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II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2018/44

of 20 October 2017

amending Delegated Regulation (EU) 2016/2374 establishing a discard plan for certain demersal fisheries in South-Western waters

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC ⁽¹⁾, and in particular Articles 15(6) and 18(1) and (3) thereof,

Whereas:

- (1) Regulation (EU) No 1380/2013 aims to progressively eliminate discards in all Union fisheries through the introduction of a landing obligation for catches of species subject to catch limits.
- (2) In order to implement the landing obligation, Article 15(6) of Regulation (EU) No 1380/2013 empowers the Commission to adopt discard plans by means of a delegated act for a period of no more than three years on the basis of joint recommendations developed by Member States in consultation with the relevant Advisory Councils.
- (3) Commission Delegated Regulation (EU) 2016/2374 ⁽²⁾ established a discard plan for certain demersal fisheries in South-Western waters following a joint recommendation submitted by Belgium, Spain, France, the Netherlands and Portugal in 2016.
- (4) Belgium, Spain, France, the Netherlands and Portugal have a direct fisheries management interest in South-Western waters. On 2 June 2017 those Member States submitted a new joint recommendation to the Commission, after consultation of the South Western Waters Advisory Council, suggesting certain amendments to the discard plan.
- (5) The new joint recommendation was reviewed by STECF ⁽³⁾. The measures suggested by that joint recommendation comply with Article 18(3) of Regulation (EU) No 1380/2013 and may thus be included in the discard plan.
- (6) The new joint recommendation suggests that the fisheries of blue whiting (*Micromesistius poutassou*) caught with bottom trawls and seines in ICES divisions VIIIc and IXa be also included in the discard plan established by Regulation (EU) 2016/2374.
- (7) The new joint recommendation also suggests to amend the definition of the fishery for anglerfish (*Lophiidae*) in ICES divisions VIII a, b, d and e and ICES divisions VIIIc and IXa, as set out in the discard plan, by adding a gear code for trammel nets (GTR) and lowering the mesh size for all set nets from 200 to 170 mm.

⁽¹⁾ OJ L 354, 28.1.2013, p. 22.

⁽²⁾ Commission Delegated Regulation (EU) 2016/2374 of 12 October 2016 establishing a discard plan for certain demersal fisheries in South-Western waters (OJ L 352, 23.12.2016, p. 33).

⁽³⁾ 2017-07_STECF PLEN 17-02_JRCxxx.pdf

- (8) The new joint recommendation suggests furthermore to maintain the exemption from the landing obligation granted by the discard plan for Norway lobster caught by trawls in ICES subareas VIII and IX, as existing scientific evidence indicates possible high survival rates, taking into account the characteristics of the gears targeting that species, the fishing practices and the ecosystem. The STECF in its evaluation concluded that the latest experiments and studies, completed by the additional information provided by Member States, show a sufficient evidence on survival rates. Therefore, that exemption granted twice (for the year 2016 and for the year 2017) should be maintained in the year 2018.
- (9) The *de minimis* exemption set out in the discard plan for hake, up to a maximum of 6 % in 2018 of the total annual catches of that species by vessels targeting that species in ICES subareas VIII and IX with trawls, is based on the fact that viable increases in selectivity are very difficult to achieve. The STECF concluded that additional selectivity information provided by Member States did contain additional evidence to demonstrate that selectivity is very difficult to achieve for the métiers involved. However, additional work should be carried out in order to improve the justification for this exemption. That exemption should therefore be extended to the year 2018, and under the condition that Member States provide improved information to support this exemption that would be assessed by STECF.
- (10) Delegated Regulation (EU) 2016/2374 should be amended accordingly.
- (11) Since the measures provided for in this Regulation impact directly on the economic activities linked to and the planning of the fishing season of Union vessels, this Regulation should enter into force immediately after its publication. It should apply from 1 January 2018,

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EC) 2016/2374 is amended as follows:

- (1) In Article 3(1), point (a) is replaced by the following:

‘(a) for hake (*Merluccius merluccius*), up to a maximum of 6 % in 2018 of the total annual catches of this species by vessels using trawls and seines (gear codes: OTT, OTB, PTB, OT, PT, TBN, TBS, TX, SSC, SPR, TB, SDN, SX and SV) to catch hake in ICES subareas VIII and IX.’;

- (2) in Article 3(2) the year ‘2017’ is replaced by the year ‘2018’;

- (3) the Annex is replaced by the text set out in the Annex to this Regulation.

Article 2

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 from 1 January 2018.

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

Done at Brussels, 20 October 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Fisheries subject to the landing obligation**1. Common sole (*Solea solea*) fisheries**

Fishing zones	Gear Code	Fishing gear description	Mesh Size	Species to be landed
ICES divisions VIIIa, b, d and e	OTB, OTT, PTB, TBN, TBS, TB, OT, PT, TX	All Bottom Trawls	Mesh size between 70 mm and 100 mm wide	All catches of common sole
	TBB	All Beam trawls	Mesh size between 70 mm and 100 mm wide	
	GNS, GN, GND, GNC, GTN, GTR, GEN	All Trammel nets & Gill nets	Mesh size larger or equal to 100 mm wide	

2. Common sole (*Solea solea*) and plaice (*Pleuronectes platessa*) fisheries

Fishing zones	Gear Code	Fishing gear description	Mesh Size	Species to be landed
ICES division IXa	GNS, GN, GND, GNC, GTN, GTR, GEN	All Trammel nets & Gill nets	Mesh size larger or equal to 100 mm	All catches of common sole and plaice

3. Hake (*Merluccius merluccius*) fisheries

Fishing zones	Gear Code	Fishing gear description	Mesh Size	Species to be landed
ICES divisions VIIIa, b, d and e	OTT, OTB, PTB, SDN, OT, PT, TBN, TBS, TX, SSC, SPR, TB, SX, SV	All Bottom Trawls & Seines	Mesh size larger or equal to 100 mm wide	All catches of hake
	LL, LLS	All Long lines	All	
	GNS, GN, GND, GNC, GTN, GEN	All Gill Nets	Mesh size larger or equal to 100 mm wide	
ICES divisions VIIIc and IXa	OTT, OTB, PTB, OT, PT, TBN, TBS, TX, SSC, SPR, TB, SDN, SX, SV	All Bottom Trawls and Seines	Vessels which fulfil the following cumulative criteria: 1. Use mesh size larger or equal to 70 mm 2. Total hake landings in the period 2014/2015 ⁽¹⁾ consist of: more than 5 % of all landed species and more than 5 metric tons.	All catches of hake

Fishing zones	Gear Code	Fishing gear description	Mesh Size	Species to be landed
	GNS, GN, GND, GNC, GTN, GEN	All Gill Nets	Mesh size between 80 and 99 mm wide	
	LL, LLS	All Long lines	Hook size bigger than 3,85 cm $\pm$ 1,15 cm length and 1,6 cm $\pm$ 0,4 cm width	

(¹) Reference period for the year 2017. For 2018 the reference period shall be 2015/2016 and for 2019 the reference period shall be 2016/2017.

4. Anglerfish (*Lophiidae*) fisheries

Fishing zones	Gear Code	Fishing gear description	Mesh Size	Species to be landed
ICES divisions VIIIa, b, d and e	GNS, GN, GND, GNC, GTN, GEN, GTR	All Trammel nets and Gill Nets	Mesh size larger of equal to 170 mm wide	All catches of anglerfish
ICES divisions VIIIc and IXa	GNS, GN, GND, GNC, GTN, GEN, GTR	All Trammel nets and Gill Nets	Mesh size larger of equal to 170 mm wide	All catches of anglerfish

5. Norway lobster (*Nephrops norvegicus*) fisheries

Fishing zones	Gear Code	Fishing gear description	Mesh Size	Species to be landed
ICES divisions VIIIa, b, d and e (only inside functional units)	OTB, OTT, PTB, TBN, TBS, TB, OT, PT, TX	All Bottom Trawls	Mesh size larger or equal to 70 mm	All catches of Norway lobster
ICES divisions VIIIc and IXa (only inside functional units)	OTB, PTB, OTT, TBN, TBS, OT, PT, TX TB	All Bottom Trawls	Mesh size larger or equal to 70 mm	All catches of Norway lobster

6. Black scabbardfish (*Aphanopus carbo*) fisheries

Fishing zones	Gear Code	Fishing gear description	Mesh Size	Species to be landed
ICES divisions VIIIc, IX, X and CECF zone 34.1.2	LLS, DWS	Deepwater set-longlines	—	All catches of black scabbardfish where the total landings per vessel of all species in 2014 and 2015 (¹) consisted of more than 20 % of black scabbardfish

(¹) Reference period for the year 2017. For 2018 the reference period shall be 2015/2016 and for 2019 the reference period shall be 2016/2017.

7. Red seabream (*Pagellus bogaraveo*) fisheries

Fishing zones	Gear Code	Fishing gear description	Mesh Size	Species to be landed
ICES division IX	LLS, DWS	Deepwater set-longlines	Hook size bigger than 3,95 cm length and 1,65 cm width	All catches of red seabream where the total landings per vessel of all species in 2014 and 2015 ⁽¹⁾ consisted of more than 20 % of red seabream

⁽¹⁾ Reference period for the year 2017. For 2018 the reference period shall be 2015/2016 and for 2019 the reference period shall be 2016/2017.

8. Blue whiting (*Micromesistius poutassou*) fisheries

Fishing zones	Gear Code	Fishing gear description	Mesh Size	Species to be landed
ICES divisions VIIIc and IXa	OTT, OTB, PTB, OT, PT, TBN, TBS, TX, SSC, SPR, TB, SDN, SX, SV	All Bottom Trawls and Seines	All	All catches of blue whiting

COMMISSION DELEGATED REGULATION (EU) 2018/45**of 20 October 2017****establishing a discard plan for certain demersal fisheries in the North Sea and in Union waters of ICES Division IIa for the year 2018**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC ⁽¹⁾, and in particular Article 15(6) thereof,

Having regard to Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms ⁽²⁾ and in particular Article 18a thereof,

Whereas:

- (1) Regulation (EU) No 1380/2013 aims to progressively eliminate discards in all Union fisheries through the introduction of a landing obligation for catches of species subject to catch limits.
- (2) In order to implement the landing obligation, Article 15(6) of that Regulation empowers the Commission to adopt discard plans by means of delegated acts for a period of no more than 3 years on the basis of joint recommendations developed by Member States in consultation with the relevant Advisory Councils.
- (3) Belgium, Denmark, Germany, France, the Netherlands, Sweden and the United Kingdom have a direct fisheries management interest in the North Sea. After consulting the North Sea Advisory Council, those Member States submitted on 3 June 2016 a joint recommendation to the Commission concerning a discard plan for demersal fisheries in the North Sea. Based on that joint recommendation, Commission Delegated Regulation (EU) 2016/2250 ⁽³⁾ established a discard plan applicable to those fisheries.
- (4) After consulting the North Sea Advisory Council, Belgium, Denmark, Germany, France, the Netherlands, Sweden and the United Kingdom submitted on 31 May 2017 a new joint recommendation to the Commission concerning a new discard plan for demersal fisheries in the North Sea. Scientific contributions were obtained from relevant scientific bodies and reviewed by the Scientific, Technical and Economic Committee for Fisheries (STECF). On 8 September an expert group meeting attended by representatives of 28 Member States, the Commission as well as the European Parliament as an observer took place and the measures concerned were discussed.
- (5) Following a new joint recommendation, it is appropriate to repeal Delegated Regulation (EU) 2016/2250.
- (6) The measures suggested in the new joint recommendation comply with Article 18(3) of Regulation (EU) No 1380/2013.
- (7) For the purposes of that Regulation, the North Sea comprises ICES zones IIIa and IV. As some demersal stocks relevant to the proposed discard plan are also to be found in Union waters of ICES Division IIa, the Member States concerned recommend that ICES Division IIa be also covered by the discard plan.
- (8) The new discard plan for the year 2018 should include the provisions laid down in Delegated Regulation (EU) 2016/2250 regarding the species to be landed and should specify additional species and fisheries to which the landing obligation should apply in 2018.

⁽¹⁾ OJ L 354, 28.12.2013, p. 22.

⁽²⁾ OJ L 125, 27.4.1998, p. 1.

⁽³⁾ Commission Delegated Regulation (EU) 2016/2250 of 4 October 2016 establishing a discard plan for certain demersal fisheries in the North Sea and in Union waters of ICES Division IIa (OJ L 340, 15.12.2016, p. 2).

- (9) Delegated Regulation (EU) 2016/2250 introduced survivability exemptions, as provided for by Article 15(4)(b) of Regulation (EU) No 1380/2013 ⁽¹⁾, for catches of Norway lobster made with pots and with trawls when using certain selectivity devices in ICES Division IIIa. The Member States provided for the scientific evidence which demonstrated the high survival rates for catches of Norway lobster with the bottom trawls. That information has been submitted and STECF has concluded that the information is sufficient. The new joint recommendation suggests the continued application of those exemptions. They should therefore be included in the new discard plan for the year 2018.
- (10) Delegated Regulation (EU) 2016/2250 introduced a survivability exemption for catches of Norway lobster in ICES Subarea IV for certain gears on the condition that a netgrid selectivity device is used. That Delegated Regulation required Member States having a direct management interest in the North Sea to submit to the Commission additional scientific information supporting the exemptions for the bottom trawls specified. The information has been submitted and STECF has concluded that it only substantiates an exemption in winter months and in certain areas (ICES functional units). Therefore, that exemption should be included in the new discard plan for the year 2018 but limited to winter months and certain ICES functional units.
- (11) The new joint recommendation includes a survivability exemption for fish by-catch in the fishery carried out with pots and fyke nets as well as for catches of common sole with otter trawls.
- (12) Based on the scientific evidence provided in the new joint recommendation and reviewed by STECF and taking into account the characteristics of the gear, of the fishing practices and of the ecosystem, those survivability exemptions should be included in the new discard plan for the year 2018.
- (13) Delegated Regulation (EU) 2016/2250 established *de minimis* exemptions for:
- common sole caught with trammel nets and gillnets in ICES Division IIIa, ICES Subarea IV and Union waters of ICES Subarea IIa,
 - common sole caught with certain beam trawls equipped with a Flemish panel in ICES Subarea IV,
 - Norway lobster caught with certain bottom trawls in ICES Subarea IV and Union waters of ICES Division IIa.
- The new joint recommendation suggests the continued application of those *de minimis* exemptions. It is therefore appropriate included those exemptions in the new discard plan.
- (14) The new joint recommendation suggests a *de minimis* exemption for common sole, haddock, whiting, cod and saithe combined for catches with certain bottom trawls in ICES Division IIIa, a *de minimis* exemption for sole, haddock, whiting, cod and saithe combined for catches with creels in ICES Division IIIa, a *de minimis* exemption for whiting and cod caught with bottom trawls in ICES Division IVc and a *de minimis* exemption for whiting for catches with certain bottom trawls in ICES Division IIIa.
- (15) On the basis of compelling evidence provided by Member States for those *de minimis* exemptions as reviewed by the STECF, which concluded that those exemptions contained reasoned arguments that further improvements in selectivity are difficult to achieve or imply disproportionate costs in handling unwanted catches, it is appropriate to establish the *de minimis* exemptions in accordance with the percentage level proposed in the new joint recommendation, within the limits set out in Article 15(5)(c) of Regulation (EU) No 1380/2013.
- (16) Article 18a of Regulation (EC) No 850/98 empowers the Commission to establish, for the purpose of adopting discard plans and for the species subject to the landing obligation, minimum conservation reference size with the aim of ensuring the protection of juveniles of marine organisms. Those minimum conservation reference sizes may derogate, where appropriate, from the sizes established in Annex XII to Regulation (EC) No 850/98. For Norway lobster in ICES Division IIIa it is appropriate to maintain the minimum conservation reference sizes set out in Delegated Regulation (EU) 2015/2440 ⁽²⁾, i.e. a total length of 105 mm and a carapace length of 32 mm. A minimum tail length of 59 mm should be added, based on the new joint recommendation and STECF's assessment which states that such tail length corresponds to the existing values for total length and carapace length.

⁽¹⁾ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

⁽²⁾ Commission Delegated Regulation (EU) 2015/2440 of 22 October 2015 establishing a discard plan for certain demersal fisheries in the North Sea and in Union waters of ICES Division IIa (OJ L 336, 23.12.2015, p. 42).

- (17) Discard plans may also include technical measures for fisheries or species covered by the landing obligation. To increase gear selectivity and reduce unwanted catches in the Skagerrak, it is appropriate to maintain a number of technical measures, which were agreed between the Union and Norway in 2011 ⁽¹⁾, and 2012 ⁽²⁾ and to authorise the use of the SepNep selectivity device.
- (18) To ensure appropriate control, specific requirements for the Member States to establish lists of vessels covered by this Regulation should be laid down.
- (19) As the measures provided for in this Regulation have a direct impact on the planning of the fishing season of Union vessels and on related economic activities, this Regulation should enter into force immediately after its publication. It should apply from 1 January until 31 December 2018 in order to comply with the time frame set out in Article 15 of Regulation (EU) No 1380/2013,

HAS ADOPTED THIS REGULATION:

Article 1

Implementation of the landing obligation

In ICES Subarea IV (North Sea), ICES Division IIIa (Kattegat and Skagerrak) and Union waters of ICES Division IIa (Norwegian Sea) the landing obligation provided for in Article 15(1) of Regulation (EU) No 1380/2013 shall apply to demersal fisheries in accordance with this Regulation.

Article 2

Definitions

For the purpose of this Regulation the following definitions shall apply:

- (1) 'Seltra panel' means a selectivity device which:
- consists of a top panel of at least 270 mm mesh size (diamond mesh) placed in a four-panel section and mounted with a joining ratio of three meshes of 90 mm to one mesh of 270 mm, or of a top panel of at least 140 mm mesh size (square mesh),
 - is at least 3 metres long,
 - is positioned no more than 4 metres from the cod line, and
 - is the full width of the top sheet of the trawl (i.e. from selvage to selvage).
- (2) 'Netgrid selectivity device' means a selectivity device consisting of a four-panel section inserted into a two-panel trawl with an inclined sheet of diamond mesh netting with a mesh size of at least 200 mm, leading to an escape hole in the top of the trawl.
- (3) 'Flemish Panel' means the last tapered netting section of a beam trawl whose:
- anterior is directly attached to the cod-end,
 - upper and lower netting sections are constructed of at least 120 mm mesh as measured between the knots,
 - stretched length is at least 3 m.
- (4) 'SepNep' means an otter trawl which:
- is constructed within the mesh size range of 80 to 99 + ≥ 100 mm,

⁽¹⁾ Agreed record of fisheries consultations between Norway and the European Union on the regulation of fisheries in the Skagerrak and the Kattegat for 2012.

⁽²⁾ Agreed record of fisheries consultations between the European Union and Norway on measures for the implementation of a discard ban and control measures in the Skagerrak area, 4 July 2012.

- is fitted with multiple cod-ends of mesh sizes ranging from at least 80 to 120 mm attached to a single extension piece, the uppermost cod-end being constructed with a mesh size of at least 120 mm and fitted with a separation panel with a maximum mesh size of 105 mm, and
- may also be fitted with an optional selection grid with a bar spacing of at least 17 mm provided it is constructed in such a way so as to allow the escape of small *Nephrops*.

Article 3

Species subject to the landing obligation

The landing obligation shall apply to the species referred to in the Annex to this Regulation, subject to the exemptions set out in Articles 4 to 7.

Article 4

Survivability exemptions for Norway lobster

1. The survivability exemption referred to in Article 15(4)(b) of Regulation (EU) No 1380/2013 shall apply to the following catches of Norway lobster:
 - (a) catches with pots (FPO ⁽¹⁾);
 - (b) catches in ICES Division IIIa with bottom trawls (OTB, TBN) with a mesh size of at least 70 mm equipped with a species selective grid with bar spacing of maximum 35 mm;
 - (c) catches in ICES Division IIIa with bottom trawls (OTB, TBN) with a mesh size of at least 90 mm equipped with a seltra panel;
 - (d) in winter months (October to March), catches in the functional units Farn Deep (FU6), Firth of Forth (FU8) and Moray Firth (FU9) with bottom trawls (OTB, TBN) with a mesh size of at least 80 mm equipped with a netgrid selectivity device.
2. When discarding Norway lobster caught in cases referred to in paragraph 1, the Norway lobster shall be released whole, immediately and in the area where it has been caught.

Article 5

Survivability exemption for common sole

1. The survivability exemption referred to in Article 15(4)(b) of Regulation (EU) No 1380/2013 shall apply to catches of common sole below minimum conservation reference size made within 6 nautical miles of the coast in ICES area IVc and outside identified nursery areas, with otter trawls (OTB) with cod end mesh size of 80-99 mm.
2. The exemption referred to in paragraph 1 shall only apply to vessels with a maximum length of 10 metres, a maximum engine power of 221 kW, when fishing in waters with a depth of 30 metres or less and with limited tow durations of no more than 1.30 hours.
3. When discarding common sole caught in cases referred to in paragraph 1, the common sole shall be released immediately.

Article 6

Survivability exemption fish by-catch in pots and fyke nets

1. The survivability exemption referred to in Article 15(4)(b) of Regulation (EU) No 1380/2013 shall apply to catches of cod, haddock, whiting, plaice, sole, hake and saithe with pots and fyke nets (FPO, FYK).
2. When discarding fish caught in cases referred to in paragraph 1, the fish shall be released immediately and below the sea surface.

⁽¹⁾ Gear codes used in this Regulation refer to those codes in Annex XI to Commission Implementing Regulation (EU) No 404/2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy. For the vessels whose LOA is less than 10 metres, gear codes used in this table refer to the codes from the FAO gear classification.

*Article 7****De minimis exemptions***

By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, the following quantities may be discarded pursuant to Article 15(4)(c) of that Regulation:

- (a) in the fisheries by vessels using trammel nets and gill nets (GN, GNS, GND, GNC, GTN, GTR, GEN, GNF) in ICES Division IIIa, ICES Subarea IV and Union waters of ICES Division IIa:

a quantity of common sole which shall not exceed 3 % of the total annual catches of that species;

- (b) in the fisheries by vessels using beam trawl (TBB) of mesh size 80-119 mm with increased mesh size in the extension of the beam trawl, Flemish panel, in ICES Subarea IV:

a quantity of common sole below minimum conservation reference sizes, which shall not exceed 6 % of the total annual catches of that species;

- (c) in the fisheries by vessels using bottom trawls (OTB, OTT, TB, TBN,) of mesh size 80-99 mm in ICES Subarea IV and Union waters of ICES Division IIa:

a quantity of Norway lobster below minimum conservation reference sizes, which shall not exceed 2 % of the total annual catches of that species;

- (d) in the fishery for Norway lobster by vessels using bottom trawls (OTB, TBN) of mesh size equal to or larger than 70 mm equipped with a species-selective grid with bar spacing of maximum 35 mm in ICES Division IIIa:

a combined quantity of common sole, haddock, whiting, cod and saithe below minimum conservation reference sizes, which shall not exceed 4 % of the total annual catches of Norway lobster, common sole, haddock, whiting and Northern prawn, cod and saithe;

- (e) in the fishery for Northern prawn by vessels using bottom trawls (OTB) with a mesh size equal to or larger than 35 mm equipped with a species selective grid with bar spacing of maximum 19 mm, with unblocked fish outlet, in ICES Division IIIa:

a combined quantity of common sole, haddock, whiting, cod, plaice and saithe below minimum conservation reference sizes, which shall not exceed 1 % of the total annual catches of Norway lobster, common sole, haddock, whiting, cod, saithe and plaice and Northern prawn;

- (f) in the mixed fishery for sole, whiting, plaice and species without catch limits by vessels using bottom trawls (OTB, OTT, SDN, SSC) of mesh size 70-99 mm in ICES Division IVc:

a combined quantity of whiting and cod below minimum conservation reference sizes, which shall not exceed 6 % of the total annual catches of Norway lobster, haddock, sole, Northern prawn, whiting, plaice, saithe and cod; the maximum amount of cod that may be discarded shall be limited to 2 % of those total annual catches;

- (g) in the fisheries by vessels using bottom trawls (OTB, OTT, TBN) with a mesh size of 90-119 mm, equipped with Seltra panel, or with a mesh size of 120 mm and above in ICES Division IIIa:

a quantity of whiting below minimum conservation reference sizes, up to a maximum of 2 % of the total annual catches of Nephrops, cod, haddock, whiting, saithe, common sole, plaice and hake.

*Article 8***Minimum conservation reference sizes**

By way of derogation from the minimum conservation reference size established in Annex XII to Regulation (EC) No 850/98, the minimum conservation reference size of Norway lobster in ICES Division IIIa shall be as follows:

- (a) total length of 105 mm;
- (b) tail length of 59 mm;
- (c) carapace length of 32 mm.

*Article 9***Specific technical measures in the Skagerrak**

1. The carrying on board or the use of any trawl, Danish seine, beam trawl or similar towed net having a mesh size of less than 120 mm shall be prohibited in the Skagerrak.
2. By way of derogation from paragraph 1, the following trawls may be used:
 - (a) trawls with a cod end of a mesh size of at least 90 mm, provided they are equipped with a seltra panel or a sorting grid with no more than 35 mm bar spacing;
 - (b) trawls with a cod end of at least 70 mm mesh size (square mesh) equipped with a sorting grid with no more than 35 mm bar spacing;
 - (c) trawls of minimum mesh sizes of less than 70 mm when fishing for pelagic or industrial species, provided the catch contains more than 80 % of one or more pelagic or industrial species;
 - (d) trawls with a cod end of at least 35 mm mesh size when fishing for Northern prawn, provided the trawl is equipped with a sorting grid with a maximum bar spacing of 19 mm.
3. A fish retention device may be used when fishing for Northern prawn in accordance with paragraph 2(d), provided there are adequate fishing opportunities to cover by-catch and that the retention device is:
 - (a) constructed with a top panel of a minimum mesh size of 120 mm square mesh;
 - (b) at least 3 metres long; and
 - (c) at least as wide as the width of the sorting grid.

*Article 10***SepNep**

By derogation from Article 4 of Regulation (EC) No 850/98, it shall be permitted to use the SepNep nets.

*Article 11***Repeal**

Regulation (EU) 2016/2250 is repealed.

*Article 12***Entry into force and application**

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 from 1 January 2018 until 31 December 2018.

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

Done at Brussels, 20 October 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Fishing gear ⁽¹⁾ ⁽²⁾	Mesh size	Species subject to the landing obligation
Trawls: OTB, OTT, OT, PTB, PT, TBN, TBS, OTM, PTM, TMS, TM, TX, SDN, SSC, SPR, TB, SX, SV	≥ 100 mm	All catches of cod, common sole, haddock, plaice, saithe, Northern prawn, and Norway lobster and whiting.
Trawls: OTB, OTT, OT, PTB, PT, TBN, TBS, OTM, PTM, TMS, TM, TX, SDN, SSC, SPR, TB, SX, SV	70-99 mm	All catches of cod ⁽³⁾ , common sole, haddock, saithe, Northern prawn, and Norway lobster and whiting.
Trawls: OTB, OTT, OT, PTB, PT, TBN, TBS, OTM, PTM, TMS, TM, TX, SDN, SSC, SPR, TB, SX, SV	32-69 mm	All catches of cod, common sole, haddock, plaice, saithe, Northern prawn, and Norway lobster and whiting.
Beam trawls: TBB	≥ 120 mm	All catches of cod, common sole, haddock, plaice, saithe, Northern prawn, and Norway lobster and whiting.
Beam trawls: TBB	80-119 mm	All catches of cod, common sole, haddock, saithe, Northern prawn, and Norway lobster and whiting.
Gillnets, trammel nets and entangling nets: GN, GNS, GND, GNC, GTN, GTR, GEN, GNF		All catches of cod ⁽³⁾ , common sole, haddock, saithe, Northern prawn, and Norway lobster and whiting.
Hooks and lines: LLS, LLD, LL, LTL, LX, LHP, LHM		All catches of cod, common sole, haddock, hake, plaice, saithe, Northern prawn, and Norway lobster and whiting.
Traps: FPO, FIX, FYK, FPN		All catches of cod, common sole, haddock, plaice, saithe, Northern prawn, and Norway lobster and whiting.

⁽¹⁾ Gear codes used in this Table refer to those codes in Annex XI to Commission Implementing Regulation (EU) No 404/2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy (OJ L 112, 30.4.2011, p. 1).

⁽²⁾ For the vessels whose LOA is less than 10 metres, gear codes used in this table refer to the codes from the FAO gear classification.

⁽³⁾ The landing obligation for cod shall not apply in ICES subdivision IIIaS.

COMMISSION DELEGATED REGULATION (EU) 2018/46**of 20 October 2017****establishing a discard plan for certain demersal and deep sea fisheries in North-Western waters for the year 2018**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC ⁽¹⁾, and in particular Article 15(6) and Article 18(1) and (3) thereof,

Whereas:

- (1) Regulation (EU) No 1380/2013 aims to progressively eliminate discards in all Union fisheries through the introduction of a landing obligation for catches of species subject to catch limits.
- (2) In order to implement the landing obligation, Article 15(6) of Regulation (EU) No 1380/2013 empowers the Commission to adopt discard plans by means of a delegated act for a period of no more than three years on the basis of joint recommendations developed by Member States in consultation with the relevant Advisory Councils.
- (3) Commission Delegated Regulation (EU) 2016/2375 ⁽²⁾, established a discard plan for certain demersal fisheries in North-Western waters for the period 2016-2018, following a joint recommendation submitted by Belgium, Ireland, Spain, France, the Netherlands and the United Kingdom in 2016.
- (4) Belgium, Ireland, Spain, France, the Netherlands and the United Kingdom have a direct fisheries management interest in North-Western waters. After consulting the North Western Waters Advisory Council, those Member States submitted on 31 May 2017 a new joint recommendation to the Commission concerning a discard plan for certain demersal and deep sea fisheries in North-Western Waters for the year 2018. Scientific contribution was obtained from relevant scientific bodies and reviewed by the Scientific, Technical and Economic Committee for Fisheries (STECF) ⁽³⁾. The measures suggested by the new joint recommendation comply with Article 18(3) of Regulation (EU) No 1380/2013 and may therefore be included in this Regulation.
- (5) According to Article 15(1)(c) of Regulation (EU) No 1380/2013 the landing obligation applies in North-Western waters, at the latest from 1 January 2016, to species that define the fisheries which are subject to catch limits. The new joint recommendation specifies the fleets which are to comply with the landing obligation in the mixed fisheries for cod, haddock, whiting and saithe, in the fisheries for Norway lobster, in the mixed fishery for common sole and plaice and in the fisheries for hake, megrim and pollack.
- (6) In accordance with the new joint recommendation, the discard plan for the year 2018 should cover, in addition to the fisheries specified in Delegated Regulation (EU) 2016/2375, (i.e. the highly mixed cod, haddock, whiting and saithe fishery, Norway lobster fishery, mixed common sole and plaice fishery, hake, megrim and pollack fisheries) the saithe fisheries in ICES divisions VI and Vb, and VII. By-catch species should also be covered in certain fisheries.
- (7) The new joint recommendation further suggests that the landing obligation be applied as from 2018 to deep sea fisheries using trawls and seines to catch black scabbard fish, blue ling and grenadiers in ICES subarea VI and ICES division Vb.

⁽¹⁾ OJ L 352, 12.10.2016, p. 39.

⁽²⁾ Commission Delegated Regulation (EU) 2015/2438 of 12 October 2015 established a discard plan for certain demersal fisheries in north-western waters for the period 2016-2018 (OJ L 336, 23.12.2015, p. 29), and was repealed and replaced by the Commission Delegated Regulation (EU) 2016/2375 of 12 October 2016 establishing a discard plan for certain demersal fisheries in North-Western waters for the period 2016-2018 (OJ L 352, 23.12.2016, p. 39).

⁽³⁾ 2017-07_STECF PLEN 17-02_JRCxxx.pdf

- (8) The new joint recommendation suggests, for the year 2018, a survivability exemption, as referred to in Article 15(4)(b) of Regulation (EU) No 1380/2013, for Norway lobster caught by pots, traps or creels in ICES division VI and subarea VII, taking into account the characteristics of the gear, of the fishing practices and of the ecosystem. The STECF concluded that the exemption is grounded. Therefore, that exemption should be included in the discard plan for 2018.
- (9) The new joint recommendation suggests, for the year 2018, a survivability exemption, as referred to in Article 15(4)(b) of Regulation (EU) No 1380/2013, for common sole below the minimum conservation reference size caught by 80-99 mm otter trawl gears in ICES division VIId within six nautical miles from the coast and outside identified nurseries areas. The STECF has noted that the nursery areas referred to in the Regulation should be defined. Therefore, that exemption should be included in the discard plan for 2018 under the condition that Member States concerned undertake additional trials and provide for the information on the location of the nursery areas.
- (10) The new joint recommendation suggests, for the year 2018, seven *de minimis* exemptions from the landing obligation for certain fisheries and up to certain levels. The evidence provided by the Member States was reviewed by the STECF, which concluded that the joint recommendation contained reasoned arguments that further improvements in the selectivity are difficult to achieve and/or regarding disproportionate costs in handling unwanted catches, supported in some cases with a qualitative assessment of the costs. In light of the above and in the absence of differing scientific information, it is appropriate to include those *de minimis* exemptions in the discard plan for 2018 in accordance with the percentages proposed in the joint recommendation and at levels not exceeding those allowed under Article 15(1) of Regulation (EU) No 1380/2013.
- (11) The *de minimis* exemption suggested for whiting, up to a maximum of 6 % of the total annual catches of that species by vessels using bottom trawls and seines of less than 100 mm and pelagic trawls to catch whiting in ICES divisions VIId and VIIe, is based on the fact that increases in selectivity are very difficult to achieve.
- (12) The *de minimis* exemption suggested for whiting, up to a maximum of 6 % of the total annual catches of that species by vessels using bottom trawls and seines of not less than 100 mm to catch whiting in ICES divisions VIIb-VIIj, is based on the fact that increases in selectivity are very difficult to achieve.
- (13) The *de minimis* exemption suggested for whiting, up to a maximum of 6 % in 2018 of the total annual catches of this species by vessels using bottom trawls and seines of less than 100 mm to catch whiting in ICES subarea VII (excluding VIIa, VIId and VIIe), is based on the fact that increases in selectivity are very difficult to achieve.
- (14) As regards those three *de minimis* exemptions suggested for whiting, Delegated Regulation (EU) 2016/2375 required Member States concerned to submit to the Commission additional scientific information supporting the exemptions. The STECF commented that, while complete evidence is still required, the additional information submitted addresses some concerns of the STECF. The STECF highlighted the need for a more coherent approach to this stock. Based on the scientific evidence reviewed by STEFC and considering that the evidence supporting the exemption has improved, that exemption should be included in the discard plan for 2018.
- (15) The *de minimis* exemption suggested for Norway lobster, up to a maximum of 6 % of the total annual catches of that species by vessels fishing for Norway lobster in ICES subarea VII, is based on the fact that increases in selectivity are very difficult to achieve. STECF concluded that the exemption is grounded. Therefore, that exemption should be included in the discard plan for 2018.
- (16) The *de minimis* exemption suggested for Norway lobster, up to a maximum of 2 % of the total annual catches of that species by vessels fishing for Norway lobster in ICES subarea VI, is based on the fact that increases in selectivity are very difficult to achieve and there is supporting quantitative information on disproportionate costs of handling unwanted catches. STECF concluded that the exemption is grounded. Therefore, that exemption should be included in the discard plan for 2018.
- (17) The *de minimis* exemption suggested for common sole, up to a maximum 3 % of the total annual catches of this species by vessels using TBB gear with mesh size of 80-199 mm with increased selectivity in ICES divisions VIId, VIIe, VIIf, VIIg and VIIh, is based on the fact that increases in selectivity are very difficult to achieve. STECF noted that the exemption is intended to compensate for the use of a more selective gear and to cover residual discards. Therefore, that exemption should be included in the discard plan for 2018.

- (18) The *de minimis* exemption suggested for common sole, up to a maximum of 3 % of the total annual catches of that species by vessels using trammel and gill nets to catch common sole in ICES divisions VIId, VIIe, VIIf and VIIg, is based on the fact that increases in selectivity are very difficult to achieve. STECF concluded that the exemption is well defined. Therefore, that exemption should be included in the discard plan for 2018.
- (19) The scope of certain provisions of Delegated Regulation (EU) 2016/2375 is limited to the year 2017. That Regulation should therefore be repealed and replaced by a new Regulation with effect from 1 January 2018.
- (20) As the measures provided for in this Regulation have a direct impact on the planning of the fishing season of Union vessels and on related economic activities, this Regulation should enter into force immediately after its publication. It should apply from 1 January 2018,

HAS ADOPTED THIS REGULATION:

Article 1

Implementation of the landing obligation

In ICES zones V (excluding Va and only Union waters of Vb), VI and VII, the landing obligation provided for in Article 15(1) of Regulation (EU) No 1380/2013 shall apply to demersal fisheries and deep sea fisheries in accordance with this Regulation.

Article 2

Definitions

'Flemish Panel' means the last tapered netting section of a beam trawl, the anterior of which is directly attached to the cod-end. The upper and lower netting sections of the panel must be constructed of at least 120 mm mesh as measured between the knots and the panel must have a stretched length of at least 3 m.

Article 3

Species subject to the landing obligation

The landing obligation shall apply in each fishery as set out in the Annex, subject to the exemptions set out in Articles 4 and 5.

Article 4

Survivability exemption

1. The survivability exemption provided for in Article 15(4)(b) of Regulation (EU) No 1380/2013 shall apply:
 - (a) to Norway lobster (*Nephrops norvegicus*) caught in pots, traps or creels (Gear codes ⁽¹⁾ FPO and FIX) in ICES subareas VI and VII;
 - (b) to catches of common sole (*Solea solea*) below the minimum conservation reference size caught with otter trawl gears (Gear codes OTT, OTB, TBS, TBN, TB, PTB, OT, PT, TX) with cod end mesh size of 80-99 mm in ICES division VIId within six nautical miles of the coast and outside identified nursery areas in the fishing operations meeting the following conditions: vessels with the maximum length of 10 m, maximum engine power of 221 kW, when fishing in waters with the depth of 30 m or less and with limited tow durations of no more than 1:30 hours. Such catches of common sole shall be released immediately.

⁽¹⁾ Gear codes used in this Regulation are defined by the Food and Agriculture Organisation of the United Nations.

2. Before 1 May 2018, Member States having a direct management interest in the North-western waters shall submit to the Commission any additional scientific information supporting the exemption laid down in paragraph 1(b). The Scientific, Technical and Economic Committee for Fisheries (STECF) shall assess that information before 1 September 2018.

Article 5

De minimis exemptions

By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, the following quantities may be discarded:

- (a) for whiting (*Merlangius merlangus*), up to a maximum of 6 % of the total annual catches of that species by vessels obliged to land whiting and using bottom trawls and seines of less than 100 mm (OTB, SSC, OTT, PTB, SDN, SPR, TBN, TBS, TB, SX, SV, OT, PT and TX) and pelagic trawls (OTM, PTM) to catch whiting in ICES divisions VIIId and VIIe;
- (b) for whiting (*Merlangius merlangus*), up to a maximum of 6 % of the total annual catches of that species by vessels obliged to land whiting and using bottom trawls and seines of not less than 100 mm (OTB, SSC, OTT, PTB, SDN, SPR, TBN, TBS, TB, SX, SV, OT, PT and TX) and pelagic trawls (OTM, PTM) to catch whiting in ICES divisions VIIb-VIIj;
- (c) for whiting (*Merlangius merlangus*), up to a maximum of 6 % in of the total annual catches of that species by vessels obliged to land whiting and using bottom trawls and seines of less than 100 mm (OTB, SSC, OTT, PTB, SDN, SPR, TBN, TBS, TB, SX, SV, OT, PT and TX) and pelagic trawls (OTM, PTM) to catch whiting in ICES subarea VII, except divisions VIIa, VIIId and VIIe;
- (d) for Norway lobster (*Nephrops norvegicus*), up to a maximum of 6 % of the total annual catches of that species by vessels obliged to land Norway lobster and fishing for Norway lobster in ICES subarea VII;
- (e) for Norway lobster (*Nephrops norvegicus*), up to a maximum of 2 % of the total annual catches of that species by vessels obliged to land Norway lobster and fishing for Norway lobster in ICES subarea VI;
- (f) for common sole (*Solea solea*), up to a maximum of 3 % of the total annual catches of that species by vessels obliged to land common sole and using trammel and gill nets to catch common sole in ICES divisions VIIId, VIIe, VIIf and VIIg;
- (g) for common sole (*Solea solea*), up to a maximum of 3 % of the total annual catches of that species by vessels obliged to land common sole and using TBB gear with mesh size of 80-199 mm with increased selectivity, such as a large mesh extension, to catch common sole in ICES divisions VIIId, VIIe, VIIf, VIIg and VIIh.

Article 6

Vessels subject to the landing obligation

1. Member States shall determine, in accordance with the criteria laid down in the Annex, the vessels subject to the landing obligation in each particular fishery.

Vessels that were subject to the landing obligation in certain fisheries in 2017 shall remain subject to the landing obligation in those fisheries.

2. Before 31 December 2017, the Member States concerned shall submit to the Commission and other Member States, using the secure Union control website, the lists of vessels determined pursuant to paragraph 1 for each particular fishery set out in the Annex. They shall keep those lists updated.

Article 7

Repeal

Delegated Regulation (EU) 2016/2375 is repealed.

*Article 8***Entry into force**

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 from 1 January 2018 until 31 December 2018.

However, Article 6 shall apply from the date of entry into force of this Regulation.

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

Done at Brussels, 20 October 2017.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

Fisheries subject to the landing obligation

a) Fisheries in Union and International waters of ICES subarea VI and division Vb

Fishery	Gear Code	Fishing gear description	Mesh Size	Species to be landed
Cod (<i>Gadus morhua</i>), Haddock (<i>Melanogrammus aeglefinus</i>), Whiting (<i>Merlangius merlangus</i>) and Saithe (<i>Pollachius virens</i>)	OTB, SSC, OTT, PTB, SDN, SPR, TBN, TBS, OTM, PTM, TB, SX, SV, OT, PT, TX	Trawls & Seines	All	All catches of haddock and by-catches of sole, plaice and megrims where total landings per vessel of all species in 2015 and 2016 (*) consisted of more than 5 % of the following gadoids: cod, haddock, whiting and saithe combined
Norway lobster (<i>Nephrops norvegicus</i>)	OTB, SSC, OTT, PTB, SDN, SPR, FPO, TBN, TB, TBS, OTM, PTM, SX, SV, FIX, OT, PT, TX	Trawls, Seines, Pots, Traps & Creels	All	All catches of Norway lobster and by-catches of haddock, sole, plaice and megrim where the total landings per vessel of all species in 2015 and 2016 (*) consisted of more than 5 % of Norway lobster.
Saithe (<i>Pollachius virens</i>)	OTB, SSC, OTT, PTB, SDN, SPR, TBN, TBS, OTM, PTM, TB, SX, SV, OT, PT, TX	Trawls	≥ 100 mm	All catches of saithe where the total landings per vessel of all species in 2015 and 2016 (*) consisted of more than 50 % of saithe.
Black scabbardfish (<i>Aphanopus carbo</i>)	OTB, SSC, OTT, PTB, SDN, SPR, TBN, TBS, OTM, PTM, TB, SX, SV, OT, PT, TX	Trawls & Seines	≥ 100 mm	All catches of black scabbardfish where total landings per vessel of all species in 2015 and 2016 (*) consisted of more than 20 % of black scabbardfish.
Blue ling (<i>Molva dypterygia</i>)	OTB, SSC, OTT, PTB, SDN, SPR, TBN, TBS, OTM, PTM, TB, SX, SV, OT, PT, TX	Trawls & Seines	≥ 100 mm	All catches of blue ling where total landings per vessel of all species in 2015 and 2016 (*) consisted of more than 20 % of blue ling.
Grenadiers (<i>Coryphaeides rupestris</i> , <i>Macrourus berglax</i>)	OTB, SSC, OTT, PTB, SDN, SPR, TBN, TBS, OTM, PTM, TB, SX, SV, OT, PT, TX	Trawls & Seines	≥ 100 mm	All catches of grenadiers where total landings per vessel of all species in 2015 and 2016 (*) consisted of more than 20 % of grenadiers.

(*) Vessels listed as subject to the landing obligation in this fishery in accordance with Commission Delegated Regulation (EU) 2016/2375 remain on the list indicated in Article 4 of this Regulation despite the change in the reference period and continue being subject to the landing obligation in this fishery.

b) Fisheries in ICES subareas VI and VII and Union and International waters of ICES division Vb

Fishery	Gear Code	Fishing gear description	Mesh Size	Species to be landed
Hake (<i>Merluccius merluccius</i>)	OTB, SSC, OTT, PTB, SDN, SPR, TBN, TBS, OTM, PTM, TB, SX, SV, OT, PT, TX	Trawls & Seines	All	All catches of hake where the total landings per vessel of all species in 2015 and 2016 (*) consisted of more than 10 % of hake.

Fishery	Gear Code	Fishing gear description	Mesh Size	Species to be landed
Hake (<i>Merluccius merluccius</i>)	GNS, GN, GND, GNC, GTN, GTR, GEN	All Gill Nets	All	All catches of hake
Hake (<i>Merluccius merluccius</i>)	LL, LLS, LLD, LX, LTL, LHP, LHM	All Long lines	All	All catches of hake

(*) Vessels listed as subject to the landing obligation in this fishery in accordance with Commission Delegated Regulation (EU) 2016/2375 remain on the list indicated in Article 4 of this Regulation despite the change in the reference period and continue being subject to the landing obligation in this fishery.

c) Fisheries in ICES subarea VII

Fishery	Gear Code	Fishing gear description	Mesh Size	Species to be landed
Norway lobster (<i>Nephrops norvegicus</i>)	OTB SSC, OTT, PTB, SDN, SPR, FPO, TBN, TB, TBS, OTM, PTM, SX, SV, FIX, OT, PT, TX	Trawls, Seines, Pots, Traps & Creels	All	All catches of Norway lobster where the total landings per vessel of all species in 2015 and 2016 (*) consisted of more than 10 % of Norway lobster
Saithe (<i>Pollachius virens</i>)	OTB, SSC, OTT, PTB, SDN, SPR, TBN, TBS, OTM, PTM, TB, SX, SV, OT, PT, TX	Trawls	≥ 100 mm	All catches of saithe where the total landings per vessel of all species in 2015 and 2016 (*) consisted of more than 50 % of saithe.

(*) Vessels listed as subject to the landing obligation in this fishery in accordance with Commission Delegated Regulation (EU) 2016/2375 remain on the list indicated in Article 4 of this Regulation despite the change in the reference period and continue being subject to the landing obligation in this fishery.

d) Fisheries in ICES division VIIa

Fishery	Gear Code	Fishing gear	Mesh Size	Species to be landed
Cod (<i>Gadus morhua</i>), Haddock (<i>Melanogrammus aeglefinus</i>), Whiting (<i>Merlangius merlangus</i>) and Saithe (<i>Pollachius virens</i>)	OTB, SSC, OTT, PTB, SDN, SPR, TBN, TBS, OTM, PTM, TB, SX, SV, OT, PT, TX	Trawls & Seines	All	All catches of haddock where total landings per vessel of all species in 2015 and 2016 (*) consisted of more than 10 % of the following gadoids: cod, haddock, whiting and saithe combined

(*) Vessels listed as subject to the landing obligation in this fishery in accordance with Commission Delegated Regulation (EU) 2016/2375 remain on the list indicated in Article 4 of this Regulation despite the change in the reference period and continue being subject to the landing obligation in this fishery.

e) Fisheries in ICES division VIIId

Fishery	Gear Code	Fishing gear	Mesh Size	Species to be landed
Common Sole (<i>Solea solea</i>)	TBB	All Beam trawls	All	All catches of common sole
Common Sole (<i>Solea solea</i>)	OTT, OTB, TBS, TBN, TB, PTB, OT, PT, TX	Trawls	< 100 mm	All catches of common sole

Fishery	Gear Code	Fishing gear	Mesh Size	Species to be landed
Common Sole (<i>Solea solea</i>)	GNS, GN, GND, GNC, GTN, GTR, GEN	All Trammel nets & Gill nets	All	All catches of common sole
Cod (<i>Gadus morhua</i>), Haddock (<i>Melanogrammus aeglefinus</i>), Whiting (<i>Merlangius merlangus</i>) and Saithe (<i>Pollachius virens</i>)	OTB, SSC, OTT, PTB, SDN, SPR, TBN, TBS, OTM, PTM, TB, SX, SV, OT, PT, TX	Trawls and Seines	All	All catches of whiting, where total landings per vessel of all species in 2015 and 2016 (*) consisted of more than 10 % of the following gadoids: cod, haddock, whiting and saithe combined

(*) Vessels listed as subject to the landing obligation in this fishery in accordance with Commission Delegated Regulation (EU) 2016/2375 remain on the list indicated in Article 4 of this Regulation despite the change in the reference period and continue being subject to the landing obligation in this fishery.

f) Fisheries in ICES division VIIe

Fishery	Gear Code	Fishing gear	Mesh Size	Species to be landed
Common Sole (<i>Solea solea</i>)	TBB	All Beam trawls	All	All catches of common sole
Common Sole (<i>Solea solea</i>)	GNS, GN, GND, GNC, GTN, GTR, GEN	All Trammel nets & Gill nets	All	All catches of common sole

g) Fisheries in ICES divisions VIIId and VIIe

Fishery	Gear Code	Fishing gear	Mesh Size	Species to be landed
Pollack (<i>Pollachius pollachius</i>)	GNS, GN, GND, GNC, GTN, GTR, GEN	All Trammel nets and Gill nets	All	All catches of pollack

h) Fisheries in ICES divisions VIIb, VIIc and VIIf-VIIk

Fishery	Gear Code	Fishing gear	Mesh Size	Species to be landed
Common Sole (<i>Solea solea</i>)	TBB	All Beam trawls	All	All catches of common sole
Common Sole (<i>Solea solea</i>)	GNS, GN, GND, GNC, GTN, GTR, GEN	All Trammel nets & Gill nets	All	All catches of common sole

i) Fisheries in ICES divisions VIIb, VIIc, VIIe and VIIf-VIIk

Fishery	Gear Code	Fishing gear	Mesh Size	Species to be landed
Cod (<i>Gadus morhua</i>), Haddock (<i>Melanogrammus aeglefinus</i>), Whiting (<i>Merlangius merlangus</i>) and Saithe (<i>Pollachius virens</i>)	OTB, SSC, OTT, PTB, SDN, SPR, TBN, TBS, OTM, PTM, TB, SX, SV, OT, PT, TX	Trawls & Seines	All	All catches of whiting where total landings per vessel of all species in 2015 and 2016 (*) consisted of more than 10 % of the following gadoids: cod, haddock, whiting and saithe combined.

(*) Vessels listed as subject to the landing obligation in this fishery in accordance with Commission Delegated Regulation (EU) 2016/2375 remain on the list indicated in Article 4 of this Regulation despite the change in the reference period and continue being subject to the landing obligation in this fishery.

COMMISSION DELEGATED REGULATION (EU) 2018/47**of 30 October 2017****authorising the use of alternative T90 trawls in Baltic Sea fisheries, by way of derogation from Council Regulation (EC) No 2187/2005**

THE EUROPEAN COMMISSION,

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

Having regard to the Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007 ⁽¹⁾, and in particular Article 8 thereof,

Whereas:

- (1) Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽²⁾ aims to progressively eliminate discards in all Union fisheries through the introduction of a landing obligation for catches of species subject to catch limits. Measures to gradually eliminate discards may be included in multiannual plans.
- (2) Regulation (EU) 2016/1139 establishes a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks. It provides, inter alia, for technical measures to be adopted by the Commission in order to contribute to the achievement of the objectives of that multiannual plan. In particular, the Commission may adopt delegated acts regarding modifications to fishing gears intended to ensure or improve selectivity, to reduce unwanted catches or to minimise the negative impact on the ecosystem.
- (3) Council Regulation (EC) No 2187/2005 ⁽³⁾ lays down technical conservation measures in relation to taking and landing of fishery resources in the Baltic Sea. That Regulation defines the ranges of mesh size and other specifications i.a. the fishing gears admissible for each target species in the Baltic Sea.
- (4) Denmark, Germany, Estonia, Latvia, Lithuania, Poland, Finland and Sweden have a direct fisheries management interest in the Baltic Sea. Those Member States have submitted a joint recommendation ⁽⁴⁾ to the Commission, after consulting the Baltic Sea Advisory Council. The recommendation indicates that certain modifications to the specifications of characteristics of codend in the existing T90 trawls, as defined in Regulation (EC) No 2187/2005, will improve selectivity and reduce the amounts of unwanted catches of cod. Scientific contribution confirming that indication was obtained from the Scientific, Technical and Economic Committee for Fisheries (STECF).
- (5) The measures suggested in the joint recommendation, concerning the use of alternative T90 trawls in addition to the T90 trawls defined in Regulation (EC) No 2187/2005, contribute to the achievement of the objectives of the multiannual plan established by Regulation (EU) 2016/1139. Those measures should therefore be adopted in line with Article 18(3) of Regulation (EU) No 1380/2013,

HAS ADOPTED THIS REGULATION:

*Article 1***Subject matter**

This Regulation authorises the use, in certain Baltic Sea fisheries, of T90 trawls meeting specifications which are different from the specifications laid down in Regulation (EC) No 2187/2005.

⁽¹⁾ OJ L 191, 15.7.2016, p. 1.

⁽²⁾ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

⁽³⁾ Council Regulation (EC) No 2187/2005 of 21 December 2005 for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound, amending Regulation (EC) No 1434/98 and repealing Regulation (EC) No 88/98 (OJ L 349, 31.12.2005, p. 1).

⁽⁴⁾ Joint Recommendation of the BALTFISH High Level Group. Technical measures for ICES subareas 22-32 (the Baltic Sea) — alternative codend for T90.

*Article 2***Scope**

This Regulation shall apply to Union fishing vessels operating in the Baltic Sea fisheries referred to in Article 1 of Regulation (EU) 2016/1139.

*Article 3***Definitions**

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

- (a) 'T90 trawls' means trawls, Danish seines, and similar gears having a codend and extension piece produced from a standard diamond knotted netting turned 90° so that the main direction of run of the netting twine is parallel to the towing direction;
- (b) 'Member States concerned' means Denmark, Germany, Estonia, Latvia, Lithuania, Poland, Finland and Sweden

*Article 4***Alternative specifications for the T90 trawl codend**

1. The use of T90 trawls having a codend compliant with the following specifications shall be authorised by way of derogation from Annex II to Regulation (EC) No 2187/2005:
 - (a) the mesh size of the codend shall be at least 115 mm, by way of derogation from footnote 2 to Annex II and point (b) of Appendix 2 to that Annex;
 - (b) the number of meshes in any circumference in the codend *sensu strictu* and the extension piece, excluding joinings and selvages, shall be 80 meshes round, by way of derogation from point (e) of Appendix 2 to that Annex;
 - (c) the length of the codend shall be at least 9 m;
2. The codend shall meet all other specifications laid down in Appendix 2 to that Annex.

*Article 5***Recording of catches**

Member States concerned shall ensure that catches made using the fishing gear described in Article 4 are recorded separately from catches made using other fishing gears.

*Article 6***Entry into force**

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

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

Done at Brussels, 30 October 2017.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2018/48**of 11 January 2018****entering a name in the register of traditional specialities guaranteed [Suikerstroop (TSG)]**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(3)(b) thereof,

Whereas:

- (1) Pursuant to Article 50(2)(b) of Regulation (EU) No 1151/2012, the application from the Netherlands to register the name 'Suikerstroop' as Traditional Speciality Guaranteed (TSG) was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) 'Suikerstroop' is the syrupy liquid obtained from the masseculite of the plant from which the product is made after extraction of the sugar crystals. The name means 'sugar syrup'.
- (3) The Commission received a notice of opposition from Finland, a second one from Denmark and a third one from Nordic Sugar AB (company established in Denmark) all on 16 September 2014.
- (4) The notices of opposition from Denmark and Finland were forwarded to the Netherlands.
- (5) The opposition procedure based on the notice sent directly to the Commission by Nordic Sugar AB was not initiated. According to Article 51(1), second subparagraph, of Regulation (EU) No 1151/2012, natural or legal persons having a legitimate interest, established or resident in a Member State other than that from which the application was submitted, may lodge a notice of opposition with the Member State in which it is established. Therefore, Nordic Sugar AB was not allowed to lodge a notice or a statement of opposition directly to the Commission.
- (6) On 13 November 2014 the Commission received the reasoned statements of opposition from Finland. The reasoned statement of opposition from Denmark was already contained in the notice of opposition. Both the reasoned statement of opposition from Denmark and the one from Finland were considered admissible within the meaning of Article 21 of Regulation (EU) No 1151/2012.
- (7) Pursuant to Article 51(3) of the above Regulation, by letters of 19 December 2014 the Commission invited the Netherlands and Finland on one hand, and the Netherlands and Denmark on the other hand, to engage in appropriate consultations for a period of three months from the date of these letters in view of reaching an agreement.
- (8) Upon request of the Netherlands, in accordance with Article 51(3) of Regulation (EU) No 1151/2012, by letter of 8 April 2015 the Commission granted an extension of the deadline for the consultations among the interested parties in the two opposition procedures concerning the above mentioned application. The final deadline for the amicable procedure was therefore extended until 19 June 2015.
- (9) No agreement was reached within the designated timeframe. By letter of 22 February 2017 the Netherlands sent the Commission the results of the consultations with Finland and Denmark. Therefore, the Commission should decide on registration in accordance with the procedure referred to in Article 52(3)(b) of Regulation (EU) No 1151/2012, taking into account the results of these consultations.
- (10) In their reasoned statement of opposition, Finland and Denmark claimed that: 1) the name is not specific (it means just syrup of sugar); 2) identical name is used for several similar products already existing in the Danish,

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 187, 19.6.2014, p. 9.

Swedish, Finnish, German and Baltic markets; 3) the product characteristics and its production method are not unique to the product since similar products, marketed in Denmark, Finland and Sweden, have the same specific characteristics and methods. In particular, Finland considers that the product as described in the application cannot be considered to be 'special' as a type of syrup since products other than the 'Suikerstroop' are also made of 100 % sugar beet or sugar cane.

- (11) In addition, Denmark claimed that point 3.1 of the product specification, providing that 'the words "traditional Dutch product" will appear on the label in the language of the country in which the product is marketed' should be reformulated to comply with Article 18(3) of Regulation (EU) No 1151/2012. On the other side, Finland challenged the use of the definition 'traditional Dutch product' as not specific to the product described in the application since similar products marketed in northern Europe can also be qualified as traditional.
- (12) Finland has subsequently requested, during the consultations with the Netherlands, to delete the last sentence of Section 3.2 'There are no other products of the same name or similar products with a similar-sounding name' because it would be incorrect.
- (13) The Commission has assessed the arguments provided in the reasoned statements of opposition and in the information provided to the Commission regarding the negotiations between the interested parties and it has concluded that the name 'Suikerstroop' should be registered as TSG.
- (14) The oppositions are based on both points (a) and (b) of Article 21(1) of Regulation (EU) No 1151/2012.
- (15) As regards the incompatibility with the terms of the Regulation, three points have been raised: 1) the name is not specific; 2) the product characteristics and its production method is not unique 3) point 3.1 of the product specification does not comply with Article 18(3) of Regulation (EU) No 1151/2012 insofar as it refers to a 'traditional Dutch product'.
- (16) As regards the circumstance that the name is lawful, renowned and economically significant for similar agricultural products and foodstuffs, one point has been raised: an identical name is used for several similar products already existing in the Danish, Swedish, Finnish, German and Baltic markets.
- (17) Regulation (EU) No 1151/2012 does not require a TSG name to be specific. This was required under Article 4(2) of Council Regulation (EC) No 509/2006 ⁽¹⁾. Although the application was submitted to the Commission when Regulation (EC) No 509/2006 was into force, it was then published under Regulation (EU) No 1151/2012 and, therefore, in the absence of specific transitional provisions, the latter Regulation applies. In accordance with Article 18(2) of Regulation (EU) No 1151/2012 a name is eligible for TSG if it has been traditionally used to refer to the specific product or if it identifies the traditional or specific character of the product. In this case, the name 'Suikerstroop' has been used for centuries to define this specific product. It identifies the specific character of the product, being a syrup made with the liquid left behind during the production of sugar from sugar beet or sugar cane. Therefore, the name complies with the requirements of Regulation (EU) No 1151/2012.
- (18) Regulation (EU) No 1151/2012 does not require a TSG product to be unique or distinctive. It has to be identifiable and distinguishable. According to Article 18(4) of Regulation (EU) No 1151/2012 only names that refer to claims of a general nature used for a set of products or to claims provided for by particular Union legislation are excluded. 'Suikerstroop' is clearly identified as regards its characteristics and production method. In addition, the product covered by the product specification of the name 'Suikerstroop' complies with the requirements set out in Article 18(1) points (a) and (b) of Regulation (EU) No 1151/2012 since the mode of production corresponds to traditional practice for this product and the ingredients are those traditionally used.
- (19) The sentence in point 3.1 of the product specification 'Once the procedure under Article 18(3) of Regulation (EU) No 1151/2012 has been completed, it is intended that the words "traditional Dutch product" will appear on the label in the language of the country in which the product is marketed' does not comply with Article 18(3) of Regulation (EU) No 1151/2012. It should be replaced by the following sentence: 'The name shall be accompanied by the claim "made following the tradition of the Netherlands"'. The Dutch authorities have agreed that this amendment is included in the product specification which has to be re-published for information.

⁽¹⁾ Council Regulation (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialties guaranteed (OJ L 93, 31.3.2006, p. 1).

- (20) Although products similar to 'Suikerstroop' are marketed in other Member States under a name which is deemed the translation, in the official languages of those Member States, of the term 'Suikerstroop', it cannot be concluded that an 'identical name' is used in the market of those Member States for similar products. The name used in those Member States has indeed the same meaning as Suikerstroop in Dutch language but it is not identical to 'Suikerstroop' since it is expressed in a different language. In addition, the name 'Suikerstroop' is not protected as such but only in conjunction with the claim 'made following the tradition of the Netherlands'.
- (21) Therefore, those names of products similar to the product referred to in the application of 'Suikerstroop', marketed in the Danish, Swedish, Finnish, German and Baltic markets, whose meaning is 'syrup of sugar' and represent the translation of the name 'Suikerstroop' in their respective languages, may continue to be used. They are not identical to 'Suikerstroop' and they should not be considered as imitations or evocations of the name 'Suikerstroop' because the name 'Suikerstroop', once registered, will have to be accompanied by the claim 'made following the tradition of the Netherlands'. Therefore the protection of this name is limited to the name as referring to the Dutch tradition.
- (22) In addition, it is obvious that the registration of the name 'Suikerstroop' may not prevent the use of the single terms 'sugar' or 'syrup' which are common names.
- (23) The Netherlands and Finland have also agreed to delete the last sentence of Section 3.2 which reads: 'There are no other products of the same name or similar products with a similar-sounding name'. Such a sentence should be therefore deleted from the product specification, which has to be re-published for information purposes.
- (24) In the light of the above, the name 'Suikerstroop' should be entered in the register of traditional specialties guaranteed. The consolidated version of the single document should be published for information.
- (25) The measures provided for in this Regulation are in accordance with the opinion of the Agricultural Product Quality Policy Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Suikerstroop' (TSG) is registered.

The name in the first paragraph identifies a product from Class 2.3. bread, pastry, cakes, confectionery, biscuits and other baker's wares set out in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽¹⁾.

Article 2

The name referred in Article 1 shall be accompanied by the claim 'made following the tradition of the Netherlands'. The consolidated product specification is set out in the Annex to this Regulation.

Article 3

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

⁽¹⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

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

Done at Brussels, 11 January 2018.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

APPLICATION FOR REGISTRATION OF A TSG

Regulation (EC) No 509/2006 on agricultural products and foodstuffs as traditional specialties guaranteed (*)

‘SUIKERSTROOP’

EC No: NL-TSG-0007-01203 – 27.1.2014

1. NAME AND ADDRESS OF THE APPLICANT GROUP

Name: Kenniscentrum suiker & voeding

Address: Amsterdamsestraatweg 39a, 3744 MA BAARN

Tel. +31 355433455

Fax +31 355426626

Email: info@kenniscentrumsuiker.nl

2. MEMBER STATE OR THIRD COUNTRY

The Netherlands

3. PRODUCT SPECIFICATION

3.1. Name(s) to be registered (Article 2 of Commission Regulation (EC) No 1216/2007 ⁽¹⁾)

‘Suikerstroop’

The name shall be accompanied by the claim ‘made following the tradition of the Netherlands’.

3.2. Whether the name

☒ is specific in itself

☐ expresses the specific character of the agricultural product or foodstuff

The product has had this name for centuries. ‘Suikerstroop’ [treacle] is obtained during the production of sugar. Article 12 of the 1977 Sugar and Syrup (Commodities Act) Decree provides that: ‘The name “suikerstroop”, preceded where appropriate by the name of the plant from which the product is made, must and may only be used to describe the syrupy liquid obtained from the massecuite of the plant from which the product is made after extraction of the sugar crystals...’.

3.3. Whether reservation of the name is sought under Article 13(2) of Regulation (EC) No 509/2006

☒ Registration with reservation of the name

☐ Registration without reservation of the name

3.4. Type of product

Class 2.3: Confectionery, bread, pastry, cakes, biscuits and other bakers’ wares

3.5. Description of the agricultural product or foodstuff to which the name under point 3.1. applies (Article 3(1) of Regulation (EC) No 1216/2007)

‘Suikerstroop’ is the syrupy liquid obtained from the massecuite of the sugar beet or sugar cane from which the product is made after the extraction of the sugar crystals. This liquid has an extract content of at least 80 %, an ash content of no more than 4,0 % and an apparent purity of at least 73 %. The high dry matter content of the product in combination with its high sugar concentration (more than 60 g per 100 g) means that it has a long shelf life. The sugar ensures that there is a low availability of ‘free water’, which means that no micro-organisms can develop.

(*) Replaced by Regulation (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs.

(1) Commission Regulation (EC) No 1216/2007 of 18 October 2007 laying down detailed rules for the implementation of Council Regulation (EC) No 509/2006 on agricultural products and foodstuffs as traditional specialties guaranteed (OJ L 275, 19.10.2007, p. 3).

The product has the following specific characteristics:

	Colour	Brix ⁽¹⁾	Total sugars
'Suikerstroop'	2 000 - 30 000 IU ⁽²⁾	min. 79°	min. 70 %

⁽¹⁾ Measure of the concentration of dissolved solids (in this case sugar) in an aqueous solution determined using a refractometer.

⁽²⁾ ICUMSA (International Commission for Uniform Methods of Sugar Analysis) Units. The higher the IU, the darker the colour. It is an indirect measure of purity.

Physical characteristics

'Suikerstroop' is a sticky, thick, viscous, dark brown, syrupy liquid. It contains a large quantity of sugar (at least 70 %).

Chemical properties

'Suikerstroop' has an apparent purity of at least 73 %. The extract content should be at least 80 %, and the ash content of 'suikerstroop' may not be higher than 4 %.

Organoleptic characteristics

'Suikerstroop' has a sweet/salty and slightly bitter taste. The sweetness is produced by the high sugar content and the saltiness by the minerals and other (soluble) components from the sugar beet or sugar cane which are found in the syrup as a result of the production process.

3.6. Description of the production method to which the name under point 3.1 applies

The raw material for 'suikerstroop' is the syrupy liquid left behind during the production of sugar from sugar beet or sugar cane after extraction of the sugar crystals.

In the production of granulated sugar, the extraction process involves dissolving the sugars from the sugar beet or sugar cane in water. Other — water-soluble — components ('non-sugars') from the sugar beet or sugar cane also dissolve.

This extract is purified, reduced and crystallised. After the sugar solution thus obtained has crystallised, the sugar crystals are extracted. The 'non-sugars' are left behind in the remaining sugar solution, also known as the mother liquor (or the syrup or run-off syrup). The mother liquor still contains a lot of dissolved sugar (approximately 85 %). In order to allow the still dissolved sugar to crystallise, the mother liquor is reduced a second time until sugar crystals start to form again. Once more, these crystals are extracted. The remaining syrup is known as B-syrup and contains approximately 75 % sugar (based on dry matter) and relatively higher levels of non-sugars. The B-syrup is the raw material used to produce 'suikerstroop'.

The B-syrup is fed into a mixing tank to remove impurities. The raw material is treated with activated carbon, absorbing the impurities, which are removed by filtration along with the carbon. The purified B-syrup obtained is the main ingredient of 'suikerstroop'. To this purified B-syrup sugar solution (solution of sugar in water) and/or invert sugar (syrup) is added in order to comply with the characteristics referred to under 3.5. Invert sugar (syrup) is a syrup obtained by separating sugar (sucrose) into glucose and fructose. The purified (B-)syrup, sugar solution and/or invert sugar (syrup) are mixed to form a homogeneous mass.

In order to obtain 'suikerstroop' with the composition described under 3.5, this homogeneous, syrupy mass is evaporated under vacuum until the desired brix value (at least 79°) is achieved.

The syrup is stored in storage tanks, from which it is poured into the various types of packaging.

3.7. Specific character of the agricultural product or foodstuff

The specific character of 'suikerstroop' is attributable to the fact that its qualities differ significantly from other types of syrup such as apple syrup or pear syrup but also from molasses in terms of the following characteristics:

Raw material

'Suikerstroop' is distinguished by the fact that the syrup is 100 % derived from sugar beet/cane.

Composition of the sugar

Because the syrup is 100 % derived from sugar beet/cane, it contains hardly any carbohydrates apart from sucrose and invert sugar. The sugar content is at least 70 % (see also characteristics referred to under 3.5). This also distinguishes the syrup from molasses, the sugar content of which is less than 68 %.

Taste

The 'non-sugars' in the raw material give 'suikerstroop' a salty flavour with a slightly bitter accent. This combines with the high sugar content to produce a sweet/salty taste and aroma that are unique when compared with other types of syrup.

3.8. Traditional character of the agricultural product or foodstuff

The application for registration is based on the fact that the product is characterised by a traditional production method and a traditional composition.

Traditional production method

Although long ago (from the beginning of the 17th century) 'suikerstroop' used to be made by hand, it has been factory-produced since 1908. The factory production method has remained unchanged since then, although the production process has been improved, streamlined and further mechanised. The factories (founded at the beginning of the 20th century, around 1910) are still in operation. They have been internally modernised as technology has advanced.

The 17th, 18th and 19th centuries

Historically, 'suikerstroop' is a by-product of sugar refining. *De Suikerraffinadeur* [The Sugar Refiner] by J.H. Reisig, dating from 1783, describes how syrup was caught in drip pots during the production of sugar loaves. During the crystallisation process, the (viscous) purified sugar massecuite was poured into the sugar loaf moulds. The moulds then stood on drip pots for a couple of days. The syrup that collected was called 'uncovered' syrup. The loaves were then covered with wet pipe clay (which promoted the crystallisation process and prevented dissolving) and placed back on the pots. Water was slowly poured over the top and slowly trickled through the loaf. The syrup thus produced was known as 'covered' syrup. The covering (dried clay) was then removed, and the sugar loaves were left to stand for a few days, after which they were covered with a layer of thinner pipe clay and placed back on the syrup pots before having water poured over them. The syrup thus obtained was known as naloop syrup (final run-off syrup, which is the purest).

20th century to the present

As progress made in technology (industrialisation) has resulted in an increase in the quantity of granulated sugar which can be obtained during the production process, the melado/molasses (i.e. the syrup) contains more 'non-sugars' and less sugar (total sugar content less than 68 %, apparent purity less than 73 %). The accumulation of impurities (owing to the efficiency of the industrial production process) also makes the syrup taste very different, much more salty than the final run-off syrup of the past (the last syrup obtained in the manual production process). However, because there was still a demand for 'suikerstroop', it started to be specially produced. The production process was developed in around 1900 (see description in point 3.6), and in 1908 the product started to be made in the way it is today.

Overview of the production method in 1908 and today:

Production method (as described in point 3.6)	1908	Now
B-syrup obtained from the production of sugar from sugar cane or sugar beet constitutes the raw material	X	X
Purification of the B-syrup using activated carbon	X	X
Sugar solution and/or invert sugar syrup added in line with the recipe	X	X
Mixing to a homogeneous mass	X	X
Heating and evaporation to obtain the desired dry matter	X	X

Traditional composition

‘Suikerstroop’ is traditionally composed of the carbohydrates sucrose and invert sugar, which are derived from sugar cane or sugar beet.

The composition of the ‘suikerstroop’ produced today, the requirements for which are described in point 3.9, is the same as that laid down in the Sugar and Syrup (Commodities Act) Decree (1977).

The 1977 Sugar and Syrup (Commodities Act) Decree described the composition as the syrupy liquid obtained from the massecuite of the plant from which the product is made after extraction of the sugar crystals. Furthermore, the extract content had to be at least 80 % and the apparent purity 73 %. The maximum ash content was 4,0 %. The main characteristics of the composition have not changed and are identical to the requirements for the composition of present-day ‘suikerstroop’, as described in point 3.5.

Traditional use

‘Suikerstroop’ is a much-used ingredient in traditional dishes. The series *Streekgerechten en wetenswaardigheden* [Local Dishes and Interesting Details], Jo van Lamoen, 1987–88, shows that ‘suikerstroop’ is used in many local dishes, such as *Groningse kruidkoek*, brown beans with apples, *Limburgse zoervleisj*, *Drentse proemenkreuze* and *Zeeuwse boterbabbelaars*. There are also numerous recipes using ‘suikerstroop’ in *Het kookboek van de Amsterdamse huishoudschool* [The Cookbook of the Amsterdam Domestic Science School] by C.J. Wannée, 6th edition, dating from 1910. Examples of these are *boluskoek* and *stroopmoppen*, and *stroopsaus* (a sauce made from ‘suikerstroop’) was a recommended accompaniment for many dishes, because the ‘traditional’ Dutch recipes were often not the most flavoursome.

3.9. Minimum requirements and procedures to check the specific character

The specific character of ‘suikerstroop’ can be tested on the basis of the measurable minimum requirements which the syrup’s characteristics referred to under 3.5 (colour, brix and total sugars) must meet. The producer checks that the requirements are met in each production batch (during each production run).

The Dutch Food and Consumer Product Safety Authority (NVWA) verifies this by means of monitoring of controls. The NVWA carries out an administrative spot check on producers at least once a year by checking the data stored with regard to the colour, brix value and total sugar content (measured by the producer for each production batch and digitally stored).

4. AUTHORITIES OR BODIES VERIFYING COMPLIANCE WITH THE PRODUCT SPECIFICATION**4.1. Name and address**

Name: Nederlandse Voedsel en Waren Autoriteit

Address: Catharijnesingel 59, 3511 GG UTRECHT

Tel. +31 0882233333

Email: info@vwa.nl

☒ Public ☐ Private

4.2. Specific tasks of the authority or body

The Dutch Food and Consumer Product Safety Authority is responsible for verifying compliance with the requirements laid down in the product specification for ‘suikerstroop’.

COMMISSION IMPLEMENTING REGULATION (EU) 2018/49**of 11 January 2018****amending Council Implementing Regulation (EU) No 501/2013 following a ‘new exporter’ review pursuant to Articles 11(4) and 13(4) of Regulation (EU) 2016/1036 of the European Parliament and of the Council**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽¹⁾ (‘the basic Regulation’), and in particular Articles 11(4), 13(4) and 14(5) thereof,

Whereas:

A. MEASURES IN FORCE

- (1) On 29 May 2013, by Regulation (EU) No 502/2013 ⁽²⁾, the Council, following an interim review pursuant to Article 11(3) of the basic Regulation, amended Council Implementing Regulation (EU) No 990/2011 ⁽³⁾ imposing a definitive anti-dumping duty on imports of bicycles originating in the People’s Republic of China (‘the existing measures’).
- (2) On the same date, the Council, by Implementing Regulation (EU) No 501/2013 ⁽⁴⁾ extended the measures to imports of bicycles originating in the People’s Republic of China (‘PRC’) to imports of bicycles consigned from Indonesia, Malaysia, Sri Lanka and Tunisia, whether declared as originating in Indonesia, Malaysia, Sri Lanka and Tunisia or not (‘the extended measures’).
- (3) On 18 May 2015 the Commission, by Implementing Regulation (EU) 2015/776 ⁽⁵⁾, extended the measures to imports of bicycles originating in the PRC to imports of bicycles consigned from Cambodia, Pakistan and the Philippines, whether declared as originating in Cambodia, Pakistan and the Philippines or not.

B. CURRENT PROCEDURE**1. Request for a review**

- (4) The Commission received a request for an exemption from the anti-dumping measures applicable to imports of bicycles originating in the PRC extended to imports of bicycles consigned from Indonesia, Malaysia, Sri Lanka and Tunisia, whether declared as originating in Indonesia, Malaysia, Sri Lanka and Tunisia or not, pursuant to Articles 11(4) and 13(4) of the basic Regulation.
- (5) The request was lodged on 13 September 2016 by Look Design System SA (‘the applicant’), an exporting producer of bicycles in Tunisia (‘the country concerned’).
- (6) The applicant alleged that it is not related to any of the exporters or producers in the country concerned which are subject to the extended measures on bicycles.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ Council Regulation (EU) No 502/2013 of 29 May 2013 amending Implementing Regulation (EU) No 990/2011 imposing a definitive anti-dumping duty on imports of bicycles originating in the People’s Republic of China following an interim review pursuant to Article 11(3) of Regulation (EC) No 1225/2009 (OJ L 153, 5.6.2013, p. 17).

⁽³⁾ Council Implementing Regulation (EU) No 990/2011 of 3 October 2011 imposing a definitive anti-dumping duty on imports of bicycles originating in the People’s Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EC) No 1225/2009 (OJ L 261, 6.10.2011, p. 2).

⁽⁴⁾ Council Implementing Regulation (EU) No 501/2013 of 29 May 2013 extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) No 990/2011 on imports of bicycles originating in the People’s Republic of China to imports of bicycles consigned from Indonesia, Malaysia, Sri Lanka and Tunisia, whether declared as originating in Indonesia, Malaysia, Sri Lanka and Tunisia or not (OJ L 153, 5.6.2013, p. 1).

⁽⁵⁾ Commission Implementing Regulation (EU) 2015/776 of 18 May 2015 extending the definitive anti-dumping duty imposed by Council Regulation (EU) No 502/2013 on imports of bicycles originating in the People’s Republic of China to imports of bicycles consigned from Cambodia, Pakistan and the Philippines, whether declared as originating in Cambodia, Pakistan and the Philippines or not (OJ L 122, 19.5.2015, p. 4).

- (7) Also, the applicant alleged that it did not export bicycles to the Union during the reporting period used in the investigation that led to the extended measures, namely the period from 1 September 2011 to 31 August 2012 ('original reporting period').
- (8) In addition, the applicant alleged that it has not circumvented the existing measures.
- (9) Finally, the applicant provided evidence that it has exported the product under review to the Union in August 2016.

2. Initiation of a new exporter review

- (10) Having determined that sufficient evidence existed to justify the initiation of an investigation pursuant to Articles 11(4) and 13(4) of the basic Regulation for the purposes of determining the possibility of granting the applicant an exemption from the extended measures, and that the Union industry concerned had been given the opportunity to comment, the Commission initiated, by Implementing Regulation (EU) 2017/777 ⁽¹⁾, a review of Implementing Regulation (EU) No 501/2013 with regard to the applicant.
- (11) Implementing Regulation (EU) 2017/777 repealed the anti-dumping duty on bicycles imposed by Implementing Regulation (EU) No 501/2013 with regard to imports of the product under review produced and sold for export to the Union by the applicant. Simultaneously, pursuant to Article 14(5) of the basic Regulation, customs authorities were directed to take appropriate steps to register such imports.

3. Product under review

- (12) The product under review is bicycles and other cycles (including delivery tricycles, but excluding unicycles), not motorised, consigned from Indonesia, Malaysia, Sri Lanka and Tunisia, whether declared as originating in Indonesia, Malaysia, Sri Lanka and Tunisia or not, currently falling within CN codes ex 8712 00 30 and ex 8712 00 70 (TARIC code 8712 00 30 10 and 8712 00 70 91).

4. Parties concerned

- (13) The Commission officially advised the Union industry, the applicant and the representatives of the exporting country of the initiation of the review. Interested parties were given the opportunity to make their views known in writing and to be heard.
- (14) The Commission sent an exemption form to the applicant and received a reply within the deadline set for that purpose.
- (15) The Commission sought to verify all the information it deemed necessary for the determination of the new exporter status and the exemption request of the applicant from the extended measures. A verification visit was carried out at the premises of the applicant in Tunisia.

5. Reporting period and investigation period

- (16) The reporting period extended from 1 April 2016 to 31 March 2017 and the investigation period covered the period from 1 January 2011 to 31 March 2017 relevant to assess the remedial effects of the measures.

C. RESULTS OF THE INVESTIGATION

1. 'New exporter' qualification

- (17) The Commission examined whether the three conditions contained in Article 11(4) of the basic Regulation for granting new exporter status have been met.

⁽¹⁾ Commission Implementing Regulation (EU) 2017/777 of 4 May 2017 initiating a review of Council Implementing Regulation (EU) No 501/2013 (extending the definitive anti-dumping duty on imports of bicycles originating in the People's Republic of China to imports of bicycles consigned from Indonesia, Malaysia, Sri Lanka and Tunisia, whether declared as originating in Indonesia, Malaysia, Sri Lanka and Tunisia or not) for the purposes of determining the possibility of granting an exemption from those measures to one Tunisian 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 116, 5.5.2017, p. 20.

- (18) The investigation confirmed that the company had not exported the product under review during the original reporting period, which satisfies the first condition. The applicant also demonstrated that it did not have any links, direct or indirect, with any of the Tunisian exporting producers subject to the extended measure with regard to the product under review, which satisfies the second condition. Finally, the investigation showed that the applicant had started to export the product under review to the Union only after the original reporting period, thus satisfying the third condition.
- (19) Accordingly, the Commission established that the company should be considered a 'new exporter' in accordance with Article 11(4) of the basic Regulation and thus the exemption request should be assessed accordingly.

2. Exemption request

- (20) The sources of raw materials (bicycle parts) and the cost of production of the applicant were analysed to establish whether it was engaged in assembly operations in accordance with Article 13(2) of the basic Regulation.
- (21) The investigation revealed that the bicycles exported to the Union during the reporting period did not include bicycle parts from the PRC. The parts mainly originated from other countries and the raw materials (bicycle parts) from the PRC constituted thus less than 60 % the total value of the parts of the assembled product (60/40 test).
- (22) Consequently, as the applicant complied with the 60/40 test, it was not required to assess whether the value added to the parts brought in, during the assembly or completion operation, was greater than 25 % of the manufacturing cost. It was also not required to assess whether the remedial effects of the duty were being undermined in terms of prices and/or quantities and whether there was evidence of dumping as foreseen in Article 13(2)(c) of the basic Regulation.
- (23) Moreover, no evidence was found that the applicant purchased bicycles from the PRC, or that it transhipped Chinese produced bicycles into the Union.
- (24) The Commission, therefore, concluded that the applicant is a genuine producer of bicycles, not related to any producer of bicycles located in the PRC. Consequently, the Commission decided to exempt the applicant from the extended measures.

D. REGISTRATION

- (25) In the light of the above findings, the registration of imports imposed by Implementing Regulation (EU) 2017/777 should cease without any retroactive levying of the anti-dumping duties.

E. DISCLOSURE

- (26) The parties concerned were informed of the essential facts and considerations on the basis of which it was intended to grant the exemption from the extended measures to the applicant and to amend Implementing Regulation (EU) No 501/2013 accordingly. No comments that could alter the decision to exempt the applicant from the extended measures were received from the interested parties.
- (27) This regulation is in accordance with the opinion of the Committee established by Article 15(1) of the basic Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. In Article 1(1) of Implementing Regulation (EU) No 501/2013, the following shall be inserted into the table under producers in Tunisia:

Country	Company	TARIC additional code
Tunisia	Look Design System Route de Tunis Km6 — BP 18, 8020 Soliman, Tunisia	C206

2. The customs authorities are hereby directed to cease the registration of imports of the product under review originating in Tunisia produced by Look Design System SA without any retroactive levying of the anti-dumping duties.
3. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 2

This Regulation shall enter into force on the day following 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, 11 January 2018.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2018/50**of 11 January 2018****amending for the 280th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations ⁽¹⁾, and in particular Article 7(1)(a) and Article 7a(5) thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.
- (2) On 26 December 2017, the Sanctions Committee of the United Nations Security Council decided to delete one entry and amend one entry in the list of persons, groups and entities to whom the freezing of funds and economic resources should apply. Annex I to Regulation (EC) No 881/2002 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 11 January 2018.

For the Commission,

On behalf of the President,

Head of the Service for Foreign Policy Instruments

⁽¹⁾ OJ L 139 29.5.2002, p. 9.

ANNEX

Annex I to Regulation (EC) No 881/2002 is amended as follows:

- (1) The entry 'Zayn Al-Abidin Muhammad Hussein (alias (a) Abu Zubaida, (b) Abd Al-Hadi Al-Wahab, (c) Zain Al-Abidin Muhammad Husain, (d) Zayn Al-Abidin Muhammad Husayn, (e) Zeinulabideen Muhammed Husein Abu Zubeidah, (f) Abu Zubaydah, (g) Tariq Hani). Date of birth: 12.3.1971. Place of birth: Riyadh, Saudi Arabia. Nationality: Palestinian. Other information: (a) Close associate of Usama bin Laden and facilitator of terrorist travel; (b) In custody of the United States of America as at July 2007. Date of designation referred to in Article 2a (4) (b): 25.1.2001.', under the heading 'Natural persons', is deleted.
- (2) The entry 'Seifallah Ben Hassine (alias (a) Seif Allah ben Hocine; (b) Saifallah ben Hassine; (c) Sayf Allah 'Umar bin Hassayn; (d) Sayf Allah bin Hussayn; (e) Abu Iyyadh al-Tunisi; (f) Abou Iyadh el-Tounsi; (g) Abu Ayyad al-Tunisi; (h) Abou Aayadh; (i) Abou Iyadh). Date of birth: 8.11.1965. Place of birth: Tunis, Tunisia. Nationality: Tunisian. Date of designation referred to in Article 7d(2)(i): 23.9.2014.', under the heading 'Natural persons', is replaced by the following:

'Seifallah Ben Omar Ben Mohamed Ben Hassine (alias (a) Seif Allah ben Hocine; (b) Saifallah ben Hassine; (c) Sayf Allah 'Umar bin Hassayn; (d) Sayf Allah bin Hussayn; (e) Abu Iyyadh al-Tunisi; (f) Abou Iyadh el-Tounsi; (g) Abu Ayyad al-Tunisi; (h) Abou Aayadh; (i) Abou Iyadh; (j) Seifallah ben Amor ben Hassine). Address: a) 60 Rue de la Libye, Hammam Lif, Ben Arous, Tunisia; b) Libya (possible location as at Jul. 2017). Date of birth: 8.11.1965. Place of birth: Tunis, Tunisia. Nationality: Tunisian. Passport no: Tunisia number G557170, issued on 16 Nov. 1989. National identification no: Tunisia National Identification Card 05054425, issued on 3.5.2011 (issued in Hammam Lif). Date of designation referred to in Article 7d(2)(i): 23.9.2014.'

DECISIONS

DECISION (EU) 2018/51 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 25 October 2017

on the mobilisation of the Flexibility Instrument to provide the financing for the European Fund for Sustainable Development

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management ⁽¹⁾, and in particular point 12 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Flexibility Instrument is intended to allow the financing of clearly identified expenditure which could not be financed within the limits of the ceilings available for one or more other headings.
- (2) The ceiling on the annual amount available for the Flexibility Instrument is EUR 600 000 000 (2011 prices), as laid down in Article 11 of Council Regulation (EU, Euratom) No 1311/2013 ⁽²⁾.
- (3) In order to address the ongoing challenges of migration, refugee inflows and security threats, it is necessary to mobilise significant additional amounts to finance appropriate measures as a matter of urgency.
- (4) Having examined all possibilities for re-allocating appropriations under the expenditure ceiling for heading 4 (*Global Europe*), it is necessary to mobilise the Flexibility Instrument to supplement the financing available in the general budget of the Union for the financial year 2017, beyond the ceiling of heading 4 by the amount of EUR 275 000 000, to provide the financing for the European Fund for Sustainable Development (EFSD). This amount includes amounts which lapsed in the previous years of the European Union Solidarity Fund and of the European Globalisation Adjustment Fund and which are made available for the Flexibility Instrument in accordance with the second subparagraph of Article 11(1) of Regulation (EU, Euratom) No 1311/2013.
- (5) On the basis of the expected payment profile, the payment appropriations corresponding to the mobilisation of the Flexibility Instrument should be for 2017 only,

HAVE ADOPTED THIS DECISION:

Article 1

1. For the general budget of the Union for the financial year 2017, the Flexibility Instrument shall be mobilised to provide the amount of EUR 275 000 000 in commitment appropriations in heading 4 (*Global Europe*).

⁽¹⁾ OJ C 373, 20.12.2013, p. 1.

⁽²⁾ Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 (OJ L 347, 20.12.2013, p. 884).

The amount referred to in the first paragraph shall be used to provide the financing for the European Fund for Sustainable Development Guarantee Fund.

2. On the basis of the expected payment profile, the payment appropriations corresponding to the mobilisation of the Flexibility Instrument will be EUR 275 000 000 in 2017. The amount shall be authorised in accordance with the budgetary procedure.

Article 2

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

Done at Strasbourg, 25 October 2017.

For the European Parliament

The President

A. TAJANI

For the Council

The President

M. MAASIKAS

COMMISSION IMPLEMENTING DECISION (EU) 2018/52**of 11 January 2018****terminating the partial interim review concerning imports of certain threaded tube or pipe cast fittings of malleable cast iron originating in the People's Republic of China and Thailand**

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⁾, and in particular Article 9(1) thereof,

Whereas:

1. PROCEDURE

- (1) By Council Implementing Regulation (EU) No 430/2013 ⁽²⁾ definitive anti-dumping measures were imposed on certain threaded tube or pipe cast fittings of malleable cast iron originating in the People's Republic of China ('the PRC') and Thailand.
- (2) On 23 May 2017, the European Commission ('the Commission') initiated a partial interim review with regard to imports into the Union of certain threaded tube or pipe cast fittings of malleable cast iron originating in the PRC and Thailand on the basis of Article 11(3) of Regulation (EU) 2016/1036 (the basic Regulation). It published a Notice of Initiation in the *Official Journal of the European Union* ⁽³⁾ ('the Notice of Initiation').
- (3) The Commission initiated the review concerning the PRC following a request lodged on 25 July 2016 by Hebei Yulong Casting Co., Ltd ('the applicant'), a Chinese exporting producer of certain types of threaded tube or pipe cast fittings of malleable cast iron, with regard to imports from the PRC. The applicant requested the review in order to determine whether bodies of compression fittings using DIN 28601 thread, and cross-shaped fittings with two unthreaded central through holes ('the products for potential exclusion') should be excluded from the product scope of the Implementing Regulation (EU) No 430/2013. As the measures also apply to imports originating in Thailand, the Commission decided on its own initiative to initiate the review for imports from Thailand as well. The request contained sufficient evidence to justify the initiation of the review.
- (4) In the Notice of Initiation, the Commission invited interested parties to contact it in order to participate in the review. In addition, the Commission specifically informed the applicant, known Union producers, the known exporting producers in the PRC and Thailand and the Chinese and Thai authorities, known importers, suppliers and users, traders, as well as an association about the initiation of the review and invited them to participate.
- (5) Interested parties had an opportunity to comment on the initiation of the review and to request a hearing with the Commission and/or the Hearing Officer in trade proceedings.

2. WITHDRAWAL OF THE REQUEST FOR REVIEW AND TERMINATION OF THE INVESTIGATION

- (6) On 8 September 2017, the applicant withdrew its request for review.
- (7) In accordance with Articles 9(1) and 11(5) of the basic Regulation, when the applicant withdraws its request, the review may be terminated unless such termination would not be in the Union interest.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ Council Implementing Regulation (EU) No 430/2013 of 13 May 2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of threaded tube or pipe cast fittings, of malleable cast iron, originating in the People's Republic of China and Thailand and terminating the proceeding with regard to Indonesia (OJ L 129, 14.5.2013, p. 1).

⁽³⁾ Notice of initiation of a partial interim review of the anti-dumping measures applicable to imports of threaded tube or pipe cast fittings, of malleable cast iron, originating in the People's Republic of China and Thailand (OJ C 162, 23.5.2017, p. 12).

- (8) The Commission considered that the review should be terminated with regard to the PRC since the investigation had not brought to light any consideration demonstrating that such termination would not be in the Union interest.
- (9) With regard to Thailand, none of the contacted known companies or Thai authorities provided any relevant information for the investigation with regard to the product for potential exclusion that would allow for the review to be carried out. None of the contacted known importers reported any imports of the product for potential exclusion from Thailand. The investigation revealed no other relevant information that would be the basis for carrying out a review of a product scope.
- (10) Since the applicant withdrew its request with regard to the PRC and since there is no further relevant information with regard to Thailand, the review should be terminated *ex officio* with regard to Thailand in accordance with Articles 9(2) and 11(5) of the basic Regulation.
- (11) Interested parties were informed accordingly and were given an opportunity to comment. No comments were received within the prescribed deadline.
- (12) The Commission therefore concludes that the partial interim review concerning imports of certain threaded tube or pipe cast fittings of malleable cast iron originating in the PRC and Thailand should be terminated.
- (13) This Decision is in accordance with the opinion of the Committee established by Article 15(1) of the basic Regulation,

HAS ADOPTED THIS DECISION:

Article 1

The partial interim review concerning imports of certain threaded tube or pipe cast fittings of malleable cast iron originating in the People's Republic of China and Thailand, excluding bodies of compression fittings using ISO DIN 13 metric thread and malleable iron threaded circular junction boxes without having a lid, currently falling within CN code ex 7307 19 10 (TARIC code 7307 19 10 10) is terminated.

Article 2

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

Done at Brussels, 11 January 2018.

For the Commission
The President
Jean-Claude JUNCKER

CORRIGENDA**Corrigendum to Council Regulation (EU) 2017/1509 of 30 August 2017 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Regulation (EC) No 329/2007**

(Official Journal of the European Union L 224 of 31 August 2017)

On page 96, Annex XIII, Part (b) (Legal persons, entities and bodies), entry 23, third column (Location):

for: '... SWIFT: DCBK KKPYP',

read: '... SWIFT: DCBK KPPY'.

