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⁽¹⁾ Text with EEA relevance.

EN

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

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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1997

of 7 November 2017

amending Implementing Regulations (EU) 2016/184 and (EU) 2016/185 extending the definitive countervailing and anti-dumping duty on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China to imports of crystalline silicon photovoltaic modules and key components (i.e. cells) consigned from Malaysia and Taiwan, whether declared as originating in Malaysia and in Taiwan or not

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽¹⁾ ('the basic anti-dumping Regulation') and in particular Articles 11(4) and 13(4) thereof and to Regulation (EU) 2016/1037 of the European Parliament and of the Council of 8 June 2016 on protection against subsidised imports from countries not members of the European Union ⁽²⁾ ('the basic anti-subsidy Regulation') and in particular to Articles 23(6) and 24(5) thereof,

Whereas:

A. MEASURES IN FORCE

- (1) The Council imposed on 2 December 2013 anti-dumping ⁽³⁾ and countervailing measures ⁽⁴⁾ on crystalline silicon photovoltaic modules or panels and cells of the type used in crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China ('the original measures').
- (2) On 11 February 2016, the Commission extended those measures to imports of crystalline silicon photovoltaic modules and key components (i.e. cells) consigned from Malaysia and Taiwan, whether declared as originating in Malaysia and in Taiwan or not, with the exception of imports produced by certain companies specifically exempted from those measures ('the extended measures') ⁽⁵⁾.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ OJ L 176, 30.6.2016, p. 55.

⁽³⁾ Council Implementing Regulation (EU) No 1238/2013 of 2 December 2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China (OJ L 325, 5.12.2013, p. 1).

⁽⁴⁾ Council Implementing Regulation (EU) No 1239/2013 of 2 December 2013 imposing a definitive countervailing duty on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China (OJ L 325, 5.12.2013, p. 66).

⁽⁵⁾ Commission Implementing Regulation (EU) 2016/184 of 11 February 2016 extending the definitive countervailing duty imposed by Council Implementing Regulation (EU) No 1239/2013 of 2 December 2013 imposing a definitive countervailing duty on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China to imports of crystalline silicon photovoltaic modules and key components (i.e. cells) consigned from Malaysia and Taiwan, whether declared as originating in Malaysia and in Taiwan or not (OJ L 37, 12.2.2016, p. 56) and Commission Implementing Regulation (EU) 2016/185 of 11 February 2016 extending the definitive anti-dumping duty imposed by Council Implementing Regulation (EU) No 1238/2013 of 2 December 2013 imposing a definitive anti-dumping duty on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China to imports of crystalline silicon photovoltaic modules and key components (i.e. cells) consigned from Malaysia and Taiwan, whether declared as originating in Malaysia and in Taiwan or not (OJ L 37, 12.2.2016, p. 76).

- (3) On 5 December 2015, the Commission initiated expiry reviews of the original anti-dumping ⁽¹⁾ and countervailing ⁽²⁾ measures as well as a partial interim review of those measures ⁽³⁾. Subsequently, on 1 March 2017, the Commission imposed anti-dumping and countervailing duties for a period of 18 months ('the continued measures') and terminated the partial interim review ⁽⁴⁾.
- (4) On 3 March 2017, the Commission initiated a partial interim review limited to the form and level of the continued measures ⁽⁵⁾. Following this review, the Commission amended the continued measures with effect as of 15 days following the publication of Commission Implementing Regulation (EU) 2017/1570 ⁽⁶⁾.
- (5) Accordingly, the countervailing and anti-dumping measures currently in force are those imposed by Commission Implementing Regulation (EU) 2017/366 and Commission Implementing Regulation (EU) 2017/367, as amended by Implementing Regulation (EU) 2017/1570.

B. PROCEDURE

1. Initiation

- (6) By Commission Implementing Regulation (EU) 2017/242 ⁽⁷⁾ ('the Initiation Regulation'), the Commission initiated a review of the extended measures for the purpose of determining the possibility of granting an exemption from those measures to Jinko Solar Technology SDN.BHD ('the applicant' or 'Jinko Malaysia'), a Malaysian exporting producer of crystalline silicon photovoltaic modules and key components (i.e. cells). The Regulation initiating the review also repealed the anti-dumping duties with regard to the applicant and made imports from it subject to registration.
- (7) The review was opened following a request lodged by the applicant, which contained sufficient *prima facie* evidence to support the applicant's claim that it was a new exporting producer and fulfilled the criteria for an exemption under Articles 11(4) and 13(4) of the basic anti-dumping Regulation and Article 23(6) of the basic anti-subsidy Regulation, namely:
- that it did not export the product under review to the Union during the investigation period used in the investigation that led to the extended measures, i.e. from 1 April 2014 to 31 March 2015,
 - that it has not been engaging in circumvention practices, and
 - it has entered into an irrevocable contractual obligation to export a significant quantity to the Union.

⁽¹⁾ Notice of initiation 2015/C 405/08 (OJ C 405, 5.12.2015, p. 8).

⁽²⁾ Notice of initiation 2015/C 405/09 (OJ C 405, 5.12.2015, p. 20).

⁽³⁾ Notice of initiation 2015/C 405/10 (OJ C 405, 5.12.2015, p. 33).

⁽⁴⁾ Commission Implementing Regulation (EU) 2017/366 of 1 March 2017 imposing definitive countervailing duties on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China following an expiry review pursuant to Article 18(2) of Regulation (EU) 2016/1037 of the European Parliament and of the Council and terminating the partial interim review investigation pursuant to Article 19(3) of Regulation (EU) 2016/1037 (OJ L 56, 3.3.2017, p. 1), and Commission Implementing Regulation (EU) 2017/367 imposing a definitive anti-dumping duty on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from 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 and terminating the partial interim review investigation pursuant to Article 11(3) of Regulation (EU) 2016/1036 (OJ L 56, 3.3.2017, p. 131).

⁽⁵⁾ OJ C 67, 3.3.2017, p. 16.

⁽⁶⁾ Commission Implementing Regulation (EU) 2017/1570 of 15 September 2017 amending Implementing Regulation (EU) 2017/366 and Implementing Regulation (EU) 2017/367 imposing definitive countervailing and anti-dumping duties on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China and repealing Implementing Decision 2013/707/EU confirming the acceptance of an undertaking offered in connection with the anti-dumping and anti-subsidy proceedings concerning imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China for the period of application of definitive measures (OJ L 238, 16.9.2017, p. 22).

⁽⁷⁾ Commission Implementing Regulation (EU) 2017/242 of 10 February 2017 initiating a review of Implementing Regulations (EU) 2016/184 and (EU) 2016/185 (extending the definitive countervailing and anti-dumping duty on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China to imports of crystalline silicon photovoltaic modules and key components (i.e. cells) consigned from Malaysia and Taiwan, whether declared as originating in Malaysia and in Taiwan or not) for the purposes of determining the possibility of granting an exemption from those measures to one Malaysian exporting producer, repealing the anti-dumping duty with regard to imports from that exporting producer and making imports from that exporting producer subject to registration (OJ L 36, 11.2.2017, p. 47).

2. Product under review

- (8) The product under review is crystalline silicon photovoltaic modules or panels and cells of the type used in crystalline silicon photovoltaic modules or panels (the cells have a thickness not exceeding 400 micrometres), consigned from Malaysia and Taiwan, whether declared as originating in Malaysia and in Taiwan or not, currently falling within CN codes ex 8501 31 00, ex 8501 32 00, ex 8501 33 00, ex 8501 34 00, ex 8501 61 20, ex 8501 61 80, ex 8501 62 00, ex 8501 63 00, ex 8501 64 00 and ex 8541 40 90.
- (9) The following product types are excluded from the definition of the product under review:
- solar chargers that consist of less than six cells, are portable and supply electricity to devices or charge batteries,
 - thin film photovoltaic products,
 - crystalline silicon photovoltaic products that are permanently integrated into electrical goods, where the function of the electrical goods is other than power generation, and where these electrical goods consume the electricity generated by the integrated crystalline silicon photovoltaic cell(s),
 - modules or panels with a output voltage not exceeding 50 V DC and a power output not exceeding 50 W solely for direct use as battery chargers in systems with the same voltage and power characteristics.

3. Reporting Period

- (10) The reporting period covered the period from 1 April 2014 to 31 December 2016.

4. Investigation

- (11) The Commission advised Jinko Solar Technology SDN.BHD, the Union industry represented by the complainant in the original investigation (EU ProSun) and the representatives of Malaysia and the People's Republic of China of the initiation of the review.
- (12) The Commission sought and verified all the information deemed necessary for the purposes of the review. In particular, it received questionnaire replies from the applicant and its related sales company, Jinko Solar Technology Limited (Hong Kong) ('Jinko HK'). A verification visit was carried out at the premises of the applicant in Malaysia. With regard to Jinko HK the Commission was informed during the investigation that although this company is established in Hong Kong, all export sales documentation was kept by its related company, Jinko Solar Co., Ltd, in the People's Republic of China ('PRC'). Accordingly, a verification visit in respect of export sales, was also carried out at the premise of its related company in Shanghai, PRC.

C. FINDINGS

- (13) The findings of the investigation demonstrated that Jinko Malaysia is a genuine Malaysian producer of crystalline silicon photovoltaic modules and cells that was incorporated in January 2015 and which started commercial production of modules and cells in June/July the same year.
- (14) During the investigation the Commission established that Jinko Malaysia had not exported the product under review to the Union during the investigation period used in the investigation that led to the extended measures, i.e. from 1 April 2014 to 31 March 2015. It also established that Jinko Malaysia had not purchased the product under review from the PRC for further re-sales or transshipment to the Union. Moreover, Jinko Malaysia had not exported the product under review to the Union up until the end of the reporting period, i.e. 31 December 2016.
- (15) However, Jinko Malaysia had in October 2016 entered into a contract to export significant volumes of the product under review to the Union. According to the contractual terms, the delivery of those volumes is suspended pending the current review investigation.

- (16) The Commission took note that the applicant is a wholly owned subsidiary of Jinko Solar Co., Ltd, a Chinese producer of the product under review that is currently subject to the original measures, as amended. As indicated in the Initiation Regulation the Commission carefully examined this relationship and verified whether Jinko Malaysia was established or used to circumvent the existing measures.
- (17) Jinko Solar Co., Ltd is part of a larger business group belonging to Jinko Solar Holding Co., Ltd. This company is incorporated in the Cayman Island and its shares are quoted on the New York Stock Exchange. The Jinko Solar Group has a worldwide presence and production facilities in several countries, currently in China, Portugal, South Africa and Malaysia. According to minutes of the Board of Directors from 2014, the Group's business strategy in recent years is to further increase overseas production facilities and to establish such facilities in countries with strong project development potential. As part of this business strategy, the Board of Directors decided in the same year to establish a manufacturing plant in Malaysia.
- (18) Moreover, the Commission established that Jinko Malaysia is a genuine producer of the product under review with complete and state of the art production facilities for both cells and modules, including R & D. It had not been engaged in circumvention activities, such as transshipment, assembly operations or re-sales of solar modules and cells originating in the People's Republic of China to the Union.
- (19) The Commission thus concluded that Jinko Malaysia was neither established nor used for circumventing the original measures and that the Chinese ownership, in itself, did not constitute a reason to reject the application.
- (20) Against this background the Commission did not find it necessary to impose any particular monitoring conditions should the exemption be granted. In order to ensure the proper application of the exemption, the Commission considered appropriate to apply the special measures applicable to all companies which had been granted exemptions. These special measures are the requirement of the presentation to the customs authorities of the Member States of a valid commercial invoice, which shall conform to the requirements set out in the Article 1(2) of Commission Implementing Regulation (EU) 2016/184 and Article 1(2) of Commission Implementing Regulation (EU) 2016/185. Imports not accompanied by such an invoice shall be made subject to the extended dumping and countervailing duty respectively.
- (21) In the light of the findings described in recitals (13) to (19), the Commission concluded that Jinko Solar Technology SDN.BHD fulfils the criteria laid down in Articles 11(4) and 13(4) of the basic anti-dumping Regulation and Article 23(6) of the basic anti-subsidy Regulation and should be exempted from the extended measures.
- (22) The findings above were disclosed to the the applicant and other interested parties, which were given the opportunity to provide comments. Only the applicant responded, with minor comments of technical nature.

D. MODIFICATION TO THE LIST OF COMPANIES BENEFITTING FROM AN EXEMPTION TO THE EXTENDED MEASURES

- (23) Given the findings referred to above the Commission concluded that the company Jinko Solar Technology SDN.BHD should be added to the list of companies that are exempted from the countervailing duty and anti-dumping duty imposed by Implementing Regulation (EU) 2016/184 and Implementing Regulation (EU) 2016/185, respectively.
- (24) Accordingly, Jinko Solar Technology SDN.BHD should be added to the list of individually identified companies in Article 1(1) of Implementing Regulation (EU) 2016/184 and Article 1(1) of Implementing Regulation (EU) 2016/185.
- (25) Furthermore, the application of the exemption is conditional upon compliance with the requirement set out in Article 1(2) of Implementing Regulation (EU) 2016/184 and in Article 1(2) of Implementing Regulation (EU) 2016/185.
- (26) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EU) 2016/1036,

HAS ADOPTED THIS REGULATION:

Article 1

The table set out in Article 1(1) of Implementing Regulation (EU) 2016/184 is replaced by the following table:

Country	Company	TARIC additional code
Malaysia	AUO — SunPower Sdn. Bhd.	C073
	Flextronics Shah Alam Sdn. Bhd.	C074
	Hanwha Q CELLS Malaysia Sdn. Bhd.	C075
	Panasonic Energy Malaysia Sdn. Bhd.	C076
	TS Solartech Sdn. Bhd.	C077
	Jinko Solar Technology SDN.BHD	C203
Taiwan	ANJI Technology Co., Ltd	C058
	AU Optronics Corporation	C059
	Big Sun Energy Technology Inc.	C078
	EEPV Corp.	C079
	E-TON Solar Tech. Co., Ltd	C080
	Gintech Energy Corporation	C081
	Gintung Energy Corporation	C082
	Inventec Energy Corporation	C083
	Inventec Solar Energy Corporation	C084
	LOF Solar Corp.	C085
	Ming Hwei Energy Co., Ltd	C086
	Motech Industries, Inc.	C087
	Neo Solar Power Corporation	C088
	Perfect Source Technology Corp.	C089
	Ritek Corporation	C090
	Sino-American Silicon Products Inc.	C091
	Solartech Energy Corp.	C092
	Sunengine Corporation Ltd	C093
	Topcell Solar International Co., Ltd	C094
	TSEC Corporation	C095
	Win Win Precision Technology Co., Ltd	C096

Article 2

The table set out in Article 1(1) of Implementing Regulation (EU) 2016/185 is replaced by the following table:

Country	Company	TARIC additional code
Malaysia	AUO — SunPower Sdn. Bhd.	C073
	Flextronics Shah Alam Sdn. Bhd.	C074
	Hanwha Q CELLS Malaysia Sdn. Bhd.	C075
	Panasonic Energy Malaysia Sdn. Bhd.	C076
	TS Solartech Sdn. Bhd.	C077
	Jinko Solar Technology SDN.BHD	C203

Country	Company	TARIC additional code
Taiwan	ANJI Technology Co., Ltd	C058
	AU Optronics Corporation	C059
	Big Sun Energy Technology Inc.	C078
	EEPV Corp.	C079
	E-TON Solar Tech. Co., Ltd	C080
	Gintech Energy Corporation	C081
	Gintung Energy Corporation	C082
	Inventec Energy Corporation	C083
	Inventec Solar Energy Corporation	C084
	LOF Solar Corp.	C085
	Ming Hwei Energy Co., Ltd	C086
	Motech Industries, Inc.	C087
	Neo Solar Power Corporation	C088
	Perfect Source Technology Corp.	C089
	Ritek Corporation	C090
	Sino-American Silicon Products Inc.	C091
	Solartech Energy Corp.	C092
	Sunengine Corporation Ltd	C093
	Topcell Solar International Co., Ltd	C094
	TSEC Corporation	C095
	Win Win Precision Technology Co., Ltd	C096

Article 3

Customs authorities are directed to cease the registration of imports carried out pursuant to Article 3 of Implementing Regulation (EU) 2017/242. No anti-dumping duty shall be collected on the imports thus registered.

Article 4

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

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

Done at Brussels, 7 November 2017.

For the Commission
The President
Jean-Claude JUNCKER

DECISIONS

COUNCIL DECISION (EU, Euratom) 2017/1998

of 6 November 2017

appointing a member, proposed by the Kingdom of Spain, of the European Economic and Social Committee

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 302 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 106a thereof,

Having regard to the proposal of the Spanish Government,

Having regard to the opinion of the European Commission,

Whereas:

- (1) On 18 September 2015 and 1 October 2015, the Council adopted Decisions (EU, Euratom) 2015/1600 ⁽¹⁾ and (EU, Euratom) 2015/1790 ⁽²⁾ appointing the members of the European Economic and Social Committee for the period from 21 September 2015 to 20 September 2020.
- (2) A member's seat on the European Economic and Social Committee has become vacant following the end of the term of office of Ms Catalina Ana VICENS GUILLÉN,

HAS ADOPTED THIS DECISION:

Article 1

Ms María NIKOLOPOULOU, *Comisiones Obreras* (CC.OO), is hereby appointed as a member of the European Economic and Social Committee for the remainder of the current term of office, which runs until 20 September 2020.

Article 2

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

Done at Brussels, 6 November 2017.

For the Council

The President

T. TAMM

⁽¹⁾ Council Decision (EU, Euratom) 2015/1600 of 18 September 2015 appointing the members of the European Economic and Social Committee for the period from 21 September 2015 to 20 September 2020 (OJ L 248, 24.9.2015, p. 53).

⁽²⁾ Council Decision (EU, Euratom) 2015/1790 of 1 October 2015 appointing the members of the European Economic and Social Committee for the period from 21 September 2015 to 20 September 2020 (OJ L 260, 7.10.2015, p. 23).

COUNCIL DECISION (EU) 2017/1999**of 6 November 2017****appointing a member and two alternate members, proposed by the Kingdom of Belgium, of the Committee of the Regions**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal of the Belgian Government,

Whereas:

- (1) On 26 January 2015, 5 February 2015 and 23 June 2015, the Council adopted Decisions (EU) 2015/116 ⁽¹⁾, (EU) 2015/190 ⁽²⁾ and (EU) 2015/994 ⁽³⁾ appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020.
- (2) A member's seat on the Committee of the Regions has become vacant following the end of the term of office of Mr Jean-François ISTASSE.
- (3) An alternate member's seat on the Committee of the Regions has become vacant following the end of the term of office of Mr Rudy DEMOTTE.
- (4) An alternate member's seat on the Committee of the Regions has become vacant following the appointment of Mr Marc HENDRICKX as a member of the Committee of the Regions,

HAS ADOPTED THIS DECISION:

Article 1

The following are hereby appointed to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2020:

- (a) as a member:
 - Mr Marc HENDRICKX, *Lid van het Vlaams Parlement*,
- (b) as alternate members:
 - Mr Jan VAN ESBROECK, *Lid van het Vlaams Parlement*,
 - Mr Jean-François ISTASSE, *Conseiller communal de Verviers*.

Article 2

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

Done at Brussels, 6 November 2017.

For the Council

The President

T. TAMM

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

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

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

COMMISSION IMPLEMENTING DECISION (EU) 2017/2000**of 6 November 2017****amending the Annex to Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States***(notified under document C(2017) 7467)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

- (1) Commission Implementing Decision (EU) 2017/247 ⁽³⁾ was adopted following outbreaks of highly pathogenic avian influenza of subtype H5 in a number of Member States ('the concerned Member States'), and the establishment of protection and surveillance zones by the competent authority of the concerned Member States in accordance with Article 16(1) of Council Directive 2005/94/EC ⁽⁴⁾.
- (2) Implementing Decision (EU) 2017/247 provides that the protection and surveillance zones established by the competent authorities of the concerned Member States in accordance with Directive 2005/94/EC are to comprise at least the areas listed as protection and surveillance zones in the Annex to that Implementing Decision. Implementing Decision (EU) 2017/247 also lays down that the measures to be applied in the protection and surveillance zones, as provided for in Article 29(1) and Article 31 of Directive 2005/94/EC, are to be maintained until at least the dates for those zones set out in the Annex to that Implementing Decision.
- (3) Since the date of its adoption, Implementing Decision (EU) 2017/247 has been amended several times to take account of developments in the epidemiological situation in the Union as regards avian influenza. In particular, Implementing Decision (EU) 2017/247 was amended by Commission Implementing Decision (EU) 2017/696 ⁽⁵⁾ in order to lay down rules regarding the dispatch of consignments of day-old chicks from the areas listed in the Annex to Implementing Decision (EU) 2017/247. That amendment took into account the fact that day-old chicks pose a very low risk for the spread of highly pathogenic avian influenza compared to other poultry commodities.
- (4) Implementing Decision (EU) 2017/247 was also subsequently amended by Commission Implementing Decision (EU) 2017/1841 ⁽⁶⁾ in order to strengthen the disease control measures applicable where there is an increased risk for the spread of highly pathogenic avian influenza. Consequently, Implementing Decision (EU) 2017/247 now provides for the establishment at Union level of further restricted zones in the concerned Member States, as referred to in Article 16(4) of Directive 2005/94/EC, following an outbreak or outbreaks of highly pathogenic

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ Commission Implementing Decision (EU) 2017/247 of 9 February 2017 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States (OJ L 36, 11.2.2017, p. 62).

⁽⁴⁾ Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC (OJ L 10, 14.1.2006, p. 16).

⁽⁵⁾ Commission Implementing Decision (EU) 2017/696 of 11 April 2017 amending Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States (OJ L 101, 13.4.2017, p. 80).

⁽⁶⁾ Commission Implementing Decision (EU) 2017/1841 of 10 October 2017 amending Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States (OJ L 261, 11.10.2017, p. 26).

avian influenza, and the duration of the measures to be applied therein. Implementing Decision (EU) 2017/247 now also lays down rules for the dispatch of live poultry, day-old chicks and hatching eggs from the further restricted zones to other Member States, subject to certain conditions.

- (5) In addition, the Annex to Implementing Decision (EU) 2017/247 has been amended numerous times to take account of changes in the boundaries of the protection and surveillance zones established by the concerned Member States in accordance with Directive 2005/94/EC. The Annex to Implementing Decision (EU) 2017/247 was last amended by Commission Implementing Decision (EU) 2017/1969 ⁽¹⁾, following the notification by Italy of further outbreaks of highly pathogenic avian influenza in the regions of Lombardia and Veneto and by Bulgaria of a further outbreak of this disease in the region of Haskovo in those two Member States. Italy and Bulgaria also notified the Commission of the establishment of protection and surveillance zones around the infected poultry holdings in accordance with Directive 2005/94/EC.
- (6) Since the date of the last amendment made to Implementing Decision (EU) 2017/247 by Implementing Decision (EU) 2017/1969, Italy has notified the Commission of new outbreaks of highly pathogenic avian influenza of subtype H5N8 in poultry holdings, located in the region of Lombardia of that Member State. Italy has also notified the Commission that it has taken the necessary measures required in accordance with Directive 2005/94/EC following those recent outbreaks, including the establishment of protection and surveillance zones around all the infected poultry holdings.
- (7) The Commission has examined the measures taken by Italy in accordance with Directive 2005/94/EC, following the recent outbreaks of highly pathogenic avian influenza in that Member State, and it is satisfied that the boundaries of the protection and surveillance zones established by the competent authorities of Italy are at a sufficient distance to any poultry holding where an outbreak of highly pathogenic avian influenza of subtype H5N8 has been confirmed.
- (8) In order to prevent any unnecessary disturbance to trade within the Union, and to avoid unjustified barriers to trade being imposed by third countries, it is necessary to rapidly describe at Union level, in collaboration with Italy, the protection and surveillance zones established in Italy, in accordance with Directive 2005/94/EC, following the recent outbreaks of highly pathogenic avian influenza in that Member State. Therefore, the entries for Italy in the Annex to Implementing Decision (EU) 2017/247 should be updated to take account of the up-to-date epidemiological situation in that Member State as regards that disease. In particular, new entries for the protection and surveillance zones in the region of Lombardia in Italy, now subject to restrictions in accordance with Directive 2005/94/EC, should be added to the lists in the Annex to Implementing Decision (EU) 2017/247.
- (9) The Annex to Implementing Decision (EU) 2017/247 should therefore be amended to update regionalization at Union level to include the protection and surveillance zones established in Italy, in accordance with Directive 2005/94/EC, following the recent outbreaks of highly pathogenic avian influenza in that Member State, and the duration of the restrictions applicable therein.
- (10) Implementing Decision (EU) 2017/247 should therefore be amended accordingly.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Implementing Decision (EU) 2017/247 is amended in accordance with the Annex to this Decision.

⁽¹⁾ Commission Implementing Decision (EU) 2017/1969 of 27 October 2017 amending the Annex to Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member (OJ L 279, 28.10.2017, p. 56).

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 6 November 2017.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

The Annex to Implementing Decision (EU) 2017/247 is amended as follows:

(1) in Part A, the entry for Italy is replaced by the following:

'Member State: Italy

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
— The area of the parts of Emilia Romagna Region (ADNS 17/0042) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N44,841419 E12,076444	7.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0044) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,722409 E9,919093	1.11.2017
— The area of the parts of Veneto Region (ADNS 17/0045) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,290336 E11,519548	31.10.2017
— The area of the parts of Lombardia Region (ADNS 17/0046) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,756437 E9,455312	4.11.2017
— The area of the parts of Veneto Region (ADNS 17/0047) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,349331 E11,62633	3.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0048) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,29094 E10,155602	3.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0049) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,83366 E9,569411	6.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0050) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,29899 E10,160651	7.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0051) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N46,159367 E9,952605	6.11.2017
— The area of the parts of Lombardia and Veneto Regions (ADNS 17/0052) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,265801 E10,648984	8.11.2017
— The area of the parts of Veneto Region (ADNS 17/0053) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,380042 E11,797878	9.11.2017
— The area of the parts of Veneto Region (ADNS 17/0054) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,367753 E11,845547	9.11.2017

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
— The area of the parts of Lombardia Region (ADNS 17/0055) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,273174 E10,147377	15.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0056) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,258721 E10,137106	12.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0057) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,715443 E9,908386	15.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0058) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,53889 E9,344072	15.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0059) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,288632 E10,352774	18.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0060) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,275251 E10,160212	28.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0061) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,273215 E10,15843	28.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0062) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,279373 E10,243124	28.11.2017*

(2) in Part B, the entry for Italy is replaced by the following:

*Member State: Italy

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
— The area of the parts of Emilia Romagna Region (ADNS 17/0042) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N44,841419 E12,076444	From 8.11.2017 to 16.11.2017
— The area of the parts of Emilia Romagna Region (ADNS 17/0042) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N44,841419 E12,076444	16.11.2017
— The area of the parts of Veneto Region (ADNS 17/0043) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,307356 E11,503742	From 31.10.2017 to 8.11.2017
— The area of the parts of Veneto Region (ADNS 17/0043) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,307356 E11,503742	8.11.2017

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
— The area of the parts of Lombardia Region (ADNS 17/0044) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,722409 E9,919093	From 2.11.2017 to 10.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0044) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,722409 E9,919093	10.11.2017
— The area of the parts of Veneto Region (ADNS 17/0045) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,290336 E11,519548	From 1.11.2017 to 9.11.2017
— The area of the parts of Veneto Region (ADNS 17/0045) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,290336 E11,519548	9.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0046) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,756437 E9,455312	From 5.11.2017 to 13.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0046) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,756437 E9,455312	13.11.2017
— The area of the parts of Veneto Region (ADNS 17/0047) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,349331 E11,62633	From 4.11.2017 to 12.11.2017
— The area of the parts of Veneto Region (ADNS 17/0047) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,349331 E11,62633	12.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0048) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,29094 E10,155602	From 4.11.2017 to 12.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0048) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,29094 E10,155602	12.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0049) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,83366 E9,569411	From 7.11.2017 to 15.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0049) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,83366 E9,569411	15.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0050) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,29899 E10,160651	From 8.11.2017 to 16.11.2017

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
— The area of the parts of Lombardia Region (ADNS 17/0050) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,29899 E10,160651	16.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0051) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N46,159367 E9,952605	From 7.11.2017 to 15.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0051) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N46,159367 E9,952605	15.11.2017
— The area of the parts of Lombardia and Veneto Regions (ADNS 17/0052) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,265801 E10,648984	From 9.11.2017 to 17.11.2017
— The area of the parts of Lombardia and Veneto Regions (ADNS 17/0052) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,265801 E10,648984	17.11.2017
— The area of the parts of Veneto Region (ADNS 17/0053) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,380042 E11,797878	From 10.11.2017 to 18.11.2017
— The area of the parts of Veneto Region (ADNS 17/0053) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,380042 E11,797878	18.11.2017
— The area of the parts of Veneto Region (ADNS 17/0054) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,367753 E11,845547	From 10.11.2017 to 18.11.2017
— The area of the parts of Veneto Region (ADNS 17/0054) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,367753 E11,845547	18.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0055) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,273174 E10,147377	From 16.11.2017 to 24.11.2017
— The area of the parts of Veneto Region (ADNS 17/0055) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,27317 E10,147377	24.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0056) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,258721 E10,137106	From 13.11.2017 to 21.11.2017

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
— The area of the parts of Veneto Region (ADNS 17/0056) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,258721 E10,137106	21.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0057) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,715443 E9,908386	From 16.11.2017 to 24.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0057) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,715443 E9,908386	24.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0058) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,53889 E9,344072	From 16.11.2017 to 24.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0058) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,53889 E9,344072	24.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0059) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,288632 E10,352774	From 19.11.2017 to 27.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0059) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,288632 E10,352774	27.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0060) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,275251 E10,160212	From 29.11.2017 to 7.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0060) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,275251 E10,160212	7.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0061) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,273215 E10,15843	From 29.11.2017 to 7.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0061) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,273215 E10,15843	7.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0062) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,279373 E10,243124	From 29.11.2017 to 7.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0062) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,279373 E10,243124	7.12.2017'

