later dyeing and dressing; and (2) it is not dressed for use as 'sewing thread'.

- (29) However, unlike the above two conditions, Z-twisting is a determinant factor for the applications of the product. The manufacturing of GST requires that two or more HTY undergo a Z-twisting process that changes in an irreversible way the physical characteristics of the HTY to an extent that makes the twisted product inappropriate to be used in the place of a HTY. In fact, the Z-twisting in itself in essence transforms the HTY into a type (semi-finished) of sewing thread (GST) that is ready for its later colouring and/or lubrication. Once GST is manufactured, the process is irreversible. Thus, there is no interchangeability between HTY (the product concern) and GST (the product under review).
- (30) Accordingly, the above findings show that GST and HTY are two different products.
- (31) Furthermore, the Commission recalls that the present review investigation was limited to the clarification of the product scope and that it found that GST should not have been covered by the definition of scope in the original measure.

D. CONCLUSION ON PRODUCT SCOPE

- (32) The review investigation has showed that the product concerned in the original investigation, HTY, and the product under review, GST, are two different products.
- (33) Furthermore, GST was never intended to be in the scope of the anti-dumping investigation on HTY and did not form part of the analysis on which the findings concerning dumping and injury were originally based.
- (34) The change in the definition of the product scope in the original Regulation proposed by the applicant, namely, to replace the general exclusion of ST in the product definition with that of GST, coupled with the introduction of a maximum bobbin weight of 2 kg cannot, however, be accepted. Such modification would artificially enlarge the scope of the original measures, since it would subject all ST other than GST to the duties. Furthermore, another importer that made itself known in the review proceedings suggested an even higher threshold of less than 2,5 kg because it imports on bobbins of that weight.
- (35) It is therefore appropriate to amend the wording of the product definition in the anti-dumping measures in force as to create clarity on the exclusion of both ST and GST, the latter being an intermediate product in the production process of ST. Moreover, in order to prevent any future claims with respect to the specific weight restriction of GST, the specific weight restriction should be removed from the definition of the product concerned.
- (36) On the basis of the above, the definition of the product concerned should be as follows:

The product concerned is high tenacity yarn of polyesters not put up for retail sale, including monofilament of less than 67 decitex (excluding sewing thread and 'Z'-twisted multiple (folded) or cabled yarn, intended for the production of sewing threads, ready for dyeing and for receiving a finishing treatment, loosely wound on a plastic perforated tube), currently falling within CN Code ex 5402 20 00 (TARIC code 5402 20 00 10) and originating in the People's Republic of China.

- (37) Following definitive disclosure, the applicant made comments and suggestions on the proposed amended product definition. The applicant recalled its concern regarding the possible difficulties at practical implementation of measures by the national customs authorities as well the most adequate differentiator for excluding greige sewing thread from the product definition.
- (38) The investigation concluded that the term 'ready for dyeing and for receiving a finishing treatment' adequately describes the physical characteristics of the "'Z"-twisted multiple (folded) or cabled yarn', clarifying that the multiple (folded) or cabled yarn is only 'Z'-twisted but not dyed nor finished. The term 'loosely wound on' describes one of the two characteristics of the packaging type. The other characteristic of the packaging type is described by the term 'a plastic perforated tube'.

- (39) Regarding the concerns that the applicant put forward with respect to the possible problems on the practical implementation of the amended product definition by the customs authorities, it should first be borne in mind that the product definition is clearly established by an EU act, a Commission implementing regulation. The term 'loosely wound on' is inserted into the product definition with a view of making it easier to differentiate loosely wound bobbins from densely wound bobbins of HTY, which is subject to measures. Second, even though there might be several degrees of looseness or tightness, the difference on the looseness or tightness of the winding between the loosely wound bobbins of the GST and the densely wound bobbins of HTY is so obvious in nature, that there is no risk it might mislead the customs authorities.
- (40) Finally, even though the applicant suggested that the insertion of a differentiator based on the weight restriction into the product definition might facilitate the implementation of the product definition by the customs authorities, it did not substantiate why limiting the threshold to 2,5 kg would be appropriate, without running the risk of discriminating producers importing similar products with a higher weight. For the above mentioned reasons, the additional suggestions that were put forward by the applicant were rejected and the definition spelled on recital (36) above was considered appropriate.

E. RETROACTIVE APPLICATION

- (41) Since the present review investigation was limited to the clarification of the definition of the product scope and since GST should not have been covered by the original measures, in order to prevent any consequent prejudice to importers of the product under review, it is considered appropriate that the finding of this review be applied retroactively from the date of the entry into force of the original Regulation, including any imports subject to provisional duties between 1 June 2010 and 2 December 2010.
- (42) In the Notice of Initiation, the interested parties were explicitly invited to comment on a possible retroactive effect the conclusions might have. The applicant and one importer of GST expressed their support for retroactive application and none of the interested parties expressed opposition to the retroactive application of the results of the review.
- (43) Consequently, the provisional duties definitely collected and the definitive anti-dumping duties paid on imports of GST into the Union pursuant to Commission Regulation (EU) No 478/2010 ⁽¹⁾ and the original Regulation on imports of high tenacity yarns of polyesters originating in the People's Republic of China, as prolonged by the expiry review Regulation, may be repaid or remitted by national customs authorities in accordance with applicable customs legislation. Where the time limit of 3 years provided for in Article 121(1)(a) of Regulation (EU) No 952/2013 of the European Parliament and Council ⁽²⁾ expired before or on the date of publication of this Regulation, or if they expire within 6 months after that date, it shall be prolonged for a period of 6 months after the date of publication of this Regulation pursuant to Article 121(1), second paragraph of Regulation (EU) No 952/2013.
- (44) This review does not affect the date on which the expiry review Regulation will expire pursuant to Article 11(2) of the basic Regulation.

F. DISCLOSURE

- (45) All interested parties were informed of the essential facts and considerations leading to the above conclusions and were invited to comment. They were also granted a period to submit comments subsequent to the disclosure.
- (46) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EU) 2016/1036,

⁽¹⁾ Commission Regulation (EU) No 478/2010 of 1 June 2010 imposing a provisional anti-dumping duty on imports of high tenacity yarn of polyesters originating in the People's Republic of China (OJ L 135, 2.6.2010, p. 3).

⁽²⁾ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Implementing Regulation (EU) No 1105/2010, paragraph 1 is replaced by the following:

‘1. A definitive anti-dumping duty is hereby imposed on imports of high tenacity yarn of polyesters not put up for retail sale, including monofilament of less than 67 decitex (excluding sewing thread and “Z”-twisted multiple (folded) or cabled yarn, intended for the production of sewing thread, ready for dyeing and for receiving a finishing treatment, loosely wound on a plastic perforated tube), currently falling within CN Code ex 5402 20 00 (TARIC code 5402 20 00 10) and originating in the People’s Republic of China.’.

Article 2

In Article 1 of Implementing Regulation (EU) 2017/325, paragraph 1 is replaced by the following:

‘1. A definitive anti-dumping duty is hereby imposed on imports of high tenacity yarn of polyesters not put up for retail sale, including monofilament of less than 67 decitex, (excluding sewing thread and “Z”-twisted multiple (folded) or cabled yarn, intended for the production of sewing thread, ready for dyeing and for receiving a finishing treatment, loosely wound on a plastic perforated tube), currently falling within CN Code ex 5402 20 00 (TARIC code 5402 20 00 10) and originating in the People’s Republic of China.’.

Article 3

For goods not covered by Article 1(1) of Regulation (EU) No 478/2010 and Implementing Regulation (EU) No 1105/2010, as prolonged by Implementing Regulation (EU) 2017/325 and amended by this Regulation, the definitive anti-dumping duty paid or entered into the accounts pursuant to Article 1(1) of Regulation (EU) No 478/2010 and Implementing Regulation (EU) No 1105/2010, as prolonged by Implementing Regulation (EU) 2017/325 prior to the amendment by this Regulation shall be repaid or remitted by national customs authorities in accordance with applicable customs legislation.

Where the time limit of 3 years provided for in Article 121(1)(a) of Regulation (EU) No 952/2013 expired before or on the date of publication of this Regulation, or if they expire within 6 months after that date, it shall be prolonged for a period of 6 months after the date of publication of this Regulation pursuant to Article 121(1), second paragraph of Regulation (EU) No 952/2013.

Article 4

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

It shall apply retroactively from 2 December 2010.

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

Done at Brussels, 29 June 2017.

For the Commission
The President
Jean-Claude JUNCKER

DECISIONS

POLITICAL AND SECURITY COMMITTEE DECISION (CFSP) 2017/1160

of 26 June 2017

on the appointment of the EU Mission Force Commander of the European Union military mission to contribute to the training of Somali security forces (EUTM Somalia) (EUTM Somalia/1/2017)

THE POLITICAL AND SECURITY COMMITTEE,

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

Having regard to Council Decision 2010/96/CFSP of 15 February 2010 on a European Union military mission to contribute to the training of Somali security forces ⁽¹⁾, and in particular Article 5 thereof,

Whereas:

- (1) Pursuant to Article 5(1) of Decision 2010/96/CFSP, the Council authorised the Political and Security Committee (PSC), in accordance with Article 38 of the Treaty on European Union, to take the relevant decisions concerning the political control and strategic direction of the European Union military mission to contribute to the training of Somali security forces (EUTM Somalia), including the decisions on the appointment of subsequent EU Mission Commanders.
- (2) On 15 March 2016, the PSC adopted Decision (CFSP) 2016/396 ⁽²⁾ appointing Brigadier General Maurizio MORENA as the EU Mission Commander of EUTM Somalia.
- (3) Council Decision (EU) 2017/971 ⁽³⁾ amended the chain of command of EUTM Somalia. Consequently, Decision (CFSP) 2016/396 was repealed, and Brigadier General Maurizio MORENA was appointed as the EU Mission Force Commander of EUTM Somalia.
- (4) On 10 March 2017, Italy proposed the appointment of Colonel Pietro ADDIS to succeed Brigadier General Maurizio MORENA as the EU Mission Force Commander of EUTM Somalia.
- (5) On 23 May 2017, the EU Military Committee recommended that the PSC appoint Colonel Pietro ADDIS to succeed Brigadier General Maurizio MORENA as the EU Mission Force Commander of EUTM Somalia as from 1 July 2017.
- (6) In accordance with Article 5 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications. Consequently, Denmark is not participating in the adoption of this Decision and is neither bound by it nor subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

Colonel Pietro ADDIS is hereby appointed as the EU Mission Force Commander of the European Union military mission to contribute to the training of Somali security forces (EUTM Somalia) as from 1 July 2017.

⁽¹⁾ OJ L 44, 19.2.2010, p. 16.

⁽²⁾ Political and Security Committee Decision (CFSP) 2016/396 of 15 March 2016 on the appointment of the EU Mission Commander for the European Union military mission to contribute to the training of Somali security forces (EUTM Somalia) and repealing Decision (CFSP) 2015/173 (EUTM Somalia/1/2016) (OJ L 73, 18.3.2016, p. 99).

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

Article 2

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

Done at Brussels, 26 June 2017.

For the Political and Security Committee

The Chairperson

W. STEVENS

COMMISSION IMPLEMENTING DECISION (EU) 2017/1161**of 23 June 2017****amending Implementing Decision (EU) 2016/159 laying down the procedures for the submission of applications for grants and requests for payment, and the information relating thereto, in respect of the emergency measures against plant pests referred to in Regulation (EU) No 652/2014 of the European Parliament and of the Council***(notified under document C(2017) 4221)*

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 652/2014 of the European Parliament and of the Council of 15 May 2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material, amending Council Directives 98/56/EC, 2000/29/EC and 2008/90/EC, Regulations (EC) No 178/2002, (EC) No 882/2004 and (EC) No 396/2005 of the European Parliament and of the Council, Directive 2009/128/EC of the European Parliament and of the Council and Regulation (EC) No 1107/2009 of the European Parliament and of the Council and repealing Council Decisions 66/399/EEC, 76/894/EEC and 2009/470/EC ⁽¹⁾, and in particular Article 36(5) thereof,

Whereas:

- (1) Commission Implementing Decision (EU) 2016/159 ⁽²⁾ lays down the procedures for the submission of applications for grants and requests for payment, and the information relating thereto, in respect of the emergency measures against plant pests referred to in Regulation (EU) No 652/2014.
- (2) In accordance with Article 54 of Regulation (EU) No 652/2014, point (d) of Article 18(1) of that Regulation applies from 1 January 2017. In order to include costs of compensating the owners concerned for the value of the destroyed plants, plants products or other objects subject to the measures referred to in Article 18 of that Regulation, under the measures foreseen in Article 1 of Implementing Decision (EU) 2016/159, that Decision needs to be amended accordingly.
- (3) 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***Amendment to Implementing Decision (EU) 2016/159**

Implementing Decision (EU) 2016/159 is amended as follows:

- (1) the first subparagraph of Article 1 is replaced by the following:

‘In order to be granted a financial contribution of the Union the Member States shall provide, within 2 months from the official confirmation of the presence of a pest referred to in Article 17 of Regulation (EU) No 652/2014, preliminary information concerning the outbreak of the pest. That preliminary information shall be submitted by means of an electronic file, in accordance with the template set out in Annex I to this Decision. The notifications to the Commission as described in Article 1 and 2 of Implementing Decision 2014/917/EU are considered as such preliminary information.’;

⁽¹⁾ OJ L 189, 27.6.2014, p. 1.

⁽²⁾ Commission Implementing Decision (EU) 2016/159 of 4 February 2016 laying down the procedures for the submission of applications for grants and requests for payment, and the information relating thereto, in respect of the emergency measures against plant pests referred to in Regulation (EU) No 652/2014 of the European Parliament and of the Council (OJ L 31, 6.2.2016, p. 51).

(2) the second subparagraph of Article 1 is replaced by the following:

‘No later than 6 months after the official confirmation of the presence of the pest, Member States shall submit to the Commission an application for a grant pursuant to Article 16(1) of Regulation (EU) No 652/2014 by means of an electronic file, in accordance with templates 1 and 2 set out in Annex II to this Decision.’;

(3) in the third subparagraph of Article 1, the following point is inserted:

‘(e) the estimated costs of compensation to owners for the values of the destroyed plants, plant products or other objects as referred to in Article 18(1)(d) of Regulation (EU) No 652/2014.’;

(4) the fifth subparagraph of Article 1 is replaced by the following:

‘Applications for a grant for the estimated cost essential for the eradication and/or containment of a pest for which an application was already sent in previous calendar years, shall contain the updated versions of Annex II (1 and 2) to this Decision.’;

(5) in Article 2, points (a) and (b) are replaced as below, and the following point (c) is inserted:

‘(a) the request for payment for the eligible costs incurred, using an electronic file in accordance with templates 1 and 2 set out in Annex III to this Decision; consequently, if applicable, the request for payment set out in Annex III (1) should be applied;

(b) a final technical report in accordance with Annex IV to this Decision;

(c) the applications for a grant for the estimated costs of compensation to owners for the values of the destroyed plants, plant products or other objects as referred to in Article 18(1)(d) of Regulation (EU) No 652/2014 shall contain Annex III (2) to this Decision.’;

(6) Article 4 is replaced by the following:

‘Article 4

This Decision shall apply with respect to pest outbreaks notified to the Commission as of 1 January 2017.’;

(7) Annexes I, II, III and IV are amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 23 June 2017.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

The Annexes to Implementing Decision (EU) 2016/159 are amended as follows:

(1) Annex I is replaced by the following:

'ANNEX I

PRELIMINARY INFORMATION			
Information required within two months of the official confirmation of the occurrence of primary outbreak of the pest:			
To be addressed to: SANTE-D4-EMERGENCY-PLANT-HEALTH@ec.europa.eu			
1. Date	DD/MM/YY	7. Pest (common name)	
		Latin name	
2. Member State			
		8. Crop / Tree (common name)	
3. Contact Person		Latin name	
4. Region			
		9. Type of measures	Eradication ☐ Containment (in the buffer zone) ☐ Other Measures ☐
5. Number of hectares (affected)			
6. Number of outbreaks			
		10. EUROPHYT notification number	
11. Overview of the measures to be applied or that have already been applied in the affected area'			

(2) Annex II is replaced by the following:

‘ANNEX II

Template 1			
A. Eradication	☐		
B. Containment (in the buffer zone)	☐		
C. Other protective measures ⁽¹⁾	☐		
PRELIMINARY BUDGET			
No later than six months after the official confirmation of the occurrence of primary outbreak of the pest and every three months thereafter.			
To be addressed to: SANTE-D4-EMERGENCY-PLANT-HEALTH@ec.europa.eu			
First submission			
Update			
For the period from	DD/MM/YY	to	DD/MM/YY
Outbreak reference	MS / Pest / Year	Region	
EUROPHYT Notification Date			
Contact person for this budget:			
Telephone:			
E-mail address			
Eligible Measures	Estimated hourly rate (for official personnel)	MS total estimated amount requested (In euro, VAT excluded)	EU approved co-funded amount (In euro, VAT excluded) to be filled in by the Commission
Eligible direct costs			
A. Visual inspection, sampling & trapping activities			
1. Costs for official personnel ⁽²⁾			
2. Costs for contracted personnel			
3. Other costs (consumables, materials)			

B. Laboratory tests			
1. Costs for official personnel ⁽²⁾			
2. Costs for private entities contracted to perform the task			
3. Other costs (kits, reagents, consumables)			
C. Treatment of plants and plant products			
1. Costs for official personnel ⁽²⁾			
2. Costs for private entities contracted to perform the task			
3. Costs for renting of equipment			
4. Other costs (consumables, materials, preventive treatment, plant products)			
D. Destruction and/or removal of plants			
1. Costs for official personnel ⁽²⁾			
2. Costs for private entities contracted to perform the task			
3. Costs for renting of equipment			
4. Other costs (consumables, materials)			
E. Cleaning and/or disinfection of premises, land, water, soil, growing media, machinery and equipment			
1. Costs for official personnel ⁽²⁾			
2. Costs for private entities contracted to perform the task			
3. Costs for renting of equipment			
4. Other costs (consumables, materials)			
F. Compensating the operators/owners concerned for treatment, destruction/removal, cleaning/disinfection			
1. Costs of compensation for treatment			
2. Costs of compensation for destruction / removal of plants			
3. Costs of compensation for cleaning / disinfection			
G. Compensating the owners concerned for the value of the destroyed plants, plant objects or other objects			
1.			

H. Exceptional and duly justified costs for other measures than those listed from A to G ⁽³⁾		
1.		
Please explain and justify the measure and related costs:		
Sub-total:	— EUR	— EUR
Indirect costs — 7% overheads on direct costs, other than those of compensations		
Sub-total:	— EUR	— EUR
Total amount (In euro, VAT excluded)		
Total:	— EUR	— EUR
Co-funding rate (50% / 75%)		
Requested amount for EU co-funding	— EUR	— EUR
Date: DD/MM/YY		
Name of responsible: Signature:		

⁽¹⁾ Article 16.1(c) of Regulation No 652/2014.

⁽²⁾ Please indicate estimated hourly rate for all official personnel, in the designated column.

⁽³⁾ Article 18.1(e) of Regulation No 652/2014.

Template 2

A. Eradication☐**B. Containment (in the buffer zone)**☐**C. Other protective measures ⁽¹⁾**☐

PLAN OF ERADICATION / CONTAINMENT ACTIVITIES

No later than six months after the official confirmation of the occurrence of primary outbreak of the pest and every three months thereafter.

To be addressed to: SANTE-D4-EMERGENCY-PLANT-HEALTH@ec.europa.eu

First submission

Update

For the period from

DD/MM/YY

to

DD/MM/YY

Outbreak reference

MS / Pest / Year

Region

EUROPHYT
Notification DateContact person for this
budget:

Telephone:

E-mail address

Measures implemented / to be implemented

A. Detailed description of the technical measures to be implemented (Please describe below the a. plan of the measures, b. activities, c. timeline, d. eradication or containment etc.)

B. Detailed description of the goal to be achieved concerning the eradication/containment/other measures as a result of the implementation of the measures (Please describe the main goals to be achieved)	
Eligible Measures	Estimated number of activities
C. Visual inspection (Please describe below the activities)	
D. Sampling (Please describe below the activities)	
E. Trapping (Please describe below the activities)	
F. Laboratory/testing (Please describe below the activities)	
G. Treatment of plants and plant products (Please specify below the activities)	
H. Destruction and/or removal of plants (Please describe below the activities)	
I. Cleaning and/or disinfection of premises, land, water, soil, growing media, machinery and equipment (Please describe below the activities)	
J. Measures for compensating the operators/owners concerned for treatment, destruction/removal, cleaning/disinfection (Please describe below the activities)	

K. Measures for compensating the owners concerned for the value of the destroyed plants, plant objects or other objects (Please describe below the activities)		
L. Exceptional and duly justified activities for other measures than those listed from A to K ⁽¹⁾ (Please describe below the activities)		
M. Geographical information about the pest outbreak (please complete the table)		
Map of the Infected / Demarcated area	YES	☐ NO ☐
GIS signal spot	YES	☐ NO ☐
Latitudes and longitudes	YES	☐ NO ☐
Prefecture map (outbreak area)	YES	☐ NO ☐
Member state map (outbreak area)	YES	☐ NO ☐
Date: DD/MM/YY Name of responsible: Signature:		

⁽¹⁾ Article 18.1 (e) of Regulation No 652/2014.

⁽²⁾ As explained in point 5.2.1 ix) of the Guidelines for plant health emergency measures.'

(3) Annex III is replaced by the following:

‘ANNEX III

Template 1			
A. Eradication	☐		
B. Containment (in the buffer zone)	☐		
C. Other protective measures ⁽¹⁾	☐		
REQUEST FOR PAYMENT under Grant Decision SANTE/EM/PH/YEAR/NO./MS			
To be addressed to: SANTE-D4-EMERGENCY-PLANT-HEALTH@ec.europa.eu			
First submission			
Update			
For the period from	DD/MM/YY	to	DD/MM/YY
Outbreak reference	MS / Pest / Year	Region	
EUROPHYT Notification Date			
Contact person for this budget:		Exchange rate	
Telephone:			
E-mail address			
Eligible Measures and associated costs ⁽²⁾	Number of hours (for official personnel)	MS total amount requested (In euro, VAT excluded)	EU approved co-funded amount (In euro, VAT excluded) to be filled in by the Commission
Eligible direct costs			
A. Costs for visual inspection, sampling & trapping activities			
1. Costs for official personnel			
2. Costs for contracted personnel			
3. Costs of consumables			
4. Costs of materials			

B. Laboratory tests

1. Costs for official personnel

2. Costs for private entities contracted to perform the task

3. Costs for kits and reagents

4. Costs for consumables

C. Treatment of plants and plant products

1. Costs for official personnel

2. Costs for private entities contracted to perform the task

3. Costs for renting of equipment

4. Costs of consumables

5. Costs of materials

6. Costs for preventive treatment

7. Costs for plant products

D. Costs for destruction and/or removal of plants

1. Costs for official personnel

2. Costs for private entities contracted to perform the task

3. Costs for renting of equipment

4. Costs of consumables

5. Costs of materials

E. Cleaning and/or disinfection of premises, land, water, soil, growing media, machinery and equipment1. Costs for official personnel ⁽²⁾

2. Costs for private entities contracted to perform the task

3. Costs for renting of equipment

4. Costs of consumables

5. Costs of materials

F. Compensating the operators/owners concerned for treatment, destruction/removal, cleaning/disinfection

1. Costs of compensation for treatment

2. Costs of compensation for destruction / removal of plants

3. Costs of compensation for cleaning / disinfection

G. Compensating the owners concerned for the value of the destroyed plants, plant objects or other objects		
1.		
Please specify species and quantities		
H. Exceptional and duly justified costs for other measures than those listed from A to G ⁽³⁾		
1.		
Please explain and justify the measure and related costs:		
Sub-total:	— EUR	— EUR
Indirect costs — 7% overheads on direct costs, other than those of compensations		
Sub-total:	— EUR	— EUR
Total amount (In euro, VAT excluded)		
Total:	— EUR	— EUR
Co-funding rate (50% / 75%)		
Amount requested for EU co-funding	— EUR	— EUR
1. this expenditure was actually incurred, accurately accounted for, the above costs correspond to the resources employed for the work and those resources were reasonable and necessary for the work; 2. all supporting documents relating to the expenditure are available for inspection; 3. no other Union contribution was requested for this action and all revenue accruing from operations for this action is declared to the Commission (in particular for survey for pests programmes); 4. control procedures apply, in particular to verify the accuracy of the amounts declared, to prevent, detect and correct irregularities; 5. all costs were incurred within the period set with the grant decision; 6. all costs were paid before the submission of the request of payment.		
Date:		
Name of responsible:		Signature:

⁽¹⁾ Article 16. 1 (c) of Regulation No 652/2014.

⁽²⁾ The request for payment must be provided by Member States together with an excel sheet, detailing the individual costs and allowing the reconstruction of the costs included in the Request for payment.

⁽³⁾ Article 18.1 (e) of Regulation No 652/2014.

Template 2 — REQUEST FOR PAYMENT — COMPENSATION FOR PLANTS									
To be addressed to: SANTE-D4-EMERGENCY-PLANT-HEALTH@ec.europa.eu									
Submission deadline:		No later than six months of the end date fixed in the financial decision or the confirmation of the completion of the eradication and / or containment of pest							
Outbreak reference		MS / PEST / YEAR							
PLANTS									
EUROPHYT Notification No	Plants owner or grower		Location of destroyed plants	Date of destruction	Method of destruction	Date of payment	Species	Quantity (ha/m ² /number of plants)	Amount paid for the <u>market value</u> of the plants
	Surname	Forename							
Total								EUR 0,00	
PLANT PRODUCTS									
EUROPHYT Notification No	Plant products owner		Location of destroyed plant products	Date of destruction	Method of destruction	Date of payment	Type of plant products	Quantity (number of units)	Amount paid for the <u>market value</u> of the plant products
	Surname	Forename							
Total								EUR 0,00	
OTHER OBJECTS									
EUROPHYT Notification No	Other objects owner		Location of destroyed other objects	Date of destruction	Method of destruction	Date of payment	Type of objects	Quantity (number of units)	Amount paid for the <u>market value</u> of other objects
	Surname	Forename							
Total								EUR 0,00 [*]	

(4) the following Annex IV is added:

‘ANNEX IV

A. Eradication	☐
B. Containment (in the buffer zone)	☐
C. Other protective measures ⁽¹⁾	☐

FINAL TECHNICAL REPORT	
To be addressed to: SANTE-D4-EMERGENCY-PLANT-HEALTH@ec.europa.eu	
First submission	
Update	
Dates of Implementation of Measures	DD/MM/YY to DD/MM/YY
Outbreak reference	MS / Pest / Year Region
EUROPHYT Notification Date	
Contact person for this budget:	
Telephone:	
E-mail address	

Actions implemented	
A. Detailed description of the technical measures implemented (Please describe below the a. plan of the measures, b. activities, c. timeline, d. eradication or containment etc.)	

B. Detailed description of the goal achieved concerning the eradication/containment/other measures as a result of the implementation of the measures (Please describe the main goals achieved)	
Eligible Measures	Number of activities implemented
C. Visual inspection (Please describe below the activities)	
D. Sampling (Please describe below the activities)	
E. Trapping (Please describe below the activities)	
F. Laboratory/testing (Please describe below the activities)	
G. Treatment of plants and plant products (Please specify below the activities)	
H. Destruction and/or removal of plants (Please describe below the activities)	
I. Cleaning and/or disinfection of premises, land, water, soil, growing media, machinery and equipment (Please describe below the activities)	
J. Measures for compensating the operators/owners concerned for treatment, destruction/removal, cleaning/disinfection (Please describe below the activities)	

K. Measures for compensating the owners concerned for the value of the destroyed plants, plant objects or other objects (Please describe below the activities)		
L. Exceptional and duly justified activities for other measures than those listed from A to K ⁽¹⁾ (Please describe below the activities)		
M. Geographical information about the pest outbreak (please complete the table)		
Map of the Infected / Demarcated area	YES	☐ NO ☐
GIS signal spot	YES	☐ NO ☐
Latitudes and longitudes	YES	☐ NO ☐
Prefecture map (outbreak area)	YES	☐ NO ☐
Member state map (outbreak area)	YES	☐ NO ☐
ADDITIONAL COMPULSORY INFORMATION	Annex No.	
1. Additional documents concerning the technical measures implemented, with key figures and tables;		
2. Detailed maps of the demarcated area(s) at the time of implementation of measures;		
3. Other relevant information, useful for a better understanding of implemented measures		
Date:	DD/MM/YY	
Name of responsible:		Signature:

⁽¹⁾ Article 18.1 (e) of Regulation No 652/2014.

⁽²⁾ As explained in point 5.2.1 ix) of the Guidelines for plant health emergency measures.'

COMMISSION IMPLEMENTING DECISION (EU) 2017/1162**of 28 June 2017****concerning certain interim protective measures relating to African swine fever in the Czech Republic***(notified under document C(2017) 4597)***(Only the Czech text is authentic)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(3) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(3) thereof,

Whereas:

- (1) African swine fever is an infectious viral disease affecting domestic and feral pig populations and can have a severe impact on the profitability of pig farming causing disturbance to trade within the Union and exports to third countries.
- (2) In the event of an outbreak of African swine fever, there is a risk that the disease agent might spread to other pig holdings and to feral pigs. As a result, it may spread from one Member State to another Member State and to third countries through trade in live pigs or their products.
- (3) Council Directive 2002/60/EC ⁽³⁾ lays down minimum measures to be applied within the Union for the control of African swine fever. Article 15 of Directive 2002/60/EC provides for the establishment of an infected area following the confirmation of one or more cases of African swine fever in feral pigs.
- (4) The Czech Republic has informed the Commission of the current African swine fever situation on its territory, and in accordance with Article 15 of Directive 2002/60/EC, it has established an infected area where the measures referred to in Article 15 of that Directive are applied.
- (5) In order to prevent any unnecessary disturbance to trade within the Union and to avoid unjustified barriers to trade by third countries, it is necessary to identify at Union level the infected area for African swine fever in the Czech Republic in collaboration with that Member State.
- (6) Accordingly, pending the meeting of the Standing Committee on Plants, Animals, Food and Feed, the infected area in the Czech Republic should be listed in the Annex to this Decision and the duration of that regionalisation fixed.
- (7) This Decision is to be reviewed at the next meeting of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

The Czech Republic shall ensure that the infected area established in accordance with Article 15 of Directive 2002/60/EC comprises at least the areas listed as the infected area in the Annex to this Decision.

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ Council Directive 2002/60/EC of 27 June 2002 laying down specific provisions for the control of African swine fever and amending Directive 92/119/EEC as regards Teschen disease and African swine fever (OJ L 192, 20.7.2002, p. 27).

Article 2

This Decision shall apply until 30 September 2017.

Article 3

This Decision is addressed to the Czech Republic.

Done at Brussels, 28 June 2017.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

Areas established as the infected area in the Czech Republic as referred to in Article 1	Date until applicable
The district of Zlin	30 September 2017

