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⁽¹⁾ Text with EEA relevance.

EN

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

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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2018/754

of 14 May 2018

on the conclusion of the Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43 in conjunction with point (a) of the second subparagraph of Article 218(6) and Article 218(7) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽¹⁾,

Whereas:

- (1) On 28 January 2014, the Council adopted Decision 2014/146/EU on the conclusion of the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius ⁽²⁾ ('the Agreement').
- (2) The first Protocol ⁽³⁾ to the Agreement set out, for a period of three years, the fishing opportunities granted to Union vessels in the fishing zone under the sovereignty or jurisdiction of the Republic of Mauritius ('Mauritius') and the financial contribution granted by the Union. The period of application of that Protocol expired on 27 January 2017.
- (3) In accordance with Council Decision (EU) 2017/1960 ⁽⁴⁾, a new Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius ⁽⁵⁾ ('the Protocol') was signed on 8 December 2017, subject to its conclusion at a later date.
- (4) The Protocol has been applied on a provisional basis since the date of its signature.
- (5) The objective of the Protocol is to enhance cooperation between the Union and Mauritius to promote a sustainable fisheries policy and sound exploitation of fisheries resources in Mauritius waters and to support Mauritius in the development of its sustainable ocean economy.
- (6) The Protocol should be approved.

⁽¹⁾ Consent of 17 April 2018 (not yet published in the Official Journal).

⁽²⁾ Council Decision 2014/146/EU of 28 January 2014 on the conclusion of the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius (OJ L 79, 18.3.2014, p. 2).

⁽³⁾ Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius (OJ L 79, 18.3.2014, p. 9).

⁽⁴⁾ Council Decision (EU) 2017/1960 of 23 October 2017 on the signing, on behalf of the Union, and provisional application of the Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius (OJ L 279, 28.10.2017, p. 1).

⁽⁵⁾ OJ L 279, 28.10.2017, p. 3.

- (7) Article 9 of the Agreement establishes the Joint Committee responsible for monitoring the application of the Agreement ('the Joint Committee'). Furthermore, in accordance with Article 5, Article 6(2) and Articles 7 and 8 of the Protocol, the Joint Committee is able to approve certain amendments to the Protocol. In order to facilitate the approval of such amendments, the Commission should be empowered, subject to specific conditions, to approve them under a simplified procedure,

HAS ADOPTED THIS DECISION:

Article 1

The Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius ('the Protocol') is hereby approved on behalf of the Union ⁽¹⁾.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 16 of the Protocol ⁽²⁾.

Article 3

Subject to the provisions and conditions set out in the Annex, the Commission shall be empowered to approve, on behalf of the Union, amendments to the Protocol to be adopted by the Joint Committee.

Article 4

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

Done at Brussels, 14 May 2018.

For the Council
The President
E. ZAHARIEVA

⁽¹⁾ The Protocol has been published in OJ L 279 of 28.10.2017, p. 3, together with the decision on signature.

⁽²⁾ The date of entry into force of the Protocol will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

ANNEX

SCOPE OF THE EMPOWERMENT AND PROCEDURE FOR ESTABLISHING THE UNION POSITION IN THE JOINT COMMITTEE

- (1) The Commission shall be authorised to negotiate with the Republic of Mauritius and, where appropriate and subject to compliance with point (3) of this Annex, agree on amendments to the Protocol in respect of the following issues:
 - (a) review of fishing opportunities and related provisions in accordance with Articles 7 and 8 of the Protocol;
 - (b) decisions on the modalities of the sectoral support in accordance with Article 5 of the Protocol;
 - (c) management measures falling within the powers of the Joint Committee in accordance with Article 6(2) of the Protocol.
 - (2) In the Joint Committee, the Union shall:
 - (a) act in accordance with the objectives pursued by the Union within the framework of the common fisheries policy;
 - (b) follow the Council conclusions of 19 March 2012 on a communication on the external dimension of the common fisheries policy;
 - (c) promote positions that are consistent with the relevant rules adopted by regional fisheries management organisations and in the context of joint management by coastal States.
 - (3) When a decision on amendments to the Protocol referred to in point (1) is foreseen to be adopted during a Joint Committee meeting, the necessary steps shall be taken so as to ensure that the position to be taken on behalf of the Union takes account of the latest statistical, biological and other relevant information transmitted to the Commission.

To that effect and based on that information, a document setting out the particulars of the proposed Union position shall be transmitted by the Commission services, in sufficient time before the relevant Joint Committee meeting, to the Council or to its preparatory bodies for consideration and approval.
 - (4) In respect of the issues referred to in point (1)(a), the approval of the envisaged Union position by the Council shall require a qualified majority of votes. In the other cases, the Union position envisaged in the preparatory document shall be deemed to be agreed, unless a number of Member States equivalent to a blocking minority objects during a meeting of the Council's preparatory body or within 20 days of receipt of the preparatory document, whichever occurs earlier. In the case of such an objection, the matter shall be referred to the Council.
 - (5) If, in the course of further meetings, including on the spot, it is impossible to reach an agreement in order for the Union position to take account of new elements, the matter shall be referred to the Council or its preparatory bodies.
 - (6) The Commission is invited to take, in due time, any steps necessary as a follow-up to the decision of the Joint Committee, including, where appropriate, the publication of the relevant decision in the *Official Journal of the European Union* and the submission of any proposal necessary for the implementation of that decision.
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REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2018/755

of 23 May 2018

renewing the approval of the active substance propyzamide, as a candidate for substitution, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾, and in particular Article 24 in conjunction with Article 20(1) thereof,

Whereas:

- (1) Commission Directive 2003/39/EC ⁽²⁾ included propyzamide as an active substance in Annex I to Council Directive 91/414/EEC ⁽³⁾.
- (2) Active substances included in Annex I to Directive 91/414/EEC are deemed to have been approved under Regulation (EC) No 1107/2009 and are listed in Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽⁴⁾.
- (3) The approval of the active substance propyzamide, as set out in Part A of the Annex to Implementing Regulation (EU) No 540/2011 expires on 31 January 2019.
- (4) An application for the renewal of the approval of propyzamide was submitted in accordance with Article 1 of Commission Implementing Regulation (EU) No 844/2012 ⁽⁵⁾ within the time period provided for in that Article.
- (5) The applicant submitted the supplementary dossiers required in accordance with Article 6 of Implementing Regulation (EU) No 844/2012. The application was found to be complete by the rapporteur Member State.
- (6) The rapporteur Member State prepared a renewal assessment report in consultation with the co-rapporteur Member State and submitted it to the European Food Safety Authority ('the Authority') and the Commission on 31 July 2015.
- (7) The Authority communicated the renewal assessment report to the applicant and to the Member States for comments and forwarded the comments received to the Commission. The Authority also made the supplementary summary dossier available to the public.
- (8) On 12 July 2016 the Authority communicated to the Commission its conclusion ⁽⁶⁾ on whether propyzamide can be expected to meet the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009. The Commission presented the draft renewal report for propyzamide to the Standing Committee on Plants, Animals, Food and Feed on 22 March 2018.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ Commission Directive 2003/39/EC of 15 May 2003 amending Council Directive 91/414/EEC to include propineb and propyzamide as active substances (OJ L 124, 20.5.2003, p. 30).

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

⁽⁴⁾ Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).

⁽⁵⁾ Commission Implementing Regulation (EU) No 844/2012 of 18 September 2012 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market (OJ L 252, 19.9.2012, p. 26).

⁽⁶⁾ EFSA (European Food Safety Authority), 2016. Conclusion on the peer review of the pesticide risk assessment of the active substance propyzamide. *EFSA Journal* 2016;14(7):4554, 103 pp. doi:10.2903/j.efsa.2016.4554; Available online: www.efsa.europa.eu

- (9) The applicant was given the opportunity to submit comments on the draft renewal report.
- (10) It has been established with respect to one or more representative uses of at least one plant protection product containing propyzamide that the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009 are satisfied. It is therefore appropriate to renew the approval of propyzamide.
- (11) The risk assessment for the renewal of the approval of propyzamide is based on a limited number of representative uses, which however do not restrict the uses for which plant protection products containing propyzamide may be authorised. It is therefore appropriate to remove the restriction for use only as a herbicide.
- (12) The Commission however considers that propyzamide is a candidate for substitution pursuant to Article 24 of Regulation (EC) No 1107/2009. Propyzamide is a persistent and toxic substance in accordance with points 3.7.2.1 and 3.7.2.3 respectively, of Annex II to Regulation (EC) No 1107/2009, given that the half-life in freshwater is greater than 40 days and the long-term no-observed effect concentration for freshwater organisms is less than 0,01 mg/L. Propyzamide therefore fulfils the condition set in the second indent of point 4 of Annex II to Regulation (EC) No 1107/2009.
- (13) It is therefore appropriate to renew the approval of propyzamide as a candidate for substitution.
- (14) In accordance with Article 14(1) of Regulation (EC) No 1107/2009 in conjunction with Article 6 thereof, and, in the light of current scientific and technical knowledge, it is, however, necessary to include certain conditions and restrictions. It is, in particular, appropriate to require further confirmatory information.
- (15) The Annex to Implementing Regulation (EU) No 540/2011 should therefore be amended accordingly.
- (16) Commission Implementing Regulation (EU) 2018/84 ⁽¹⁾ extended the approval period of propyzamide to 31 January 2019 in order to allow the renewal process to be completed before the expiry of the approval of that substance. However, given that a decision on renewal has been taken ahead of this extended expiry date, this Regulation should apply from 1 July 2018.
- (17) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Renewal of the approval of the active substance as a candidate for substitution

The approval of the active substance propyzamide, as a candidate for substitution, is renewed as set out in Annex I.

Article 2

Amendments to Implementing Regulation (EU) No 540/2011

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

Article 3

Entry into force and date of application

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

It shall apply from 1 July 2018.

⁽¹⁾ Commission Implementing Regulation (EU) 2018/84 of 19 January 2018 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances chlorpyrifos, chlorpyrifos-methyl, clothianidin, copper compounds, dimoxystrobin, mancozeb, mecoprop-p, metiram, oxamyl, pethoxamid, propiconazole, propineb, propyzamide, pyraclostrobin and zoxamide (OJ L 16, 20.1.2018, p. 8).

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

Done at Brussels, 23 May 2018.

For the Commission

The President

Jean-Claude JUNKER

ANNEX I

Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Date of approval	Expiration of approval	Specific provisions
Propyzamide CAS No 23950-58-5 CIPAC No 315	3,5-dichloro-N-(1,1-dimethylprop-2-ynyl) benzamide	920 g/kg	1 July 2018	30 June 2025	For the implementation of the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on propyzamide and in particular Appendices I and II thereof, shall be taken into account. In their overall assessment Member States shall pay particular attention to: — the protection of operators, — the protection of groundwater in vulnerable areas, — the protection of birds, mammals, non-target plants, soil and aquatic organisms. Conditions of use shall include risk mitigation measures, where appropriate. In particular, personal protective equipment such as gloves, coverall and sturdy footwear has to be worn to ensure that the AOEL is not exceeded for the operator. The applicant shall submit to the Commission, the Member States and the Authority confirmatory information as regards: 1. the completion of assessment of toxicological profile of metabolites identified in significant concentration in primary and rotational crops; 2. the soil degradation of major metabolite RH- 24580; 3. the effect of water treatment processes on the nature of residues present in surface and groundwater, when surface water or groundwater are abstracted for drinking water. The applicant shall submit the information mentioned under point (1) by 31 October 2018 and the information mentioned under point (2) by 30 April 2019. The applicant shall submit the confirmatory information mentioned in point (3) within two years after a guidance document on evaluation of the effect of water treatment processes on the nature of residues present in surface and groundwater be made public by the Commission.

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

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

(1) in Part A, entry 55 on propyzamide is deleted;

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

No	Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Date of approval	Expiration of approval	Specific provisions
9	Propyzamide CAS No 23950-58-5 CIPAC No 315	3,5-dichloro-N-(1,1-dimethyl-prop-2-ynyl) benzamide	920 g/kg	1 July 2018	30 June 2025	For the implementation of the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on propyzamide and in particular Appendices I and II thereof, shall be taken into account. In their overall assessment Member States shall pay particular attention to: — the protection of operators, — the protection of groundwater in vulnerable areas, — the protection of birds, mammals, non-target plants, soil and aquatic organisms. Conditions of use shall include risk mitigation measures, where appropriate. In particular, personal protective equipment such as gloves, coverall and sturdy footwear has to be worn to ensure that the AOEL is not exceeded for the operator. The applicant shall submit to the Commission, the Member States and the Authority confirmatory information as regards: 1. the completion of assessment of toxicological profile of metabolites identified in significant concentration in primary and rotational crops; 2. the soil degradation of major metabolite RH- 24580; 3. the effect of water treatment processes on the nature of residues present in surface and groundwater, when surface water or groundwater are abstracted for drinking water. The applicant shall submit the information mentioned under point (1) by 31 October 2018 and the information mentioned under point (2) by 30 April 2019. The applicant shall submit the confirmatory information mentioned in point (3) within two years after a guidance document on evaluation of the effect of water treatment processes on the nature of residues present in surface and groundwater be made public by the Commission.'

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

COMMISSION IMPLEMENTING REGULATION (EU) 2018/756
of 23 May 2018
making imports of biodiesel originating in Argentina subject to registration

THE EUROPEAN COMMISSION,

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

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 ⁽¹⁾, and in particular Article 24(5) thereof,

After informing the Member States,

Whereas:

- (1) On 31 January 2018, the Commission announced, by a notice published in the *Official Journal of the European Union* ⁽²⁾ ('the notice of initiation'), the initiation of an anti-subsidy proceeding with regard to imports into the Union of biodiesel originating in Argentina following a complaint lodged on 18 December 2017 by the European Biodiesel Board ('the complainant') on behalf of producers representing more than 25 % of the total Union production of biodiesel.

1. PRODUCT CONCERNED

- (2) The product subject to registration ('the product concerned') is fatty-acid mono-alkyl esters and/or paraffinic gasoils obtained from synthesis and/or hydro-treatment, of non-fossil origin, in pure form or as included in a blend, currently falling within CN codes ex 1516 20 98 (TARIC codes 1516 20 98 21, 1516 20 98 29 and 1516 20 98 30), ex 1518 00 91 (TARIC codes 1518 00 91 21, 1518 00 91 29 and 1518 00 91 30), ex 1518 00 95 (TARIC code 1518 00 95 10), ex 1518 00 99 (TARIC codes 1518 00 99 21, 1518 00 99 29 and 1518 00 99 30), ex 2710 19 43 (TARIC codes 2710 19 43 21, 2710 19 43 29 and 2710 19 43 30), ex 2710 19 46 (TARIC codes 2710 19 46 21, 2710 19 46 29 and 2710 19 46 30), ex 2710 19 47 (TARIC codes 2710 19 47 21, 2710 19 47 29 and 2710 19 47 30), 2710 20 11, 2710 20 15, 2710 20 17, ex 3824 99 92 (TARIC codes 3824 99 92 10, 3824 99 92 12 and 3824 99 92 20), 3826 00 10 and ex 3826 00 90 (TARIC codes 3826 00 90 11, 3826 00 90 19 and 3826 00 90 30) and originating in Argentina. These CN and TARIC codes are given for information only.

2. REQUEST

- (3) The complainant first requested the Commission to register imports of the product concerned in the complaint. Then on 21 February 2018, the complainant submitted a registration request pursuant to Article 24(5) of Regulation (EU) 2016/1037 of the European Parliament and of the Council ('the basic Regulation'). The complainant subsequently provided additional comments and updated information, inter alia, in submissions dated 16 March 2018 and 27 March 2018, 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, provided all conditions set out in the basic Regulation are met.

3. GROUNDS FOR REGISTRATION

- (4) According to Article 24(5) of the basic 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, provided all conditions set out in the basic Regulation are met. Imports may be made subject to registration following a request from the Union industry, which contains sufficient evidence to justify such action.
- (5) According to the complainant, registration is justified as there is sufficient evidence of an actual and significant risk of severe injury being caused to the Union biodiesel industry by massive imports of subsidised biodiesel in a short period of time, in particular as of 2018 (namely after the period of investigation, 'post-IP'). The complainant further claims that there exists sufficient evidence of subsidised imports of biodiesel from Argentina, of critical circumstances resulting from such subsidised imports and of the beginning of the materialisation of injury due to the subsidised imports.

⁽¹⁾ OJ L 176, 30.6.2016, p. 55.

⁽²⁾ OJ C 34, 31.1.2018, p. 37.

- (6) The Commission examined the request also in the light of Article 16(4) of the basic Regulation, which sets out the conditions for collecting duties on registered imports. The Commission's examination also took into account comments submitted by Camara Argentina de Biocombustibles ('CARBIO') on 21 March 2018 and the Government of Argentina on 3 April 2018, which argued, inter alia, that the complainant's request for registration does not meet the conditions established in Articles 16(4) and 24(5) of the basic Regulation.
- (7) As explained in recitals (8) to (16), the Commission took all submissions into account and considered whether there is sufficient evidence that there will be critical circumstances where, for the product concerned, injury which is difficult to repair will be caused by massive imports in a relatively short period of a product benefitting from countervailable subsidies and whether it may be deemed necessary to assess countervailing duties retroactively on those imports in order to preclude the recurrence of such injury.

3.1. Critical circumstances where injury, which is difficult to repair, is caused by massive imports of a subsidised product in a relatively short period

- (8) As regards subsidisation, the Commission has at its disposal sufficient evidence tending to show that imports of the product concerned from Argentina are being subsidised. The alleged subsidies consist, inter alia, of:
- (i) government provision of goods or services for less than adequate remuneration, such as the provision of soybeans;
 - (ii) government purchase of goods for more than adequate remuneration and/or income or price support, such as the government mandated purchase of biodiesel (Biodiesel Supply Agreement);
 - (iii) direct transfer of funds, such as provision of loans and export financing on preferential terms, including the preferential lending by the National Bank of Argentina (Banco de la Nación Argentina); and
 - (iv) government revenue forgone or not collected, such as accelerated depreciation for biodiesel producers under the Biofuels Law of 2006, exemption and deferral of the minimum presumed income tax for biodiesel producers under the Biofuels Law of 2006, and several provincial tax exemptions.
- (9) The evidence of subsidisation was made available in the open version of the complaint and was further analysed in the memorandum on sufficiency of evidence.
- (10) It is alleged that the measures described in recital (8) amount to subsidies because they involve a financial contribution from the government of Argentina or other regional governments (including public bodies) and confer a benefit to the exporting producers of the product concerned. The measures are alleged to be limited to certain enterprises or industry or group of enterprises and are therefore specific and countervailable.
- (11) Therefore, the available evidence at this stage tends to show that the exports of the product concerned are benefiting from countervailable subsidies.
- (12) Furthermore, on the basis of the latest information provided by the complainant in its request for registration, ⁽¹⁾ the Commission has at its disposal sufficient evidence that the exporting producers' subsidy practices are starting to cause material injury (and not only a threat of material injury) to the Union industry.
- (13) The request for registration, together with the information submitted subsequently, provides sufficient evidence of critical circumstances, whereby towards the end of the investigation period ('IP') (1 January 2017 to 31 December 2017) and in the first quarter (January 2018 – March 2018) of the post-IP period, injury, which will be difficult to repair, started to materialise.
- (14) Indeed, this injury is being caused by massive imports, benefiting from countervailable subsidies, in a relatively short period of time. The evidence shows a massive increase of imports of the product concerned in absolute terms and in terms of market share in the period between August 2017 and the first quarter of the post-IP period. Specifically, the evidence available shows that imports of the product concerned from Argentina increased

⁽¹⁾ All sampled Union producers are members of the complainant, European Biodiesel Board.

from 0 tonnes in August 2017 to 410 600 tonnes ⁽¹⁾ in the first quarter of the post-IP period with a corresponding steep increase in market share from 0 % to 10 % ⁽²⁾. Additional evidence received shows that between September 2017 and February 2018, Argentina exported 837 000 tonnes of the product concerned evidencing that further substantial imports can be expected in the period following February 2018 ⁽³⁾.

- (15) The evidence further shows that the massive increase of imports of the product concerned from Argentina is starting to result in substantial adverse effects on the situation of the Union industry, including depressed price levels. Between 1 September 2017 and 31 March 2018 prices of FAME (fatty-acid methyl esters) biodiesel dropped by 12,3 % ⁽⁴⁾.
- (16) In addition, the evidence submitted by the complainant in its request for registration shows that the deteriorating market situation is resulting in planned reduction of production and/or recourse to partial activity in at least three companies in the Union. This will lead to a significant reduction in Union production and sales and will have a negative impact on employment in the Union industry.
- (17) Finally, the Commission assessed whether the material injury which has started to materialise after the investigation period is difficult to repair. In this regard, it is noted that the product concerned is very sensitive to price changes, as evidenced by the low level of imports of the product concerned following the imposition of anti-dumping duties in 2013 ⁽⁵⁾ and the subsequent increase of imports following the reduction of anti-dumping duties in September 2017 ⁽⁶⁾. There is a risk that an increasing number of Union producers will suffer from diminishing sales and reduced production levels if imports continue at the current increased levels at allegedly subsidised prices from Argentina as evidenced so far. It is clear that that risk will negatively impact employment and the overall performance of Union producers. Thus, the reduced income and permanent loss of market share constitutes a material injury which is difficult to repair.

3.2. Preclusion of recurrence of injury

- (18) Given the data set out in recitals (14) and (15) and the considerations laid down in recital (17), 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. Indeed, the post-IP market conditions tend to confirm that the situation of the domestic industry is deteriorating due to the significant increase of subsidised imports already in the first quarter of 2018. Thus, should the Commission conclude that the domestic industry suffers material injury at the end of the current investigation, the collection of countervailing duties on registered imports may be deemed appropriate to preclude the recurrence of such injury.

4. PROCEDURE

- (19) 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

- (20) Pursuant to Article 24(5) of the basic 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 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.
- (21) Any future liability would emanate from the findings of the investigation.

⁽¹⁾ Source: Surveillance 2 database.

⁽²⁾ EU consumption is based on data contained in the complaint.

⁽³⁾ Source: Argentinian export statistics database (<https://comex.indec.gov.ar/search/exports/2018/M/38260000/C>).

⁽⁴⁾ Source: <https://www.neste.com/en/corporate-info/investors/market-data/biodiesel-prices-sme-fame>

⁽⁵⁾ Council Implementing Regulation (EU) No 1194/2013 of 19 November 2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of biodiesel originating in Argentina and Indonesia (OJ L 315, 26.11.2013, p. 2).

⁽⁶⁾ Commission Implementing Regulation (EU) 2017/1578 of 18 September 2017 amending Implementing Regulation (EU) No 1194/2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of biodiesel originating in Argentina and Indonesia (OJ L 239, 19.9.2017, p. 9).

- (22) At this stage of the investigation it is not yet possible to accurately estimate the amount of subsidisation. The allegation in the complaint requesting the initiation of an anti-subsidy investigation referred to the United States of America imposing definitive duties against subsidised imports of biodiesel from Argentina ranging from 71,45 % to 72,28 % on 9 November 2017. Based on information received from Union producers in the context of the investigation, the preliminary injury elimination level is 29,5 %. With the information available at this stage, the amount of possible future liability is set at the injury elimination level, namely 29,5 % *ad valorem* on the CIF import value of the product concerned.

6. PROCESSING OF PERSONAL DATA

- (23) 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 24(5) of Regulation (EU) 2016/1037, to take the appropriate steps to register imports into the Union of fatty-acid mono-alkyl esters and/or paraffinic gasoils obtained from synthesis and/or hydro-treatment, of non-fossil origin, in pure form or as included in a blend currently falling within CN codes ex 1516 20 98 (TARIC codes 1516 20 98 21, 1516 20 98 29 and 1516 20 98 30), ex 1518 00 91 (TARIC codes 1518 00 91 21, 1518 00 91 29 and 1518 00 91 30), ex 1518 00 95 (TARIC code 1518 00 95 10), ex 1518 00 99 (TARIC codes 1518 00 99 21, 1518 00 99 29 and 1518 00 99 30), ex 2710 19 43 (TARIC codes 2710 19 43 21, 2710 19 43 29 and 2710 19 43 30), ex 2710 19 46 (TARIC codes 2710 19 46 21, 2710 19 46 29 and 2710 19 46 30), ex 2710 19 47 (TARIC codes 2710 19 47 21, 2710 19 47 29 and 2710 19 47 30), 2710 20 11, 2710 20 15, 2710 20 17, ex 3824 99 92 (TARIC codes 3824 99 92 10, 3824 99 92 12 and 3824 99 92 20), 3826 00 10 and ex 3826 00 90 (TARIC codes 3826 00 90 11, 3826 00 90 19 and 3826 00 90 30) and originating in Argentina.

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*.

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

Done at Brussels, 23 May 2018.

For the Commission
The President
Jean-Claude JUNCKER

⁽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).

DECISIONS

COUNCIL DECISION (EU) 2018/757

of 14 May 2018

denouncing the Partnership Agreement in the fisheries sector between the European Community and the Union of the Comoros

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43, in conjunction with point (a) of the second subparagraph of Article 218(6) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽¹⁾,

Whereas:

- (1) Council Regulation (EC) No 1563/2006 ⁽²⁾ concerns the conclusion of the Partnership Agreement in the fisheries sector between the European Community and the Union of the Comoros ('the EU-Comoros FPA').
- (2) One of the objectives of the EU-Comoros FPA is to ensure that the measures for the conservation and management of fish stocks are effective, and that illegal, undeclared or unregulated ('IUU') fishing is prevented.
- (3) Pursuant to Article 11 of the EU-Comoros FPA, the Agreement applies for seven years from the date of its entry into force and is renewable for additional periods of seven years, unless notice of termination is given by either Party.
- (4) Pursuant to Article 12 of the EU-Comoros FPA, the Agreement may be terminated by either Party in the event of serious circumstances such as the failure to comply with undertakings made with regard to combating IUU fishing. The Party concerned is to notify the other Party of its intention to withdraw from the Agreement at least six months before the date of expiry of the initial period of seven years or of each additional period. The dispatch of such notification is to open consultations between the Parties.
- (5) Pursuant to Article 31 of Council Regulation (EC) No 1005/2008 ⁽³⁾ ('the IUU Regulation'), the Commission is to identify the third countries that it considers as non-cooperating third countries in fighting IUU fishing. A third country may be identified as a non-cooperating third country if it fails to discharge the duties incumbent upon it under international law as flag, port, coastal or market State, to take action to prevent, deter and eliminate IUU fishing.
- (6) In accordance with a decision adopted by the Commission on 1 October 2015 ⁽⁴⁾, the Union of the Comoros was notified of the possibility of being identified by the Commission as a non-cooperating third country in fighting IUU fishing because of the flag of convenience policy pursued by the Comorian authorities, evidence of illegal fishing activities by the Comorian fleet, the poor or inexistent monitoring and control capacities of the Comorian authorities, and the outdated Comorian legal fisheries framework.
- (7) By that decision, the Commission opened a dialogue process with the Union of the Comoros which was carried out in accordance with the procedural requirements laid out in Article 32 of the IUU Regulation. The Union of the Comoros failed to take the necessary remedial action within reasonable time.

⁽¹⁾ Consent of 15 March 2018 (not yet published in the Official Journal).

⁽²⁾ Council Regulation (EC) No 1563/2006 of 5 October 2006 concerning the conclusion of the Partnership Agreement in the fisheries sector between the European Community and the Union of the Comoros (OJ L 290, 20.10.2006, p. 6).

⁽³⁾ Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).

⁽⁴⁾ Commission Decision of 1 October 2015 on notifying a third country of the possibility of being identified as a non-cooperating third country in fighting illegal, unreported and unregulated fishing (OJ C 324, 2.10.2015, p. 6).

- (8) In view of the Union of the Comoros' persistent failures to discharge its duties under international law as a flag, port, coastal or market State and to take action to prevent, deter and eliminate IUU fishing, the Union of the Comoros has been identified in accordance with Article 31 of the IUU Regulation as a non-cooperating third country in fighting IUU fishing by Commission Implementing Decision (EU) 2017/889 ⁽¹⁾. After that identification, the Union of the Comoros still failed to take the necessary remedial action.
- (9) In accordance with Article 33 of the IUU Regulation, Council Implementing Decision (EU) 2017/1332 ⁽²⁾ added the Union of the Comoros to the list of non-cooperating third countries established by Council Implementing Decision 2014/170/EU ⁽³⁾.
- (10) Pursuant to Article 38(8) of the IUU Regulation, the Commission is to propose the denunciation of any standing bilateral fisheries agreement or fisheries partnership agreement with a non-cooperating third country, where that agreement provides for termination where that country failed to comply with undertakings with regard to combating IUU fishing.
- (11) It is therefore appropriate to denounce the EU-Comoros FPA.
- (12) The Commission, on behalf of the European Union, should notify the Union of the Comoros of the denunciation.
- (13) The denunciation should take effect six months after that notification.
- (14) However, if the Union of the Comoros is withdrawn from the list of non-cooperating third countries under Article 33 of the IUU Regulation by the Council before the denunciation takes effect, the denunciation should be withdrawn and the Commission should immediately notify this withdrawal to the Union of the Comoros,

HAS ADOPTED THIS DECISION:

Article 1

The Partnership Agreement in the fisheries sector between the European Community and the Union of the Comoros ('the EU-Comoros FPA'), which entered into force on 6 March 2008, shall be denounced.

Article 2

1. On entry into force of this Decision, the Commission, on behalf of the European Union, shall notify the Union of the Comoros of the denunciation of the EU-Comoros FPA.
2. The denunciation shall take effect six months after that notification.
3. If the Union of the Comoros is withdrawn from the list of non-cooperating third countries under Article 33 of the IUU Regulation by the Council before the denunciation takes effect, the denunciation shall be withdrawn and the Commission shall immediately notify this withdrawal to the Union of the Comoros.

⁽¹⁾ Commission Implementing Decision (EU) 2017/889 of 23 May 2017 identifying the Union of the Comoros as a non-cooperating third country in fighting illegal, unreported and unregulated fishing (OJ L 135, 24.5.2017, p. 35).

⁽²⁾ Council Implementing Decision (EU) 2017/1332 of 11 July 2017 amending Implementing Decision 2014/170/EU establishing a list of non-cooperating third countries in fighting illegal, unreported and unregulated fishing, as regards the Union of the Comoros (OJ L 185, 18.7.2017, p. 37).

⁽³⁾ Council Implementing Decision 2014/170/EU of 24 March 2014 establishing a list of non-cooperating third countries in fighting IUU fishing pursuant to Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (OJ L 91, 27.3.2014, p. 43).

Article 3

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

Done at Brussels, 14 May 2018.

For the Council
The President
E. ZAHARIEVA

COMMISSION IMPLEMENTING DECISION (EU) 2018/758**of 23 May 2018****concerning certain interim protective measures relating to African swine fever in Hungary***(notified under document C(2018) 3250)***(Only the Hungarian text is authentic)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(3) thereof,Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(3) thereof,

Whereas:

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

HAS ADOPTED THIS DECISION:

Article 1

Hungary shall ensure that the infected area established by Hungary, where the measures provided for in Article 15 of Directive 2002/60/EC apply, comprises at least the areas listed in the Annex to this Decision.

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.⁽²⁾ OJ L 224, 18.8.1990, p. 29.⁽³⁾ Council Directive 2002/60/EC of 27 June 2002 laying down specific provisions for the control of African swine fever and amending Directive 92/119/EEC as regards Teschen disease and African swine fever (OJ L 192, 20.7.2002, p. 27).

Article 2

This Decision shall apply until 31 July 2018.

Article 3

This Decision is addressed to Hungary.

Done at Brussels, 23 May 2018.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

Areas established as infected area in Hungary as referred to in Article 1	Date until applicable
In Szabolcs-Szatmár-Bereg county, the whole territory of the hunting (game management) units with the following code numbers: 850950, 851050, 851150, 851250, 851350, 851450, 851550, 851560, 851650, 851660, 851751, 851752, 852850, 852860, 852950, 852960, 853050, 853150, 853160, 853250, 853260, 853350, 853360, 853450, 853550, 854450, 854550, 854560, 854650, 854660, 854750, 854850, 854860, 854870, 854950, 855050, 855150, 856350, 856360, 856450, 856550, 856650, 856750, 856760, 857650	31 July 2018

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/JP/2018 OF THE JOINT COMMITTEE ESTABLISHED UNDER THE AGREEMENT ON MUTUAL RECOGNITION BETWEEN THE EUROPEAN COMMUNITY AND JAPAN

of 27 April 2018

**related to the listing of Conformity Assessment Bodies under the Sectoral Annex on
Telecommunications Terminal Equipment and Radio Equipment [2018/759]**

THE JOINT COMMITTEE,

Having regard to the Agreement on Mutual Recognition between the European Community and Japan and in particular Articles 8(3)(a) and 9(1)(b) thereof,

Whereas the Joint Committee is to take a decision to list a Conformity Assessment Body or Bodies under a Sectoral Annex,

HAS ADOPTED THIS DECISION:

1. The Conformity Assessment Bodies indicated below are registered under the Sectoral Annex on Telecommunications Terminal Equipment and Radio Equipment of the Agreement, for the products and conformity assessment procedures as indicated below.

UL Japan, Inc.:

Name, acronym and contact details of the Conformity Assessment Body:

Name: UL Japan, Inc.

Acronym: ULJ

Address: 4383-326 Asama-cho, Ise-shi, Mie 516-0021, JAPAN

Telephone number: +81 596248999

Fax number: +81 596248124

Email address: emc.jp@jp.ul.com

URL address: <http://greaterasia-ul.com/ja/>

Contact person of the designated CAB: Mr Tetsuya HASHIMOTO

Scope of registration in terms of products and conformity assessment procedures:

Products:

- (1) Short-range radio equipment (limited to radio equipment subject to EN 300 220-2, EN 300 220-3-1, EN 300 220-3-2, EN 300 220-4, EN 300 330, EN 300 440, EN 301 091-1, EN 301 091-2, EN 301 091-3, EN 302 264-2 or EN 305 550-2);
- (2) 2,4 GHz wideband transmission systems (limited to radio equipment subject to EN 300 328);
- (3) Mobile phone handsets (limited to radio equipment subject to EN 301 511, EN 301 908-1, EN 301 908-2, EN 301 908-10, EN 301 908-13, EN 301 908-19 or EN 301 908-21);

- (4) Wireless microphones (limited to radio equipment subject to EN 300 422-1, EN 300 422-2, EN 300 422-3, EN 300 422-4, EN 300 454-2, or EN 301 357);
- (5) 5 GHz band and 60 GHz band radio LAN (limited to radio equipment subject to EN 301 893 or EN 302 567);
- (6) Broadcast receivers (limited to radio equipment subject to EN 303 340, EN 303 345, EN 303 372-1, EN 303 372-2 or EN 303 413);
- (7) Vehicle radar systems (limited to radio equipment subject to EN 302 858-2);
- (8) Induction loop systems intended to assist the hearing impaired (limited to radio equipment subject to EN 303 348);
- (9) Systems using radio below 9 kHz, (excluding radio equipment subject to EN 303 348).

Conformity Assessment Procedures:

Conformity assessment procedures according to Article 17 and Annex III to Directive 2014/53/EU of the European Parliament and of the Council ⁽¹⁾.

TELECOM ENGINEERING CENTER:

Name, acronym and contact details of the Conformity Assessment Body:

Name: TELECOM ENGINEERING CENTER

Acronym: TELEC

Address: 5-7-2, Yashio, Shinagawa-ku, Tokyo, 140-0003, JAPAN

Telephone number: +81 337990137

Fax number: +81 337907152

Email address: rftest@telec.or.jp

URL address: <http://www.telec.or.jp/eng/Index.html>

Contact person of the designated CAB: Kazuyuki KUGA

Scope of registration in terms of products and conformity assessment procedures:

Products:

- (1) Short-range radio equipment (limited to radio equipment included within a range to which 300 220-2, EN 300 220-3-1, EN 300 220-3-2, EN 300-220-4, EN 300 330, EN 300 440-2, EN 301 489-1, EN 301 489-3 or EN 302-291-2 apply);
- (2) 2,4 GHz wideband transmission system (limited to radio equipment included within a range to which EN 300 328, EN 301 489-1 or EN 301 489-17 apply);
- (3) 5 GHz band wireless LAN (limited to radio equipment included within a range to which EN 301-489-1, EN 301 489-17 or EN 301 893 apply).

Conformity Assessment Procedures:

Conformity assessment procedures according to Article 17 and Annex III to Directive 2014/53/EU.

⁽¹⁾ Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC (OJ L 153, 22.5.2014, p. 62).

2. This decision, done in duplicate, shall be signed by the Co-Chairs. The decision shall be effective from the date of the later of these signatures.

Signed in Tokyo on 9 April 2018.

On behalf of Japan
Daisuke OKABE

Signed in Brussels on 27 April 2018.

On behalf of the European Community
Ignacio IRUARRIZAGA

