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EN

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

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II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2018/161

of 23 October 2017

establishing a *de minimis* exemption to the landing obligation for certain small pelagic fisheries in the Mediterranean Sea

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(7) 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 or minimum sizes.
- (2) According to Article 15(1)(a) of Regulation (EU) No 1380/2013, the landing obligation applies in small pelagic fisheries from 1 January 2015. For the fishery in question, Article 15(6) of Regulation (EU) No 1380/2013 empowers the Commission to adopt provisions for the implementation of the landing obligation ('discard plans') by means of a delegated act on a temporary basis and for a period of no more than 3 years.
- (3) Commission Delegated Regulation (EU) No 1392/2014 ⁽²⁾ established a discard plan for certain small pelagic fisheries in the Mediterranean Sea. That discard plan applies to small pelagic fisheries using pelagic mid-water trawl and/or purse seines (fisheries for anchovy, sardine, mackerel and horse mackerel). In order to avoid disproportionate costs of handling unwanted catches, it allows the discarding of a small percentage of catches of species subject to minimum sizes as referred to in Annex III to Council Regulation (EC) No 1967/2006 ⁽³⁾ ('*de minimis* exemption').
- (4) The discard plan established by Delegated Regulation (EU) No 1392/2014 will expire on 31 December 2017. Moreover, no measures have been adopted for the purpose of specifying the *de minimis* exemption in a multiannual plan beyond 31 December 2017. In order to avoid disproportionate costs of handling unwanted catches, it is therefore appropriate to establish a *de minimis* exemption in accordance with Article 15(7) of Regulation (EU) No 1380/2013. The *de minimis* exemption should apply in the GFCM (General Fisheries for the Commission of the Mediterranean) Areas covered by the current discard plan, which are Areas 1, 2, 5, 6, 7, 8, 9, 10, 11.1, 11.2, and 12 (Western Mediterranean Sea); 17 and 18 (Adriatic Sea); and 15, 16, 19, 20, 22, 23 and 25 (South Eastern Mediterranean Sea).

⁽¹⁾ OJ L 354, 28.12.2013, p. 22.

⁽²⁾ Commission Delegated Regulation (EU) No 1392/2014 of 20 October 2014 establishing a discard plan for certain small pelagic fisheries in the Mediterranean Sea (OJ L 370, 30.12.2014, p. 21).

⁽³⁾ Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 (OJ L 409, 30.12.2006, p. 11).

- (5) The proposed *de minimis* exemption was reviewed by the Scientific, Technical and Economic Committee for Fisheries (STECF) which did not provide any comments thereon apart from the fact that in cases where an increase to the *de minimis* percentage was requested from 3 % to 5 % this was considered not justifiable. In light of the above, it is appropriate to establish the *de minimis* exemption in accordance with the percentage level established by Delegated Regulation (EU) No 1392/2014 and at levels not exceeding those allowed under Article 15(7) of Regulation (EU) No 1380/2013.
- (6) Since the discard plan established by Delegated Regulation (EU) No 1392/2014 will expire on 31 December 2017, this Regulation should apply as from 1 January 2018. Similarly as the former discard plan established by Delegated Regulation (EU) No 1392/2014, this *de minimis* Regulation should, as requested by regional groups of Member States, apply for a 3-year period, i.e. until 31 December 2020,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

This Regulation establishes a *de minimis* exemption from the landing obligation for species subject to minimum sizes caught in small pelagic fisheries using pelagic mid-water trawl and/or purse seines in the Mediterranean Sea (fisheries for anchovy, sardine, mackerel and horse mackerel).

Article 2

Definitions

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

- (a) 'species subject to a minimum size' means any species listed in Annex III to Regulation (EC) No 1967/2006;
- (b) 'Mediterranean Sea' means maritime waters of the Mediterranean to the east of line 5°36' West;
- (c) 'GFCM Geographical Sub-Area' means General Fisheries Commission for the Mediterranean (GFCM) Geographical Sub-Area as defined in Annex I to Regulation (EU) No 1343/2011 of the European Parliament and of the Council ⁽¹⁾;
- (d) 'Western Mediterranean Sea' means GFCM Geographical Sub-Areas 1, 2, 5, 6, 7, 8, 9, 10, 11.1, 11.2 and 12;
- (e) 'South Eastern Mediterranean Sea' means GFCM Geographical Sub-Areas 15, 16, 19, 20, 22, 23 and 25;
- (f) 'Adriatic Sea' means GFCM Geographical Sub-Areas 17 and 18;
- (g) 'Southern Adriatic and Ionian Sea' means GFCM Geographical Sub-Areas 18, 19 and 20;
- (h) 'Malta Island and South of Sicily' means GFCM Geographical Sub-Areas 15 and 16;
- (i) 'Aegean Sea and Crete Island' means GFCM Geographical Sub-Areas 22 and 23.

Article 3

De minimis exemption

1. In the small pelagic mid-water trawl and purse seines fisheries set out in Annexes I, II and III, up to 5 % of the total annual catches of any species subject to a minimum size may be discarded.

⁽¹⁾ Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area and amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea (OJ L 347, 30.12.2011, p. 44).

2. In the small pelagic purse seines fisheries set out in Annexes IV, V and VI, up to 3 % of the total annual catches of any species subject to a minimum size may be discarded.
3. Paragraphs 1 and 2 of this Article shall apply by way of derogation from Article 15(1) of Regulation (EU) No 1380/2013.

Article 4

Entry into force

This Regulation shall enter into force on 1 January 2018.

It shall apply until 31 December 2020.

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

Done at Brussels, 23 October 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

Small pelagic fisheries in the Western Mediterranean Sea

GFCM Geographical Sub-Areas	Gear code	Fishing gear	Species targeted
1, 2, 5, 6, 7, 8, 9, 10, 11.1, 11.2 and 12	OTM, PTM	mid-water pelagic trawl	Anchovy, sardine, mackerel and horse mackerel
1, 2, 5, 6, 7, 8, 9, 10, 11.1, 11.2 and 12	PS	purse seine	Anchovy, sardine, mackerel and horse mackerel

ANNEX II

Small pelagic fisheries in the South Eastern Mediterranean Sea

GFCM Geographical Sub-Areas	Gear code	Fishing gear	Species targeted
15, 16, 19, 20, 22 23 and 25	OTM, PTM	mid-water pelagic trawl	Anchovy, sardine, mackerel and horse mackerel
25	PS	purse seine	Anchovy, sardine, mackerel and horse mackerel

ANNEX III

Small pelagic fisheries in the Adriatic Sea

GFCM Geographical Sub-Areas	Gear code	Fishing gear	Species targeted
17 and 18	OTM, PTM	mid-water pelagic trawl	Anchovy, sardine, mackerel and horse mackerel
17	PS	purse seine	Anchovy, sardine, mackerel and horse mackerel

ANNEX IV

Small pelagic fisheries in the Malta Island and South of Sicily

GFCM Geographical Sub-Areas	Gear code	Fishing gear	Species targeted
15 and 16	PS	purse seine	Anchovy, sardine, mackerel and horse mackerel

ANNEX V

Small pelagic fisheries in the Aegean Sea and Crete Island

GFCM Geographical Sub-Areas	Gear code	Fishing gear	Species targeted
22 and 23	PS	purse seine	Anchovy, sardine, mackerel and horse mackerel

ANNEX VI

Small pelagic fisheries in the Southern Adriatic and Ionian Sea

GFCM Geographical Sub-Areas	Gear code	Fishing gear	Species targeted
18, 19 and 20	PS	purse seine	Anchovy, sardine, mackerel and horse mackerel

COMMISSION DELEGATED REGULATION (EU) 2018/162**of 23 November 2017****amending Annex I to Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Annexes II and III to Regulation (EU) No 1307/2013 of the European Parliament and of the Council**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 ⁽¹⁾, and in particular Article 58(7) thereof,

Having regard to Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payment to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 ⁽²⁾, and in particular Articles 6(3) and 7(3) thereof,

Whereas:

- (1) Article 14(1) of Regulation (EU) No 1307/2013 provides that Member States could opt to make a certain percentage of their annual national ceilings for direct payments available as additional support for measures under rural development programming by 31 December 2013 or by 1 August 2014.
- (2) In accordance with the fourth subparagraph of Article 14(1) of Regulation (EU) No 1307/2013, France, Lithuania and the Netherlands notified the Commission by 1 August 2017 of their decision to review, for the 2018 and 2019 calendar years, their previous decision to transfer a certain percentage of their annual national ceilings for direct payments to rural development programming, financed under the European Agricultural Fund for Rural Development (EAFRD).
- (3) It is therefore necessary to adapt Annexes II and III to Regulation (EU) No 1307/2013 in order to incorporate the proposed amendments to the annual national ceilings and the annual net ceilings for direct payments. It is also necessary to adapt Annex I to Regulation (EU) No 1305/2013 in order to reflect these amendments in the corresponding annual breakdown by Member State of the Union support for rural development.
- (4) Annex I to Regulation (EU) No 1305/2013 and Annexes II and III to Regulation (EU) No 1307/2013 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EU) No 1305/2013 is replaced by the text in Annex I to this Regulation.

Article 2

Annexes II and III to Regulation (EU) No 1307/2013 are replaced by the text in Annex II to this Regulation.

Article 3

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

⁽¹⁾ OJ L 347, 20.12.2013, p. 487.

⁽²⁾ OJ L 347, 20.12.2013, p. 608.

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

Done at Brussels, 23 November 2017.

For the Commission

The President

Jean-Claude JUNKER

Breakdown of Union support for rural development (2014 to 2020)

(current prices in EUR)

	2014	2015	2016	2017	2018	2019	2020	TOTAL 2014-2020
Belgium	40 855 562	97 243 257	109 821 794	97 175 076	97 066 202	102 912 713	102 723 155	647 797 759
Bulgaria	0	502 807 341	505 020 057	340 409 994	339 966 052	339 523 306	338 990 216	2 366 716 966
Czech Republic	0	470 143 771	503 130 504	344 509 078	343 033 490	323 242 050	321 615 103	2 305 673 996
Denmark	90 287 658	90 168 920	136 397 742	144 868 072	153 125 142	152 367 537	151 588 619	918 803 690
Germany	664 601 903	1 498 240 410	1 685 574 112	1 404 073 302	1 400 926 899	1 397 914 658	1 394 588 766	9 445 920 050
Estonia	103 626 144	103 651 030	111 192 345	122 865 093	125 552 583	127 277 180	129 177 183	823 341 558
Ireland	0	469 633 941	469 724 442	313 007 411	312 891 690	312 764 355	312 570 314	2 190 592 153
Greece	0	907 059 608	1 007 736 821	703 471 245	701 719 722	700 043 071	698 261 326	4 718 291 793
Spain	0	1 780 169 908	1 780 403 445	1 185 553 005	1 184 419 678	1 183 448 718	1 183 394 067	8 297 388 821
France	4 353 019	2 336 138 618	2 363 567 980	1 665 777 592	1 668 304 328	1 984 761 729	1 987 739 983	12 010 643 249
Croatia	0	448 426 250	448 426 250	282 342 500	282 342 500	282 342 500	282 342 500	2 026 222 500
Italy	0	2 223 480 180	2 231 599 688	1 493 380 162	1 495 583 530	1 498 573 799	1 501 763 408	10 444 380 767
Cyprus	0	28 341 472	28 345 126	18 894 801	18 892 389	18 889 108	18 881 481	132 244 377
Latvia	138 327 376	150 968 424	153 066 059	155 139 289	157 236 528	159 374 589	161 491 517	1 075 603 782
Lithuania	230 392 975	230 412 316	230 431 887	230 451 686	230 472 391	247 213 599	263 791 386	1 663 166 240
Luxembourg	0	21 385 468	21 432 133	14 366 484	14 415 051	14 464 074	14 511 390	100 574 600
Hungary	0	742 851 235	737 099 981	488 620 684	488 027 342	487 402 356	486 662 895	3 430 664 493

(current prices in EUR)

	2014	2015	2016	2017	2018	2019	2020	TOTAL 2014-2020
Malta	0	20 905 107	20 878 690	13 914 927	13 893 023	13 876 504	13 858 647	97 326 898
Netherlands	87 118 078	87 003 509	118 496 585	118 357 256	118 225 747	148 107 797	147 976 388	825 285 360
Austria	557 806 503	559 329 914	560 883 465	562 467 745	564 084 777	565 713 368	567 266 225	3 937 551 997
Poland	1 569 517 638	1 175 590 560	1 193 429 059	1 192 025 238	1 190 589 130	1 189 103 987	1 187 301 202	8 697 556 814
Portugal	577 031 070	577 895 019	578 913 888	579 806 001	580 721 241	581 637 133	582 456 022	4 058 460 374
Romania	0	1 723 260 662	1 751 613 412	1 186 544 149	1 184 725 381	1 141 925 604	1 139 927 194	8 127 996 402
Slovenia	118 678 072	119 006 876	119 342 187	119 684 133	120 033 142	120 384 760	120 720 633	837 849 803
Slovakia	271 154 575	213 101 979	215 603 053	215 356 644	215 106 447	214 844 203	214 524 943	1 559 691 844
Finland	335 440 884	336 933 734	338 456 263	340 009 057	341 593 485	343 198 337	344 776 578	2 380 408 338
Sweden	0	386 944 025	378 153 207	249 386 135	249 552 108	249 710 989	249 818 786	1 763 565 250
United Kingdom	475 531 544	848 443 195	850 859 320	754 569 938	754 399 511	755 442 113	756 171 870	5 195 417 491
Total EU-28	5 264 723 001	18 149 536 729	18 649 599 495	14 337 026 697	14 346 899 509	14 656 460 137	14 674 891 797	100 079 137 365
Technical assistance	34 130 699	34 131 977	34 133 279	34 134 608	34 135 964	34 137 346	34 138 756	238 942 629
Total	5 298 853 700	18 183 668 706	18 683 732 774	14 371 161 305	14 381 035 473	14 690 597 483	14 709 030 553	100 318 079 994'

ANNEX II

‘ANNEX II

National ceilings referred to in Article 6

(in thousands EUR)

Calendar year	2015	2016	2017	2018	2019	2020
Belgium	523 658	509 773	502 095	488 964	481 857	505 266
Bulgaria	721 251	792 449	793 226	794 759	796 292	796 292
Czech Republic	844 854	844 041	843 200	861 708	861 698	872 809
Denmark	870 751	852 682	834 791	826 774	818 757	880 384
Germany	4 912 772	4 880 476	4 848 079	4 820 322	4 792 567	5 018 395
Estonia	114 378	114 562	123 704	133 935	143 966	169 366
Ireland	1 215 003	1 213 470	1 211 899	1 211 482	1 211 066	1 211 066
Greece	1 921 966	1 899 160	1 876 329	1 855 473	1 834 618	1 931 177
Spain	4 842 658	4 851 682	4 866 665	4 880 049	4 893 433	4 893 433
France	7 302 140	7 270 670	7 239 017	6 900 842	6 877 179	7 437 200
Croatia (*)	183 735	202 865	241 125	279 385	317 645	306 080
Italy	3 902 039	3 850 805	3 799 540	3 751 937	3 704 337	3 704 337
Cyprus	50 784	50 225	49 666	49 155	48 643	48 643
Latvia	181 044	205 764	230 431	255 292	280 154	302 754
Lithuania	417 890	442 510	467 070	475 319	483 680	517 028
Luxembourg	33 604	33 546	33 487	33 460	33 432	33 432
Hungary	1 345 746	1 344 461	1 343 134	1 343 010	1 342 867	1 269 158
Malta	5 241	5 241	5 242	5 243	5 244	4 690
Netherlands	749 315	736 840	724 362	682 616	670 870	732 370
Austria	693 065	692 421	691 754	691 746	691 738	691 738
Poland	3 378 604	3 395 300	3 411 854	3 431 236	3 450 512	3 061 518
Portugal	565 816	573 954	582 057	590 706	599 355	599 355
Romania	1 599 993	1 772 469	1 801 335	1 872 821	1 903 195	1 903 195
Slovenia	137 987	136 997	136 003	135 141	134 278	134 278
Slovakia	438 299	441 478	444 636	448 155	451 659	394 385
Finland	523 333	523 422	523 493	524 062	524 631	524 631
Sweden	696 890	697 295	697 678	698 723	699 768	699 768
United Kingdom	3 173 324	3 179 880	3 186 319	3 195 781	3 205 243	3 591 683

(*) For Croatia the national ceiling shall be EUR 344 340 000 for the 2021 calendar year and EUR 382 600 000 for the 2022 calendar year.

ANNEX III

Net ceilings referred to in Article 7

(in million EUR)

Calendar year	2015	2016	2017	2018	2019	2020
Belgium	523,7	509,8	502,1	489,0	481,9	505,3
Bulgaria	720,9	788,8	789,6	791,0	792,5	798,9
Czech Republic	840,1	839,3	838,5	856,7	856,7	872,8
Denmark	870,2	852,2	834,3	826,3	818,3	880,4
Germany	4 912,8	4 880,5	4 848,1	4 820,3	4 792,6	5 018,4
Estonia	114,4	114,5	123,7	133,9	143,9	169,4
Ireland	1 214,8	1 213,3	1 211,8	1 211,4	1 211,0	1 211,1
Greece	2 109,8	2 087,0	2 064,1	2 043,3	2 022,4	2 119,0
Spain	4 902,3	4 911,3	4 926,3	4 939,7	4 953,1	4 954,4
France	7 302,1	7 270,7	7 239,0	6 900,8	6 877,2	7 437,2
Croatia (*)	183,7	202,9	241,1	279,4	317,6	306,1
Italy	3 897,1	3 847,3	3 797,2	3 750,0	3 702,4	3 704,3
Cyprus	50,8	50,2	49,7	49,1	48,6	48,6
Latvia	181,0	205,7	230,3	255,0	279,8	302,8
Lithuania	417,9	442,5	467,1	475,3	483,7	517,0
Luxembourg	33,6	33,5	33,5	33,5	33,4	33,4
Hungary	1 276,7	1 275,5	1 274,1	1 274,0	1 273,9	1 269,2
Malta	5,2	5,2	5,2	5,2	5,2	4,7
Netherlands	749,2	736,8	724,3	682,5	670,8	732,4
Austria	693,1	692,4	691,8	691,7	691,7	691,7
Poland	3 359,2	3 375,7	3 392,0	3 411,2	3 430,2	3 061,5
Portugal	565,9	574,0	582,1	590,8	599,4	599,5
Romania	1 600,0	1 772,5	1 801,3	1 872,8	1 903,2	1 903,2
Slovenia	138,0	137,0	136,0	135,1	134,3	134,3
Slovakia	435,5	438,6	441,8	445,2	448,7	394,4
Finland	523,3	523,4	523,5	524,1	524,6	524,6
Sweden	696,8	697,2	697,6	698,7	699,7	699,8
United Kingdom	3 170,7	3 177,3	3 183,6	3 192,2	3 201,4	3 591,7

(*) For Croatia, the net ceiling shall be EUR 344 340 000 for the 2021 calendar year and EUR 382 600 000 for the 2022 calendar year.'

COMMISSION IMPLEMENTING REGULATION (EU) 2018/163**of 1 February 2018****making imports of new and retreaded tyres for buses or lorries originating in the People's Republic of China subject to registration**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽¹⁾ ('the basic anti-dumping Regulation'), and in particular Article 14(5) thereof,

Having regard to Regulation (EU) 2016/1037 of the European Parliament and of the Council of 8 June 2016 on protection against subsidised imports from countries not members of the European Union ⁽²⁾ ('the basic anti-subsidy Regulation'), and in particular Article 24(5) thereof,

After informing the Member States,

Whereas:

- (1) On 11 August 2017, the European Commission ('the Commission') announced, by a notice published in the *Official Journal of the European Union* ⁽³⁾ ('the AD notice of initiation'), the initiation of an anti-dumping proceeding ('the anti-dumping proceeding') with regard to imports into the Union of new and retreaded tyres for buses or lorries originating in the People's Republic of China ('PRC') following a complaint lodged on 30 June 2017 by the coalition against unfair tyres imports ('the complainant') on behalf of producers representing more than 45 % of the total Union production of new and retreaded tyres for buses or lorries.
- (2) On 14 October 2017, the Commission announced, by a notice published in the *Official Journal of the European Union* ⁽⁴⁾ ('the AS notice of initiation'), the initiation of an anti-subsidy proceeding ('the anti-subsidy proceeding') with regard to imports into the Union of new and retreaded tyres for buses or lorries originating in the PRC following a complaint lodged on 31 August 2017 by the complainant on behalf of producers representing more than 45 % of the total Union production of new and retreaded tyres for buses or lorries.

1. PRODUCT CONCERNED AND LIKE PRODUCT

- (3) The product subject to registration ('the product concerned') for both proceedings are new and retreaded tyres for buses or lorries with a load index exceeding 121 originating in the PRC, currently falling within CN codes 4011 20 90 and ex 4012 12 00. These CN codes are given for information only.

2. REQUEST

- (4) The complainant submitted registration requests pursuant to Article 14(5) of the basic anti-dumping Regulation and Article 24(5) of the basic anti-subsidy Regulation on 19 August 2017 and on 5 October 2017 respectively. The complainant requested that imports of the product concerned be made subject to registration so that measures may subsequently be applied against those imports from the date of such registration.

3. GROUNDS FOR REGISTRATION

- (5) According to Article 14(5) of the basic anti-dumping Regulation and Article 24(5) of the basic anti-subsidy Regulation, the Commission may direct the customs authorities to take the appropriate steps to register imports, so that measures may subsequently be applied against those imports from the date of such registration. Imports may be made subject to registration following a request from the Union industry, which contains sufficient evidence to justify such action.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ OJ L 176, 30.6.2016, p. 55.

⁽³⁾ OJ C 264, 11.8.2017, p. 14.

⁽⁴⁾ OJ C 346, 14.10.2017, p. 9.

- (6) According to the complainant registration is justified as the product concerned is being dumped and subsidised. Significant injury to the Union industry, which is difficult to repair, is being caused by low-priced imports.
- (7) The Commission examined the request in the light of Article 10(4) of the basic anti-dumping Regulation and Article 16(4) of the basic anti-subsidy Regulation.
- (8) With respect to the dumping part of the request, the Commission verified whether the importers were aware, or should have been aware, of the dumping as regards the extent of the dumping and the injury alleged or found. It also analysed whether there was a further substantial rise in imports which, in the light of its timing and volume and other circumstances, is likely to seriously undermine the remedial effect of the definitive anti-dumping duty to be applied.
- (9) With respect to the subsidy part of the request, the Commission verified whether there are critical circumstances where, for the subsidised product in question, injury which is difficult to repair is caused by massive imports in a relatively short period of a product benefitting from countervailable subsidies and whether it is deemed necessary to assess countervailing duties retroactively on those imports in order to preclude the recurrence of such injury.

3.1. Awareness of the importers of the dumping, the extent thereof and the alleged injury

- (10) As regards dumping, the Commission has at its disposal sufficient evidence that imports of the product concerned from PRC are being dumped. In particular, the complainant provided evidence on the normal value based on total cost of production plus a reasonable amount for selling, general and administrative expenses and for profits, based on the choice of the United States of America as analogue country.
- (11) The evidence of dumping is based on a comparison of the normal values thus established with the export price (at ex-works level) of the product concerned when sold for export to the Union. As a whole, and given the extent of the dumping margins alleged of at least 74 %, this evidence provides sufficient support at this stage that the exporters practice dumping. The complaint also provided sufficient evidence of alleged injury.
- (12) That information was contained in the notice of initiation for this proceeding on 11 August 2017. By its publication in the *Official Journal of the European Union*, the notice is a public document accessible to all importers. Therefore, the Commission considered that the importers were aware, or should have been aware, of the alleged dumping practices, the extent thereof and the alleged injury at the latest at that moment. It thus concluded that the first criterion for registration was met with respect to the dumping part of the request.

3.2. Further substantial rise in imports

- (13) The volume of imports of the product concerned increased by 14,3 % in the period from April to September 2017 when compared to the volume of imports during the same period in 2016. Consistent with recent findings in other investigations ⁽¹⁾, the Commission considered such an increase in imports to be substantial.
- (14) Therefore, the Commission concluded that the second criterion for registration for the dumping part of the request was also met.

3.3. Other circumstances

- (15) The complainant also included sufficient evidence in the complaint and in the request for registration on the decreasing trend of the import sales prices. According to the publicly-available Eurostat statistics the unit value of imports from the PRC was 38 % lower in the period April to September 2017 than imports from other origins. This is critically low for a price-sensitive industry such as the tyres industry.

⁽¹⁾ Commission Implementing Regulation (EU) 2015/2325 of 11 December 2015 making imports of certain cold-rolled flat steel products originating in the People's Republic of China and the Russian Federation subject to registration, OJ L 328, 12.12.2015, p. 104, at recital 9 (namely, an increase of 24 %); Commission Implementing Regulation (EU) 2016/1357 of 9 August 2016 making imports of certain heavy plate of non-alloy or other alloy steel originating in the People's Republic of China subject to registration, OJ L 215, 10.8.2016, p. 23, at recital 7 (namely, an increase of 15 %).

- (16) In light of the timing, the volume of the dumped imports and other circumstances (such as the decline in the Union industry's sales, turnover, employment and profit notably on the lower market segment) are likely to seriously undermine the remedial effect of any definitive duties, unless such duties are applied retroactively. In addition, given the initiation of the current proceedings, it is reasonable to assume that the imports of the product concerned may further increase prior to the adoption of provisional measures, if any, and importers could rapidly build up stocks.
- (17) Under those circumstances, the Commission concluded that the third criterion for registration for the dumping part of the request was also met.

3.4. Injury, which is difficult to repair, is caused by massive imports of a subsidised product in a relatively short period

- (18) As regards subsidisation, the Commission has at its disposal sufficient evidence that imports of the product concerned from the PRC are being subsidised. The alleged subsidy practices consist, namely, of direct transfer of funds and potential direct transfers of funds or liabilities, government revenue forgone or not collected, and government provision of goods or services for less than adequate remuneration. This includes, for example, evidence of the existence of various grants, preferential loans and directed credits by State-owned banks as well as private banks, export credits and export guarantees and insurances; government provision of land, energy, water and raw materials for producing the product concerned; and income tax reductions and exemptions, import tariff rebates and VAT exemptions and rebates.
- (19) It is alleged that those measures are subsidies since they involve a financial contribution from the Government of the PRC or other regional and local governments (including public bodies) and confer a benefit to the exporting producers of the product concerned. They are alleged to be contingent upon export performance and/or the use of domestic over imported goods and/or are limited to certain sectors and/or types of enterprises and/or locations, and are therefore specific and countervailable.
- (20) Therefore, the available evidence at this stage tends to indicate that the exports of the product concerned are benefiting from countervailable subsidies.
- (21) Furthermore, the Commission has at its disposal sufficient evidence that the exporters' dumping and subsidy practices are causing material injury to the Union industry. In the complaint and the subsequent submissions related to the requests for registration, the evidence regarding the price and volume of imports shows a massive increase of imports in absolute terms and in terms of market share in the period between 2013 and 2016. Specifically, the evidence available shows that Chinese exporters have almost doubled the volume of the product concerned imported into the Union, from 2,3 to 4,4 million units (+ 2,1 million units), which resulted in a sharp increase of market share from 13,2 % to 20,9 %. The volume and prices of the product concerned have had a negative impact on the quantities sold and level of the prices charged in the Union market and the market share held by the Union industry. This is resulting in substantial adverse effects on the overall performance and the financial situation of the Union industry. The evidence concerning the injury factors set out in Article 3(5) of the basic anti-dumping Regulation and Article 8(4) of the basic anti-subsidy Regulation consists of data contained in the complaints and the subsequent submissions regarding registration, supported by publicly available data from Eurostat.
- (22) In addition, the Commission assessed at this stage whether the injury suffered was difficult repair. Once the customers of the Union industry get accustomed to significantly lower prices from Chinese competitors they are unlikely to accept higher prices from the Union industry even if, hypothetically, the Commission were to impose countervailing measures without retroactive effect in the future. Such threat of permanent loss of market share or reduced income constitutes an injury which is difficult to repair. Moreover, the retreading business of the Union industry may become unsustainable and hard to re-establish if its base is eroded by continuing low-priced imports of new tyres from China.

3.5. Preclusion of recurrence of injury

- (23) Finally, given the data set out in recital 21 and the considerations laid down in recital 22 the Commission deemed it necessary to prepare the potential retroactive imposition of measures by imposing registration in order to preclude the recurrence of such injury.

4. PROCEDURE

- (24) Therefore, the Commission has concluded that there is sufficient evidence to justify making the imports of the product concerned subject to registration in accordance with Article 14(5) of the basic anti-dumping Regulation and with Article 24(5) of the basic anti-subsidy Regulation.

- (25) All interested parties are invited to make their views known in writing and to provide supporting evidence. Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

5. REGISTRATION

- (26) Pursuant to Article 14(5) of the basic anti-dumping Regulation and Article 24(5) of the basic anti-subsidy Regulation imports of the product concerned should be made subject to registration for the purpose of ensuring that, should the investigation result in findings leading to the imposition of anti-dumping and/or countervailing duties, those duties can, if the necessary conditions are fulfilled, be levied retroactively on the registered imports in accordance with the applicable legal provisions.
- (27) Any future liability would emanate from the findings of the anti-dumping and the anti-subsidy investigations respectively.
- (28) The allegations in the complaint requesting the initiation of an anti-dumping investigation estimate an average dumping margin of 74-152 % and an average underselling margin of 26 %-37 % for the product concerned. The amount of possible future liability is set at the level of underselling estimated on the basis of the complaint, namely 26 %-37 % *ad valorem* on the CIF import value of the product concerned.
- (29) At this stage of the investigation is not yet possible to estimate the amount of subsidisation.. The allegations in the complaint requesting the initiation of an anti-subsidy investigation estimate an underselling to represent 26 %-37 % for the product concerned. The amount of possible future liability is set at the level of underselling estimated on the basis of the anti-subsidy complaint, namely 26 %-37 % *ad valorem* on the CIF import value of the product concerned.

6. PROCESSING OF PERSONAL DATA

- (30) Any personal data collected in the context of this registration will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽¹⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. The customs authorities are hereby directed, pursuant to Article 14(5) of Regulation (EU) 2016/1036 and Article 24(5) of Regulation (EU) 2016/1037, to take the appropriate steps to register imports into the Union of new and retreaded tyres for buses or lorries with a load index exceeding 121, currently falling within CN codes 4011 20 90 and ex 4012 12 00 (TARIC code 4012 12 00 10) and originating in the People's Republic of China.
2. Registration shall expire nine months following the date of entry into force of this Regulation.
3. All interested parties are invited to make their views known in writing, to provide supporting evidence or to request to be heard within 21 days from the date of publication of 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*.

⁽¹⁾ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

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

Done at Brussels, 1 February 2018.

For the Commission

The President

Jean-Claude JUNKER

