

Official Journal of the European Union

L 101



English edition

Legislation

Volume 66

14 April 2023

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II

(Non-legislative acts)

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) 2023/806

of 13 April 2023

implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) No 269/2014 of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine ⁽¹⁾, and in particular Article 14(1) and (3) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 17 March 2014, the Council adopted Regulation (EU) No 269/2014.
- (2) The Council has received new information concerning certain persons subject to restrictive measures and listed in Annex I to Regulation (EU) No 269/2014. On the basis of that information, the entries concerning 35 persons should be updated.
- (3) Regulation (EU) No 269/2014 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EU) No 269/2014 is amended as 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*.

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

Done at Brussels, 13 April 2023.

For the Council
The President
J. ROSWALL

⁽¹⁾ OJ L 78, 17.3.2014, p. 6.

In Annex I to Regulation (EU) No 269/2014, 'List of natural and legal persons, entities and bodies referred to in Article 2' entries 92, 720, 723, 728, 879, 1172, 1348, 1349 to 1359, 1361 to 1364, and 1366 to 1378 are replaced by the following entries:

Persons

	Name	Identifying information	Reasons	Date of listing
'92.	Arkady Romanovich ROTENBERG Arkadii Romanovich ROTENBERG (Аркадий Романович ПОТЕНБЕРГ)	Gender: male DOB: 15.12.1951 POB: Leningrad, former USSR (now St. Petersburg, Russian Federation)	Arkady Rotenberg is a prominent Russian businessman who has close personal ties to President Putin. Since March 2014, Rotenberg, or his companies, have received State contracts totalling over USD 7 billion. In 2015, Rotenberg led the annual list of government contracts in terms of value, after being awarded contracts worth RUB 555 billion from the Russian Government. Many of these contracts were awarded without formal competitive processes. On 30 January 2015, Prime Minister Dmitry Medvedev signed a decree that awarded to Rotenberg's company, Stroygazmontazh, a state contract for the construction of the Kerch bridge from Russia to the illegally annexed Autonomous 'Republic of Crimea'. Through these contracts, he has financially benefited from Russian decision-makers responsible for the annexation of Crimea or the destabilisation of eastern Ukraine. Former owner of the company Stroygazmontazh, which has been awarded a State contract for the construction of the Kerch bridge from Russia to the illegally annexed Autonomous 'Republic of Crimea', therefore consolidating its integration into the Russian Federation which in turn further undermines the territorial integrity of Ukraine. Similarly, in January 2017, Stroygazmontazh was awarded the state contract worth RUB 17 billion for the construction of a railway line on the Kerch bridge, which further undermines the territorial integrity of Ukraine. Owner of two companies, Mostotrest and Stroygazmontazh-Most, designated for their activities undermining Ukrainian sovereignty (entities No 43 and 46 in this Annex). In 2019 Rotenberg sold the gas pipeline construction company Stroygazmontazh. For his involvement in the construction of the Kerch bridge he was awarded the State order 'Hero of Labour of the Russian Federation' in March 2020. He is the chairman of the board of directors of publishing house Prosvescheniye, which has notably implemented the project 'To the Children of Russia: Address – Crimea', a public relations campaign that was designed to persuade Crimean children that they are now Russian citizens living in Russia, and thereby supporting the Russian Government's policy to integrate Crimea into Russia. On 30 January 2021, Arkady Rotenberg claimed to be the beneficiary of the so-called 'Putin's Palace' in Gelendzhik, which appears in the investigation of Alexei Navalny's Anti-Corruption Foundation.	15.3.2015

	Name	Identifying information	Reasons	Date of listing
720.	Alexander Semenovich VINOKUROV (Александр Семёнович ВИНОКУРОВ)	DOB: 12.10.1982 POB: Moscow, Russian Federation Function: Businessperson, Managing Partner and President of Maraton Group; Member of Board of Directors of Magnit Nationality: Russian Gender: male	Alexander Semenovich Vinokurov is a Russian businessperson with business interests in food retail, pharmaceuticals, agriculture and infrastructure. He is in leadership positions of Maraton Group, an investment company, and Magnit, the biggest Russian food retailer. He also holds shares in Demetra Holding, one of Russia's largest grain traders active in the exportation of grains, while Russia is the world's largest exporter of wheat. He is married to Ekaterina Sergeevna Vinokurova, daughter of Sergey Lavrov, the Minister of Foreign Affairs of the Russian Federation. His father is Semen Vinokurov, who was the head of the State Unitary Enterprise 'Capital Pharmacies' and is considered to be one of the main entrepreneurs in the Russian pharmaceutical industry. Alexander Vinokurov therefore has close ties to the Government of the Russian Federation and is involved in economic sectors providing a substantial source of revenue to that government, which is responsible for the annexation of Crimea and the destabilisation of Ukraine. On 24 February 2022, in the aftermath of the initial stages of Russia's war of aggression against Ukraine, Alexander Semenovich Vinokurov, along with 36 other businesspersons, met with President Vladimir Putin and other members of the Russian government to discuss the impact of the course of action in the wake of Western sanctions. The fact that he was invited to attend this meeting shows that he is a member of Vladimir Putin's closest circle and that he is supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine, as well as stability and security in Ukraine. It also shows that he is one of the leading businesspersons involved in economic sectors providing a substantial source of revenue to the Government of the Russian Federation, which is responsible for the annexation of Crimea and the destabilisation of Ukraine. This is further corroborated by Alexander Vinokurov's close personal ties with Foreign Minister Sergey Lavrov who is responsible for Russia's war of aggression against Ukraine and policies which undermine or threaten the territorial integrity, sovereignty and independence of that state.	9.3.2022

	Name	Identifying information	Reasons	Date of listing
723.	Dmitry Arkadievich MAZEPIN (Дмитрий Аркадьевич МАЗЕПИН)	DOB: 18.4.1968 POB: Minsk, former Belorussian SSR (now Belarus) Function: Former CEO of JSC UCC Uralchem Nationality: Russian Gender: male	Dmitry Arkadievich Mazepin is a major owner and former CEO of the mineral fertiliser company Uralchem and the largest shareholder of Uralkali. Uralchem Group is a Russian manufacturer of a wide range of chemical products, including mineral fertilisers and ammoniac saltpetre. According to the company, it is the largest producer of ammonium nitrate as well as the second-largest producer of ammonia and nitrogen fertilisers in Russia. Both Uralchem and Uralkali have been designated as 'strategic assets' by the Russian State. Dmitry Arkadievich Mazepin is thus involved in economic sectors providing a substantial source of revenue to the Government of the Russian Federation, which is responsible for the annexation of Crimea and the destabilisation of Ukraine. On 24 February 2022, in the aftermath of the initial stages of Russian aggression against Ukraine, Dmitry Arkadievich Mazepin, along with 36 other businesspersons, met with President Vladimir Putin and other members of the Russian government to discuss the impact of the course of action in the wake of Western sanctions. The fact that he was invited to attend this meeting shows that he is a member of Vladimir Putin's closest circle and that he is supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine, as well as stability and security in Ukraine. It also shows that he is one of the leading businesspersons involved in economic sectors providing a substantial source of revenue to the Government of Russia, which is responsible for the annexation of Crimea and the destabilisation of Ukraine. In December 2021 Dmitry Mazepin rewrote his Cyprus-based companies Uralchem Holding and CI-Chemical Invest, controlling 'Uralchem', to Russian jurisdiction at the special administrative district on Oktyabrsky Island of Kaliningrad Oblast.	9.3.2022

	Name	Identifying information	Reasons	Date of listing
728.	Vadim Nikolaevich MOSHKOVICH (Вадим Николаевич МОШКОВИЧ)	DOB: 6.4.1967 POB: Moscow, Russian Federation Function: former chairman of the Board of Directors of Rusagro Group Nationality: Russian, Cypriot Gender: male	Vadim Nikolaevich Moshkovich is a Russian entrepreneur with business interests in agriculture and real-estate development. In 2004, Vadim Moshkovich founded Rusagro Group, which is a major producer of pork, fats and sugar, rated first among agricultural holdings in 2021 in Russia. Vadim Moshkovich is therefore involved in economic sectors providing a substantial source of revenue to the Government of the Russian Federation. On 24 February 2022, in the aftermath of the initial stages of Russian aggression against Ukraine, Vadim Moshkovich, along with 36 other businesspersons, met with President Vladimir Putin and other members of the Russian government to discuss the impact of the course of action in the wake of Western sanctions. The fact that he was invited to attend this meeting shows that he is a member of Vladimir Putin's closest circle and that he is supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine, as well as stability and security in Ukraine. It also shows that he is one of the leading businesspersons involved in economic sectors providing a substantial source of revenue to the Government of Russia, which is responsible for the annexation of Crimea and the destabilisation of Ukraine.	9.3.2022
879.	Roman Arkadyevich ABRAMOVICH (Роман Аркадьевич АБРАМОВИЧ)	Function: Oligarch close to Vladimir Putin; major shareholder of Evraz; former Governor of Chukotka DOB: 24.10.1966 POB: Saratov, Russian Federation Nationality: Russian Gender: male Address: 1 Lipovaya Aleya, Nemchinovo, Odinstvo district, Moscow, Russia Associated individuals: Vladimir Putin	Roman Abramovich is a Russian oligarch who has long and close ties to Vladimir Putin. He has had privileged access to the President, and has maintained very good relations with him. This connection with the Russian leader has helped him to maintain his considerable wealth. He is a major shareholder of the steel group Evraz, which is one of Russia's largest taxpayers. He has therefore been benefitting from Russian decision-makers responsible for the annexation of Crimea or the destabilisation of Ukraine. He is also one of the leading Russian businesspersons involved in economic sectors providing a substantial source of revenue to the Government of the Russian Federation, which is responsible for the annexation of Crimea and the destabilisation of Ukraine.	15.3.2022

	Name	Identifying information	Reasons	Date of listing
1172.	Aleksandra MELNICHENKO a.k.a. Sandra NIKOLIĆ (Serbian: Александра МЕЉНИЧЕНКО)	DOB: 21.4.1977 POB: Belgrade, Serbia Associated individual: Andrey Igorevich Melnichenko (husband) Nationality: Serbian, Croatian Gender: female Passport number: Croatian passport No. 094949450 (date of expiry: 23.12.2023)	Aleksandra Melnichenko is the wife of Andrey Igorevich Melnichenko, a Russian industrialist who transferred his effective ownership and benefit of the major fertiliser producer EuroChem Group and the coal company SUEK to her on 9 March 2022. Aleksandra Melnichenko takes advantage of the fortune and benefits from the wealth of her husband. In March 2022, Aleksandra Melnichenko replaced her husband as the beneficial owner of Firstline Trust, managed by Linetrust PTC Ltd, a company which represents the ultimate owner of EuroChem Group. Therefore, she is associated with a leading businessperson involved in economic sectors providing a substantial source of revenue to the Government of the Russian Federation, which is responsible for the annexation of Crimea and the destabilisation of Ukraine.	3.6.2022
1348.	Georgiy Sergeevich STAROSTIN (Георгий Сергеевич СТАРОСТИН)	DOB: 1.12.1986 POB: N/D Nationality: Russian Rank: Captain Gender: male Tax ID No. 771380617804 (Russia)	Captain Georgiy Starostin is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Captain Starostin is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1349.	Sergey Vladimirovich ILIN (Сергей Владимирович ИЛЬИН)	DOB: 14.11.1987 POB: N/D Nationality: Russian Rank: Captain Gender: male	Captain Sergey Ilin is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Captain Sergey Ilin is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022

	Name	Identifying information	Reasons	Date of listing
1350.	Yuriy Aleksandrovich NIKONOV (Юрий Александрович НИКОНОВ)	DOB: 9.5.1984 POB: Baku, former USSR (now Azerbaijan) Nationality: Russian Rank: Captain Gender: male Tax ID No. 271201003620, 016154160136 (Russia)	Captain Yuriy Nikonov is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Captain Yuriy Nikonov is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1351.	Ekaterina Viktorovna CHUGUNOVA (Екатерина Викторовна ЧУГУНОВА)	DOB: 10.3.1991 POB: N/D Nationality: Russian Rank: Lieutenant Gender: female Tax ID No. 312609219100 (Russia)	Lieutenant Ekaterina Chugunova is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, she is a key figure in Russia's missile strikes on Ukraine, including on civilian targets throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Lieutenant Ekaterina Chugunova is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1352.	Igor Alekseevich GROZA (Игорь Алексеевич ГРОЗА)	DOB: 2.6.1996 POB: N/D Nationality: Russian Rank: Lieutenant Gender: male Tax ID No. 261205020910 (Russia)	Lieutenant Igor Groza is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Lieutenant Igor Groza is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022

	Name	Identifying information	Reasons	Date of listing
1353.	Ivan Dmitrievich POPOV (Иван Дмитриевич ПОПОВ)	DOB: 17.8.1998 POB: N/D Nationality: Russian Rank: Major Gender: male Tax ID No. 280403816493 (Russia)	Major Ivan Popov is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Major Ivan Popov is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1354.	Matvey Andreevich LIYBAVIN (Матвей Андреевич ЛЫБАВИН)	DOB: 2.9.1992 POB: N/D Nationality: Russian Rank: Major Gender: male Tax ID No. 732610491457 (Russia)	Major Matvey Liybavin is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Major Matvey Liybavin is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1355.	Roman Aleksandrovich KUROCHKIN (Роман Александрович КУРОЧКИН)	DOB: 25.2.1985 POB: Chernyakhovsk, Russian Federation Nationality: Russian Rank: Major Gender: male	Major Roman Kurochkin is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Major Roman Kurochkin is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022

	Name	Identifying information	Reasons	Date of listing
1356.	Dmitri Yuryevich TIKHONOV (Дмитрий Юрьевич ТИХОНОВ)	DOB: 26.1.1993 POB: Lipetsk, Russian Federation Nationality: Russian Rank: Senior Lieutenant Gender: male Tax ID No. 482305758073 (Russia)	Senior Lieutenant Dmitri Tikhonov is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Senior Lieutenant Dmitri Tikhonov is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1357.	Nikolay Vladimirovich TARASOV (Николай Владимирович ТАРАСОВ)	DOB: 29.8.1985 POB: N/D Nationality: Russian Rank: Senior Lieutenant Gender: male Tax ID No. 503811568315 (Russia)	Senior Lieutenant Nikolay Tarasov is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Senior Lieutenant Nikolay Tarasov is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1358.	Anton Olegovich SHATUN (Антон Олегович ШАТУН)	DOB: 12.2.1990 POB: Gudauta, Georgia Nationality: Russian Rank: Captain Gender: male Tax ID No. 610209429700 (Russia)	Captain Anton Shatun is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Captain Anton Shatun is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022

	Name	Identifying information	Reasons	Date of listing
1359.	Alexey Petrovich BETEKHTIN (Алексей Петрович БЕТЕХТИН)	DOB: 7.12.1987 POB: Vladivostok, Russian Federation Nationality: Russian Rank: Captain Gender: male	Captain Alexey Betekhtin is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Captain Alexey Betekhtin is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1361.	Artyom Aleksandrovich CHERNOV (Артём Александрович ЧЕРНОВ)	DOB: 13.10.1988 POB: Kovrov, Russian Federation Nationality: Russian Rank: Captain Gender: male Tax ID No. 770482092946 (Russia)	Captain Artyom Chernov is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Captain Artyom Chernov is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1362.	Stanislav Aleksandrovich MINKOV (Станислав Александрович МИНКОВ)	DOB: 16.6.1984 POB: N/D Nationality: Russian Rank: Captain Gender: male	Captain Stanislav Minkov is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Captain Stanislav Minkov is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022

	Name	Identifying information	Reasons	Date of listing
1363.	Alexey Sergeevich VOLKOV (Алексей Сергеевич ВОЛКОВ)	DOB: 27.6.1997 POB: N/D Nationality: Russian Rank: Lieutenant Gender: male Tax ID No. 784202352764 (Russia)	Lieutenant Alexey Volkov is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Lieutenant Alexey Volkov is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1364.	Andrey Anatolievitch IVANYUTIN (Андрей Анатольевич ИВАНЮТИН)	DOB: 3.9.1980 POB: N/D Nationality: Russian Rank: Major Gender: male Tax ID No. 503114955109 (Russia)	Major Andrey Ivanyutin is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Major Andrey Ivanyutin is thus a natural person responsible for, supporting or implementing actions or policies, which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1366.	Pavel Aleksandrovich VASILYEV (Павел Александрович ВАСИЛЬЕВ)	DOB: 19.3.1990 POB: N/D Nationality: Russian Rank: Senior Lieutenant Gender: male Tax ID No. 532007713046 (Russia)	Senior Lieutenant Pavel Vasilyev is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Senior Lieutenant Pavel Vasilyev is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022

	Name	Identifying information	Reasons	Date of listing
1367.	Alexey Nikolaevich MIKHAYLOV (Алексей Николаевич МИХАЙЛОВ)	DOB: 29.1.1985 POB: N/D Nationality: Russian Rank: Captain Gender: male Tax ID No. 770474370653 (Russia)	Captain Alexey Mikhaylov is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Captain Alexey Mikhaylov is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1368.	Elvira Yunusovna OBUKHOVA (Эльвира Юнусовна ОБУХОВА)	DOB: 14.6.1988 POB: Perm, Russian Federation Nationality: Russian Rank: Captain Gender: female Tax ID No. 590613130708 (Russia)	Captain Elvira Obukhova is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, she is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Captain Elvira Obukhova is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1369.	Pavel Borisovich OBUKHOV (Павел Борисович ОБУХОВ)	DOB: 7.2.1983 POB: Podolsk, Russian Federation Nationality: Russian Rank: Captain Gender: male Tax ID No. 503614915506 (Russia)	Captain Pavel Obukhov is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Captain Pavel Obukhov is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022

	Name	Identifying information	Reasons	Date of listing
1370.	Vitaly Viktorovich YASKELAYNEN (Виталий Викторович ЯСКЕЛАЙНЕН)	DOB: 1.10.1986 POB: St. Petersburg, Russian Federation Nationality: Russian Rank: Captain Gender: male Tax ID No. 780625739170 (Russia)	Captain Vitaly Yaskelaynen is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Captain Vitaly Yaskelaynen is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1371.	Alexandr Arsenovich GREGORYAN (Александр Арсенович ГРЕГОРЯН)	DOB: 22.5.1998 POB: Tver, Russian Federation Nationality: Russian Rank: Lieutenant Gender: male Tax ID No. 695010890820 (Russia)	Lieutenant Alexandr Gregoryan is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Lieutenant Alexandr Gregoryan is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1372.	Artyom Andreevich VEDENOV (Артём Андреевич ВЕДЕНОВ)	DOB: 10.2.1989 POB: Kostroma, Russian Federation Nationality: Russian Rank: Lieutenant Gender: male	Lieutenant Artyom Vedenov is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Lieutenant Artyom Vedenov is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022

	Name	Identifying information	Reasons	Date of listing
1373.	Nikita Evgenievich POPLAVSKIY (Никита Евгеньевич ПОПЛАВСКИЙ)	DOB: 15.3.1998 POB: N/D Nationality: Russian Rank: Lieutenant Gender: male Tax ID No. 504602606022 (Russia)	Lieutenant Nikita Poplavskiy is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Lieutenant Nikita Poplavskiy is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1374.	Vladimir Sergeevich PETROV (Владимир Сергеевич ПЕТРОВ)	DOB: 23.2.1998 POB: N/D Nationality: Russian Rank: Lieutenant Gender: male Tax ID No. 521406165185 (Russia)	Lieutenant Vladimir Petrov is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Lieutenant Vladimir Petrov is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1375.	Evgeniy Grigorievitch KAPSHUK (Евгений Григорьевич КАПШУК)	DOB: 15.7.1974 POB: N/D Nationality: Russian Rank: Colonel Gender: male Tax ID No. 773128151404 (Russia)	Colonel Evgeniy Kapshuk is a Commander of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Colonel Evgeniy Kapshuk is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022

	Name	Identifying information	Reasons	Date of listing
1376.	Anton Yurievich TIMOSHINOV (Антон Юрьевич ТИМОШИНОВ)	DOB: 29.1.1986 POB: N/D Nationality: Russian Rank: Lieutenant Colonel Gender: male	Lieutenant Colonel Anton Timoshinov is a Commander of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Lieutenant Colonel Anton Timoshinov is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1377.	Igor Borisovich BAGNYUK (Игорь Борисович БАГНЮК)	DOB: 30.4.1982 POB: Riga, Latvia Nationality: Russian Rank: Lieutenant Colonel Gender: male Tax ID No. 770470599386 (Russia)	Lieutenant Colonel Igor Bagnyuk is a Commander of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Lieutenant Colonel Igor Bagnyuk is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1378.	Robert Petrovich BARANOV (Роберт Петрович БАРАНОВ)	DOB: 20.3.1975 POB: Yalchiki or Nizhny Tagil, former USSR (now Russian Federation) Nationality: Russian Rank: Major General Gender: male Tax ID No. 012190931739, 502239120417 (Russia)	Major General Robert Baranov is the Director of the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April and October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Major General Robert Baranov is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022'

COMMISSION DELEGATED REGULATION (EU) 2023/807**of 15 December 2022****on revising the primary energy factor for electricity in application of Directive 2012/27/EU 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 Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC ⁽¹⁾, and in particular Article 22(2) thereof,

Whereas:

- (1) Pursuant to the provision in footnote 3 in Annex IV to Directive 2012/27/EU, by 25 December 2022 and every four years thereafter, the Commission is to revise the default coefficient on the basis of observed data.
- (2) The Commission has carried out a study on the review of the primary energy factor (PEF) in order to reflect the technological progress and the growing share of renewable energy sources in the electricity generation sector since 2018.
- (3) The study supports the methodology set out in Recital 40 of Directive (EU) 2018/2002 of the European Parliament and of the Council ⁽²⁾ which uses the 'physical energy content' accounting method for nuclear electricity and heat generation, the 'technical conversion efficiency' method for electricity and heat generation from fossil fuels and biomass, and the direct equivalent method based on the 'total primary energy' approach for non-combustible renewable energy.
- (4) The study acknowledges the need to use a forward looking PEF in order to reflect the impact of energy efficiency in the future. Therefore, the revision of the default coefficient follows the methodology set out in Recital 40 of Directive (EU) 2018/2002, and based on the observed data, selects as the default coefficient the average PEF value for 2024 and 2025.
- (5) Annex IV to Directive 2012/27/EU should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex IV to Directive 2012/27/EU is amended in accordance with the Annex to this Regulation.

Article 2

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

⁽¹⁾ OJ L 315, 14.11.2012, p. 1.

⁽²⁾ Directive (EU) 2018/2002 of the European Parliament and of the Council of 11 December 2018 amending Directive 2012/27/EU on energy efficiency (OJ L 328, 21.12.2018, p. 210).

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

Done at Brussels, 15 December 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

In Annex IV to Directive 2012/27/EU, footnote 3 is replaced by the following:

- ‘(3) Applicable when energy savings are calculated in primary energy terms using a bottom-up approach based on final energy consumption. For savings in kWh electricity, Member States shall apply a coefficient established through a transparent methodology on the basis of national circumstances affecting primary energy consumption, in order to ensure a precise calculation of real savings. Those circumstances shall be substantiated, verifiable and based on objective and non-discriminatory criteria. For savings in kWh electricity, Member States may apply a default coefficient of 1,9 or use the discretion to define a different coefficient, provided that they can justify it. When doing so, Member States shall take into account the energy mix included in their integrated national energy and climate plans to be notified to the Commission in accordance with Regulation (EU) 2018/1999. By 25 December 2022 and every four years thereafter, the Commission shall revise the default coefficient on the basis of observed data. That revision shall be carried out taking into account its effects on other Union law such as Directive 2009/125/EC and Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU (OJ L 198, 28.7.2017, p. 1).’
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COMMISSION IMPLEMENTING REGULATION (EU) 2023/808
of 5 April 2023
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Article 57(4) and Article 58(2) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Council Regulation (EEC) No 2658/87 ⁽²⁾, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 34(9) of Regulation (EU) No 952/2013. That period should be set at three months.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex to this Regulation shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 34(9) of Regulation (EU) No 952/2013 for a period of three months from the date of entry into force of 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⁾ OJ L 269, 10.10.2013, p. 1.

⁽²⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

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

Done at Brussels, 5 April 2023.

*For the Commission,
On behalf of the President,
Gerassimos THOMAS
Director-General
Directorate-General for Taxation and Customs Union*

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
Reusable (refillable) evaporator ('atomizer'), for an electronic cigarette, consisting of: — a base with an opening for air regulation and a connector for connection to the power supply device (not presented with the atomizer), — a heater with metal wire and cotton, — a glass container, and — a mouthpiece. The atomizer is presented without e-liquid. The atomizer is connected to the power supply device by a threaded connector which also establishes the electric connection. The supplied power heats the wire of the heater which subsequently heats and vaporizes the e-liquid. This produces a vapour mist which is then inhaled by the user. (See image) (*)	8543 40 00	Classification is determined by general rules 1, 2(a) and 6 for the interpretation of the Combined Nomenclature (GIR) and by the wording of CN codes 8543 and 8543 40 00. Although the atomizer is suitable for use solely with an electronic cigarette, classification under CN code 8543 90 00, as part of the electronic cigarette, is excluded as the atomizer is an assembly of parts so far advanced that it already has the main essential features of the complete article, the electronic cigarette (see also the Harmonized System Explanatory Notes to Section XVI, General, (IV) Incomplete machines). More specifically, the atomizer comprises all the necessary elements to perform the functions for which an electronic cigarette is designed, namely, to heat and vaporize the e-liquid, allowing the user to inhale the vapour mist produced via the mouthpiece. Consequently, it has the essential character of the complete article, and is thus to be considered as an incomplete electronic cigarette within the meaning of GIR 2(a). The atomizer is, therefore, to be classified under CN code 8543 40 00, as an electronic cigarette.



(From the bottom to the top: base, heater, glass container, mouthpiece)

(*) The image is purely for information.

COMMISSION IMPLEMENTING REGULATION (EU) 2023/809**of 13 April 2023****imposing a definitive anti-dumping duty on imports of certain stainless steel tube and pipe butt-welding fittings, whether or not finished, originating in the People's Republic of China and Taiwan following an expiry review pursuant to Article 11(2) 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 Article 11(2) thereof,

Whereas:

1. PROCEDURE**1.1. Previous investigation and measures in force**

- (1) By Commission Implementing Regulation (EU) 2017/141 ⁽²⁾, the Commission imposed definitive anti-dumping duties ranging from 30,7 % to 64,9 % on imports of certain tube and pipe butt-welding fittings originating in the People's Republic of China (the 'PRC') and definitive anti-dumping duties ranging from 5,1 % to 12,1 % on imports originating in Taiwan.

1.2. Request for an expiry review

- (2) Following the publication of a Notice of impending expiry of the measures in force ⁽³⁾, the Commission received a request for the initiation of an expiry review pursuant to Article 11(2) of the basic Regulation.
- (3) The request for review was lodged on 26 October 2021 by the Defence Committee of the Stainless Steel Butt-welding Fittings Industry of the European Union ('the applicant') representing more than 25 % of the total Union production of certain tube and pipe butt-welding fittings. The request for review was based on the grounds that the expiry of the measures would be likely to result in continuation or recurrence of dumping and injury to the Union industry.

1.3. Initiation of an expiry review

- (4) Having determined, after consulting the Committee established by Article 15(1) of the basic Regulation, that sufficient evidence existed for the initiation of an expiry review, on 26 January 2022 the Commission initiated an expiry review with regard to imports of certain stainless steel tube and pipe butt-welding fittings, whether or not finished, originating in the People's Republic of China and Taiwan on the basis of Article 11(2) of the basic Regulation. It published a Notice of Initiation in the *Official Journal of the European Union* ⁽⁴⁾ ('the Notice of Initiation').

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ Commission Implementing Regulation (EU) 2017/141 of 26 January 2017 imposing definitive anti-dumping duties on imports of certain stainless steel tube and pipe butt-welding fittings, whether or not finished, originating in the People's Republic of China and Taiwan (OJ L 22, 27.1.2017, p. 14).

⁽³⁾ Notice of impending expiry of certain anti-dumping measures (OJ C 168, 5.5.2021, p. 5).

⁽⁴⁾ Notice of initiation of an expiry review of the anti-dumping measures applicable to imports of certain stainless steel tube and pipe butt-welding fittings, whether or not finished, originating in the People's Republic of China and Taiwan (OJ C 40, 26.1.2022, p. 1).

1.4. Parallel anti-circumvention investigation

- (5) On 8 June 2022, the Commission initiated an investigation, pursuant to Article 13(3) of the basic Regulation, concerning possible circumvention of the anti-dumping measures in force with regard to imports of certain stainless steel tube and pipe butt-welding fittings, whether or not finished, originating in the PRC, and made such imports subject to registration ⁽⁵⁾.
- (6) The investigation concluded that the existing measures on imports of certain stainless steel tube and pipe butt-welding fittings, whether or not finished, originating in the PRC, were being circumvented. The measures were extended to imports of stainless steel tube and pipe butt-welding fittings, whether or not finished, consigned from Malaysia, whether declared as originating in Malaysia or not, by Commission Implementing Regulation (EU) 2023/453 ⁽⁶⁾.

1.5. Review investigation period and period considered

- (7) The investigation of continuation or recurrence of dumping covered the period from 1 January 2021 to 31 December 2021 ('the review investigation period' or 'RIP'). The examination of trends relevant for the assessment of the likelihood of continuation or recurrence of injury covered the period from 1 January 2018 to the end of the review investigation period ('the period considered').

1.6. Interested parties

- (8) In the Notice of Initiation, interested parties were invited to contact the Commission in order to participate in the investigation. In addition, the Commission specifically informed the applicant, other known Union producers, the known exporting producers, the PRC authorities, the authorities of Taiwan, known importers, users, traders, as well as associations known to be concerned about the initiation of the expiry review and invited them to participate.
- (9) Interested parties had an opportunity to comment on the initiation of the expiry review and to request a hearing with the Commission and/or the Hearing Officer in trade proceedings. None of the interested parties requested a hearing.

1.7. Claims on initiation

- (10) Zhejiang India Pipeline Industry Co. Ltd., ('Zhejiang India'), an exporting producer of stainless steel butt-welding fittings ('SSTPF'), and the China Chamber of Commerce of Metals, Minerals and Chemicals Importers and Exporters ('CCC MC') provided comments on the request for review and the initiation of the investigation.
- (11) Regarding the general claims that the request did not contain sufficient evidence, the Commission noted that the World Trade Organisation ('WTO') jurisprudence quoted by Zhejiang India and the CCC MC is irrelevant, as it does not address the standard of evidence necessary for the initiation of proceedings ⁽⁷⁾. The applicant did provide the 'sufficient evidence' to justify the initiation of an investigation, within the meaning of Article 11(2) of the basic Regulation, which is the appropriate legal standard. This claim was therefore rejected.

⁽⁵⁾ Commission Implementing Regulation (EU) 2022/894 of 7 June 2022 initiating an investigation concerning possible circumvention of the anti-dumping measures imposed by Implementing Regulation (EU) 2017/141 on imports of certain stainless steel tube and pipe butt-welding fittings, whether or not finished, originating in the People's Republic of China by imports of certain stainless steel tube and pipe butt-welding fittings, whether or not finished, consigned from Malaysia, whether declared as originating in Malaysia or not, and making such imports subject to registration (OJ L 155, 8.6.2022, p. 36).

⁽⁶⁾ Commission Implementing Regulation (EU) 2023/453 of 2 March 2023 extending the definitive anti-dumping duty imposed by Commission Implementing Regulation (EU) 2017/141 on imports of certain stainless steel tube and pipe butt-welding fittings, whether or not finished, originating in the People's Republic of China to imports of certain stainless steel tube and pipe butt-welding fittings, whether or not finished, consigned from Malaysia, whether declared as originating in Malaysia or not (OJ L 67, 3.3.2023, p. 19).

⁽⁷⁾ United States – Sunset Review of Anti-Dumping Duties on Corrosion-Resistant Carbon Steel Flat Products from Japan – Report of the Panel (WT/DS244/R), paragraph 7.271. United States – Sunset Review of Anti-Dumping Duties on Corrosion-Resistant Carbon Steel Flat Products from Japan – Report of the Appellate Body (WT/DS244/AB/R), paragraphs 114 and 168, 177 and 178. European Union – Anti-dumping Measures on Certain Footwear from China – Report of the Panel (WT/DS405/R), paragraphs 7.333 and 7.495.

- (12) Zhejiang India and the CCCMC claimed that the application of Article 2(6a) of the basic Regulation was not warranted for the purposes of the request and that there were no significant distortions in the PRC. These claims are addressed in recitals (84) to (87) below.
- (13) Zhejiang India and the CCCMC claimed that the applicant proposed Thailand as representative country without providing any evidence that it meets the criteria of Article 2(6a)(a).
- (14) The Commission disagreed. In the expiry review request, the applicant examined four countries as potential representative countries that had a similar level of economic development to the PRC, namely Thailand, Indonesia, Malaysia and Türkiye ⁽⁸⁾. All four countries were identified as having an industry that exports at least 500 tonnes per year of SSTPFs ⁽⁹⁾. The applicant chose Thailand from among the four countries on the basis of the availability of relevant public data ⁽¹⁰⁾. The choice of Thailand as representative country was supported by sufficient evidence, such as import and export statistics, sources used to establish undistorted costs, and evidence of known producers with publicly available financial information.
- (15) Zhejiang India and the CCCMC also claimed that Thailand is not an appropriate choice. Concretely, they claimed that the price of gas in Thailand is distorted as the gas industry is dominated by only two players, and that the Thai company chosen by the applicant for establishing selling, general and administrative ('SG&A') costs and profit also produces other products so its representativeness needs further clarification.
- (16) Regarding natural gas, the evidence provided by Zhejiang India and the CCCMC dates back to 2011, 10 years before the review investigation period ⁽¹¹⁾. Moreover, interested parties did not provide any evidence of distortions in Thailand, they merely stated that, given that the market is dominated by two players, it was distorted. Furthermore, the applicant based the benchmark for gas on the price of imports into Thailand. The interested parties did not explain why the alleged market domination would lead to distorted import prices ⁽¹²⁾. Zhejiang India and the CCCMC did not provide any evidence on the product range of the company chosen by the applicant or why it would be not appropriate. In any case, the request provided sufficient evidence that the company it used for establishing SG&A costs and profit is a producer of SSTPF with publicly available information ⁽¹³⁾, which was sufficient to justify the initiation of the investigation.
- (17) Zhejiang India and the CCCMC also claimed that the applicant did not calculate normal value correctly because, as the request indicated, Thailand has no information for packaging, other direct costs, production equipment and factory overheads, and therefore the applicant constructed those on the basis of the cost of production of the Union industry.
- (18) The Commission disagreed. Information on packaging, other direct costs, production equipment and factory overheads in Thailand was not readily available to the applicant. The original investigation established that SSTPF produced in the Union and those exported from the PRC share the same basic characteristics. Zhejiang India and the CCCMC provided no evidence justifying a different conclusion. Therefore, for establishing the normal value, and to account for the potential impact of the difference in economic development between Thailand and the Union, rather than using absolute values the applicant used the proportion of those items in the cost of production of the Union Industry, that it subsequently applied to the undistorted values established using Thailand as representative country.
- (19) Zhejiang India and CCCMC also submitted that, in the request, the applicant had failed to provide positive evidence that injury would be likely to continue or recur if measures were allowed to lapse. With regard to continuation of injury, these parties submitted that the consumption on the Union market, the Union industry's production and production capacity and the Union industry's sales trends as reported in the request were all positive and that, overall, the industry was not injured anymore, whilst also pointing at the exceptional market difficulties caused by COVID-19 pandemic. They further pointed at the published profitability figures of a major Union producer in the

⁽⁸⁾ Request for expiry review section B.1.1.2 p. 8.

⁽⁹⁾ Ibid.

⁽¹⁰⁾ Request for expiry review section B.1.1.13 p. 15.

⁽¹¹⁾ <https://www.apec.org/publications/2011/01/the-impacts-and-benefits-of-structural-reforms-in-transport-energy-and-telecommunications-sectors>.

⁽¹²⁾ Request for expiry review, paragraph 80 and Annex C – DM – 02 CN.

⁽¹³⁾ Request for expiry review, paragraph 93 and OPEN Annexes 20.1 to 20.4.

three years preceding COVID-19 pandemic, which was in the same range as the target profit set in the investigation that lead to the measures. On that basis, they submitted that the Union industry was not suffering injury. With regard to the likelihood of recurrence of injury, Zhejiang Jndia and CCCMC submitted that the request showed that injury was unlikely to recur as the market share of the Union industry was at a consistent high level whereas the market share of imports from the PRC was too small to have any impact on the Union industry state.

- (20) As a preliminary comment, it is recalled that a finding of sufficiency of evidence with regards to material injury requires an examination, inter alia, of the relevant factors as described in Article 5(2)(d) of the basic Regulation. Indeed, the wording of Article 5(2) of the basic Regulation states that a complaint shall contain the information on changes in the volume of the allegedly dumped imports, the effect of those imports on prices of the like product on the Union market and the consequent impact of the imports on the Union industry, as demonstrated by relevant (not necessarily all) factors and indices having a bearing on the state of the Union industry, such as those listed in Articles 3(3) and 3(5). This is applicable *mutatis mutandis* to the likelihood of continuation or recurrence analysis in expiry reviews, where the focus lies on what would happen should the measures lapse.
- (21) As to Zhejiang Jndia's and CCCMC's allegations regarding the positive development of the Union industry's production and production capacity, sales volumes as well as profitability, the Commission noted that anti-dumping measures often have a positive effect on the state of the Union industry – a factor which was of course taken into account in the Commission Services' analysis before initiation.
- (22) According to the evidence provided in the request and analysed by the Commission, the volumes of the product under review from the PRC and Taiwan that would penetrate the Union market in the absence of measures were likely to increase due to the existence of unused capacity in those countries. The request contained sufficient evidence that the effect of such volumes at prices that would in all likelihood continue to undercut the Union industry's prices would likely result in a continuation or recurrence of injury to the Union industry.
- (23) Zhejiang Jndia and CCCMC further claimed that the open version of the request did not allow for a proper understanding of the performance of the Union industry, as several micro-economic indicators concerning the three Union producers were reported in an indexed format only due to confidentiality reasons.
- (24) With regard to this claim, it is considered that the version open for inspection by interested parties of the request contained all the essential evidence and non-confidential summaries of data provided under confidential cover in order for interested parties to exercise their right of defence throughout the proceeding.
- (25) It is recalled that Article 19 of the basic Regulation and Article 6(5) of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade ⁽¹⁴⁾ allow for the safeguarding of confidential information in circumstances where disclosure would be of significant competitive advantage to a competitor or would have a significantly adverse effect upon a person supplying the information or upon a person from whom that person has acquired the information. The information provided as confidential falls under these categories. The applicant has adequately summarised the contents of these annexes, without disclosing sensitive company-specific data. Indexing of figures in cases where only a very small number of producers in the Union exists is perfectly justified.
- (26) On the basis of the above, the Commission confirmed that the applicant provided sufficient evidence that the expiry of the measures would likely result in a continuation or recurrence of dumping and injury, thereby satisfying the requirements set out in Article 11(2) of the basic Regulation. Therefore, the request met the requirements for initiation.

⁽¹⁴⁾ 'Any information which is by nature confidential (for example, because its disclosure would be of significant competitive advantage to a competitor or because its disclosure would have a significantly adverse effect upon a person supplying the information or upon a person from whom that person acquired the information), or which is provided on a confidential basis by parties to an investigation shall, upon good cause shown, be treated as such by the authorities. Such information shall not be disclosed without specific permission of the party submitting it.'

1.8. Sampling

- (27) In the Notice of Initiation, the Commission stated that it might sample the interested parties in accordance with Article 17 of the basic Regulation.

1.8.1. Sampling of Union producers

- (28) In the Notice of Initiation, the Commission stated that it had provisionally selected a sample of three Union producers, located in three different Member States. The Commission selected the sample on the basis of the volume of production and sales of the like product in the Union during the period from 1 January 2021 to 31 December 2021 reported by the Union producers in the context of the pre-initiation standing assessment analysis. The sample accounted for [56 % – 62 %] of the estimated production in the Union of the like product. The Commission informed the interested parties of its provisional sample through a Note to the file on 26 January 2022. In that Note, interested parties were invited to comment on the provisional sample.
- (29) No parties made any comments. During consultations with the applicant subsequent to the placing on the file of the abovementioned Note, it became apparent that one of the initially sampled producers was not suitable to be included in the sample of Union producers as, for company-sensitive reasons, it could not be considered a representative producer throughout the whole reference period. The Commission, therefore, deemed a change to the sample necessary.
- (30) Interested parties were notified of the revised sample through a Note to the file on 18 February 2022 and invited to comment. The revised sample consisted of the three producers Erne Fittings GmbH (Austria), OSTP Finland Oy and OSTP Sweden AB, which accounted for approximately [44 % – 50 %] of the estimated total production volumes of the like product in the Union.
- (31) No parties made any comments and the sample was confirmed through a Note to the file on 28 February 2022.

1.8.2. Sampling of importers

- (32) To decide whether sampling was necessary and, if so, to select a sample, the Commission asked unrelated importers to provide the information specified in the Notice of Initiation. No unrelated importers submitted the requested information. Consequently, the Commission decided that sampling was not necessary.

1.8.3. Sampling of exporting producers in the People's Republic of China and Taiwan

- (33) To decide whether sampling was necessary and, if so, to select a sample, the Commission asked all known producers/exporting producers in the PRC and Taiwan to provide the information specified in the Notice of Initiation. In addition, the Commission asked the Mission of the People's Republic of China and relevant Taiwanese Authorities to identify and/or contact other producers/exporting producers, if any, that could be interested in participating in the investigation.
- (34) No producers/exporting producers in the PRC provided the requested information and/or agreed to be included in the sample. Therefore, as there was no cooperation from the Chinese producers, the findings with regard to the imports from the PRC are made on the basis of the facts available pursuant to Article 18 of the basic Regulation.
- (35) As only one Taiwanese exporting producer provided the requested information and agreed to be included in the sample, the Commission decided that sampling was not necessary with regard to Taiwan.

1.9. Replies to the questionnaire

- (36) The Commission sent a questionnaire concerning the existence of significant distortions in the PRC within the meaning of Article 2(6a)(b) of the basic Regulation to the Government of the People's Republic of China ('GOC').

- (37) The Commission sent a questionnaire to the sampled Union producers and to the one Taiwanese cooperating exporting producer. The same questionnaires as well as questionnaires for unrelated importers were made available on DG Trade's website ⁽¹⁵⁾ on the day of initiation. In the course of the investigation, the Commission sent a questionnaire to the applicant requesting macro-economic data of the Union industry.
- (38) Questionnaire replies were received from one Taiwanese exporting producer, the three sampled Union producers and the applicant.

1.10. Verification

- (39) The Commission sought and verified all the information deemed necessary for the determination of likelihood of continuation or recurrence of dumping and injury and of the Union interest.
- (40) Verification visits pursuant to Article 16 of the basic Regulation were carried out at the premises of the following companies:

Taiwanese exporting producer:

— Ta Chen Stainless Pipes Co., Ltd ('Ta Chen'), Tainan, Taiwan

- (41) The Commission also carried out Remote Cross Check (RCC) of the questionnaire replies of following companies:

Union producers:

— Erne Fittings GmbH, Schlins, Austria

— OSTP Sweden AB, Örnköldsvik, Sweden

— OSTP Finland Oy, Jakobstad, Finland

— Defence Committee of the Stainless Steel Butt-welding Fittings Industry of the European Union (applicant), Brussels, Belgium

Importer in the third country related to the producer in Taiwan:

— Ta Chen International ('TCI'), Long Beach CA, USA

2. PRODUCT UNDER REVIEW AND LIKE PRODUCT

2.1. Product under review

- (42) The product under review is tube and pipe butt-welding fittings, of austenitic stainless steel grades, corresponding to AISI types 304, 304L, 316, 316L, 316Ti, 321 and 321H and their equivalent in the other norms, with a greatest external diameter not exceeding 406,4 mm and a wall thickness of 16 mm or less, with a roughness average (Ra) of the internal surface not less than 0,8 micrometres, not flanged, whether or not finished, originating in the People's Republic of China ('PRC') and Taiwan ('SSTPF' or 'the product under review'), currently classified under CN codes ex 7307 23 10 and ex 7307 23 90 (TARIC codes 7307 23 10 50, 7307 23 10 55, 7307 23 90 50 and 7307 23 90 55).
- (43) The product under review is manufactured essentially by cutting and forming tubes and pipes. It is used to join pipes and tubes of stainless steel and exists in different shapes such as elbows, reducers, tees and caps. Certain tube and pipe butt-welding fittings, as defined above, are used in a wide range of consumer industries and final applications, such as the petro-chemical industry, beverages and food processing and pharmaceuticals industries, shipbuilding, energy generation, power plants, constructions and industrial installations.
- (44) In the context of a hearing held on 3 March 2022, the association Euranimi, representing a group of importers, commented that the market of SSTPF is naturally divided into two specific and almost non-overlapping segments: European and Asian materials. It added that for certain conditions of use, end-users would usually demand European materials. On the other side, Asian materials were used for environments with inter alia limited corrosion and reduced temperatures.

⁽¹⁵⁾ <https://tron.trade.ec.europa.eu/investigations/case-view?caseId=2574>.

- (45) The Commission noted that no specific product exclusion request was linked to this comment. This notwithstanding, the Commission clarified that in the framework of an expiry review investigation under Article 11(2) of the basic Regulation, no such product exclusion requests could be addressed.
- (46) On 23 August 2022, Euranimi reiterated its previous comments adding technical specifications, such as that certain Asian materials required heat treatment whereas European ones did not. These comments were not apt to alter the conclusions made in recital (45).

2.2. Like product

- (47) As shown in the investigation leading to the imposition of the measures in force ⁽¹⁶⁾, the following products have the same basic physical and technical characteristics as well as the same basic uses:
- the product under review;
 - the product produced and sold on the domestic market of the countries concerned (PRC and Taiwan); and
 - the product produced and sold in the Union by the Union industry.

These products are therefore considered to be like products within the meaning of Article 1(4) of the basic Regulation.

3. DUMPING

3.1. The People's Republic of China

3.1.1. Preliminary remarks

- (48) During the review investigation period, imports of SSTPF from the PRC continued albeit at lower levels than in the investigation period of the original investigation. According to Comext (Eurostat) imports of SSTPF from the PRC accounted for about 5,6 % of the Union market in the review investigation period, as compared to 22,9 % in the original investigation period. In absolute terms, imports of the product under review originating in the PRC amounted to 719 tonnes in the review investigation period compared to 3 238 tonnes in the original investigation.
- (49) As mentioned in recital (34), none of the known producers/exporting producers from the PRC cooperated in the investigation. Therefore, the Commission informed the authorities of the PRC that, due to the absence of cooperation, the Commission might apply Article 18 of the basic Regulation concerning the findings with regard to the PRC. The Commission did not receive any comments or requests for an intervention of the Hearing Officer in this regard.
- (50) Consequently, in accordance with Article 18 of the basic Regulation, the findings in relation to the likelihood of continuation or recurrence of dumping were based on facts available, in particular information contained in the request for review, publicly available data from Thai SSTPF producers, the National Statistics Office, Thailand, data from the Thai Provincial Waterworks Authority, the Thai Ministry of Energy, Eurostat Comext database, the ILO Statistical database and Global Trade Atlas (GTA) ⁽¹⁷⁾.

3.1.2. Continuation of dumping during the review investigation period

3.1.2.1. Procedure for the determination of the normal value under Article 2(6a) of the basic Regulation for the imports of certain stainless steel tube and pipe butt-welding fittings (SSTPFs) originating in the PRC.

- (51) Given the sufficient evidence available at the initiation of the investigation tending to show, with regard to the PRC, the existence of significant distortions within the meaning of point (b) of Article 2(6a) of the basic Regulation, the Commission initiated the investigation on the basis of Article 2(6a) of the basic Regulation.

⁽¹⁶⁾ See footnote 2.

⁽¹⁷⁾ <https://connect.ihsmarkit.com/gta/home>.

- (52) In order to obtain information it deemed necessary for its investigation with regard to the alleged significant distortions, the Commission sent a questionnaire to the GOC. In addition, in point 5.3.2 of the Notice of Initiation, the Commission invited all interested parties to make their views known, submit information and provide supporting evidence regarding the application of Article 2(6a) of the basic Regulation within 37 days of the date of publication of the Notice of Initiation in the *Official Journal of the European Union*. No questionnaire reply was received from the GOC and no submission on the application of Article 2(6a) of the basic Regulation was received. Subsequently, the Commission informed the GOC that it would use facts available within the meaning of Article 18 of the basic Regulation for the determination of the existence of the significant distortions in the PRC.
- (53) In point 5.3.2 of the Notice of Initiation, the Commission also specified that, in view of the evidence available, it may need to select an appropriate representative country pursuant to Article 2(6a)(a) of the basic Regulation for the purpose of determining the normal value based on undistorted prices or benchmarks. It also specified that a possible representative third country for the PRC in this case is Thailand, but that it would examine other possibly appropriate countries in accordance with the criteria set out in first indent of Article 2(6a) of the basic Regulation.
- (54) On 24 June 2022, the Commission issued a note for the file on the sources for the determination of the normal value ('Note on sources').
- (55) In the Note on sources, the Commission informed interested parties that in the absence of cooperation, it would need to rely on facts available according to Article 18 of the basic Regulation. Therefore, the Commission intended to use the information contained in the expiry review request, combined with other sources of information deemed appropriate according to the relevant criteria laid down in Article 2(6a) of the basic Regulation in accordance with Article 18(5) of the basic Regulation as specified below in this note.
- (56) By the Note on sources, the Commission also informed interested parties that it intended to use Thailand as representative country and on the relevant sources it intended to use for the determination of the normal value with Thailand as the representative country.
- (57) In the Note on sources, the Commission informed interested parties that, given the absence of cooperation it would base other direct costs and manufacturing overheads on the information regarding the Union industry provided in the expiry review request and express them as percentages.
- (58) It also informed interested parties that it would establish SG&A costs and profits based on publicly available information for two Thai producers, Thai Benkan Co. Ltd., and Thairungrueng Fitting & Value Co. Ltd.
- (59) By the Note on sources, the Commission also invited interested parties to comment on the sources and the appropriateness of Thailand as a representative country and also suggest other countries, provided they submitted sufficient information on the relevant criteria. The Commission received comments from the applicant, Zhejiang Jndia and the CCCMC. The applicant agreed with the Note on sources. The comments of Zhejiang Jndia and the CCCMC are analysed below in the relevant sections.

3.1.2.2. Normal value

- (60) According to Article 2(1) of the basic Regulation, 'the normal value shall normally be based on the prices paid or payable, in the ordinary course of trade, by independent customers in the exporting country'.
- (61) However, according to Article 2(6a)(a) of the basic Regulation, 'in case it is determined [...] that it is not appropriate to use domestic prices and costs in the exporting country due to the existence in that country of significant distortions within the meaning of point (b), the normal value shall be constructed exclusively on the basis of costs of production and sale reflecting undistorted prices or benchmarks', and 'shall include an undistorted and reasonable amount of administrative, selling and general costs and for profits' ('administrative, selling and general costs' is referred hereinafter as 'SG&A').

- (62) As further explained below, the Commission concluded in the present investigation that, based on the evidence available, and in view of the absence of cooperation of the GOC and the exporting producers/exporting producers, the application of Article 2(6a) of the basic Regulation was appropriate.

3.1.2.2.1. Existence of significant distortions

- (63) In recent investigations concerning the steel sector in the PRC ⁽¹⁸⁾, the Commission found that significant distortions in the sense of Article 2(6a)(b) of the basic Regulation were present.
- (64) In those investigations, the Commission found that there is substantial government intervention in the PRC resulting in a distortion of the effective allocation of resources in line with market principles ⁽¹⁹⁾. In particular, the Commission concluded that in the steel sector, which is the main raw material to produce the product under review, not only does a substantial degree of ownership by the GOC persist in the sense of Article 2(6a)(b), first indent of the basic Regulation ⁽²⁰⁾, but the GOC is also in a position to interfere with prices and costs through State presence in firms in the sense of Article 2(6a)(b), second indent of the basic Regulation ⁽²¹⁾. The Commission further found that the State's presence and intervention in the financial markets, as well as in the provision of raw materials and inputs have an additional distorting effect on the market. Indeed, overall, the system of planning in the PRC results in resources being concentrated in sectors designated as strategic or otherwise politically important by the GOC, rather than being allocated in line with market forces ⁽²²⁾. Moreover, the Commission concluded that the Chinese bankruptcy and property laws do not work properly in the sense of Article 2(6a)(b), fourth indent of the basic Regulation, thus generating distortions in particular when maintaining insolvent firms afloat and when allocating

⁽¹⁸⁾ Commission Implementing Regulation (EU) 2022/802 of 20 May 2022 imposing a provisional anti-dumping duty on imports of electrolytic chromium coated steel products originating in the People's Republic of China and Brazil (OJ L 143, 23.5.2022, p. 11); Commission Implementing Regulation (EU) 2022/191 of 16 February 2022 imposing a definitive anti-dumping duty on imports of certain iron or steel fasteners originating in the People's Republic of China (OJ L 36, 17.2.2022, p. 1); Commission Implementing Regulation (EU) 2022/95 of 24 January 2022 imposing a definitive anti-dumping duty on imports of certain tube and pipe fittings, of iron or steel, originating in the People's Republic of China, as extended to imports of certain tube and pipe fittings, of iron or steel, consigned from Taiwan, Indonesia, Sri Lanka and the Philippines, whether declared as originating in these countries or not, following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council (OJ L 16, 25.1.2022, p. 36); Commission Implementing Regulation (EU) 2021/2239 of 15 December 2021 imposing a definitive anti-dumping duty on imports of certain utility scale steel wind towers originating in the People's Republic of China (OJ L 450, 16.12.2021, p. 59); Commission Implementing Regulation (EU) 2021/635 of 16 April 2021 imposing a definitive anti-dumping duty on imports of certain welded pipes and tubes of iron or non-alloyed steel originating in Belarus, the People's Republic of China and Russia following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council (OJ L 132, 19.4.2021, p. 145).

⁽¹⁹⁾ See Implementing Regulation (EU) 2022/802 recital 75, Implementing Regulation (EU) 2022/191 recital 208, Implementing Regulation (EU) 2022/95 recital 59, Implementing Regulation (EU) 2021/2239 recitals 67-74, Implementing Regulation (EU) 2021/635 recitals 149-150.

⁽²⁰⁾ See Implementing Regulation (EU) 2022/802 recital 49-50, Implementing Regulation (EU) 2022/191 recital 192, Implementing Regulation (EU) 2022/95 recital 46, Implementing Regulation (EU) 2021/2239 recitals 67-74, Implementing Regulation (EU) 2021/635 recitals 115-118.

⁽²¹⁾ See Implementing Regulation (EU) 2022/802 recitals 51-52, Implementing Regulation (EU) 2022/191 recitals 193-4, Implementing Regulation (EU) 2022/95 recital 47, Implementing Regulation (EU) 2021/2239 recitals 67-74, Implementing Regulation (EU) 2021/635 recitals 119-122. While the right to appoint and to remove key management personnel in SOEs by the relevant State authorities, as provided for in the Chinese legislation, can be considered to reflect the corresponding ownership rights, CCP cells in enterprises, state-owned and private alike, represent another important channel through which the State can interfere with business decisions. According to the PRC's company law, a CCP organisation is to be established in every company (with at least three CCP members as specified in the CCP Constitution) and the company shall provide the necessary conditions for the activities of the party organisation. In the past, this requirement appears not to have always been followed or strictly enforced. However, since at least 2016 the CCP has reinforced its claims to control business decisions in SOEs as a matter of political principle. The CCP is also reported to exercise pressure on private companies to put 'patriotism' first and to follow party discipline. In 2017, it was reported that party cells existed in 70 % of some 1,86 million privately owned companies, with growing pressure for the CCP organisations to have a final say over the business decisions within their respective companies. These rules are of general application throughout the Chinese economy, across all sectors, including to the producers of the product under review and the suppliers of their inputs.

⁽²²⁾ See Implementing Regulation (EU) 2022/802 recitals 53-58, Implementing Regulation (EU) 2022/191 recitals 195-201, Implementing Regulation (EU) 2022/95 recitals 48-52, Implementing Regulation (EU) 2021/2239 recitals 67-74, Implementing Regulation (EU) 2021/635 recitals 123-129.

land use rights in the PRC ⁽²³⁾. In the same vein, the Commission found distortions of wage costs in the steel sector in the sense of Article 2(6a)(b), fifth indent of the basic Regulation ⁽²⁴⁾, as well as distortions in the financial markets in the sense of Article 2(6a)(b), sixth indent of the basic Regulation, in particular concerning access to capital for corporate actors in the PRC ⁽²⁵⁾.

- (65) Like in previous investigations concerning the steel sector in the PRC, the Commission examined in the present investigation whether it was appropriate or not to use domestic prices and costs in the PRC, due to the existence of significant distortions within the meaning of point (b) of Article 2(6a) of the basic Regulation. The Commission did so on the basis of the evidence available on the file, including the evidence contained in the request, as well as in the including the Commission Staff Working Document on Significant Distortions in the Economy of the People's Republic of China for the Purposes of Trade Defense Investigations ⁽²⁶⁾ ('Report'), which relies on publicly available sources. That analysis covered the examination of the substantial government interventions in the PRC's economy in general, but also the specific market situation in the relevant sector including the product under review. The Commission further supplemented these evidentiary elements with its own research on the various criteria relevant to confirm the existence of significant distortions in the PRC as also found by its previous investigations in this respect.
- (66) The request alleged that the Chinese State engages in an interventionist economic policy in pursuance of goals, which coincide with the political agenda set by the Chinese Communist Party ('CCP') rather than reflecting the prevailing economic conditions in a free market. The request pointed out in this connection not only to the distortions in the stainless steel market (stainless steel accounting for some 50 % of the cost of production of the product under review) but it claimed that all other factors of production – land, capital, labour – are equally distorted. As a consequence, the request concluded that not only the domestic sales prices of stainless steel are not appropriate for use within the meaning of Article 2(6a)(a) of the basic Regulation, but all the input costs, including raw materials, energy, land, financing or labour, are also affected because their price formation is affected by substantial government intervention.
- (67) To support its position, the request referred to a number of publicly available information sources, such as the Report, the conclusions reached by the EUCCC ⁽²⁷⁾, the Commission's recent investigations of the Chinese steel sector ⁽²⁸⁾ as well as the trade defence investigations of the relevant authorities in Canada and Australia ⁽²⁹⁾, or the conclusions of the G20 Global Forum on Steel Excess Capacity ⁽³⁰⁾.

⁽²³⁾ See Implementing Regulation (EU) 2022/802 recital 59, Implementing Regulation (EU) 2022/191 recital 202, Implementing Regulation (EU) 2022/95 recital 53, Implementing Regulation (EU) 2021/2239 recitals 67-74, Implementing Regulation (EU) 2021/635 recitals 130-133.

⁽²⁴⁾ See Implementing Regulation (EU) 2022/802 recital 60, Implementing Regulation (EU) 2022/191 recital 203, Implementing Regulation (EU) 2022/95 recital 54, Implementing Regulation (EU) 2021/2239 recitals 67-74, Implementing Regulation (EU) 2021/635 recitals 134-135.

⁽²⁵⁾ See Implementing Regulation (EU) 2022/802 recitals 61-62, Implementing Regulation (EU) 2022/191 recital 204, Implementing Regulation (EU) 2022/95 recital 55, Implementing Regulation (EU) 2021/2239 recitals 67-74, Implementing Regulation (EU) 2021/635 recitals 136-145.

⁽²⁶⁾ Commission staff working document SWD(2017) 483 final/2, 20.12.2017, available at: https://trade.ec.europa.eu/doclib/docs/2017/december/tradoc_156474.pdf.

⁽²⁷⁾ European Union Chamber of Commerce in China, Overcapacity in China : an impediment to the Party's reform agenda, available at: Overcapacity in China (european-chamber.com.cn) (accessed on 7 September 2022).

⁽²⁸⁾ Commission Implementing Regulation (EU) 2021/635 of 16 April 2021 imposing a definitive antidumping duty on imports of certain welded pipes and tubes of iron or non-alloyed steel originating in Belarus, the People's Republic of China and Russia following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council (OJ L 132, 19.4.2021, p. 145) and Commission Implementing Regulation (EU) 2020/508 of 7 April 2020 imposing a provisional anti-dumping duty on imports of certain hot rolled stainless steel sheets and coils originating in Indonesia, the People's Republic of China and Taiwan (OJ L 110, 8.4.2020, p. 3).

⁽²⁹⁾ Final determinations with respect to the dumping and subsidizing of Certain Silicon Metal originating in or exported from the PRC (CBSA, Dumping case number: AD/1400), Report No 543, Inquiry into the continuation of anti-dumping and countervailing measures applying to aluminium extrusions exported to Australia from the People's Republic of China, 14 September 2020.

⁽³⁰⁾ Global Forum on steel excess capacity, Ministerial Report, 20 September 2018.

(68) On this basis, the request emphasised that:

- the CCP has designed and implemented the China socialist market economy model. In that model, the actions of Chinese steel producing enterprises are not determined by commercial market considerations. Rather the State/CCP controls the allocation of resources to achieve the overall objectives of the CCP and the State which are set out in the five-year plans ('FYPs'). Compliance with the FYPs, such as the Steel Industry Adjustment and Upgrade Plan of the 13th planning cycle, is the measure of success for enterprises in China rather than the traditional measures of commercial success in a market economy;
- the China Iron and Steel Association assists enterprises in price setting and in production coordination. State-owned enterprises are exempted from the application of competition law and, in accordance with the Steel Industry Adjustment and Upgrade Plan for 2016–2020, '*cut-throat competition should be avoided*' and '*it should be prevented that numerous companies rush headlong into action and engage in disorderly competition*'. Consequently, according to the request, the overarching control of the government prevents free market forces from prevailing in the steel sector in China, not least with respect to the issue of overcapacity which has not been addressed to date;
- the costs of raw-materials and energy in the PRC are not the result of free market forces as they are affected by substantial government interventions; significant systemic distortions exist also with respect to access to capital, land and labour.

(69) As indicated in recital (52), the GOC did not comment or provide evidence supporting or rebutting the existing evidence on the case file, including the Report and the additional evidence provided by the applicant, on the existence of significant distortions and/or on the appropriateness of the application of Article 2(6a) of the basic Regulation in the case at hand.

(70) Specifically in the sector of the product under review, i.e. the steel sector, a substantial degree of ownership by the GOC persists. While the nominal split between the number of state-owned enterprises ('SOEs') and privately owned companies is estimated to be almost even, from the five Chinese steel producers ranked in the top 10 of the world's largest steel producers, four are SOEs ⁽³¹⁾. At the same time, while the top ten producers only took up some 36 % of total industry output in 2016, the GOC set the target in the same year to consolidate 60 % to 70 % of steel production to around 10 large-scale enterprises by 2025 ⁽³²⁾. This intention has been repeated by the GOC in April 2019, announcing a release of guidelines on steel industry consolidation ⁽³³⁾. Such consolidation may entail forced mergers of profitable private companies with underperforming SOEs ⁽³⁴⁾. Since there was no cooperation from Chinese exporters of the product under review, the exact ratio of the private and state-owned steel producers could not be determined. However, while specific information may not be available for the product under review, the sector represents a sub-sector of the steel industry and the findings concerning the steel sector are therefore deemed indicative also for the product under review.

(71) The latest Chinese policy documents concerning the steel sector confirm the continued importance which GOC attributes to the sector, including the intention to intervene in the sector in order to shape it in line with the government policies. This is exemplified by the Ministry of Industry and Information Technology's draft Guiding Opinion on Fostering a High Quality Development of Steel Industry which calls for further consolidation of the industrial foundation and significant improvement in the modernisation level of the industrial chain ⁽³⁵⁾ or by the 14th Five Years Plan on Developing the Raw Material Industry according to which the sector will '*adhere to the combination of market leadership and government promotion*' and will '*cultivate a group of leading companies with ecological leadership and core competitiveness*' ⁽³⁶⁾. Similar examples of the intention by the Chinese authorities to supervise and

⁽³¹⁾ Report – Chapter 14, p. 358: 51 % private and 49 % SOEs in terms of production and 44 % SOEs and 56 % private companies in terms of capacity.

⁽³²⁾ Available at:

www.gov.cn/zhengce/content/2016-02/04/content_5039353.htm; https://polycn.com/policy_ticker/higher-expectations-for-large-scale-steel-enterprise/?iframe=1&secret=c8uthafuthefra4e and www.xinhuanet.com/english/2019-04/23/c_138001574.htm (accessed on 7 September 2022).

⁽³³⁾ Available at http://www.jjckb.cn/2019-04/23/c_137999653.htm (accessed on 7 September 2022).

⁽³⁴⁾ As was the case of the acquired majority stake of China Baowu Steel Group in Magang Steel in June 2019, see <https://www.ft.com/content/a7c93fae-85bc-11e9-a028-86cea8523dc2> (accessed on 4 August 2022).

⁽³⁵⁾ See: https://www.miit.gov.cn/gzcy/yjzj/art/2020/art_af1bef04b9624997956b2bff6cdb7383.html (accessed on 7 September 2022).

⁽³⁶⁾ See Section IV, Subsection 3 of the Plan, available at: https://www.miit.gov.cn/zwgk/zcwj/wjfb/tz/art/2021/art_2960538d19e34c66a5eb8d01b74cbb20.html (accessed on 7 September 2022).

guide the developments of the sector can be seen at the provincial level, such as in Shandong which not only foresees 'building a steel industry ecology [...], establish manufacturing parks, extend the industrial chain and create industrial clusters' but want the steel industry to 'provide a demonstration for the transformation and upgrading [...] in our province and even the whole country' ⁽³⁷⁾.

- (72) As to the GOC being in a position to interfere with prices and costs through State presence in firms in the sense of Article 2(6a)(b), second indent of the basic Regulation, due to the lack of cooperation from the side of the exporting producers, it was impossible to systematically establish existence of personal connections between producers of the product under review and the CCP. However, given that the product under review represents a subsector of the steel sector, information available with respect to steel producers is relevant also to the product under review. To provide an example, Baowu's Chairman of the Board of Directors serves at the same time as the Party Committee Secretary with the General Manager being the Deputy Secretary of the Party Committee ⁽³⁸⁾. Similarly, the Chairman of Baosteel's Board of Directors occupies the position of the Party Committee's secretary while the Executive Manager is the Deputy Secretary of the Party Committee ⁽³⁹⁾. More generally, in view of the general applicability of the legislation on CCP presence in companies, it cannot be assumed that the ability of the GOC to interfere with prices and costs through State presence in firms would be different with relation to the product under review compared to the steel sector in general.
- (73) Both public and privately owned enterprises in the tubes or pipe fitting sector are subject to policy supervision and guidance. The following examples illustrate the above trend of an increasing level of intervention by the GOC in the sector of the product under review. Tube or pipe fittings producers emphasise Party building activities in their corporate documents, such as for example Zhejiang Good Fittings Co., Ltd which considers in its corporate social responsibility report CCP building as an action undertaken to develop the corporate social culture ⁽⁴⁰⁾: The CCP interference can be also observed at the level of regional industry associations, for example the Shanghai Tube industry association ⁽⁴¹⁾. As reported on the association's website in 2019: 'On the afternoon of 17 April, [...] Deputy Secretary of the Party Committee of the Shanghai Federation of Industry and Economics, and relevant personnel from the Party Committee Office visited the association to investigate the party building and the work of the association [...] Next, President [of the association] reported to [CCP] Secretary [...] on the party building work of the association. President [of the association] said that the party building of the association focuses on two levels. One the one hand, at vertical level, that is on the establishment of the association's party branch. [...] The development of the number of new party members has achieved initial results. The second is at horizontal level, so as to do a good job of party building at directors' level. In recent years, the association president's office, together with the Board of Directors have organized exchanges to study the spirit of the central government [and], convey the Municipal party committee's requirements for the party building' ⁽⁴²⁾. Similarly, according to the association's recent report: 'In 2021, the party branch of the association has been transferred to the party committee of the Municipal Federation of Industry and Economics. The association should take the initiative to accept the leadership and guidance of the Federation of Industry and Economics, both in terms of party and government-related work. After President [of the federation] went to the association to investigate and guide the work last year, the association increased the intensity of the joint work, and used it to lead the technological progress and innovative development of the member units, realizing the win-win development of the members and the association.' ⁽⁴³⁾
- (74) Further, policies discriminating in favour of domestic producers or otherwise influencing the market in the sense of Article 2(6a)(b), third indent of the basic Regulation are in place in the sector of the product under review. Even though no policy documents guiding specifically the development of the tubes or pipe fittings industry as such could be identified during the investigation, the industry benefits from governmental guidance and intervention into the steel sector, given that the product under review represents one of its subsectors.

⁽³⁷⁾ See the 14th Five-Years Plan on the Steel Industry development, Foreword.

⁽³⁸⁾ See the group's web, available at: http://www.baowugroup.com/about/board_of_directors (accessed on 7 September 2022).

⁽³⁹⁾ See the company's web, available at: <https://www.baosteel.com/about/manager> (accessed on 7 September 2022).

⁽⁴⁰⁾ See at: www.goodfittings.cn/newsview.asp?id=21 (accessed on 7 September 2022).

⁽⁴¹⁾ See at: <http://www.gghy.org/> (accessed on 24 November 2022).

⁽⁴²⁾ See at: <http://www.gghy.org/members/shownews.php?id=11744&lang=cn> (accessed on 24 November 2022).

⁽⁴³⁾ See at: <http://www.gghy.org/newslst/shownews.php?id=12987&lang=cn> (accessed on 24 November 2022).

- (75) The steel industry keeps being regarded as a key industry by the GOC ⁽⁴⁴⁾. This is confirmed in the numerous plans, directives and other documents focused on steel, which are issued at national, regional and municipal level. Under the 14th Five Years Plan adopted in March 2021, the GOC earmarked the steel industry for transformation and upgrade, as well as optimisation and structural adjustment ⁽⁴⁵⁾. Similarly, the 14th Five Years Plan on Developing the Raw Materials Industry, applicable also to the steel industry, lists the sector as the *'bedrock of the real economy'* and *'a key field that shapes China's international competitive edge'* and sets a number of objectives and working methods which would drive the development of the steel sector in the time period 2021–2025, such a technological upgrade, improving the structure of the sector (not least by means of further corporate concentrations) or digital transformation ⁽⁴⁶⁾. Moreover, the Guiding Catalogue for Industry Restructuring (2019 Version) ⁽⁴⁷⁾ lists steel as an encouraged industry. In sum, the GOC has measures in place to induce operators to comply with the public policy objectives of supporting encouraged industries, including the production of the main raw materials used in the manufacturing of the product under review. Such measures impede market forces from operating freely.
- (76) The present investigation has not revealed any evidence that the discriminatory application or inadequate enforcement of bankruptcy and property laws according to Article 2(6a)(b), fourth indent of the basic Regulation in the tubes or pipe fittings sector referred to above in recital (64) would not affect the manufacturers of the product under review.
- (77) The tubes or pipe fittings sector is also affected by the distortions of wage costs in the sense of Article 2(6a)(b), fifth indent of the basic Regulation, as also referred to above in recital (64). Those distortions affect the sector both directly (when producing the product under review or the main inputs), as well as indirectly (when having access to inputs from companies subject to the same labour system in the PRC) ⁽⁴⁸⁾.
- (78) Moreover, no evidence was submitted in the present investigation demonstrating that the sector of the product under review is not affected by the government intervention in the financial system in the sense of Article 2(6a)(b), sixth indent of the basic Regulation, as also referred to above in recital (64). Therefore, the substantial government intervention in the financial system leads to the market conditions being severely affected at all levels.
- (79) Finally, the Commission recalls that in order to produce the product under review, a number of inputs is needed. When the producers of tubes or pipe fittings purchase/contract these inputs, the prices they pay (and which are recorded as their costs) are clearly exposed to the same systemic distortions mentioned before. For instance, suppliers of inputs employ labour that is subject to the distortions. They may borrow money that is subject to the distortions on the financial sector/capital allocation. In addition, they are subject to the planning system that applies across all levels of government and sectors.
- (80) As a consequence, not only the domestic sales prices of SSTPF are not appropriate for use within the meaning of Article 2(6a)(a) of the basic Regulation, but all the input costs (including raw materials, energy, land, financing, labour, etc.) are also affected because their price formation is affected by substantial government intervention, as described in Parts I and II of the Report. Indeed, the government interventions described in relation to the allocation of capital, land, labour, energy and raw materials are present throughout the PRC. This means, for instance, that an input that in itself was produced in the PRC by combining a range of factors of production is exposed to significant distortions. The same applies for the input to the input and so forth.

⁽⁴⁴⁾ Report, Part III, Chapter 14, p. 346 ff.

⁽⁴⁵⁾ See People's Republic of China 14th Five-Year Plan for National Economic and Social Development and Long-Range Objectives for 2035, Part III, Article VIII, available at: <https://cset.georgetown.edu/publication/china-14th-five-year-plan/> (accessed on 7 September 2022).

⁽⁴⁶⁾ See in particular Sections I and II of the Plan.

⁽⁴⁷⁾ Guiding Catalogue for Industry Restructuring (2019 Version), approved by Decree of the National Development and Reform Commission of the People's Republic of China No. 29 of 27 August 2019; available at: <http://www.gov.cn/xinwen/2019-11/06/5449193/files/26c9d25f713f4ed5b8dc51ae40ef37af.pdf> (accessed on 7 September 2022).

⁽⁴⁸⁾ See Commission Implementing Regulation (EU) 2021/635, recitals 134-135 and Commission Implementing Regulation (EU) 2020/508, recitals 143-144.

- (81) No evidence or argument to the contrary has been adduced by the GOC. However, on 9 March 2022, in their submissions regarding the initiation of the investigation, Zhejiang India and CCCMC submitted a parallel set of comments, arguing, first, that Article 2(6a) of the basic Regulation is WTO incompatible and, second, that in any event, no significant distortions exist in the steel sector in China. Both parties reiterated their views in their comments of 7 July 2022, submitted in response to the Note on sources.
- (82) More specifically, concerning the first argument, the parties took the position that WTO Anti-Dumping Agreement ('ADA') does not recognise the concept of significant distortions in Article 2.2 of ADA, which only allows the construction of the normal value if there are no sales in the ordinary course of trade or in the case of a particular market situation. The parties observed that the concept of significant distortions does not fall under either of those categories allowing for the construction of normal value. The EU thus, in the view of the parties, introduced a concept that does not exist in the WTO law. In this connection, the parties referred to concerns raised also by other WTO members, in particular to the *EU – Cost Adjustment Methodologies II (Russia)* (DS494) case. Consequently, the parties considered that the application of Art. 2(6a) of the basic Regulation is WTO inconsistent.
- (83) As to the second argument, the parties pointed to the alleged lack of evidence with regard to the significant distortions. According to the parties, the Report relied on by the Applicant and the Commission is non-objective and outdated. Moreover, using the Report as basis for a conclusion of significant distortions caused, according to the parties, circular reasoning. Furthermore, the parties pointed out that not all companies in the sector are state-owned and even those controlled by the government in some way still operate in the free market. In this connection, the parties referred to Article 6 of the Law of the PRC on State-owned Assets in Enterprises ('Chinese SOE Law') which foresees separation between government and enterprises. The parties also disputed the fact that the bankruptcy and property laws of China would be related to the present investigation, while, with respect to the 13th FYP for Mineral Resources, the parties claimed that it is just a guideline without binding effect.
- (84) The Commission rejected these claims. Concerning the first argument, the Commission considered that the provisions of Article 2(6a) of the basic Regulation are fully consistent with the European Union's WTO obligations. The fact that the concept of 'significant distortions' as such is not explicitly used in the WTO ADA does not restrict the Union's use of that concept. The existence of significant distortions renders costs and prices in the exporting country inappropriate for the construction of normal value. In these circumstances, Article 2(6a) envisages the construction of costs of production and sale on the basis of undistorted prices or benchmarks, including those in an appropriate representative country with a similar level of development as the exporting country. In relation to the DS 494 case, the Commission recalled that both the EU and the Russian Federation appealed the findings of the Panel, which are not final and therefore, according to standing WTO case-law, have no legal status in the WTO system, since they have not been endorsed by the Dispute Settlement Body through a decision by the WTO Members. In any event, the Panel Report in this dispute specifically considered the provisions in Article 2(6a) of the basic Regulation to be outside the scope of the dispute.
- (85) With respect to the second argument, the Commission noted that the Report is a comprehensive document based on extensive objective evidence, including legislation, regulations and other official policy documents published by the GOC, reports from international organisations, academic studies and articles by scholars, and other reliable independent sources. It was made publicly available since December 2017 so that any interested party would have ample opportunity to rebut, supplement or comment on it and the evidence on which it is based, and neither the GOC nor other parties have submitted arguments or evidence rebutting the sources included in the Report. Moreover, the Commission noted in particular that the main policy documents and evidence contained in the Report, including the relevant FYPs and legislation applicable to the product under review, that were successively replaced by the corresponding documents of the 14th planning cycle, were relevant during the review investigation period.
- (86) Concerning the claim that companies in China, whether state-owned or not, operate in the free market, the Commission disagreed. The Commission noted that the facts and features of the Chinese system as described above in the analysis in recitals (63) and (64) and (70) to (81), in combination with the evidence brought by the Applicant, shows that the significant distortions exist throughout the country and across the sectors of the economy, irrespective of the ownership of the companies in question. Consequently, the reference to Article 6 of the Chinese

SOE Law ⁽⁴⁹⁾ in support of the parties' argument is misplaced. Suffice to say that rather than separation between government and enterprises, Article 7 of the PRC Constitution ⁽⁵⁰⁾ stipulates that *'the State-owned economy, namely, the socialist economy under ownership by the whole people, is the leading force in the national economy. The State ensures the consolidation and growth of the State-owned economy'*, while Art. 7 of the Chinese SOE Law mandates the State to *'take measures to promote the centralisation of state-owned capital to the important industries and key fields that have bearings on the national economic lifeline and state security, optimize the layout and structure of the state-owned economy, promote the reform and development of state-owned enterprises, improve the overall quality of the state-owned economy, and strengthen the control force and influence of the state-owned economy'*. In combination with Article 36 of the Chinese SOE Law, according to which *'a state-invested enterprise making investment shall comply with the national industrial policies'* these – and other ⁽⁵¹⁾ – provisions in fact create a legal environment in which a separation between government and enterprises is all but impossible. The Commission also failed to understand how bankruptcy or property laws, which are universally applicable and to which the parties are therefore also subject, could not be related to the present investigation. The Commission also disagreed that the 13th FYP for Mineral Resources would merely represent a non-binding guideline. To the contrary, the objectives set by the planning instruments in China are of binding nature and the authorities at each administrative level monitor the implementation of the plans by the corresponding lower level of government, thereby driving resources to sectors designated as strategic or otherwise politically important by the government, rather than allocating them in line with market forces ⁽⁵²⁾.

- (87) In sum, the evidence available showed that prices or costs of the product under review, including the costs of raw materials, energy and labour, are not the result of free market forces because they are affected by substantial government intervention within the meaning of Article 2(6a)(b) of the basic Regulation, as shown by the actual or potential impact of one or more of the relevant elements listed therein. On that basis, and in the absence of any cooperation from the GOC, the Commission concluded that it is not appropriate to use domestic prices and costs to establish normal value in this case. Consequently, the Commission proceeded to construct the normal value exclusively on the basis of costs of production and sale reflecting undistorted prices or benchmarks, that is, in this case, on the basis of corresponding costs of production and sale in an appropriate representative country, in accordance with Article 2(6a)(a) of the basic Regulation, as described in the following section.
- (88) Following disclosure, Zhejiang India and the CCCMC reiterated their earlier comments that Article 2(6a) of the basic Regulation is in conflict with the WTO ADA, that there are no significant distortions in the SSTPF sector, that the Commission's Country Report on China is outdated and that Chinese policy documents have no binding effect on the market.
- (89) As stated in recital (62), the Commission concluded that the application of Article 2(6a) of the basic Regulation was justified in view of the evidence available to the Commission. Furthermore, the Commission considered that the provision of Article 2(6a) are consistent with the European Union's WTO obligations. It is the Commission's view that, in line with the Appellate Body's clarifications in DS473 EU-Biodiesel (Argentina), the provisions of the basic Regulation that apply generally with respect to all WTO Members, such as Article 2(5), second sub-paragraph, permit the use of data from a third country, duly adjusted when such adjustment is necessary and substantiated.
- (90) Concerning the claim that the Country Report is outdated, this has been comprehensively covered in recital (85). Moreover, the Commission pointed out that its determinations concerning the application of Article 2(6a) of the basic Regulation are based on the entire body of available evidence, of which the Report represents only one element. In this respect, the Commission refers in particular to recitals (70) to (75) which describe additional evidence relevant in the present investigation.

⁽⁴⁹⁾ Available at: <http://www.lawinfochina.com/display.aspx?lib=law&id=7195&CGid> (accessed on 23 November 2022).

⁽⁵⁰⁾ Available at: www.npc.gov.cn/zgrdw/englishnpc/Constitution/node_2825.htm (accessed on 23 November 2022).

⁽⁵¹⁾ See for instance Art. 14 of the Interim Regulations on Supervision and Management of State-owned Assets of Enterprises, available at: <http://en.pkulaw.cn/display.aspx?cgid=02b98fb0efda657abdfb&lib=law> (accessed on 23 November 2022).

⁽⁵²⁾ Report – Chapter 4, pp. 41-42, 83.

- (91) The existence of the significant distortions giving rise to the application of Article 2(6a) of the basic Regulation is not linked to the existence of a specific sectoral information or information regarding a specific market covering the product under review. In that respect, as evidenced in recitals (63) to (66) and recitals (77) to (80), the Commission established in this investigation the existence of significant distortions in the SSTPF industry and related inputs sectors. The use of domestic costs in the construction of the normal value is allowed by Article 2(6a)(a) of the basic Regulation only if these costs are positively established not to be distorted in the course of the investigation. In that respect, however, there was no positive evidence of the factors of production of individual exporting producers being undistorted.
- (92) First of all, the FYPs published by the GOC are not merely general guidance documents, but are of a legally binding nature. In this respect, the Commission referred to the detailed analysis of the plans in Chapter 4 of the Report, with a section specifically dedicated to the binding nature of plans in Section 4.3.1. The 14th FYP explicitly reminds all authorities to diligently implement the plans: *'We will strengthen planning management systems such as catalogues and lists, compilation and archival, and alignment and coordination, develop lists and catalogues such as the "14th Five-Year" National-Level Special Plans, promote plan archival relying on the national planning integrated management information platform, and bring various plans under unified management. We will establish and improve planning alignment and coordination mechanisms, align plans approved by the CCP Central Committee and the State Council and provincial development plans with this plan before submission for approval, ensure that national-level spatial planning, special planning, regional planning, and other levels of planning are coordinated with this plan in terms of main goals, development directions, overall layout, major policies, major projects, and risk prevention and control.'* ⁽⁵³⁾ Furthermore, the 14th FYP on Developing the Raw Materials Industry stipulates that *'all localities need to better themselves with this Plan, and include the main contents and major projects herein in their primary local tasks'*, while *'steel and other key sectors shall formulate specific implementation opinions based on the objectives and tasks of this Plan.'* ⁽⁵⁴⁾
- (93) Therefore, based on the evidence in recitals (89) to (92), the Commission rejected the claims noted in recital (88).

3.1.2.2.2. Representative country

- (94) The choice of the representative country was based on the following criteria pursuant to Article 2(6a) of the basic Regulation:
- A level of economic development similar to the PRC. For this purpose, the Commission used countries with a gross national income per capita similar to the PRC on the basis of the database of the World Bank ⁽⁵⁵⁾;
 - Production of the product under review in that country ⁽⁵⁶⁾;
 - Availability of relevant public data in the representative country;
 - Where there is more than one possible representative country, preference should be given, where appropriate, to the country with an adequate level of social and environmental protection;
- (95) As explained in recital (54), the Commission issued a Note on sources that described the facts and evidence underlying the relevant criteria, and informed interested parties of its intention to use Thailand as an appropriate representative country in the present case if the existence of significant distortions pursuant to Article 2(6a) of the basic Regulation would be confirmed.

⁽⁵³⁾ See Article LXIV, Section 2 of the 14th FYP.

⁽⁵⁴⁾ See Section VIII of the 14th FYP on Developing the Raw Materials Industry.

⁽⁵⁵⁾ World Bank Open Data – Upper Middle Income, <https://data.worldbank.org/income-level/upper-middle-income>.

⁽⁵⁶⁾ If there is no production of the product under review in any country with a similar level of development, production of a product in the same general category and/or sector of the product under review may be considered.

- (96) In the Note on sources, the Commission explained that, due to the absence of cooperation, it would need to rely on facts available according to Article 18 of the basic Regulation. The choice of representative country was based on the information contained in the expiry review request, combined with other sources of information deemed appropriate according to the relevant criteria laid down in Article 2(6a) of the basic Regulation in accordance with Article 18(5) of the basic Regulation, including GTA, the World Bank 'Doing Business' ⁽⁵⁷⁾, Thai Ministry of Energy ⁽⁵⁸⁾, the Thai Provincial Waterworks Authority ⁽⁵⁹⁾ and the National Statistics Office, Thailand ⁽⁶⁰⁾.
- (97) Regarding the level of economic development, in the expiry review request, the applicant examined four countries as potential representative countries that had a similar level of economic development to the PRC. The countries examined were Thailand, Indonesia, Malaysia and Türkiye ⁽⁶¹⁾.
- (98) Regarding production of the product under review, all four countries were identified as having an industry that exports at least 500 tonnes per year of SSTPF ⁽⁶²⁾.
- (99) Regarding the availability of relevant public data in the representative country, in its request for review the applicant identified Thailand as appropriate from among the four countries on the basis of the availability of relevant public data, such as official import statistics, energy prices and known producers with publicly available financial information. The applicant identified four companies who produced SSTPF in Thailand ⁽⁶³⁾.
- (100) As explained in the Note on sources, two of the companies were loss making in the two years prior to the review investigation period and therefore could not be used to establish a reasonable profit as per Article 2(6a) of the basic Regulation. The other two companies identified in the request, Thai Benkan Co. Ltd., and Thairungrueng Fitting & Value Co. Ltd., had readily available data for year 2020, which showed profits estimated at 1,2 % and a level of SG&A at 32,6 %.
- (101) Zhejiang India and the CCCMC claimed that Thailand was not an appropriate representative country and that Malaysia would be a more appropriate choice.
- (102) At the outset, the Commission notes that neither Zhejiang India nor the CCCMC claimed that Thailand would not be an appropriate choice. They simply stated Malaysia would be a more appropriate choice. However, neither Zhejiang India nor the CCCMC provided or even suggested any sources or publicly available information on undistorted values for Malaysia for many of the factors of production mentioned in the note. Therefore, the claim is unsubstantiated.
- (103) Also, according to Global Trade Alert ⁽⁶⁴⁾, anti-dumping duties have been in place for a number of years in the USA on imports of the product under review from Malaysia. Also, on 3 March 2023 the Commission extended the residual anti-dumping duty on China to certain Malaysian producers that were found to circumvent the anti-dumping measures imposed by Implementing Regulation (EU) 2017/141 on imports of the product under review. It could not be excluded that these two factors may have an impact on the appropriateness of Malaysia as a representative country, for instance with regard to the SG&A and profit of the companies operating on the Malaysian market, to their potentially unfair trade behaviour on large export markets such as the USA and/or the Union, and more in general on the correct functioning of the Malaysia market of the product under review and potentially of its inputs. The Commission considered that these elements render Malaysia inappropriate as a representative country.
- (104) Zhejiang India and the CCCMC also submitted that the Commission had offered no indication about the volumes produced in Thailand.

⁽⁵⁷⁾ <https://www.doingbusiness.org/content/dam/doingBusiness/country/t/thailand/THA.pdf>.

⁽⁵⁸⁾ <http://www.eppo.go.th/index.php/en/en-energystatistics/energy-economy-static>.

⁽⁵⁹⁾ <https://en.pwa.co.th/contents/service/table-price>.

⁽⁶⁰⁾ <http://www.nso.go.th/sites/2014en/Pages/Statistical%20Themes/Population-Society/Labour/Labour-Force.aspx>.

⁽⁶¹⁾ Request for expiry review section B.1.1.2 p. 8.

⁽⁶²⁾ Ibid.

⁽⁶³⁾ Request for expiry review section B.1.1.13 p. 15.

⁽⁶⁴⁾ https://www.globaltradealert.org/data_extraction.

- (105) As explained at recital (98), the Commission noted that the request for expiry review provided export statistics showing that Thailand (and the other three potential representative countries) had significant exports of the product under review ⁽⁶⁵⁾. The Commission further noted that these parties did not provide any evidence about the volumes actually produced in Thailand, let alone any comparison with the volumes produced in Malaysia or other potential representative countries. Therefore, this claim was considered unsubstantiated and irrelevant.
- (106) Zhejiang India and the CCCMC also claimed that the profit ratio in Thailand was too low to be considered reasonable. Following this claim, they submitted that Malaysia would be a better choice and identified a producer with publicly available financial data that coincided with the review investigation period.
- (107) More recent data related to the profitable companies in Thailand has become available in the course of the investigation. Therefore, the Commission revised the data. The updated data for 2021, the review investigation period for this investigation, for the two Thai companies showed, on average, profits at 1,22 % and a level of SG&A at 19,64 %.
- (108) In the Note on sources, the Commission acknowledged that such a small profit could not be considered reasonable. However, in an expiry review there is no need to establish the exact level of dumping as the investigation has to determine whether dumping would be likely to continue or recur should the measures not be prolonged. Therefore, the Commission may use a low level of profit if dumping is already established on this basis. This also applies to the more recent, revised data of the Thai companies. As seen below in Section 3.1.2.4, the investigation has established dumping on the basis of financial data from Thailand. The claim was therefore rejected. Furthermore, the profit of the Malaysian company suggested by the interested parties is higher than the profit of the Thai companies ⁽⁶⁶⁾. Therefore, accepting the claim and using the data from the Malaysian company would only lead to an increase of the normal value and higher levels of dumping.
- (109) Zhejiang India and the CCCMC claimed that the calculation of other direct costs, expressed as a percentage on the basis of the cost of production of the Union industry as provided in the request, was unreasonable because the production process is different in Thailand and the Union.
- (110) Zhejiang India and the CCCMC provided no evidence regarding the production process in Thailand so the claim was unsubstantiated. More so since Zhejiang India and the members of the CCCMC could have cooperated in the investigation by providing their cost of production and their consumption of factors of production in the PRC, to which the Commission could apply the benchmarks. Instead they chose not to cooperate, despite Zhejiang India being an exporting producer that exported significant quantities of SSTPF to the Union in the review investigation period ⁽⁶⁷⁾.
- (111) The Commission therefore relied on the information provided by the applicant in the request for review. The original investigation established that the product concerned exported from China and the like product produced in the Union, have the same basic physical, technical and chemical characteristics. There is no evidence that the production of the product under review follows a different process in the Union, China and in the appropriate representative third countries.
- (112) Zhejiang India and the CCCMC claimed that Thailand is not an appropriate choice as the average price of imports of seamless pipes into Thailand is not reasonable. The interested parties claimed that the price is 'unusual' due to the significant variation between average prices of imports into Thailand from various supplying countries. They argued that the average price is unreasonably high when compared to the prices of imports into other SSTPF producing countries or blocks such as Malaysia, India and the Union. They also argued that the benchmark price is higher than prices between Union Member States, not only of the input but also of the finished like product. According to the interested parties, *'the Commission should find out the reason why the import prices of seamless pipe of Thailand from certain countries are abnormal and exclude or adjust these abnormal prices'*.

⁽⁶⁵⁾ Request for expiry review – Annexes St -01 to 05.

⁽⁶⁶⁾ https://pantech-group.com/wp-content/uploads/Pantech_AR2022.pdf.

⁽⁶⁷⁾ Zhejiang India was one of the sampled exporting producers in the original investigation. Therefore, its individual imports (identified by its TARIC additional code) are available in the 14(6) database. It exported significant quantities to the Union in the review investigation period.

- (113) The Commission disagreed. For the reasons outlined in recitals (97) to (100), Thailand is an appropriate representative country. The interested parties failed to demonstrate that the data used by the Commission did not relate to 'corresponding costs of production' within the meaning of Article 2(6a) of the basic Regulation. They merely argued that the price is 'abnormal', by reference to other sources, without any explanation, tasking the Commission with finding the reason for this alleged abnormality. Meanwhile, none of the producers in the PRC cooperated in the investigation, and, as noted in recital (34), factors of production had to be established based on facts available in accordance with Article 18(1) of the basic Regulation. In view of the volume of imports of the input in question into Thailand, and the information on the file, the Commission had no evidence that the data used is distorted or that it related to inputs which do not correspond to the costs in the PRC. Moreover, the mere fact that the prices vary across sources and that the average price is high compared to other sources does not make that price unreasonable. Based on the above, the claim was dismissed as unsubstantiated. Furthermore, although Zhejiang India and the CCCMC did not provide any basis or suggestion for an adjustment or an alternative, the Commission noted that even using the lowest import value into Thailand (CNY 32,81 per kilogram, from Indonesia) would lead to a finding of dumping.
- (114) Zhejiang India and the CCCMC further claimed that ocean freight and insurance should be deducted from the import price.
- (115) The Commission disagreed. The import price of inputs into representative countries is used as a proxy of an undistorted price in the domestic market of the representative country in line with Article 2(6a)(a) of the basic Regulation. This price is included in GTA at a CIF level. Therefore, the ocean freight and insurance – if any – should not be deducted, otherwise it would no longer represent the proxy on the domestic market of the price of inputs. This claim was therefore rejected.
- (116) In light of all the above and of the discretion that the Commission has in choosing the appropriate representative country, the Commission confirmed its choice of Thailand as appropriate representative country according to the criteria laid down in Article 2(6a)(a) of the basic Regulation.
- (117) Having established Thailand as an appropriate representative country based on all of the above elements, and after analysing the comments from interested parties, there was no need to carry out an assessment of the level of social and environmental protection in accordance with the last sentence of Article 2(6a)(a) first indent of the basic Regulation.
- (118) In view of the above analysis, Thailand met the criteria laid down in Article 2(6a)(a), first indent of the basic Regulation in order to be considered as an appropriate representative country.
- (119) Zhejiang India and the CCCMC reiterated comments, following the disclosure, that Malaysia was a more appropriate representative third country than Thailand. These claims were answered in Section 3.1.2.2.2 above. Thailand met the criteria for a representative country as set out in Article 2(6a) of the basic Regulation. As stated in recital (107), the Commission used publically available data for the review investigation period for the two Thai companies. With regard to the comments from the interested parties on the import price of seamless pipes and deduction of ocean freight and insurance fees, the Commission refers to the conclusions found in recitals (113) and (115).

3.1.2.2.3. *Undistorted costs and benchmarks and sources used to establish them.*

- (120) Considering all the information based on the request for review, and after analysing the comments from interested parties, the following factors of production, their sources and undistorted values have been identified in order to determine the normal value in accordance with Article 2(6a)(a) of the basic Regulation:

Table 1

Factors of production of certain stainless steel tube and pipe fittings

Factor of Production	Commodity Code in Thailand	Undistorted value	Unit of measurement	Source of information
Raw materials				
Mother pipes of stainless steel – Welded	7306 11	CNY 25,13	KGs	GTA
Mother pipes of stainless steel – Seamless	7304 11	CNY 114,74	KGs	GTA
All mother pipes of stainless steel – Welded and seamless	7306 11 and 7304 11	CNY 68,58	KGs	GTA
All other raw materials – packaging costs, utilities, consumables	N/A		Fixed amount (% of direct costs)	Request for review
Labour				
Direct labour		CNY 18,59	Hours	National Statistics Office, Thailand, International Labour Organisation (ILO)
Energy /Utilities				
Electricity		CNY 0,88	kWh	World Bank 'Doing Business'
Gas		CNY 2,35	M ³	Energy, Policy & Planning, Ministry of Energy
Water		CNY 5,80	M ³	Thai Provincial Waterworks Authority
By-products/Waste				
Scrap	7204 21	CNY 8,80	KG	GTA

3.1.2.2.3.1. Raw materials

- (121) In order to establish the undistorted price of raw materials as delivered at the gate of a representative country producer, the Commission used as a basis the weighted average import price to the representative country as reported in the GTA to which import duties and transport costs were added. An import price in the representative country was determined as a weighted average of unit prices of imports from all third countries excluding the PRC and countries which are not members of the WTO, listed in Annex 1 to Regulation (EU) 2015/755 of the European Parliament and the Council ⁽⁶⁸⁾.

⁽⁶⁸⁾ Regulation (EU) 2015/755 of the European Parliament and of the Council of 29 April 2015 on common rules for imports from certain third countries (OJ L 123, 19.5.2015, p. 33). Article 2(7) of the basic Regulation considers that domestic prices in those countries cannot be used for the purpose of determining normal value.

- (122) The Commission decided to exclude imports from the PRC into the representative country as it concluded in Section 3.1.2.2 that it is not appropriate to use domestic prices and costs in the PRC due to the existence of significant distortions in accordance with Article 2(6a)(b) of the basic Regulation. Given that there is no evidence showing that the same distortions do not equally affect products intended for export, the Commission considered that the same distortions affected export prices. After excluding imports from the PRC and countries which are not members of the WTO into the representative country, the volume of imports from other third countries remained representative.
- (123) As explained on the note on sources, the Commission excluded a statistical anomaly with imports from Japan into Thailand under HS subheading 7306 11 (welded pipes) in the first half of 2021. No comments from interested parties were received in this regard.
- (124) In order to establish the undistorted price of raw materials, delivered at the gate of the producers factory, the Commission applied the import duty of the representative country, at the respective levels, depending on the country of origin of the imported volume. The Commission added domestic transport cost in Thailand on the basis of the World Bank Doing Business Report ⁽⁶⁹⁾.
- (125) The Commission grouped items with negligible weight in the cost of production, such as other raw materials, packaging costs, utilities and consumables and expressed them as a percentage of direct costs.

3.1.2.2.3.2. By-products

- (126) According to the information in the request for review, only one by-product, scrap, is obtained in the production of SSTPF. To establish its undistorted price, the Commission also added import duties and internal transport costs to the average import price into Thailand, following the same methodology as for raw materials.

3.1.2.2.3.3. Labour

- (127) To calculate the value for labour, the Commission used available data from the National Statistics Office ('NSO'), Thailand and the International Labour Organisation ('ILO'). The NSO publishes detailed quarterly information on wages by industry, region and area in Thailand. The Commission also used the latest available statistics, 2020, from the ILO ⁽⁷⁰⁾ to calculate the average weekly and monthly hours worked in Thailand.

3.1.2.2.3.4. Energy/utilities

- (128) The Commission used the data on the industrial electricity prices in the corresponding consumption band in kWh ⁽⁷¹⁾ as published in the World Bank 'Doing Business' study dated 2020, which was the latest data available.
- (129) The price of natural gas for companies (industrial users) in Thailand is published by the Energy, Policy and Planning Unit in the Ministry of Energy ⁽⁷²⁾. The Commission used the data available for 2021 which covered the review investigation period.
- (130) The price for water consumption for industrial use in Thailand was obtained from the Provincial Waterworks Authority ⁽⁷³⁾. For businesses, water is priced between a specific range depending on the monthly consumption. The Commission chose an average figure from the range to calculate the water cost.

3.1.2.2.3.5. Other direct costs

- (131) Other direct costs were based on the information regarding the Union industry provided in the expiry review request (see recitals (57) and (109) to (111)).

⁽⁶⁹⁾ <https://www.doingbusiness.org/content/dam/doingBusiness/country/t/thailand/THA.pdf>.

⁽⁷⁰⁾ https://www.ilo.org/shinyapps/bulkexplorer17/?lang=en&segment=indicator&id=HOW_TEMP_SEX_ECO_NB_A.

⁽⁷¹⁾ <https://www.doingbusiness.org/content/dam/doingBusiness/country/t/thailand/THA.pdf>.

⁽⁷²⁾ www.eppo.go.th/index.php/en/en-energystatistics/energy-economy-static.

⁽⁷³⁾ <https://en.pwa.co.th/contents/service/table-price>.

3.1.2.2.4. *Manufacturing overhead costs, SG&A costs, profits and depreciation*

- (132) According to Article 2(6a)(a) of the basic Regulation, 'the constructed normal value shall include an undistorted and reasonable amount for administrative, selling and general costs and for profits'. In addition, a value for manufacturing overhead costs needs to be established to cover costs not included in the factors of production referred to above.
- (133) In order to establish an undistorted value of the manufacturing overheads and given the absence of cooperation from producers/exporting producers, the Commission used facts available in accordance with Article 18 of the basic Regulation. Therefore, the Commission established the ratio of manufacturing overheads to the total manufacturing and labour costs based on the data provided by the applicant in the expiry review request.
- (134) For SG&A costs and profit, the Commission used the financial data, for the review investigation period of two Thai producers, as established in recital (107).

3.1.2.2.5. *Calculation of the normal value*

- (135) On the basis of the above, the Commission constructed the normal value on an ex-works basis in accordance with Article 2(6a)(a) of the basic Regulation.
- (136) SSTPF can be made from either welded or seamless pipes. The Commission established a normal value for seamless fittings using the benchmark for seamless pipes, and a normal value for welded fittings using the benchmark for welded pipes. The Commission also established a normal value for all fittings using as benchmark the weighted average import price of both welded and seamless pipes into Thailand. The methodology, explained in the following recitals, is the same in all three cases, with the undistorted value of the main factor of production being the only difference.
- (137) First, the Commission established the undistorted manufacturing costs. In the absence of cooperation by the exporting producers, the Commission relied on the information provided by the applicant in the review request on the usage of each factor for the production of SSTPF.
- (138) Items with negligible weight in the cost of production, such as other raw materials, packaging costs, utilities and consumables were grouped and expressed as a percentage of direct costs based on the information provided in the request for review. These percentage was applied to the undistorted manufacturing costs as established in recital (137).
- (139) Other direct costs were established on the same basis. Their percentage on total direct costs based on the information provided in the expiry review request was applied to the undistorted direct costs.
- (140) The Commission then added the following items to the undistorted costs of manufacturing:
- Manufacturing overheads, which accounted in total for 29,1 % of the direct costs of manufacturing according to the information provided in the request (see recital (133));
 - SG&A and profit, which amounted to 19,64 % and 1,22 % (see recital (107)).
- (141) The normal value, calculated as described in recitals (137) to (140), was reduced by the undistorted value of the by-product.
- (142) On that basis, the Commission constructed the normal value per product type on an ex-works basis in accordance with Article 2(6a)(a) of the basic Regulation.

3.1.2.3. Export price

- (143) In the absence of cooperation by exporting producers from the People's Republic of China, the export price for all SSTPF imports was determined based on CIF data from Eurostat adjusted to ex-works level by deducting sea freight, insurance and domestic transport costs. The average sea freight and insurance cost from China was based on the request for review ⁽⁷⁴⁾. The domestic transport in China was based on the country report of China in Doing Business ⁽⁷⁵⁾.
- (144) The Commission has no information on the product mix due to the absence of cooperation, and the figures from Eurostat include all SSTPF without distinguishing types. The Commission therefore also used the export prices for seamless and welded fittings provided in the request, adjusted to ex-works level on the same basis as the Eurostat CIF price.

3.1.2.4. Comparison and dumping margins

- (145) The Commission compared the average export price from Eurostat on an ex-works basis as established above to the normal value for all fittings. On this basis, the weighted average dumping margin, expressed as a percentage of the CIF Union frontier price, duty unpaid, was above 100 %.
- (146) The Commission also compared the export prices of seamless and welded fittings, based on the request for review and adjusted to ex-works level, to the normal values for seamless and welded fittings. On this basis, the dumping margins, expressed as a percentage of the CIF Union frontier price, duty unpaid, are 63,3 % for welded fittings and over 100 % for seamless fittings. This calculation is conservative as the Commission used the highest export prices provided in the request.
- (147) Therefore, the Commission concluded that dumping continued during the review investigation period.

3.1.3. Likelihood of continuation of dumping

- (148) Further to the finding of the existence of dumping during the review investigation period, the Commission investigated, in accordance with Article 11(2) of the basic Regulation, the likelihood of continuation of dumping should the measures be repealed. The following additional elements were analysed: the production capacity and spare capacity in the PRC and the attractiveness of the Union market.

3.1.3.1. Production capacity and spare capacity in the PRC

- (149) In the absence of cooperation, the Commission established production capacity and spare capacity in the PRC on the basis of information provided in the request for the expiry review ⁽⁷⁶⁾, where production was estimated at 119 000 tonnes per year and production capacity at 170 000 tonnes per year minimum. Spare capacity in the PRC is therefore estimated at 51 000 tonnes. This is almost four times the total EU consumption during the review investigation period.
- (150) Based on the above, the Commission concluded that Chinese exporting producers have significant spare capacities, which they could use to produce SSTPF for export to the Union, making an increase of exports at dumped prices highly likely if the measures were allowed to expire.

3.1.3.2. Attractiveness of the Union market

- (151) To determine the attractiveness of the Union market, the Commission first compared the Chinese export prices to the Union with the export prices to third country markets.

⁽⁷⁴⁾ Request for expiry review, Annex-C-DM-02CN.

⁽⁷⁵⁾ <https://www.doingbusiness.org/content/dam/doingBusiness/country/c/china/CHN.pdf>.

⁽⁷⁶⁾ Request for expiry review, section C.4.1 p. 41 & Open Annex – D-08.

- (152) In the absence of cooperation, the Commission used GTA statistics ⁽⁷⁷⁾ for Chinese exports of HS subheading 7307 23 (Stainless Steel Butt Welding Fittings) at FOB level to compare Chinese export prices to the Union with those to third markets as well as with the average sales price of the Union producers on the Union market. The average Chinese export price to the Union in the review investigation period was 12 % higher than prices to other third country markets. When adding the average sea freight and insurance cost from China to the Union based on the request for review ⁽⁷⁸⁾ to adjust it to Union CIF border level, the average Chinese export price to other third country markets in the review investigation period was 15,9 % lower than the average sales prices of the Union producers on the Union market. Therefore, without duties, the Chinese exporters could export to the Union at prices higher than those to other third country markets but still below the Union industry's prices, making an increase of exports at dumped prices highly likely if the measures were allowed to expire.
- (153) The Union market is also attractive in view of its size, with a total consumption of 12 819 tonnes.
- (154) Despite the anti-dumping measures in force, imports from China still held a market share of 5,6 % in the review investigation period (see recital (48)), another indication that the Union market is attractive for Chinese exporting producers. In addition, as explained in recital (6), the Commission has found that the measures are being circumvented via assembly operations in Malaysia. The circumvention practices show the interest of the Chinese exporting producers in accessing the Union market without restrictions and thus the attractiveness of the Union market for Chinese exports.

3.1.3.3. Conclusion on the likelihood of continuation of dumping

- (155) In view of its findings on the continuation of dumping during the review investigation period as established in recital (147) and on the likely development of exports should the measures lapse as explained in recitals (149) to (154), the Commission concluded that there is a strong likelihood that the expiry of the anti-dumping measures on imports from the PRC would result in the continuation of dumping.

3.2. Taiwan

3.2.1. Preliminary remarks

- (156) During the review investigation period, imports of the product under review from Taiwan continued albeit at lower levels than in the investigation period of the original investigation (i.e. 1 October 2014 to 30 September 2015). According to Comext (Eurostat) statistics, imports of SSTPF from Taiwan accounted for 203 tonnes in the review investigation period, compared to 1 102 tonnes during the original investigation period. Imports of SSTPF from Taiwan accounted for about 1,6 % of the Union market in the review investigation period compared to 7,8 % market share during the original investigation period.
- (157) Only one Taiwanese company (Ta Chen ⁽⁷⁹⁾) cooperated in the review providing a full reply to the anti-dumping questionnaire. The sales of Ta Chen accounted for 91 % of the Taiwanese imports of SSTPF into the Union in the review investigation period.

3.2.2. Continuation of dumping during the review investigation period

3.2.2.1. Normal value

- (158) Due to the lack of domestic sales of the product under review, the normal value for Ta Chen was constructed in line with Article 2(3) and (6) of the basic Regulation by adding to the cost of production of the relevant product types SG&A costs incurred and a reasonable profit.

⁽⁷⁷⁾ <https://connect.ihsmarkit.com/home>.

⁽⁷⁸⁾ Request for expiry review, Annex-C-DM-02CN.

⁽⁷⁹⁾ In the original investigation two Taiwanese companies cooperated – Ta Chen and King Lai. The latter received an individual dumping margin of 0 % and therefore is not part of this investigation. According to import data from the 14(6) database, that has data at the level of individual producers, there were no imports from King Lai in the period considered.

- (159) The amount of SG&A expenses and profit were determined, in accordance with Article 2(6)(b) of the basic Regulation, on the basis of the company domestic sales of the same general category of products.
- (160) Following disclosure, Ta Chen claimed that SG&A and profit percentages used in the calculation of the normal value, i.e. those based on the company's domestic sales of the same general category of products, are not representative. The company argued that those sales were not representative in volume, concerned much different products than product under review and included scrap sales. The company claimed that SG&A and profit of product under review in export to third countries should be used in the calculation of the normal value.
- (161) It should be noted that the only legal basis which would allow the Commission to potentially use SG&A and profit of export sales in the calculation of the normal value would be Article 2(6)(c) of the basic Regulation. This Article however, requires comparison of the profit used to the benchmark of profit '*normally realised by other exporters or producers on sales of products of the same general category in the domestic market of the country of origin*'. Due to the lack of cooperation of other Taiwanese producers, the Commission did not collect reliable data in this regard, especially in a view of the fact that enough data was collected from Ta Chen to make the calculation of the normal value on the basis of Article 2(6)(b) of the basic Regulation.
- (162) Furthermore, it should be stressed that the domestic turnover used as a basis for calculation was representative in volume (more than 25 % of the total company's turnover of independent sales) was mainly concerning stainless steel products and sales of scrap were only a minor part of this turnover ⁽⁸⁰⁾. Finally, accepting the claim would have no impact on the findings about continuation of dumping.
- (163) Therefore, the claim was rejected.

3.2.2.2. Export price

- (164) The cooperating exporting producer made export sales to the Union directly to independent customers located in the Union.
- (165) Export price was therefore established on the basis of the prices actually paid or payable for the product under review when sold for export from the exporting country in accordance with Article 2(8) of the basic Regulation.

3.2.2.3. Comparison and dumping margin

- (166) The normal value and export price of the cooperating exporting producer was compared on an ex-works basis.
- (167) For the purpose of ensuring a fair comparison between the normal value and the export price, due allowance in the form of adjustments was made for differences affecting prices and price comparability in accordance with Article 2(10) of the basic Regulation.
- (168) On this basis, adjustments were made for transport, ocean freight and insurance costs, handling, loading and ancillary costs, packing costs, credit costs, discounts and commissions which were demonstrated to affect price comparability. The total adjustments were based on actual values reported by Ta Chen and verified on spot. Those figures are the ones reported for the relevant cost items by the company, and were disclosed in the specific disclosure.
- (169) It is noted that in the calculation, the Commission rejected an adjustment for currency conversion requested by Ta Chen. The company asked the Commission to use instead of the exchange rate on the date of invoicing the exchange rate on the day of payment. The basic Regulation stipulates that normally, the date of invoicing is used for establishing the exchange rate, but that in extraordinary situations, an earlier date can be used (date of contract for example). However, the basic Regulation does not provide any legal basis for using a date after the date of invoicing.

⁽⁸⁰⁾ The company explanatory email of 2 November 2022 and information collected during on-the-spot verification.

(170) As provided by Article 2(11) and (12) of the basic Regulation, the weighted average normal value of each type of the SSTPF was compared with the weighted average export price of the corresponding type of the product under review.

(171) On this basis, the weighted average dumping margins, expressed as a percentage of the CIF Union frontier price, duty unpaid, was found at the level of 39,67 %.

3.2.3. *Likelihood of continuation of dumping should measures be repealed*

(172) The Commission investigated in accordance with Article 11(2) of the basic Regulation the likelihood of continuation of dumping, should the measures be repealed. The following additional elements were analysed: the existence of dumped exports to third countries, the production capacity and spare capacity in Taiwan and the attractiveness of the Union market.

3.2.3.1. Exports to third countries

(173) The Commission calculated dumping margins with regard to Ta Chen sales to the three main third export markets of the company, i.e. Australia, Canada and the United States.

(a) *Normal value*

(174) Normal value was constructed as explained above in recitals (158) and (159).

(b) *Export price*

(175) The cooperating exporting producer made export sales to Australia and Canada directly to independent customers located in these countries. The export price was therefore established on the basis of the prices actually paid or payable for the product under review when sold for export from the exporting country in accordance with Article 2(8) of the basic Regulation.

(176) As export sales to the United States were done via a related importer, the export price for the purpose of this calculation was constructed on the basis of re-sale prices to the first independent buyer, in accordance with Article 2(9) of the basic Regulation.

(c) *Comparison and dumping margin*

(177) The Commission compared the constructed normal value and the average export prices to third countries on an ex-works basis.

(178) For the purpose of ensuring a fair comparison between the normal value and the export price, due allowance in the form of adjustments was made for differences affecting prices and price comparability in accordance with Article 2(10) of the basic Regulation.

(179) On this basis, adjustments were made for transport, ocean freight and insurance costs, handling, loading and ancillary costs, packing costs, credit costs, discounts and commissions which were demonstrated to affect price comparability.

(180) With regard to sales to the United States additional adjustments were done for costs incurred between the importation and re-sale and for profits accruing.

(181) As provided by Article 2(11) and (12) of the basic Regulation, the weighted average normal value of each type of the SSTPF was compared with the weighted average export price of the corresponding type of the product under review.

(182) On this basis, sales of Ta Chen to its main third countries' markets were found to be dumped.

3.2.3.2. Production capacity and spare capacity in Taiwan

- (183) Given the limited cooperation regarding production and capacity in Taiwan by the Taiwanese producers, the production capacity and spare capacity in Taiwan were established on the basis of facts available and in particular the information provided by the applicant and by the sole cooperating Taiwanese producer.
- (184) According to this information, there are at least nine manufacturers of SSTPF in Taiwan with total production capacity of more than 22 000 tonnes and estimated spare capacity of 13 000 tonnes, which exceeds the entire Union consumption ⁽⁸¹⁾.

3.2.3.3. Attractiveness of the Union market

- (185) The investigation revealed that the Taiwanese exporting producer exported to its main third markets at prices 25 % to 45 % lower as compared to the average sales prices of the Union producers on the Union market. They are also lower as compared to Taiwanese exporting producer prices in export to the Union. Taking into account this price level, exporting to the Union is potentially much more attractive for the exporting companies than exporting to all other countries.
- (186) The Union market is also attractive in view of its size, with a total consumption of 12 819 tonnes.

3.2.3.4. Conclusion on the likelihood of continuation of dumping

- (187) The investigation showed that Taiwanese imports continued to enter the Union market at dumped prices during the review investigation period. Volumes of imports were much lower than during the original investigation period but still sufficient to give a fair indication of future price behaviour should the measures be allowed to lapse.
- (188) In addition, an analysis of exports to third countries showed that dumping practices also occurred on the third country markets.
- (189) Moreover, the spare capacity in Taiwan is very significant and exceeds the total Union consumption during the review investigation period.
- (190) Finally, the attractiveness of the Union market in terms of size and prices as demonstrated above, points to the likelihood that Taiwanese exports and spare capacity would be (re)directed towards the Union, should the measures be allowed to lapse.
- (191) Consequently, the Commission concluded that there was a likelihood of continuation of dumping, if measures would not be extended.

4. INJURY

4.1. Definition of the Union industry and Union production

- (192) Based on the information available in the request, the like product was manufactured by 14 producers in the Union during the review investigation period. They constitute the 'Union industry' within the meaning of Article 4(1) of the basic Regulation.
- (193) The total Union production during the review investigation period was established at 9 867 tonnes. The figure was computed on the basis of the questionnaire replies from the three sampled Union producers and the macro-indicators questionnaire reply submitted by the applicant.
- (194) As mentioned in recitals (28) to (31), sampling was applied for the determination of possible continuation of injury suffered by the Union industry. The Union producers selected in the sample represented approximately [44 % – 50 %] of the total estimated Union production of the like product.
- (195) As two of the three sampled Union producers are related, all data concerning micro indicators had to be indexed to protect confidentiality under Article 19 of the basic Regulation.

⁽⁸¹⁾ Request for expiry review, section C.4.2.

4.2. Union consumption

(196) The Commission established the Union consumption on the basis of: (a) the applicant's data concerning Union industry's sales of the like product, partly cross-checked with the sales volumes reported by sampled Union producers; and (b) imports of the product under investigation into the Union from all third countries as reported in the Comext database (Eurostat).

(197) On this basis, Union consumption developed as follows:

Table 2

Union consumption (tonnes)

	2018	2019	2020	RIP
Total Union consumption	11 323	12 165	11 283	12 819
<i>Index (2018 = 100)</i>	100	107	100	113

Source: Eurostat, applicant.

(198) The review showed that Union consumption has increased by 13 % during the period considered. Union consumption was negatively affected by the outbreak of COVID-19 in 2020, but strongly rebounded during the review investigation period.

4.3. Imports from the countries concerned

4.3.1. Volume and market share of the imports from the countries concerned

(199) The Commission established the volume of imports from the countries concerned on the basis of Eurostat statistics, as duly explained in recital (185) above. Their market shares were established by comparing imports to the Union consumption as set out in Table 2.

(200) Imports from the countries concerned developed as follows:

Table 3

Import volume and market share

	2018	2019	2020	RIP
Volume of imports from the PRC (tonnes)	523	693	708	719
<i>Index (2018 = 100)</i>	100	133	135	138
Market share of imports from the PRC	4,6 %	5,7 %	6,3 %	5,6 %
<i>Index (2018 = 100)</i>	100	123	136	121
Volume of imports from Taiwan (tonnes)	240	337	330	203
<i>Index (2018 = 100)</i>	100	140	137	84
Market share of imports from the Taiwan	2,1 %	2,8 %	2,9 %	1,6 %
<i>Index (2018 = 100)</i>	100	131	138	75
Volume of imports from the countries concerned (tonnes)	763	1 030	1 038	922
<i>Index (2018 = 100)</i>	100	135	136	121

Market share of imports from the countries concerned (%)	6,7 %	8,5 %	9,2 %	7,2 %
<i>Index (2018 = 100)</i>	100	126	136	107

Source: Eurostat.

- (201) The volumes of imports from Taiwan do not include imports from the company with a 0 % dumping margin, King Lai (see footnote 79).
- (202) The volume of imports from the countries concerned was stable during the period considered, with volumes at around 1 000 tonnes during 2020 and the review investigation period. However, whereas imports from the PRC increased both in volume and in market share, imports from Taiwan decreased.

4.3.2. Prices of the imports from the countries concerned and price undercutting

4.3.2.1. Prices

- (203) The Commission established the average prices of imports on the basis of Eurostat statistics and the verified questionnaire reply of the sole cooperating exporting producer from Taiwan whose exports to the Union constitute the overwhelming majority of imports from Taiwan in the period considered. For reason of confidentiality, the import values from Taiwan and accumulated figures for the countries concerned have been put in ranges.
- (204) The weighted average price of imports from the countries concerned developed as follows:

Table 4

Import prices (EUR/tonne)

	2018	2019	2020	RIP
PRC	6 707	7 830	7 271	7 557
<i>Index (2018 = 100)</i>	100	117	108	113
Taiwan	[6 300 – 6 900]	[6 300 – 6 900]	[5 700 – 6 300]	[6 900 – 7 900]
<i>Index (2018 = 100)</i>	100	100	91	111
Countries concerned	[6 300 – 6 900]	[6 900 – 7 900]	[6 300 – 6 900]	[6 900 – 7 900]
<i>Index (2018 = 100)</i>	100	112	103	114

Source: Eurostat, questionnaire reply of Ta Chen.

- (205) Prices from the countries concerned increased during the period considered by 14 %, reflecting a higher overall price level in particular during the review investigation period.

4.3.2.2. Price undercutting

- (206) There was no cooperation from any producer in China, whereas there was cooperation from one Taiwanese exporting producer.

4.3.3. PRC

- (207) Since there was no cooperation from exporting producers in the PRC, the Commission determined the price undercutting by comparing (a) the weighted average statistical prices of imports from the PRC during the review investigation period, as explained in recital (136), established on a CIF basis, with appropriate adjustments for the conventional rate of customs duty, anti-dumping duty and post-importation costs; and (b) the weighted average sales prices of the three Union producers charged to unrelated customers in the Union market, adjusted to an ex-works level.

- (208) The result of the comparison was expressed as a percentage of the Union producers' turnover during the review investigation period. It showed no undercutting.
- (209) In line with the approach for the dumping calculations as explained in recital (137), in the alternative for the weighted average statistical import prices which do not distinguish between seamless and welded fittings, the Commission also used the export prices for seamless and welded, elbow-shaped, fittings provided in the request, adjusted to EU border CIF level with appropriate adjustments for the conventional rate of customs duty, anti-dumping duty and post-importation costs, in order to perform complementary undercutting calculations distinguishing between these two product groups. Using those prices and comparing them with the average price of the corresponding quality and shape manufactured by the Union industry, Chinese imports did not undercut Union industry prices.
- (210) The Commission also calculated the undercutting in absence of anti-dumping duties. The undercutting margins without applying the anti-dumping duties amounted to 17,7 % and 16,4 %, respectively.

4.3.4. *Taiwan*

- (211) As mentioned in recital (150), imports from the cooperating exporting producer Ta Chen accounted for 91 % of imports of the product under review from Taiwan in the review investigation period. The Commission therefore assessed the price undercutting by Taiwanese imports during the review investigation period by comparing: (a) the weighted average prices at CIF Union frontier level per product type of the imports from Ta Chen to the first independent customer on the Union market, with appropriate adjustments for post-importation costs, import duties and anti-dumping duties (if applicable); and (b) the weighted average sales prices charged to unrelated customers in the Union market of the same product types of the three sampled Union producers, adjusted to an ex-works level.
- (212) The price comparison was made on a type-by-type basis for transactions at the same level of trade, duly adjusted on the basis of the actual costs where necessary, and after deduction of rebates and discounts as reported by the sampled Union producers. The result of the comparison was expressed as a percentage of the Union producers' turnover during the investigation period.
- (213) On the basis of the above, imports from Taiwan were found to undercut the Union industry prices by more than 60 %.

4.4. **Volumes and prices of imports from third countries**

- (214) The Commission established the volumes and prices of imports from third countries applying the same methodology as for the PRC and Taiwan (see Section 4.3.1)
- (215) The volume of imports from third countries developed over the period considered as follows:

Table 5

Imports from third countries

Country		2018	2019	2020	RIP
Malaysia	Import volume (tonnes)	1 120	1 414	1 290	1 626
	<i>Index (2018 = 100)</i>	100	126	115	145
	Market share	9,9 %	11,6 %	11,4 %	12,7 %
	<i>Index (2018 = 100)</i>	100	118	116	128
	Average price (EUR/tonne)	6 872	6 878	6 263	6 327

	<i>Index (2018 = 100)</i>	100	100	91	92
Switzerland	Import volume (tonnes)	1 737	2 040	1 459	1 113
	<i>Index (2018 = 100)</i>	100	117	84	64
	Market share	15,3 %	16,8 %	12,9 %	8,7 %
	<i>Index (2018 = 100)</i>	100	109	84	57
	Average price (EUR/tonne)	6 674	6 946	6 578	8 641
	<i>Index (2018 = 100)</i>	100	104	99	129
Thailand	Import volume (tonnes)	184	202	92	82
	<i>Index (2018 = 100)</i>	100	110	50	45
	Market share	1,6 %	1,7 %	0,8 %	0,6 %
	<i>Index (2018 = 100)</i>	100	102	50	40
	Average price (EUR/tonne)	27 305	26 382	31 507	37 802
	<i>Index (2018 = 100)</i>	100	97	115	138
Other third countries	Import volume (tonnes)	129	313	139	289
	<i>Index (2018 = 100)</i>	100	242	107	224
	Market share	1,1 %	2,6 %	1,2 %	2,3 %
	<i>Index (2018 = 100)</i>	100	226	108	198
	Average price (EUR/tonne)	18 903	10 247	16 271	11 877
	<i>Index (2018 = 100)</i>	100	54	86	63
Total imports excluding PRC and Taiwan	Import volume (tonnes)	3 170	3 969	2 979	3 110
	<i>Index (2018 = 100)</i>	100	125	94	98
	Market share	28,0 %	32,6 %	26,4 %	24,3 %
	<i>Index (2018 = 100)</i>	100	117	94	87
	Average price (EUR/tonne)	8 438	8 172	7 659	8 503
	<i>Index (2018 = 100)</i>	100	97	91	101

Source: Eurostat.

(216) Among imports from third countries, imports from Malaysia and Switzerland are important sources of imports. Imports from Malaysia have increased by 45 % during the period considered. As mentioned in recital (5), the Commission is carrying out an anti-circumvention investigation on imports from Malaysia.

(217) Imports from Switzerland, which also constituted an important source of imports in the original investigation, decreased by 36 % over the period considered.

4.5. Economic situation of the Union industry

4.5.1. General remarks

- (218) In accordance with Article 3(5) of the basic Regulation, the examination of the impact of the dumped imports on the Union industry included an evaluation of all economic indicators having a bearing on the state of the Union industry during the period considered.
- (219) For the injury determination, the Commission distinguished between macroeconomic and microeconomic injury indicators. The Commission evaluated the macroeconomic indicators on the basis of data and information contained in the questionnaire reply of the applicant, duly cross-checked with the information in the request and the questionnaire replies of the sampled producers, and Eurostat statistics. The Commission evaluated the microeconomic indicators on the basis of data contained in the questionnaire replies from the sampled Union producers.
- (220) The macroeconomic indicators are: production, production capacity, capacity utilisation, sales volume, market share, growth, employment, productivity, magnitude of the dumping margin, and recovery from past dumping.
- (221) The microeconomics indicators are: average unit prices, unit cost, labour costs, inventories, profitability, cash flow, investments, return on investments, and ability to raise capital.
- (222) For the reasons set out in recital (184) above, in order to respect confidential business information, it has been necessary to present information concerning the sampled Union producers in ranges. Presenting the exact figures would allow either Union producer to calculate the exact production figures of the other producer, and there would be a risk that other market operators possessing market data would be able to do so likewise.

4.5.2. Production, production capacity and capacity utilisation

- (223) The total Union production, production capacity and capacity utilisation developed over the period considered as follows:

Table 6

Production, production capacity and capacity utilisation

	2018	2019	2020	RIP
Production volume (tonnes)	8 757	8 758	8 631	9 867
<i>Index (2018 = 100)</i>	100	100	99	113
Production capacity (tonnes)	17 979	17 903	17 972	18 724
<i>Index (2018 = 100)</i>	100	100	100	104
Capacity utilisation (%)	48,7 %	48,9 %	48 %	52,7 %
<i>Index (2018 = 100)</i>	100	100	99	108

Source: Applicant.

- (224) The production of the Union industry increased by 13 % over the period considered, with a stable production from 2018 to 2020 and an increase during the review investigation period due to increased Union consumption.
- (225) The production capacity of the Union industry remained stable over the period considered at between 18 000 and 19 000 tonnes.
- (226) It follows that the capacity utilisation rate remained low during the period considered, at around 50 %. The Commission noted an increase by four percentage points over the period considered, in line with the observed increase of production volumes.

4.5.3. Sales volume and market share

(227) The Union industry's sales volume and market share developed over the period considered as follows:

Table 7

Sales volume and market share

	2018	2019	2020	RIP
Total sales volume on the Union market – unrelated customers	7 390	7 166	7 266	8 787
Index (2018 = 100)	100	97	98	119
Market share	65,3 %	58,9 %	64,4 %	68,5 %
Index (2018 = 100)	100	90	99	105

Source: Eurostat, applicant.

(228) Sales volumes of the Union industry to unrelated customers increased by 19 % during the period considered. The increase was in particular accentuated during the review investigation period, when the Union industry increased its Union sales volumes by 1 521 tonnes or 20 % compared to 2020.

(229) The Union industry has kept its share of the Union market overall. A sudden loss of market share in 2019 was regained the following year, and during the review investigation period, the Union industry held a market share of 68,5 %.

4.5.4. Growth

(230) During the period considered, the Union consumption increased by 13 %, whereas the Union industry's volume of sales to unrelated customers in the Union increased by 19 %. Consequently, the Union industry has grown both in terms of market share and in absolute terms.

4.5.5. Prices and factors affecting prices

(231) The weighted average unit sales prices of the Union producers to unrelated customers in the Union and the unit cost of production developed over the period considered as follows:

Table 8

Sales prices in the Union and cost of production

	2018	2019	2020	RIP
Weighted average unit sales price in the Union (Index, 2018 = 100)	100	100	96	107
Unit cost of production (Index, 2018 = 100)	100	110	100	108

Source: Sampled Union producers.

(232) Unit sales prices remained stable from the start of the period considered and until 2020. During the review investigation period, due to increased consumption, prices increased by 7 % compared to the level of 2018. However, this price increase not fully reflected the increase in cost of production over the period considered, as those went up by 8 % from 2018 to the review investigation period.

4.5.6. Employment and productivity

- (233) Employment, productivity and average labour costs of the Union producers developed over the period considered as follows:

Table 9

Employment and productivity

	2018	2019	2020	RIP
Number of employees	504	512	493	513
Index (2018 = 100)	100	102	98	102
Labour productivity (tonne/employee)	17	17	18	19
Index (2018 = 100)	100	99	101	111
Average labour costs per employee (Index, 2018 = 100)	100	100	101	111

Source: Applicant, sampled Union producers.

- (234) The number of employees and labour productivity have remained stable during the period considered. The Union industry has been employing around 500 staff throughout the period considered, with output per employee at around 18 tonnes.
- (235) The average labour costs increased towards the end of the period considered, but with 11 % increase in labour costs over 4 years, this is not a dramatic increase.

4.5.7. Inventories

- (236) Stock levels of the Union producers developed over the period considered as follows:

Table 10

Inventories

	2018	2019	2020	RIP
Closing stocks (ranges)	[800 – 1 200]	[800 – 1 200]	[800 – 1 200]	[800 – 1 200]
Index (2018 = 100)	100	90	103	85
Closing stocks as a percentage of production (ranges)	[15 % – 25 %]	[15 % – 25 %]	[15 % – 25 %]	[15 % – 25 %]
Index (2018 = 100)	100	91	102	78

Source: Sampled Union producers.

- (237) The Union industry has kept its level of stock at around the same level in absolute terms during the period considered.
- (238) During the review investigation period, due to increase production, the level of stock kept in relation to production decreased.

4.5.8. Profitability, cash flow, investments, return on investments and ability to raise capital

- (239) Profitability, cash flow, investments and return on investments of the Union producers developed over the period considered as follows:

Table 11

Profitability, cash flow, investments and return on investments

	2018	2019	2020	RIP
Profitability (Index, 2018 = 100)	100	60	53	97
Profitability of sales in the Union to unrelated customers (% of sales turnover – ranges)	[10 % – 15 %]	[5 % – 10 %]	[5 % – 10 %]	[10 % – 15 %]
Cash flow (Index, 2018 = 100)	100	124	85	176
Investments (Index, 2018 = 100)	100	68	75	53
Return on investments (Index, 2018 = 100)	100	59	56	110

Source: Sampled Union producers.

- (240) The Commission established the profitability of the Union producers by expressing the pre-tax net profit of the sales of the like product to unrelated customers in the Union as a percentage of the turnover of those sales. The Union industry's profitability in the review investigation period was close to its 2018 level, but it had dropped significantly in 2019 and 2020. The Union industry was making a healthy level of profit of 10 % – 15 % in the review investigation period.
- (241) The net cash flow is the ability of the Union producers to self-finance their activities. The cash flow development during the period considered was positive, with cash flow generated from its operations at 76 % higher during the review investigation period compared to 2018.
- (242) The Union industry's level of investment was on a decreasing trend during the period considered. As seen above under capacity utilisation, the Union industry has no immediate need to invest in new production capacity.
- (243) The return on investments is the profit in percentage of the net book value of investments, and the trend follows that of the profitability.

4.5.9. Ability to raise capital

- (244) None of the sampled Union producers reported any difficulties in their ability to raise capital.

4.5.10. *Magnitude of the dumping margin and recovery from past dumping*

- (245) As concluded in recitals (148) and (180) for PRC and Taiwan respectively, there is clear evidence for continuation of dumping from both of the countries concerned. In addition, the Commission established Chinese circumvention of the anti-dumping measures by transshipment through Malaysia ⁽⁸²⁾.
- (246) The indicators presented above, however, demonstrate that, in spite of the continued dumping, the Union industry managed to recover from past dumping practices.

4.5.11. *Export performance of the Union industry*

- (247) The volume of exports of the Union producers developed over the period considered as follows:

Table 12

Export performance of the Union producers

	2018	2019	2020	RIP
Export volume (tonnes)	1 326	1 445	1 188	1 303
Index (2018 = 100)	100	109	90	98
Average price (index, 2018 = 100)	100	101	100	103

Source: Applicant, sampled Union producers.

- (248) Export volumes of the Union industry to the unrelated customers decreased during the period considered, in particular during 2020 when the COVID-19 pandemic broke out. During the review investigation period, the Union industry's export performance has recovered almost to the level as during 2018.
- (249) Average export prices have been stable during the period considered. On the export market, being selective due to fierce competition, the Union industry is focusing more on the high-end of the market.

4.5.12. *Conclusion on the situation of the Union industry*

- (250) The volume of imports from the countries concerned have not be negligible during the period considered and they continue to undercut the Union industry's average sales prices by a wide margin.
- (251) However, most injury indicators, such as production, sales, employment, profitability and cash flow developed positively and/or were at satisfactory levels. The indicators examined therefore demonstrate that the anti-dumping measures have achieved their intended result of removing the injury suffered by the Union producers.
- (252) On the basis of the above, the Commission concluded at this stage that the Union industry has recovered from previous injury and did not suffer material injury within the meaning of Article 3(5) of the basic Regulation during the review investigation period.

⁽⁸²⁾ Commission Implementing Regulation (EU) 2023/453 of 2 March 2023 extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) 2017/141 on imports of certain stainless steel tube and pipe butt welding fittings, whether or not finished, originating in the People's Republic of China to imports of certain stainless steel tube and pipe butt welding fittings, whether or not finished, consigned from Malaysia, whether declared as originating in Malaysia or not (OJ L 67, 3.3.2023, p. 19).

5. LIKELIHOOD OF RECURRENCE OF INJURY IF THE MEASURES WERE TO BE REPEALED

- (253) As the Commission concluded that the Union industry did not suffer material injury during the review investigation period, the Commission assessed, in accordance with Article 11(2) of the basic Regulation, whether there would be a likelihood of recurrence of injury from the dumped imports from the PRC and Taiwan if the measures were allowed to lapse.
- (254) In that regard, the Commission examined the production capacity and spare capacity in the countries concerned, the attractiveness of the Union market, and the likely impact of imports from the countries concerned should the measures be allowed to lapse.
- (255) As concluded in recitals (142)–(143) and (172)–(173), spare capacities in the PRC and Taiwan are significant and they together represent five times the annual consumption in the Union. Moreover, as concluded in recitals (144)–(147) and (174)–(175), the Union market is an attractive market for Chinese and Taiwanese producers in view of the prices on the Union market and its size. On that basis, there is a strong likelihood that the expiry of the anti-dumping measures would result in an increase of exports to the Union.
- (256) The Commission analysed the likely effects of such increase of imports by examining their likely price levels should measures be allowed to lapse. In this regard, the Commission considered, with regard to China, the import price levels during the review investigation period without anti-dumping duty to be a reasonable indication as Chinese imports still held a market share of 5,6 % in the review investigation period. On this basis, and as explained in recital (199), the Commission established significant undercutting of the Union industry prices by up to 17,7 % or 16,4 %, depending on the method, for the PRC in the review investigation period if there would have been no anti-dumping duty. Undercutting levels in the same order are therefore likely in the absence of measures.
- (257) Pursuant to final disclosure, Zhejiang India and the CCCMC claimed that there would be no recurrence of injury due to the imports from China, because the market share of Chinese imports into the Union was only 5,6 % whereas the Union industry held a market share of around 70 % during the review investigation period. Zhejiang India also pointed to the decrease of Chinese imports between the original investigation period (3 238 tonnes) and the review investigation period (719 tonnes).
- (258) This claim was rejected. The Commission had concluded that in the review investigation period, the Union industry did not suffer material injury (see recital (252)). However the conclusion reached by the Commission with regard to the likelihood of recurrence of injury was based on a prospective assessment. That conclusion was therefore not based on actual import volumes or market shares, and how they compared with those in the investigation period of the original investigation, but on the existing spare capacities in the PRC, the attractiveness of the Union market and the undercutting in the review investigation period if no anti-dumping duty would have been applied to Chinese imports.
- (259) With regard to Taiwan, only one exporting producer cooperated, but as this party accounted for more than 90 % of imports from Taiwan in the review investigation period, the Commission has based its undercutting calculation on the verified export prices of that party. However, imports from Taiwan held overall only a small market share of 1,6 % during the review investigation period (whereas dumped imports from Taiwan held a 7,8 % market share in the investigation period of the original investigation). In the complaint to the original investigation and in the expiry review request, ten Taiwanese exporting producers had been identified by the applicant. This renders a prospective analysis of price undercutting on the basis of data from Ta Chen meaningless, as the likely pricing behaviour of the bulk of Taiwanese exporting producers, which disappeared from the Union market after the imposition of the measures, would not have been reflected, whereas they were present, in large volumes, before the measures were imposed.
- (260) Moreover, the data obtained in the framework of the expiry review showed that most of the spare capacity among the Taiwanese exporting producers are among those that are subject to the higher residual anti-dumping duty, and during the review investigation period they were close to fully absent from the Union market. This shows that the measures in place are effective in preventing dumped imports from entering the Union market. At the same time, this is a strong indication that if these measures are allowed to lapse, exports now shielded by the residual anti-dumping duty are likely to resume.

- (261) In the period considered, the Union industry has been overall in a sound financial situation whereby most of the injury indicators showed positive trends and/or values. It should however be underlined that the Union market was effectively shielded from the presence of large volumes of dumped imports in that period due to the anti-dumping measures in place and the Union industry could clearly take advantage of it. In the absence of the measures, however, as explained above, it is likely that Chinese and Taiwanese producers would rapidly increase their market shares. They would exercise significant price pressure on the Union industry's sales prices and at the same time gain market share to the detriment of the Union industry. Indeed, the Union industry would not be able to cope with the price pressure from the Chinese and Taiwanese exporters and thus the economic situation of the Union industry would quickly deteriorate resulting in material injury.
- (262) On this basis, the Commission concluded that the absence of measures would in all likelihood result in a significant increase of dumped imports from the PRC and Taiwan at injurious prices and material injury would be likely to recur.

6. UNION INTEREST

6.1. Introduction

- (263) In accordance with Article 21 of the basic Regulation, the Commission examined whether the maintenance of the measures would be against the Union interest as a whole. The determination of the Union interest was based on an appreciation of the various interests involved, namely those of the Union industry, of importers and users.
- (264) All interested parties were given the opportunity to make their views known pursuant to Article 21(2) of the basic Regulation.
- (265) On this basis, the Commission examined whether, despite the conclusions on the likelihood of continuation of dumping and the likelihood of recurrence of injury, compelling reasons existed which would lead to the conclusion that it was not in the Union interest to maintain the existing measures.

6.2. Interest of the Union industry

- (266) As concluded in recital (241), the Union industry is no longer suffering from material injury. However, as concluded in recital (249) the Union industry would not be able to cope with a removal of the measures, as that is likely to result in a strong increase of dumped imports. A repeal of the measures would therefore put the industry's long term financial viability at stake. The continuation of the measures, therefore, is in the interest of the Union industry.

6.3. Interest of unrelated importers and users

- (267) All known unrelated importers and users were informed about the initiation of the review. However, the Commission received no cooperation from unrelated importers and users.
- (268) Pursuant to final disclosure, Zhejiang Jndia and the CCCMC referred to the submission of Euranimi of 23 August 2022. Euranimi represented a number of importers and Zhejiang Jndia and the CCCMC underlined that importers thus had expressed their voice, albeit collectively. Zhejiang Jndia and the CCCMC noted that in the said submission, Euranimi opposed the continuation of the anti-dumping measures as maintaining the allegedly 'excessive' anti-dumping rates on the imports of Chinese SSTPF would undermine the international competitiveness of the European downstream manufacturing industry that uses such products. Moreover, Euranimi had submitted that continuing the measures would result in shrinking companies' activities, loss of employment and less revenues to be collected by the national tax offices.

- (269) The Commission noted that Euranimi's claims were not substantiated by any evidence. Moreover, as no unrelated importer or user had cooperated with the investigation by submitting a questionnaire reply, Euranimi's claims with regard to these parties' stance on the measures and the impact of measures on their competitive situation could not be cross-checked with relevant verified company-specific business data. These claims were therefore rejected.
- (270) Therefore, there were no indications that the maintenance of the measures would have a negative impact on the users and/or importers outweighing the positive impact of the measures.

6.4. Conclusion on Union interest

- (271) On the basis of the above, the Commission concluded that there were no compelling reasons showing that it was not in the Union interest to maintain measures on imports of stainless steel tube and pipe butt-welding fittings originating in the PRC and Taiwan.

7. ANTI-DUMPING MEASURES

- (272) On the basis of the conclusions reached by the Commission on likelihood of continuation of dumping, likelihood of recurrence of injury and Union interest, the anti-dumping measures on certain stainless steel tube and pipe butt-welding fittings originating in the People's Republic of China and Taiwan should be maintained.
- (273) To minimise the risks of circumvention due to the difference in duty rates, special measures are needed to ensure the application of the individual anti-dumping duties. The companies with individual anti-dumping duties must present a valid commercial invoice to the customs authorities of the Member States. The invoice must conform to the requirements set out in Article 1(5) of this regulation. Imports not accompanied by that invoice should be subject to the anti-dumping duty applicable to 'all other companies'.
- (274) While presentation of this invoice is necessary for the customs authorities of the Member States to apply the individual rates of anti-dumping duty to imports, it is not the only element to be taken into account by the customs authorities. Indeed, even if presented with an invoice meeting all the requirements set out in Article 1(5) of this regulation, the customs authorities of Member States must carry out their usual checks and may, like in all other cases, require additional documents (shipping documents etc.) for the purpose of verifying the accuracy of the particulars contained in the declaration and ensure that the subsequent application of the lower rate of duty is justified, in compliance with customs law.
- (275) Should the exports by one of the companies benefiting from lower individual duty rates increase significantly in volume after the imposition of the measures concerned, such an increase in volume could be considered as constituting in itself a change in the pattern of trade due to the imposition of measures within the meaning of Article 13(1) of the basic Regulation. In such circumstances and provided the conditions are met an anti-circumvention investigation may be initiated. This investigation may, inter alia, examine the need for the removal of individual duty rate(s) and the consequent imposition of a country-wide duty.
- (276) The individual company anti-dumping duty rates specified in Article 1(2) of this Regulation are exclusively applicable to imports of the product under review originating in the PRC and Taiwan and produced by the named legal entities. Imports of the product under review produced by any other company not specifically mentioned in the operative part of this Regulation, including entities related to those specifically mentioned, should be subject to the duty rate applicable to 'all other companies'. They should not be subject to any of the individual anti-dumping duty rates.

- (277) A company may request the application of these individual anti-dumping duty rates if it changes subsequently the name of its entity. The request must be addressed to the Commission ⁽⁸³⁾. The request must contain all the relevant information demonstrating that the change does not affect the right of the company to benefit from the duty rate which applies to it. If the change of name of the company does not affect its right to benefit from the duty rate which applies to it, a regulation about the change of name will be published in the *Official Journal of the European Union*.
- (278) All interested parties were informed of the essential facts and considerations on the basis of which it was intended to recommend that the existing measures be maintained. All parties were also granted a period to make representations subsequent to this disclosure and to request a hearing with the Commission and/or the Hearing Officer in trade proceedings. The submissions and comments were duly taken into consideration.
- (279) In view of Article 109 of Regulation (EU, Euratom) 2018/1046 ⁽⁸⁴⁾, when an amount is to be reimbursed following a judgment of the Court of Justice of the European Union, the interest to be paid should be the rate applied by the European Central Bank to its principal refinancing operations, as published in the C series of the *Official Journal of the European Union* on the first calendar day of each month.
- (280) The Committee established by Article 15(1) of Regulation (EU) 2016/1036 delivered a positive opinion,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is imposed on imports of tube and pipe butt-welding fittings, of austenitic stainless steel grades, corresponding to AISI types 304, 304L, 316, 316L, 316Ti, 321 and 321H and their equivalent in the other norms, with a greatest external diameter not exceeding 406,4 mm and a wall thickness of 16 mm or less, with a roughness average (Ra) of the internal surface not less than 0,8 micrometres, not flanged, whether or not finished, currently falling under CN codes ex 7307 23 10 and ex 7307 23 90 (TARIC codes 7307 23 10 50, 7307 23 10 55, 7307 23 90 50 and 7307 23 90 55), and originating in the People's Republic of China and Taiwan.

2. The rates of the definitive anti-dumping duty applicable to the net, free-at-Union-frontier price, before duty, of the product described in paragraph 1 and produced by the companies listed below shall be as follows:

Company	Definitive anti-dumping duty rate (%)	TARIC additional code
Taiwan		
Ta Chen Stainless Pipes Co., Ltd.	5,1	C176
All other companies	12,1	C999
The People's Republic of China		
Zhejiang Good Fittings Co., Ltd.	55,3	C177
Zhejiang Jnda Pipeline Industry Co., Ltd.	48,9	C178
Suzhou Yuli Pipeline Industry Co., Ltd.	30,7	C179

⁽⁸³⁾ European Commission, Directorate-General for Trade, Directorate G, Rue de la Loi 170, 1040 Brussels, Belgium.

⁽⁸⁴⁾ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

Jiangsu Judd Pipeline Industry Co., Ltd.	30,7	C180
All other cooperating (not sampled) companies:		
Alfa Laval Flow Equipment (Kunshan) Co., Ltd.	41,9	C182
Kunshan Kinglai Hygienic Materials Co., Ltd.	41,9	C184
Wifang Huoda Pipe Fittings Manufacture Co., Ltd.	41,9	C186
Yada Piping Solutions Co., Ltd.	41,9	C187
Jiangsu Huayang Metal Pipes Co., Ltd.	41,9	C188
All other companies	64,9	C999

3. Anti-dumping duties are not applicable to Taiwanese exporting producer King Lai Hygienic Materials Co., Ltd. (TARIC additional code C175)

4. The definitive anti-dumping duty of 64,9 % applicable to imports originating in the People's Republic of China, as set out in paragraph 2, is extended to imports of tube and pipe butt-welding fittings, of austenitic stainless steel grades, corresponding to AISI types 304, 304L, 316, 316L, 316Ti, 321 and 321H and their equivalent in the other norms, with a greatest external diameter not exceeding 406,4 mm and a wall thickness of 16 mm or less, with a roughness average (Ra) of the internal surface not less than 0,8 micrometres, not flanged, whether or not finished, currently classified under CN codes ex 7307 23 10 and ex 7307 23 90, consigned from Malaysia, whether declared as originating in Malaysia or not (TARIC codes 7307 23 10 35, 7307 23 10 40, 7307 23 90 35, 7307 23 90 40), with the exception of those produced by the companies listed below:

Country	Company	TARIC additional code
Malaysia	Pantech Stainless And Alloy Industries Sdn. Bhd.	A021
Malaysia	SP United Industry Sdn. Bhd.	A022

5. The application of the individual duty rates specified for the companies mentioned in paragraph 2 and the exemptions from the extended duty mentioned in paragraph 4 shall be conditional upon presentation to the Member States' customs authorities of a valid commercial invoice, on which shall appear a declaration dated and signed by an official of the entity issuing such invoice, identified by his/her name and function, drafted as follows: *'I, the undersigned, certify that the (volume) of (product under review) sold for export to the European Union covered by this invoice was manufactured by (company name and address) (TARIC additional code) in [country concerned]. I declare that the information provided in this invoice is complete and correct.'* If no such invoice is presented, the duty applicable to all other companies shall apply.

6. Article 1(2) may be amended to add new exporting producers from the People's Republic of China and make them subject to the appropriate weighted average anti-dumping duty rate for cooperating companies not included in the sample. A new exporting producer shall provide evidence that:

- (a) it did not export the goods described in Article 1(1) originating in the People's Republic of China during the period between 1 October 2014 to 30 September 2015 ('original investigation period');
- (b) it is not related to an exporter or producer subject to the measures imposed by this Regulation, and which have or could have cooperated in the investigation that led to the duty; and
- (c) it has either actually exported the product under review originating in the People's Republic of China or has entered into an irrevocable contractual obligation to export a significant quantity to the Union after the end of the original investigation period.

Article 2

Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 3

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, 13 April 2023.

For the Commission
The President
Ursula VON DER LEYEN

DECISIONS

COUNCIL DECISION (CFSP) 2023/810

of 13 April 2023

amending Decision (CFSP) 2022/338 on an assistance measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 28(1) and 41(2) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 28 February 2022, the Council adopted Decision (CFSP) 2022/338 ⁽¹⁾, which established an assistance measure with a financial reference amount of EUR 450 000 000 intended to cover the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force ('the financial reference amount').
- (2) On 23 March 2022, the Council adopted Decision (CFSP) 2022/471 ⁽²⁾, which increased the financial reference amount to EUR 900 000 000.
- (3) On 13 April 2022, the Council adopted Decision (CFSP) 2022/636 ⁽³⁾, which increased the financial reference amount to EUR 1 350 000 000.
- (4) On 23 May 2022, the Council adopted Decision (CFSP) 2022/809 ⁽⁴⁾, which increased the financial reference amount to EUR 1 840 000 000.
- (5) On 21 July 2022, the Council adopted Decision (CFSP) 2022/1285 ⁽⁵⁾, which increased the financial reference amount to EUR 2 330 000 000.
- (6) On 17 October 2022, the Council adopted Decision (CFSP) 2022/1971 ⁽⁶⁾, which increased the financial reference amount to EUR 2 820 000 000.
- (7) On 2 February 2023, the Council adopted Decision (CFSP) 2023/230 ⁽⁷⁾, which increased the financial reference amount to EUR 3 120 000 000.

⁽¹⁾ Council Decision (CFSP) 2022/338 of 28 February 2022 on an assistance measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force (OJ L 60, 28.2.2022, p. 1).

⁽²⁾ Council Decision (CFSP) 2022/471 of 23 March 2022 amending Decision (CFSP) 2022/338 on an assistance measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force (OJ L 96, 24.3.2022, p. 43).

⁽³⁾ Council Decision (CFSP) 2022/636 of 13 April 2022 amending Decision (CFSP) 2022/338 on an assistance measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force (OJ L 117, 19.4.2022, p. 34).

⁽⁴⁾ Council Decision (CFSP) 2022/809 of 23 May 2022 amending Decision (CFSP) 2022/338 on an assistance measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force (OJ L 145, 24.5.2022, p. 40).

⁽⁵⁾ Council Decision (CFSP) 2022/1285 of 21 July 2022 amending Decision (CFSP) 2022/338 on an assistance measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force (OJ L 195, 22.7.2022, p. 93).

⁽⁶⁾ Council Decision (CFSP) 2022/1971 of 17 October 2022 amending Decision (CFSP) 2022/338 on an assistance measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force (OJ L 270, 18.10.2022, p. 95).

⁽⁷⁾ Council Decision (CFSP) 2023/230 of 2 February 2023 amending Decision (CFSP) 2022/338 on an assistance measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force (OJ L 32, 3.2.2023, p. 62).

- (8) In line with Ukraine's urgent needs, as discussed in particular at the special meeting of the European Council on 9 February 2023, and based on the decision taken by the Council on 20 March 2023, the financial reference amount should be increased by an additional EUR 1 000 000 000.
- (9) On 20 March 2023, the Council agreed on a three-track approach with a view to, in particular, speeding up delivery and joint procurement, aiming at one million rounds of artillery ammunition for Ukraine in a joint effort within the next 12 months, and called for the swift implementation of those three tracks, which are interlinked and need to be pursued in parallel and in a coordinated way. The Council called on Member States to urgently deliver ground-to-ground and artillery ammunition to Ukraine and, if requested, missiles. The Council will receive regular monthly updates on the implementation of the assistance measure in order to monitor progress towards achieving the aim of one million rounds of artillery ammunition for Ukraine. As regards the third track, the Council also invited the Commission to present concrete proposals to urgently support the ramp-up of manufacturing capacities of the European defence industry, secure supply chains, facilitate efficient procurement procedures, address shortfalls in production capacities and promote investments, including, where appropriate, mobilising the Union budget.
- (10) Regular meetings at the level of the National Armament Directors with the Defence Joint Procurement Task Force (Commission, European External Action Service, European Defence Agency) will also be organised to assess the needs and the industrial capabilities as well as to ensure the necessary close coordination, especially regarding the provision from stocks, the reprioritisation of existing orders and the different joint acquisition projects, in order to ensure the adequate implementation of the three different tracks.
- (11) The Permanent Representatives Committee will monitor the coordinated and parallel implementation of the three-track approach.
- (12) Decision (CFSP) 2022/338 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision (CFSP) 2022/338 is amended as follows:

(1) Article 2 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. The financial reference amount intended to cover the expenditure related to the Assistance Measure shall be EUR 4 120 000 000.;

(b) paragraphs 3 and 4 are replaced by the following:

'3. In accordance with Article 29(5) of Decision (CFSP) 2021/509, the administrator for assistance measures may call for contributions following the adoption of this Decision, up to EUR 4 120 000 000. The funds called by the administrator for assistance measures shall only be used to pay expenditure within the limits approved by the Committee established by Decision (CFSP) 2021/509 in the related amending and annual budgets corresponding to the Assistance Measure.

4. Expenditure related to the implementation of the Assistance Measure shall be eligible from 1 January 2022 and until a date to be determined by the Council:

(a) The maximum eligible expenditure incurred before 11 March 2022 shall be EUR 450 000 000.

(b) The maximum amount eligible for the period from 11 March 2022 to 20 July 2022 shall be EUR 1 390 000 000.

(c) The maximum amount eligible for the period between 21 July 2022 and 30 November 2022 shall be EUR 677 420 154,06.

- (d) The amount of EUR 1 602 579 845,94 shall be eligible from 1 December 2022. EUR 1 000 000 000 of that amount shall be eligible from 9 February 2023 to 31 May 2023 for financing the reimbursement of donated materiel from existing stocks or from reprioritisation of existing orders, delivered during that period, regarding ground-to-ground and artillery ammunition, and, if requested, missiles. Any unused funds from this latter amount shall be used for the reimbursement of all lethal equipment eligible under the Assistance Measure since 1 December 2022, in accordance with the priorities set in Ukraine's list of requirements.
- (e) Expenditure related to maintenance and repair shall be eligible from 17 October 2022, and expenditure related to refit shall be eligible from 2 February 2023.'
- (2) in Article 4(4), point (e) is replaced by the following:
'(e) the Ministry of Defence of the Czech Republic';
- (3) in Article 4, paragraph 4, point (o) is replaced by the following:
'(o) the Ministry of National Defence of Lithuania';
- (4) in Article 7, the following paragraph is added:
'The High Representative shall report regularly, monthly to the Council on the implementation of Article 2(4), point (d), regarding the number of artillery ammunition deliveries, and, if requested, missiles, based on information provided by Member States.'

Article 2

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

Done at Brussels, 13 April 2023.

For the Council
The President
J. ROSWALL

COUNCIL DECISION (CFSP) 2023/811**of 13 April 2023****amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 17 March 2014, the Council adopted Decision 2014/145/CFSP ⁽¹⁾.
- (2) On 13 March 2023, the Council adopted Decision (CFSP) 2023/572 ⁽²⁾, which renewed the measures provided for in Decision 2014/145/CFSP for a further six months.
- (3) The Council has received new information concerning certain persons subject to restrictive measures and listed in the Annex to Decision 2014/145/CFSP. On the basis of that information, the entries concerning 35 persons should be updated.
- (4) Decision 2014/145/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2014/145/CFSP is amended as set out in the Annex to this Decision.

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, 13 April 2023.

For the Council
The President
J. ROSWALL

⁽¹⁾ Council Decision 2014/145/CFSP of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ L 78, 17.3.2014, p. 16).

⁽²⁾ Council Decision (CFSP) 2023/572 of 13 March 2023 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ L 75I, 14.3.2023, p. 134).

In the Annex to Decision 2014/145/CFSP, 'List of persons, entities and bodies referred to in Articles 1 and 2', entries 92, 720, 723, 728, 879, 1172, 1348, 1349 to 1359, 1361 to 1364, and 1366 to 1378 are replaced by the following entries:

Persons

	Name	Identifying information	Reasons	Date of listing
'92.	Arkady Romanovich ROTENBERG Arkadii Romanovich ROTENBERG (Аркадий Романович РОТЕНБЕРГ)	Gender: male DOB: 15.12.1951 POB: Leningrad, former USSR (now St. Petersburg, Russian Federation)	Arkady Rotenberg is a prominent Russian businessman who has close personal ties to President Putin. Since March 2014, Rotenberg, or his companies, have received State contracts totalling over USD 7 billion. In 2015, Rotenberg led the annual list of government contracts in terms of value, after being awarded contracts worth RUB 555 billion from the Russian Government. Many of these contracts were awarded without formal competitive processes. On 30 January 2015, Prime Minister Dmitry Medvedev signed a decree that awarded to Rotenberg's company, Stroygazmontazh, a state contract for the construction of the Kerch bridge from Russia to the illegally annexed Autonomous 'Republic of Crimea'. Through these contracts, he has financially benefited from Russian decision-makers responsible for the annexation of Crimea or the destabilisation of eastern Ukraine. Former owner of the company Stroygazmontazh, which has been awarded a State contract for the construction of the Kerch bridge from Russia to the illegally annexed Autonomous 'Republic of Crimea', therefore consolidating its integration into the Russian Federation which in turn further undermines the territorial integrity of Ukraine. Similarly, in January 2017, Stroygazmontazh was awarded the state contract worth RUB 17 billion for the construction of a railway line on the Kerch bridge, which further undermines the territorial integrity of Ukraine. Owner of two companies, Mostotrest and Stroygazmontazh-Most, designated for their activities undermining Ukrainian sovereignty (entities No 43 and 46 in this Annex). In 2019 Rotenberg sold the gas pipeline construction company Stroygazmontazh.	15.3.2015

	Name	Identifying information	Reasons	Date of listing
			For his involvement in the construction of the Kerch bridge he was awarded the State order 'Hero of Labour of the Russian Federation' in March 2020. He is the chairman of the board of directors of publishing house Prosvescheniye, which has notably implemented the project 'To the Children of Russia: Address – Crimea', a public relations campaign that was designed to persuade Crimean children that they are now Russian citizens living in Russia, and thereby supporting the Russian Government's policy to integrate Crimea into Russia. On 30 January 2021, Arkady Rotenberg claimed to be the beneficiary of the so-called 'Putin's Palace' in Gelendzhik, which appears in the investigation of Alexei Navalny's Anti-Corruption Foundation.	
720.	Alexander Semenovich VINOKUROV (Александр Семёнович ВИНОКУРОВ)	DOB: 12.10.1982 POB: Moscow, Russian Federation Function: Businessperson, Managing Partner and President of Maraton Group; Member of Board of Directors of Magnit Nationality: Russian Gender: male	Alexander Semenovich Vinokurov is a Russian businessperson with business interests in food retail, pharmaceuticals, agriculture and infrastructure. He is in leadership positions of Maraton Group, an investment company, and Magnit, the biggest Russian food retailer. He also holds shares in Demetra Holding, one of Russia's largest grain traders active in the exportation of grains, while Russia is the world's largest exporter of wheat. He is married to Ekaterina Sergeevna Vinokurova, daughter of Sergey Lavrov, the Minister of Foreign Affairs of the Russian Federation. His father is Semen Vinokurov, who was the head of the State Unitary Enterprise 'Capital Pharmacies' and is considered to be one of the main entrepreneurs in the Russian pharmaceutical industry. Alexander Vinokurov therefore has close ties to the Government of the Russian Federation and is involved in economic sectors providing a substantial source of revenue to that government, which is responsible for the annexation of Crimea and the destabilisation of Ukraine.	9.3.2022

	Name	Identifying information	Reasons	Date of listing
			On 24 February 2022, in the aftermath of the initial stages of Russia's war of aggression against Ukraine, Alexander Semenovitch Vinokurov, along with 36 other businesspersons, met with President Vladimir Putin and other members of the Russian government to discuss the impact of the course of action in the wake of Western sanctions. The fact that he was invited to attend this meeting shows that he is a member of Vladimir Putin's closest circle and that he is supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine, as well as stability and security in Ukraine. It also shows that he is one of the leading businesspersons involved in economic sectors providing a substantial source of revenue to the Government of the Russian Federation, which is responsible for the annexation of Crimea and the destabilisation of Ukraine. This is further corroborated by Alexander Vinokurov's close personal ties with Foreign Minister Sergey Lavrov who is responsible for Russia's war of aggression against Ukraine and policies which undermine or threaten the territorial integrity, sovereignty and independence of that state.	

	Name	Identifying information	Reasons	Date of listing
723.	Dmitry Arkadievich MAZEPIN (Дмитрий Аркадьевич МАЗЕПИН)	DOB: 18.4.1968 POB: Minsk, former Belorussian SSR (now Belarus) Function: Former CEO of JSC UCC Uralchem Nationality: Russian Gender: male	Dmitry Arkadievich Mazepin is a major owner and former CEO of the mineral fertiliser company Uralchem and the largest shareholder of Uralkali. Uralchem Group is a Russian manufacturer of a wide range of chemical products, including mineral fertilisers and ammoniac saltpetre. According to the company, it is the largest producer of ammonium nitrate as well as the second-largest producer of ammonia and nitrogen fertilisers in Russia. Both Uralchem and Uralkali have been designated as 'strategic assets' by the Russian State. Dmitry Arkadievich Mazepin is thus involved in economic sectors providing a substantial source of revenue to the Government of the Russian Federation, which is responsible for the annexation of Crimea and the destabilisation of Ukraine. On 24 February 2022, in the aftermath of the initial stages of Russian aggression against Ukraine, Dmitry Arkadievich Mazepin, along with 36 other businesspersons, met with President Vladimir Putin and other members of the Russian government to discuss the impact of the course of action in the wake of Western sanctions. The fact that he was invited to attend this meeting shows that he is a member of Vladimir Putin's closest circle and that he is supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine, as well as stability and security in Ukraine. It also shows that he is one of the leading businesspersons involved in economic sectors providing a substantial source of revenue to the Government of Russia, which is responsible for the annexation of Crimea and the destabilisation of Ukraine. In December 2021 Dmitry Mazepin rewrote his Cyprus-based companies Uralchem Holding and CI-Chemical Invest, controlling 'Uralchem', to Russian jurisdiction at the special administrative district on Oktyabrsky Island of Kaliningrad Oblast.	9.3.2022

	Name	Identifying information	Reasons	Date of listing
728.	Vadim Nikolaevich MOSHKOVICH (Вадим Николаевич МОШКОВИЧ)	DOB: 6.4.1967 POB: Moscow, Russian Federation Function: former chairman of the Board of Directors of Rusagro Group Nationality: Russian, Cypriot Gender: male	Vadim Nikolaevich Moshkovich is a Russian entrepreneur with business interests in agriculture and real-estate development. In 2004, Vadim Moshkovich founded Rusagro Group, which is a major producer of pork, fats and sugar, rated first among agricultural holdings in 2021 in Russia. Vadim Moshkovich is therefore involved in economic sectors providing a substantial source of revenue to the Government of the Russian Federation. On 24 February 2022, in the aftermath of the initial stages of Russian aggression against Ukraine, Vadim Moshkovich, along with 36 other businesspersons, met with President Vladimir Putin and other members of the Russian government to discuss the impact of the course of action in the wake of Western sanctions. The fact that he was invited to attend this meeting shows that he is a member of Vladimir Putin's closest circle and that he is supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine, as well as stability and security in Ukraine. It also shows that he is one of the leading businesspersons involved in economic sectors providing a substantial source of revenue to the Government of Russia, which is responsible for the annexation of Crimea and the destabilisation of Ukraine.	9.3.2022

	Name	Identifying information	Reasons	Date of listing
879.	Roman Arkadyevich ABRAMOVICH (Роман Аркадьевич АБРАМОВИЧ)	Function: Oligarch close to Vladimir Putin; major shareholder of Evraz; former Governor of Chukotka DOB: 24.10.1966 POB: Saratov, Russian Federation Nationality: Russian Gender: male Address: 1 Lipovaya Aleja, Nemchinovo, Odinstvo district, Moscow, Russia Associated individuals: Vladimir Putin	Roman Abramovich is a Russian oligarch who has long and close ties to Vladimir Putin. He has had privileged access to the President, and has maintained very good relations with him. This connection with the Russian leader has helped him to maintain his considerable wealth. He is a major shareholder of the steel group Evraz, which is one of Russia's largest taxpayers. He has therefore been benefitting from Russian decision-makers responsible for the annexation of Crimea or the destabilisation of Ukraine. He is also one of the leading Russian businesspersons involved in economic sectors providing a substantial source of revenue to the Government of the Russian Federation, which is responsible for the annexation of Crimea and the destabilisation of Ukraine.	15.3.2022
1172.	Aleksandra MELNICHENKO a.k.a. Sandra NIKOLIĆ (Serbian: Александра МЕЉНИЧЕНКО)	DOB: 21.4.1977 POB: Belgrade, Serbia Associated individual: Andrey Igorevich Melnichenko (husband) Nationality: Serbian, Croatian Gender: female Passport number: Croatian passport No 094949450 (date of expiry: 23.12.2023)	Aleksandra Melnichenko is the wife of Andrey Igorevich Melnichenko, a Russian industrialist who transferred his effective ownership and benefit of the major fertiliser producer EuroChem Group and the coal company SUEK to her on 9 March 2022. Aleksandra Melnichenko takes advantage of the fortune and benefits from the wealth of her husband. In March 2022, Aleksandra Melnichenko replaced her husband as the beneficial owner of Firstline Trust, managed by Linetrust PTC Ltd, a company which represents the ultimate owner of EuroChem Group. Therefore, she is associated with a leading businessperson involved in economic sectors providing a substantial source of revenue to the Government of the Russian Federation, which is responsible for the annexation of Crimea and the destabilisation of Ukraine.	3.6.2022

	Name	Identifying information	Reasons	Date of listing
1348.	Georgiy Sergeevich STAROSTIN (Георгий Сергеевич СТАРОСТИН)	DOB: 1.12.1986 POB: N/D Nationality: Russian Rank: Captain Gender: male Tax ID No 771380617804 (Russia)	Captain Georgiy Starostin is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Captain Starostin is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1349.	Sergey Vladimirovich ILIN (Сергей Владимирович ИЛЬИН)	DOB: 14.11.1987 POB: N/D Nationality: Russian Rank: Captain Gender: male	Captain Sergey Ilin is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Captain Sergey Ilin is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1350.	Yuriy Aleksandrovich NIKONOV (Юрий Александрович НИКОНОВ)	DOB: 9.5.1984 POB: Baku, former USSR (now Azerbaijan) Nationality: Russian Rank: Captain Gender: male Tax ID No 271201003620, 016154160136 (Russia)	Captain Yuriy Nikonov is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Captain Yuriy Nikonov is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022

	Name	Identifying information	Reasons	Date of listing
1351.	Ekaterina Viktorovna CHUGUNOVA (Екатерина Викторовна ЧУГУНОВА)	DOB: 10.3.1991 POB: N/D Nationality: Russian Rank: Lieutenant Gender: female Tax ID No 312609219100 (Russia)	Lieutenant Ekaterina Chugunova is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, she is a key figure in Russia's missile strikes on Ukraine, including on civilian targets throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Lieutenant Ekaterina Chugunova is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1352.	Igor Alekseevich GROZA (Игорь Алексеевич ГРОЗА)	DOB: 2.6.1996 POB: N/D Nationality: Russian Rank: Lieutenant Gender: male Tax ID No 261205020910 (Russia)	Lieutenant Igor Groza is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Lieutenant Igor Groza is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1353.	Ivan Dmitrievich POPOV (Иван Дмитриевич ПОПОВ)	DOB: 17.8.1998 POB: N/D Nationality: Russian Rank: Major Gender: male Tax ID No 280403816493 (Russia)	Major Ivan Popov is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Major Ivan Popov is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022

	Name	Identifying information	Reasons	Date of listing
1354.	Matvey Andreevich LIYBAVIN (Матвей Андреевич ЛЫБАВИН)	DOB: 2.9.1992 POB: N/D Nationality: Russian Rank: Major Gender: male Tax ID No 732610491457 (Russia)	Major Matvey Liybavin is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Major Matvey Liybavin is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1355.	Roman Aleksandrovich KUROCHKIN (Роман Александрович КУРОЧКИН)	DOB: 25.2.1985 POB: Chernyakhovsk, Russian Federation Nationality: Russian Rank: Major Gender: male	Major Roman Kurochkin is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Major Roman Kurochkin is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1356.	Dmitri Yuryevich TIKHONOV (Дмитрий Юрьевич ТИХОНОВ)	DOB: 26.1.1993 POB: Lipetsk, Russian Federation Nationality: Russian Rank: Senior Lieutenant Gender: male Tax ID No 482305758073 (Russia)	Senior Lieutenant Dmitri Tikhonov is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Senior Lieutenant Dmitri Tikhonov is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022

	Name	Identifying information	Reasons	Date of listing
1357.	Nikolay Vladimirovich TARASOV (Николай Владимирович ТАРАСОВ)	DOB: 29.8.1985 POB: N/D Nationality: Russian Rank: Senior Lieutenant Gender: male Tax ID No 503811568315 (Russia)	Senior Lieutenant Nikolay Tarasov is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Senior Lieutenant Nikolay Tarasov is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1358.	Anton Olegovich SHATUN (Антон Олегович ШАТУН)	DOB: 12.2.1990 POB: Gudauta, Georgia Nationality: Russian Rank: Captain Gender: male Tax ID No 610209429700 (Russia)	Captain Anton Shatun is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Captain Anton Shatun is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1359.	Alexey Petrovich БЕТЕКХТИН (Алексей Петрович БЕТЕХТИН)	DOB: 7.12.1987 POB: Vladivostok, Russian Federation Nationality: Russian Rank: Captain Gender: male	Captain Alexey Betekhtin is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Captain Alexey Betekhtin is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022

	Name	Identifying information	Reasons	Date of listing
1361.	Artyom Aleksandrovich CHERNOV (Артём Александрович ЧЕРНОВ)	DOB: 13.10.1988 POB: Kovrov, Russian Federation Nationality: Russian Rank: Captain Gender: male Tax ID No 770482092946 (Russia)	Captain Artyom Chernov is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Captain Artyom Chernov is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1362.	Stanislav Aleksandrovich MINKOV (Станислав Александрович МИНКОВ)	DOB: 16.6.1984 POB: N/D Nationality: Russian Rank: Captain Gender: male	Captain Stanislav Minkov is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Captain Stanislav Minkov is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1363.	Alexey Sergeevich VOLKOV (Алексей Сергеевич ВОЛКОВ)	DOB: 27.6.1997 POB: N/D Nationality: Russian Rank: Lieutenant Gender: male Tax ID No 784202352764 (Russia)	Lieutenant Alexey Volkov is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Lieutenant Alexey Volkov is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022

	Name	Identifying information	Reasons	Date of listing
1364.	Andrey Anatolievitch IVANYUTIN (Андрей Анатольевич ИВАНЮТИН)	DOB: 3.9.1980 POB: N/D Nationality: Russian Rank: Major Gender: male Tax ID No 503114955109 (Russia)	Major Andrey Ivanyutin is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Major Andrey Ivanyutin is thus a natural person responsible for, supporting or implementing actions or policies, which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1366.	Pavel Aleksandrovich VASILYEV (Павел Александрович ВАСИЛЬЕВ)	DOB: 19.3.1990 POB: N/D Nationality: Russian Rank: Senior Lieutenant Gender: male Tax ID No 532007713046 (Russia)	Senior Lieutenant Pavel Vasilyev is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Senior Lieutenant Pavel Vasilyev is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1367.	Alexey Nikolaevich MIKHAYLOV (Алексей Николаевич МИХАЙЛОВ)	DOB: 29.1.1985 POB: N/D Nationality: Russian Rank: Captain Gender: male Tax ID No 770474370653 (Russia)	Captain Alexey Mikhaylov is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Captain Alexey Mikhaylov is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022

	Name	Identifying information	Reasons	Date of listing
1368.	Elvira Yunusovna OBUKHOVA (Эльвира Юнусовна ОБУХОВА)	DOB: 14.6.1988 POB: Perm, Russian Federation Nationality: Russian Rank: Captain Gender: female Tax ID No 590613130708 (Russia)	Captain Elvira Obukhova is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, she is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Captain Elvira Obukhova is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1369.	Pavel Borisovich OBUKHOV (Павел Борисович ОБУХОВ)	DOB: 7.2.1983 POB: Podolsk, Russian Federation Nationality: Russian Rank: Captain Gender: male Tax ID No 503614915506 (Russia)	Captain Pavel Obukhov is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Captain Pavel Obukhov is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1370.	Vitaly Viktorovich YASKELAYNEN (Виталий Викторович ЯСКЕЛАЙНЕН)	DOB: 1.10.1986 POB: St. Petersburg, Russian Federation Nationality: Russian Rank: Captain Gender: male Tax ID No 780625739170 (Russia)	Captain Vitaly Yaskelaynen is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Captain Vitaly Yaskelaynen is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022

	Name	Identifying information	Reasons	Date of listing
1371.	Alexandr Arsenovich GREGORYAN (Александр Арсенович ГРЕГОРЯН)	DOB: 22.5.1998 POB: Tver, Russian Federation Nationality: Russian Rank: Lieutenant Gender: male Tax ID No 695010890820 (Russia)	Lieutenant Alexandr Gregoryan is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Lieutenant Alexandr Gregoryan is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1372.	Artyom Andreevich VEDENOV (Артём Андреевич ВЕДЕНОВ)	DOB: 10.2.1989 POB: Kostroma, Russian Federation Nationality: Russian Rank: Lieutenant Gender: male	Lieutenant Artyom Vedenov is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Lieutenant Artyom Vedenov is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1373.	Nikita Evgenievich POPLAVSKIY (Никита Евгеньевич ПОПЛАВСКИЙ)	DOB: 15.3.1998 POB: N/D Nationality: Russian Rank: Lieutenant Gender: male Tax ID No 504602606022 (Russia)	Lieutenant Nikita Poplavskiy is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Lieutenant Nikita Poplavskiy is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022

	Name	Identifying information	Reasons	Date of listing
1374.	Vladimir Sergeevich PETROV (Владимир Сергеевич ПЕТРОВ)	DOB: 23.2.1998 POB: N/D Nationality: Russian Rank: Lieutenant Gender: male Tax ID No 521406165185 (Russia)	Lieutenant Vladimir Petrov is a member of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Lieutenant Vladimir Petrov is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1375.	Evgeniy Grigorievitch KAPSHUK (Евгений Григорьевич КАПШУК)	DOB: 15.7.1974 POB: N/D Nationality: Russian Rank: Colonel Gender: male Tax ID No 773128151404 (Russia)	Colonel Evgeniy Kapshuk is a Commander of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Colonel Evgeniy Kapshuk is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1376.	Anton Yurievich TIMOSHINOV (Антон Юрьевич ТИМОШИНОВ)	DOB: 29.1.1986 POB: N/D Nationality: Russian Rank: Lieutenant Colonel Gender: male	Lieutenant Colonel Anton Timoshinov is a Commander of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Lieutenant Colonel Anton Timoshinov is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022

	Name	Identifying information	Reasons	Date of listing
1377.	Igor Borisovich BAGNYUK (Игорь Борисович БАГНЮК)	DOB: 30.4.1982 POB: Riga, Latvia Nationality: Russian Rank: Lieutenant Colonel Gender: male Tax ID No 770470599386 (Russia)	Lieutenant Colonel Igor Bagnyuk is a Commander of the Missile Pre-Planning unit at the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April to October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Lieutenant Colonel Igor Bagnyuk is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022
1378.	Robert Petrovich BARANOV (Роберт Петрович БАРАНОВ)	DOB: 20.3.1975 POB: Yalchiki or Nizhny Tagil, former USSR (now Russian Federation) Nationality: Russian Rank: Major General Gender: male Tax ID No 012190931739, 502239120417 (Russia)	Major General Robert Baranov is the Director of the Main Computing Centre of the General Staff (GVC) of Russia's Armed Forces General Staff. In this role, he is a key figure in Russia's missile strikes on Ukraine, including on civilian targets, throughout April and October 2022, killing over 30 people and wounding more than 100 in October 2022 alone. Major General Robert Baranov is thus a natural person responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.	16.12.2022'

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2023 OF THE EU-GEORGIA SANITARY AND PHYTOSANITARY SUB-COMMITTEE

of 6 March 2023

modifying Annex XI-B to the Association Agreement (2023/812)

THE SANITARY AND PHYTOSANITARY SUB-COMMITTEE,

Having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, and in particular Articles 55 and 65 thereof,

Whereas:

- (1) The Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part ⁽¹⁾ ('the Agreement') entered into force on 1 July 2016.
- (2) Pursuant to Article 55(1) of the Agreement, Georgia is to gradually approximate its sanitary and phytosanitary, animal welfare and other legislative measures to those of the Union as set out in Annex XI-B to the Agreement.
- (3) Article 65 of the Agreement established the Sanitary and Phytosanitary Sub-Committee ('SPS Sub-Committee'), which is to consider any matter relating to Chapter 4 (Sanitary and phytosanitary measures) of Title IV (Trade and Trade-related Matters) of the Agreement, including its implementation, and is empowered to review and modify Annex XI-B to the Agreement.
- (4) Since the adoption of Decision No 1/2017 of the EU-Georgia Sanitary and Phytosanitary Sub-Committee ⁽²⁾ several Union legal acts listed in Annex XI-B to the Agreement have been repealed and some of those repealed Union legal acts have been replaced by new Union acts, while other Union legal acts have exhausted their legal effect. In addition, the parties to the Agreement consider that a limited number of Union legal acts are not relevant for Georgia as they are only applicable to EU Member States.
- (5) It is thus necessary to modify Annex XI-B to the Agreement in order to reflect the evolution of the Union *acquis* listed in that Annex and to replace it. It is also appropriate to provide for a period during which Georgia is to approximate its legislation to the new Union legal acts. Accordingly, new deadlines for the approximation of Georgian legislation to the Union legal acts listed in Annex XI-B to the Agreement should be indicated therein.
- (6) It is appropriate for the SPS Sub-Committee to take a decision to modify Annex XI-B to the Agreement to include the list as set out in the Annex to this Decision,

⁽¹⁾ OJ L 261, 30.8.2014, p. 4.

⁽²⁾ Decision No 1/2017 of the EU-Georgia Sanitary and Phytosanitary Sub-Committee of 7 March 2017 modifying Annex XI-B to the Association Agreement (OJ L 98, 11.4.2017, p. 22).

HAS ADOPTED THIS DECISION:

Article 1

Annex XI-B to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, is hereby modified as set out in the Annex to this Decision and replaced by it.

Article 2

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

Done at Tbilisi, 6 March 2023.

For the Sanitary and Phytosanitary Sub-Committee

The Co-Chairs:

Koen VAN DYCK

Nino TANDILASHVILI

Secretaries:

Jan BLOEMENDAL

Lasha INAURI

ANNEX

MODIFICATION OF ANNEX XI-B TO THE ASSOCIATION AGREEMENT

Annex XI-B to the Association Agreement is hereby modified and shall read as follows:

'ANNEX XI-B

LIST OF THE UNION LEGISLATION TO BE APPROXIMATED BY GEORGIA

In accordance with Article 55(1) of this Agreement, Georgia shall approximate its legislation to the following Union legislation within the timeframes listed below.

	Union legislation	Deadline for approximation
	Section 1 - Veterinary	
1.	Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97.	2015
2.	Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies.	2016
3.	Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002.	2017
4.	Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive.	2017
5.	Directive 2003/99/EC of the European Parliament and of the Council of 17 November 2003 on the monitoring of zoonoses and zoonotic agents, amending Council Decision 90/424/EEC and repealing Council Directive 92/117/EEC.	2017
6.	Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and of the Council.	2018
7.	Regulation (EC) No 2160/2003 of the European Parliament and of the Council of 17 November 2003 on the control of salmonella and other specified food-borne zoonotic agents.	2019
8.	Commission Regulation (EC) No 1177/2006 of 1 August 2006 implementing Regulation (EC) No 2160/2003 of the European Parliament and of the Council as regards requirements for the use of specific control methods in the framework of the national programmes for the control of salmonella in poultry.	2019
9.	Commission Directive 2006/130/EC of 11 December 2006 implementing Directive 2001/82/EC of the European Parliament and of the Council as regards the establishment of criteria for exempting certain veterinary medicinal products for food-producing animals from the requirement of a veterinary prescription.	2019

10.	Regulation (EC) No 183/2005 of the European Parliament and of the Council of 12 January 2005 laying down requirements for feed hygiene.	2019
11.	Commission Regulation (EC) No 141/2007 of 14 February 2007 concerning a requirement for approval in accordance with Regulation (EC) No 183/2005 of the European Parliament and of the Council for feed business establishments manufacturing or placing on the market feed additives of the category coccidiostats and histomonostats.	2019
12.	Commission Directive 82/475/EEC of 23 June 1982 laying down the categories of ingredients which may be used for the purposes of labelling compound feeding stuffs for pet animals.	2020
13.	Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC.	2020
14.	Commission Recommendation 2011/25/EU of 14 January 2011 establishing guidelines for the distinction between feed materials, feed additives, biocidal products and veterinary medicinal products.	2020
15.	Commission Regulation (EU) No 68/2013 of 16 January 2013 on the Catalogue of feed materials.	2020
16.	Commission Regulation (EC) No 152/2009 of 27 January 2009 laying down the methods of sampling and analysis for the official control of feed.	2021
17.	Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition.	2021
18.	Commission Regulation (EC) No 429/2008 of 25 April 2008 on detailed rules for the implementation of Regulation (EC) No 1831/2003 of the European Parliament and of the Council as regards the preparation and the presentation of applications and the assessment and the authorisation of feed additives.	2021
19.	Commission Implementing Regulation (EU) 2015/1375 of 10 August 2015 laying down specific rules on official controls for <i>Trichinella</i> in meat.	2021
20.	Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes.	2022
21.	Council Directive 2008/119/EC of 18 December 2008 laying down minimum standards for the protection of calves.	2022
22.	Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs.	2022
23.	Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing.	2022
24.	Commission Directive 2002/4/EC of 30 January 2002 on the registration of establishments keeping laying hens, covered by Council Directive 1999/74/EC.	2022
25.	Council Directive 2007/43/EC of 28 June 2007 laying down minimum rules for the protection of chickens kept for meat production.	2022
26.	Council Regulation (EC) No 1255/97 of 25 June 1997 concerning Community criteria for staging points and amending the route plan referred to in the Annex to Directive 91/628/EEC.	2022

27.	Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97.	2022
28.	Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens.	2023
29.	Commission Regulation (EU) No 101/2013 of 4 February 2013 concerning the use of lactic acid to reduce microbiological surface contamination on bovine carcasses.	2023
30.	Regulation (EU) 2019/4 of the European Parliament and of the Council of 11 December 2018 on the manufacture, placing on the market and use of medicated feed, amending Regulation (EC) No 183/2005 of the European Parliament and of the Council and repealing Council Directive 90/167/EEC.	2023
31.	Directive 2002/32/EC of the European Parliament and the Council of 7 May 2002 on undesirable substances in animal feed.	2023
32.	Commission Implementing Regulation (EU) 2022/160 of 4 February 2022 laying down uniform minimum frequencies of certain official controls to verify compliance with Union animal health requirements in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council and repealing Regulations (EC) No 1082/2003 and (EC) No 1505/2006.	2023
33.	Commission Delegated Regulation (EU) 2020/692 of 30 January 2020 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for entry into the Union, and the movement and handling after entry of consignments of certain animals, germinal products and products of animal origin.	2024
34.	Regulation (EU) 2019/6 of the European Parliament and of the Council of 11 December 2018 on veterinary medicinal products and repealing Directive 2001/82/EC.	2024
35.	Commission Delegated Regulation (EU) 2022/671 of 4 February 2022 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards specific rules on official controls performed by the competent authorities on animals, products of animal origin and germinal products, follow-up action to be taken by the competent authority in case of non-compliance with identification and registration rules for bovine, ovine and caprine animals or of non-compliance during transit through the Union of certain bovine animals, and repealing Commission Regulation (EC) No 494/98.	2024
36.	Commission Delegated Regulation (EU) 2020/687 of 17 December 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and the Council, as regards rules for the prevention and control of certain listed diseases.	2025
37.	Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law').	2025
38.	Commission Implementing Regulation (EU) 2020/2235 of 16 December 2020 laying down rules for the application of Regulations (EU) 2016/429 and (EU) 2017/625 of the European Parliament and of the Council as regards model animal health certificates, model official certificates and model animal health/official certificates, for the entry into the Union and movements within the Union of consignments of certain categories of animals and goods, official certification regarding such certificates and repealing Regulation (EC) No 599/2004, Implementing Regulations (EU) No 636/2014 and (EU) 2019/628, Directive 98/68/EC and Decisions 2000/572/EC, 2003/779/EC and 2007/240/EC.	2025

39.	Commission Delegated Regulation (EU) 2019/2035 of 28 June 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for establishments keeping terrestrial animals and hatcheries, and the traceability of certain kept terrestrial animals and hatching eggs.	2026
40.	Commission Implementing Regulation (EU) 2021/620 of 15 April 2021 laying down rules for the application of Regulation (EU) 2016/429 of the European Parliament and of the Council as regards the approval of the disease-free and non-vaccination status of certain Member States or zones or compartments thereof as regards certain listed diseases and the approval of eradication programmes for those listed diseases.	2026
41.	Commission Delegated Regulation (EU) 2020/689 of 17 December 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for surveillance, eradication programmes, and disease-free status for certain listed and emerging diseases.	2026
42.	Commission Implementing Regulation (EU) 2021/404 of 24 March 2021 laying down the lists of third countries, territories or zones thereof from which the entry into the Union of animals, germinal products and products of animal origin is permitted in accordance with Regulation (EU) 2016/429 of the European Parliament and the Council.	2027
43.	Council Directive 90/428/EEC of 26 June 1990 on trade in equidae intended for competitions and laying down the conditions for participation therein.	2027
44.	Commission Implementing Regulation (EU) 2020/2236 of 16 December 2020 laying down rules for the application of Regulations (EU) 2016/429 and (EU) 2017/625 of the European Parliament and of the Council as regards model animal health certificates for the entry into the Union and movements within the Union of consignments of aquatic animals and of certain products of animal origin from aquatic animals, official certification regarding such certificates and repealing Regulation (EC) No 1251/2008.	2027
45.	Commission Implementing Regulation (EU) 2015/262 of 17 February 2015 laying down rules pursuant to Council Directives 90/427/EEC and 2009/156/EC as regards the methods for the identification of equidae.	2027
46.	Commission Regulation (EU) 2020/354 of 4 March 2020 establishing a list of intended uses of feed intended for particular nutritional purposes and repealing Directive 2008/38/EC.	2028
47.	Regulation (EU) 2016/1012 of the European Parliament and of the Council of 8 June 2016 on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof and amending Regulation (EU) No 652/2014, Council Directives 89/608/EEC and 90/425/EEC and repealing certain acts in the area of animal breeding ('Animal Breeding Regulation').	2028
Section 2 – Food safety		
48.	Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.	2015
49.	Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs.	2015
50.	Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin.	2015
51.	Commission Regulation (EC) No 2073/2005 of 15 November 2005 on microbiological criteria for foodstuffs.	2015

52.	Commission Regulation (EC) No 2074/2005 of 5 December 2005 laying down implementing measures for certain products under Regulation (EC) No 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No 854/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No 852/2004 of the European Parliament and of the Council and Regulation (EC) No 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004.	2015
53.	Commission Implementing Regulation (EU) No 931/2011 of 19 September 2011 on the traceability requirements set by Regulation (EC) No 178/2002 of the European Parliament and of the Council for food of animal origin.	2015
54.	Commission Decision 97/747/EC of 27 October 1997 fixing the levels and frequencies of sampling provided for Council Directive 96/23/EC for the monitoring of certain substances and residues thereof in certain animal products.	2015
55.	Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of β -agonists, and repealing Directives 81/602/EEC, 88/146/EEC and 88/299/EEC.	2015
56.	Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food.	2015
57.	Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs.	2015
58.	Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC.	2016
59.	Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004.	2016
60.	Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods..	2016
61.	Commission Regulation (EU) No 1047/2012 of 8 November 2012 amending Regulation (EC) No 1924/2006 with regard to the list of nutrition claims.	2016
62.	Commission Implementing Decision 2013/63/EU of 24 January 2013 adopting guidelines for the implementation of specific conditions for health claims laid down in Article 10 of Regulation (EC) No 1924/2006 of the European Parliament and of the Council.	2016
63.	Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives.	2016
64.	Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods.	2016
65.	Commission Regulation (EC) No 1170/2009 of 30 November 2009 amending Directive 2002/46/EC of the European Parliament and of Council and Regulation (EC) No 1925/2006 of the European Parliament and of the Council as regards the lists of vitamin and minerals and their forms that can be added to foods, including food supplements.	2016

66.	Commission Regulation (EU) No 37/2010 of 22 December 2009 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin.	2016
67.	Commission Regulation (EC) No 401/2006 of 23 February 2006 laying down the methods of sampling and analysis for the official control of the levels of mycotoxins in foodstuffs.	2016
68.	Commission Regulation (EC) No 333/2007 of 28 March 2007 laying down the methods of sampling and analysis for the control of the levels of trace elements and processing contaminants in foodstuffs.	2016
69.	Directive 2011/91/EU of the European Parliament and of the Council of 13 December 2011 on indications or marks identifying the lot to which a foodstuff belongs.	2017
70.	Council Decision 92/608/EEC of 14 November 1992 laying down methods for the analysis and testing of heat-treated milk for direct human consumption.	2017
71.	Commission Regulation (EC) No 645/2000 of 28 March 2000 setting out detailed implementing rules necessary for the proper functioning of certain provisions of Article 7 of Council Directive 86/362/EEC and of Article 4 of Council Directive 90/642/EEC concerning the arrangements for monitoring the maximum levels of pesticide residues in and on cereals and products of plant origin, including fruit and vegetables, respectively.	2017
72.	Commission Implementing Regulation (EU) No 307/2012 of 11 April 2012 establishing implementing rules for the application of Article 8 of Regulation (EC) No 1925/2006 of the European Parliament and of the Council on the addition of vitamins and minerals and of certain other substances to foods.	2017
73.	Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009.	2017
74.	Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC.	2018
75.	Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC.	2018
76.	Commission Recommendation 2004/787/EC of 4 October 2004 on technical guidance for sampling and detection of genetically modified organisms and material produced from genetically modified organisms as or in products in the context of Regulation (EC) No 1830/2003.	2018
77.	Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed	2018
78.	Commission Regulation (EU) No 231/2012 of 9 March 2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council.	2019

79.	Regulation (EU) 2015/2283 of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001.	2019
80.	Commission Recommendation 97/618/EC of 29 July 1997 concerning the scientific aspects and the presentation of information necessary to support applications for the placing on the market of novel foods and novel food ingredients and the preparation of initial assessment reports under Regulation (EC) No 258/97 of the European Parliament and of the Council.	2019
81.	Commission Regulation (EC) No 2023/2006 of 22 December 2006 on good manufacturing practice for materials and articles intended to come into contact with food.	2019
82.	Commission Regulation (EC) No 641/2004 of 6 April 2004 on detailed rules for the implementation of Regulation (EC) No 1829/2003 as regards the application for the authorization of new genetically modified food and feed, the notification of existing products and adventitious or technically unavoidable presence of genetically modified material which has benefited from a favourable risk evaluation.	2019
83.	Commission Recommendation 2013/165/EU of 27 March 2013 on the presence of T-2 and HT-2 toxin in cereals and cereal products.	2019
84.	Regulation (EC) No 1332/2008 of the European Parliament and of the Council of 16 December 2008 on food enzymes and amending Council Directive 83/417/EEC, Council Regulation (EC) No 1493/1999, Directive 2000/13/EC, Council Directive 2001/112/EC and Regulation (EC) No 258/97.	2020
85.	Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC.	2020
86.	Commission Regulation (EU) No 873/2012 of 1 October 2012 on transitional measures concerning the Union list of flavourings and source materials set out in Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council.	2020
87.	Council Directive 78/142/EEC of 30 January 1978 on the approximation of the laws of the Member States relating to materials and articles which contain vinyl chloride monomer and are intended to come into contact with foodstuffs.	2020
88.	Commission Directive 92/2/EEC of 13 January 1992 laying down the sampling procedure and the Community method of analysis for the official control of the temperatures of quick-frozen foods intended for human consumption.	2020
89.	Council Directive 89/108/EEC of 21 December 1988 on the approximation of the laws of the Member States relating to quick-frozen foodstuffs for human consumption.	2020
90.	Commission Regulation (EC) No 37/2005 of 12 January 2005 on the monitoring of temperatures in the means of transport, warehousing and storage of quickfrozen foodstuffs intended for human consumption.	2020
91.	Commission Implementing Regulation (EU) No 872/2012 of 1 October 2012 adopting the list of flavouring substances provided for by Regulation (EC) No 2232/96 of the European Parliament and of the Council, introducing it in Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council and repealing Commission Regulation (EC) No 1565/2000 and Commission Decision 1999/217/EC.	2021

92.	Regulation (EC) No 2065/2003 of the European Parliament and of the Council of 10 November 2003 on smoke flavourings used or intended for use in or on foods.	2021
93.	Commission Implementing Regulation (EU) No 1321/2013 of 10 December 2013 establishing the Union list of authorised smoke flavouring primary products for use as such in or on foods and/or for the production of derived smoke flavourings.	2021
94.	Commission Directive 93/11/EEC of 15 March 1993 concerning the release of the N-nitrosamines and N-nitrosatable substances from elastomer or rubber teats and soothers.	2021
95.	Commission Regulation (EC) No 1895/2005 of 18 November 2005 on the restriction of use of certain epoxy derivatives in materials and articles intended to come into contact with food.	2021
96.	Commission Regulation (EC) No 1882/2006 of 19 December 2006 laying down methods of sampling and analysis for the official control of the levels of nitrates in certain foodstuffs.	2021
97.	Commission Decision 86/474/EEC of 11 September 1986 on the implementation of the on-the-spot inspections to be carried out in respect of the importation of bovine animals and swine and fresh meat from non-member countries.	2022
98.	Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements.	2022
99.	Commission Regulation (EU) No 10/2011 of 14 January 2011 on plastic materials and articles intended to come into contact with food.	2022
100.	Directive 2009/54/EC of the European Parliament and of the Council of 18 June 2009 on the exploitation and marketing of natural mineral waters.	2022
101.	Commission Directive 2003/40/EC of 16 May 2003 establishing the list, concentration limits and labeling requirements for the constituents of natural mineral waters and the conditions for using ozone-enriched air for the treatment of natural mineral waters and spring waters.	2022
102.	Directive 2009/41/EC of the European Parliament and of the Council of 6 May 2009 on the contained use of genetically modified micro-organisms.	2022
103.	Commission Implementing Regulation (EU) No 1337/2013 of 13 December 2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry.	2022
104.	Commission Implementing Decision (EU) 2019/300 of 19 February 2019 establishing a general plan for crisis management in the field of the safety of food and feed.	2022
105.	Commission Implementing Regulation (EU) 2019/1793 of 22 October 2019 on the temporary increase of official controls and emergency measures governing the entry into the Union of certain goods from certain third countries implementing Regulations (EU) 2017/625 and (EC) No 178/2002 of the European Parliament and of the Council and repealing Commission Regulations (EC) No 669/2009, (EU) No 884/2014, (EU) 2015/175, (EU) 2017/186 and (EU) 2018/1660.	2022
106.	Commission Regulation (EU) No 115/2010 of 9 February 2010 laying down the conditions for use of activated alumina for the removal of fluoride from natural mineral waters and spring waters.	2023

107.	Commission Decision 2000/608/EC of 27 September 2000 concerning the guidance notes for risk assessment outlined in Annex III of Directive 90/219/EEC on the contained use of genetically modified micro-organisms.	2023
108.	Commission Regulation (EU) 2019/1871 of 7 November 2019 on reference points for action for non-allowed pharmacologically active substances present in food of animal origin and repealing Decision 2005/34/EC.	2023
109.	Council Directive 82/711/EEC of 18 October 1982 laying down the basic rules necessary for testing migration of the constituents of plastic materials and articles intended to come into contact with foodstuffs.	2023
110.	Council Directive 84/500/EEC of 15 October 1984 on the approximation of the laws of the Member States relating to ceramic articles intended to come into contact with foodstuffs.	2023
111.	Commission Directive 96/8/EC of 26 February 1996 on foods intended for use in energy-restricted diets for weight reduction.	2023
112.	Commission Implementing Regulation (EU) 2021/808 of 22 March 2021 on the performance of analytical methods for residues of pharmacologically active substances used in food-producing animals and on the interpretation of results as well as on the methods to be used for sampling and repealing Decisions 2002/657/EC and 98/179/EC.	2023
113.	Commission Regulation (EU) No 210/2013 of 11 March 2013 on the approval of establishments producing sprouts pursuant to Regulation (EC) No 852/2004 of the European Parliament and of the Council.	2024
114.	Commission Regulation (EU) No 579/2014 of 28 May 2014 granting derogation from certain provisions of Annex II to Regulation (EC) No 852/2004 of the European Parliament and of the Council as regards the transport of liquid oils and fats by sea.	2024
115.	Commission Regulation (EU) No 432/2012 of 16 May 2012 establishing a list of permitted health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health.	2024
116.	Council Directive 85/572/EEC of 19 December 1985 laying down the list of simulants to be used for testing migration of constituents of plastic materials and articles intended to come into contact with foodstuffs.	2024
117.	Commission Regulation (EC) No 124/2009 of 10 February 2009 setting maximum levels for the presence of coccidiostats or histomonostats in food resulting from the unavoidable carry-over of these substances in non-target feed.	2024
118.	Commission Directive 2007/42/EC of 29 June 2007 relating to materials and articles made of regenerated cellulose film intended to come into contact with foodstuffs.	2024
119.	Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC (I), 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation, OCR).	2024

120.	Commission Recommendation 2013/711/EU of 3 December 2013 on the reduction of the presence of dioxins, furans and PCBs in feed and food.	2025
121.	Commission Recommendation 2006/794/EC of 16 November 2006 on the monitoring of background levels of dioxins, dioxin-like PCBs and non-dioxin-like PCBs in foodstuffs.	2025
122.	Commission Regulation (EU) 2017/644 of 5 April 2017 laying down methods of sampling and analysis for the control of levels of dioxins, dioxin-like PCBs and non-dioxin-like PCBs in certain foodstuffs and repealing Regulation (EU) No 589/2014.	2025
123.	Commission Implementing Regulation (EU) No 503/2013 of 3 April 2013 on applications for authorisation of genetically modified food and feed in accordance with Regulation (EC) No 1829/2003 of the European Parliament and of the Council and amending Commission Regulations (EC) No 641/2004 and (EC) No 1981/2006.	2025
124.	Commission Implementing Regulation (EU) 2019/1715 of 30 September 2019 laying down rules for the functioning of the information management system for official controls and its system components (the IMSOC Regulation).	2025
125.	Commission Recommendation 2003/598/EC of 11 August 2003 on the prevention and reduction of patulin contamination in apple juice and apple juice ingredients in other beverages.	2026
126.	Directive 1999/2/EC of the European Parliament and of the Council of 22 February 1999 on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation.	2026
127.	Directive 1999/3/EC of the European Parliament and of the Council of 22 February 1999 on the establishment of a Community list of foods and food ingredients treated with ionising radiation.	2026
128.	Commission Regulation (EU) No 907/2013 of 20 September 2013 setting the rules for applications concerning the use of generic descriptors (denominations).	2026
129.	Directive 2009/32/EC of the European Parliament and of the Council of 23 April 2009 on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients.	2026
130.	Commission Regulation (EC) No 450/2009 of 29 May 2009 on active and intelligent materials and articles intended to come into contact with food.	2026
131.	Commission Regulation (EU) No 284/2011 of 22 March 2011 laying down specific conditions and detailed procedures for the import of polyamide and melamine plastic kitchenware originating in or consigned from the People's Republic of China and Hong Kong Special Administrative Region, China.	2026
132.	Commission Regulation (EC) No 282/2008 of 27 March 2008 on recycled plastic materials and articles intended to come into contact with foods and amending Regulation (EC) No 2023/2006.	2026
133.	Commission Implementing Regulation (EU) No 321/2011 of 1 April 2011 amending Regulation (EU) No 10/2011 as regards the restriction of use of Bisphenol A in plastic infant feeding bottles.	2026
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134.	Commission Recommendation 2014/63/EU of 6 February 2014 on measures to control <i>Diabrotica virgifera virgifera</i> Le Conte in Union areas where its presence is confirmed.	2015

135.	Commission Directive 2004/105/EC of 15 October 2004 determining the models of official phytosanitary certificates or phytosanitary certificates for re-export accompanying plants, plant products or other objects from third countries and listed in Council Directive 2000/29/EC.	2015
136.	Commission Directive 92/90/EEC of 3 November 1992 establishing obligations to which producers and importers of plants, plant products or other objects are subject and establishing details for their registration.	2016
137.	Commission Regulation (EC) No 1756/2004 of 11 October 2004 specifying the detailed conditions for the evidence required and the criteria for the type and level of the reduction of the plant health checks of certain plants, plant products or other objects listed in Part B of Annex V to Council Directive 2000/29/EC.	2018
138.	Commission Directive 92/70/EEC of 30 July 1992 laying down detailed rules for surveys to be carried out for purposes of the recognition of protected zones in the Community.	2018
139.	Commission Directive 93/51/EEC of 24 June 1993 establishing rules for movements of certain plants, plant products or other objects through a protected zone, and for movements of such plants, plant products or other objects originating in and moving within such a protected zone.	2018
140.	Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine.	2018
141.	Council Directive 2008/72/EC of 15 July 2008 on the marketing of vegetable propagating and planting material, other than seed.	2018
142.	Commission Regulation (EU) No 283/2013 of 1 March 2013 setting out the data requirements for active substances, 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.	2018
143.	Commission Directive 2002/63/EC of 11 July 2002 establishing Community methods of sampling for the official control of pesticide residues in and on products of plant and animal origin and repealing Directive 79/700/EEC.	2018
144.	Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed.	2019
145.	Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed.	2019
146.	Council Directive 2008/90/EC of 29 September 2008 on the marketing of fruit plant propagating material and fruit plants intended for fruit production.	2019
147.	Council Directive 98/56/EC of 20 July 1998 on the marketing of propagating material of ornamental plants.	2019
148.	Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed.	2019
149.	Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed.	2019
150.	Commission Implementing Decision 2012/138/EU of 1 March 2012 as regards emergency measures to prevent the introduction into and the spread within the Union of <i>Anoplophora chinensis</i> (Forster).	2020
151.	Commission Implementing Decision 2012/270/EU of 16 May 2012 as regards emergency measures to prevent the introduction into and the spread within the Union of <i>Epitrix cucumeris</i> (Harris), <i>Epitrix similis</i> (Gentner), <i>Epitrix subcrinita</i> (Lec.) and <i>Epitrix tuberis</i> (Gentner).	2020

152.	Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes.	2020
153.	Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants.	2020
154.	Commission Decision 81/675/EEC of 28 July 1981 establishing that particular sealing systems are 'non-reusable systems' within the meaning of Council Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 69/208/EEC and 70/458/EEC.	2020
155.	Commission Regulation (EC) No 217/2006 of 8 February 2006 laying down rules for the application of Council Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC as regards the authorisation of Member States to permit temporarily the marketing of seed not satisfying the requirements in respect of the minimum germination.	2020
156.	Commission Regulation (EU) No 284/2013 of 1 March 2013 setting out the data requirements for plant protection products, 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.	2020
157.	Commission Regulation (EU) No 547/2011 of 8 June 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards labelling requirements for plant protection products.	2020
158.	Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides.	2020
159.	Commission Regulation (EU) No 546/2011 of 10 June 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards uniform principles for evaluation and authorisation of plant protection products.	2021
160.	Commission Implementing Decision 2012/535/EU of 26 September 2012 on emergency measures to prevent the spread within the Union of <i>Bursaphelenchus xylophilus</i> (Steiner et Buhrer) Nickle et al. (the pine wood nematode).	2022
161.	Commission Decision 80/755/EEC of 17 July 1980 authorizing the indelible printing of prescribed information on packages of cereal seed.	2022
162.	Commission Directive 2004/29/EC of 4 March 2004 on determining the characteristics and minimum conditions for inspecting vine varieties.	2022
163.	Commission Directive 93/61/EEC of 2 July 1993 setting out the schedules indicating the conditions to be met by vegetable propagating and planting material, other than seed pursuant to Council Directive 92/33/EEC.	2022
164.	Commission Directive 93/62/EEC of 5 July 1993 setting out the implementing measures concerning the supervision and monitoring of suppliers and establishments pursuant to Council Directive 92/33/EEC on the marketing of vegetable propagating and planting material, other than seed.	2022
165.	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.	2022
166.	Commission Implementing Regulation (EU) No 541/2011 of 1 June 2011 amending Implementing Regulation (EU) No 540/2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances.	2022

167.	Commission Decision 2004/371/EC of 20 April 2004 on conditions for the placing on the market of seed mixtures intended for use as fodder plants.	2023
168.	Commission Directive 2008/124/EC of 18 December 2008 limiting the marketing of seed of certain species of fodder plants and oil and fibre plants to seed which has been officially certified as 'basic seed' or 'certified seed'.	2023
169.	Commission Directive 2010/60/EU of 30 August 2010 providing for certain derogations for marketing of fodder plant seed mixtures intended for use in the preservation of the natural environment.	2023
170.	Commission Implementing Directive 2014/97/EU of 15 October 2014 implementing Council Directive 2008/90/EC as regards the registration of suppliers and of varieties and the common list of varieties.	2023
171.	Commission Directive 93/49/EEC of 23 June 1993 setting out the schedule indicating the conditions to be met by ornamental plant propagating material and ornamental plants pursuant to Council Directive 91/682/EEC.	2023
172.	Commission Directive 1999/66/EC of 28 June 1999 setting out requirements as to the label or other document made out by the supplier pursuant to Council Directive 98/56/EC.	2023
173.	Commission Directive 1999/68/EC of 28 June 1999 setting out additional provisions for lists of varieties of ornamental plants as kept by suppliers under Council Directive 98/56/EC.	2023
174.	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.	2023
175.	Commission Regulation (EC) No 2301/2002 of 20 December 2002 laying down detailed rules for the application of Council Directive 1999/105/EC as regards the definition of small quantities of seed.	2024
176.	Commission Directive 2003/90/EC of 6 October 2003 setting out implementing measures for the purposes of Article 7 of Council Directive 2002/53/EC as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species.	2024
177.	Commission Decision 2004/842/EC of 1 December 2004 concerning implementing rules whereby Member States may authorise the placing on the market of seed belonging to varieties for which an application for entry in the national catalogue of varieties of agricultural plant species or vegetable species has been submitted.	2024
178.	Commission Implementing Regulation (EU) 2021/384 of 3 March 2021 on the suitability of the denominations of varieties of agricultural plant species and vegetable species and repealing Regulation (EC) No 637/2009.	2024
179.	Commission Implementing Regulation (EU) No 208/2013 of 11 March 2013 on traceability requirements for sprouts and seeds intended for the production of sprouts.	2024
180.	Commission Implementing Regulation (EU) 2020/1740 of 20 November 2020 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, and repealing Commission Implementing Regulation (EU) No 844/2012.	2025

181.	Commission Implementing Decision 2012/697/EU of 8 November 2012 as regards measures to prevent the introduction into and the spread within the Union of the genus <i>Pomacea</i> (Perry).	2025
182.	Commission Directive 93/50/EEC of 24 June 1993 specifying certain plants not listed in Annex V, part A to Council Directive 77/93/EEC, the producers of which, or the warehouses, dispatching centres in the production zones of such plants, shall be listed in an official register.	2025
183.	Commission Directive 2003/91/EC of 6 October 2003 setting out implementing measures for the purposes of Article 7 of Council Directive 2002/55/EC as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of vegetable species.	2025
184.	Commission Implementing Directive 2014/20/EU of 6 February 2014 determining Union grades of basic and certified seed potatoes, and the conditions and designations applicable to such grades.	2025
185.	Commission Implementing Directive 2014/21/EU of 6 February 2014 determining minimum conditions and Union grades for pre-basic seed potatoes.	2025
186.	Commission Decision 97/125/EC of 24 January 1997 authorizing the indelible printing of prescribed information on packages of seed of oil and fibre plants and amending Decision 87/309/EEC authorizing the indelible printing of prescribed information on packages of certain fodder plant species.	2025
187.	Commission Implementing Regulation (EU) 2020/1770 of 26 November 2020 on types and species of plants for planting not exempted from the traceability code requirement for plant passports under Regulation (EU) 2016/2031 of the European Parliament and of the Council and repealing Commission Directive 92/105/EEC.	2025
188.	Commission Decision 2004/266/EC of 17 March 2004 authorising the indelible printing of prescribed information on packages of seed of fodder plants.	2026
189.	Commission Directive 2008/62/EC of 20 June 2008 providing for certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties.	2026
190.	Commission Directive 2009/145/EC of 26 November 2009 providing for certain derogations, for acceptance of vegetable landraces and varieties which have been traditionally grown in particular localities and regions and are threatened by genetic erosion and of vegetable varieties with no intrinsic value for commercial crop production but developed for growing under particular conditions and for marketing of seed of those landraces and varieties.	2026
191.	Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights.	2026
192.	Commission Regulation (EC) No 1768/95 of 24 July 1995 implementing rules on the agricultural exemption provided for in Article 14 (3) of Council Regulation (EC) No 2100/94 on Community plant variety rights.	2026
193.	Commission Regulation (EC) No 874/2009 of 17 September 2009 establishing implementing rules for the application of Council Regulation (EC) No 2100/94 as regards proceedings before the Community Plant Variety Office.	2026
194.	Commission Implementing Regulation (EU) 2020/1201 of 14 August 2020 as regards measures to prevent the introduction into and the spread within the Union of <i>Xylella fastidiosa</i> .	2026

195.	Regulation (EU) 2016/2031 of the European Parliament and of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC.	2027
196.	Commission Delegated Regulation (EU) 2019/2123 of 10 October 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for the cases where and the conditions under which identity checks and physical checks on certain goods may be performed at control points and documentary checks may be performed at distance from border control posts.	2027
197.	Commission Implementing Regulation (EU) 2019/1014 of 12 June 2019 to lay down detailed rules on minimum requirements for border control posts, including inspection centres, and for the format, categories and abbreviations to use for listing border control posts and control points.	2027
198.	Commission Implementing Directive 2014/98/EU of 15 October 2014 implementing Council Directive 2008/90/EC as regards specific requirements for the genus and species of fruit plants referred to in Annex I thereto, specific requirements to be met by suppliers and detailed rules concerning official inspections.	2027
199.	Commission Delegated Regulation (EU) 2019/829 of 14 March 2019 supplementing Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants, authorising Member States to provide for temporary derogations in view of official testing, scientific or educational purposes, trials, varietal selections, or breeding.	2027
200.	Commission Implementing Regulation (EU) 2021/2285 of 14 December 2021 amending Implementing Regulation (EU) 2019/2072 as regards the listing of pests, prohibitions and requirements for the introduction into, and movement within, the Union of plants, plant products and other objects, and repealing Decisions 98/109/EC and 2002/757/EC and Implementing Regulations (EU) 2020/885 and (EU) 2020/1292.	2027'

CORRIGENDA

Corrigendum to Commission Implementing Regulation (EU) 2023/741 of 5 April 2023 concerning the non-renewal of the approval of the active substance oxamyl, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council, and amending Commission Implementing Regulation (EU) No 540/2011*(Official Journal of the European Union L 98 of 11 April 2023)*

On page 2, recital 17:

for: 'For plant protection products containing oxamyl, where Member States grant any grace period in accordance with Article 46 of Regulation (EC) No 1107/2009, that period should at the latest, expire on 30 September 2023.'

read: 'For plant protection products containing oxamyl, where Member States grant any grace period in accordance with Article 46 of Regulation (EC) No 1107/2009, that period should at the latest, expire on 1 November 2023.'

On page 3, Article 3:

for: 'Member States shall withdraw authorisations for plant protection products containing oxamyl as an active substance by 30 June 2023.'

read: 'Member States shall withdraw authorisations for plant protection products containing oxamyl as an active substance by 1 August 2023.'

On page 3, Article 4:

for: 'Any grace period granted by Member States in accordance with Article 46 of Regulation (EC) No 1107/2009 shall expire by 30 September 2023.'

read: 'Any grace period granted by Member States in accordance with Article 46 of Regulation (EC) No 1107/2009 shall expire by 1 November 2023.'

ISSN 1977-0677 (electronic edition)
ISSN 1725-2555 (paper edition)



Publications Office
of the European Union
L-2985 Luxembourg
LUXEMBOURG

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