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⁽¹⁾ Text with EEA relevance.

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

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II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) 2023/1049

of 30 May 2023

amending Annexes II and IV to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for fish oil, pendimethalin, sheep fat and spirotetramat in or on certain products**(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 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 ⁽¹⁾, and in particular Article 5(1) and Article 14(1), point (a), thereof,

Whereas:

- (1) For pendimethalin and spirotetramat, maximum residue levels ('MRLs') were set in Annex II to Regulation (EC) No 396/2005. Fish oil and sheep fat are included in Annex IV to that Regulation.
- (2) As regards the active substance pendimethalin, an application pursuant to Article 6(1) of Regulation (EC) No 396/2005 requesting a modification of the existing MRLs was submitted for peas (with pods), beans (with pods) and leeks. As regards the active substance spirotetramat, such an application was submitted for herbs and edible flowers.
- (3) In accordance with Article 8 of Regulation (EC) No 396/2005, those applications were evaluated by the Member States concerned and the evaluation reports were forwarded to the Commission.
- (4) The European Food Safety Authority ('the Authority') assessed the applications and the evaluation reports, examining in particular the risks to consumers and, where relevant, to animals, and gave reasoned opinions on the proposed MRLs ⁽²⁾. It forwarded those opinions to the applicants, the Commission and the Member States and made them available to the public.
- (5) As regards spirotetramat, in herbs and edible flowers, others, the Authority did not recommend a specific MRL value. Nevertheless, the Authority noted that risk managers may consider to implement the MRL of 10 mg/kg to the whole group of herbs and edible flowers, and that this would be safe for consumers. Therefore, it is appropriate to propose setting the MRL for spirotetramat in herbs and edible flowers, others, at 10 mg/kg in accordance with the relevant Commission Technical Guidelines ⁽³⁾.

⁽¹⁾ OJ L 70, 16.3.2005, p. 1.

⁽²⁾ Reasoned Opinion on the modification of the existing maximum residue levels for pendimethalin in peas (with pods), beans (with pods) and leeks. EFSA Journal 2023;21(3):7663.
Reasoned Opinion on the modification of the existing maximum residue levels for spirotetramat in herbs and edible flowers. EFSA Journal 2022;20(12):7668.

⁽³⁾ Commission Technical Guidelines on data requirements for setting MRLs, comparability of residue trials and extrapolation of residue data on products from plant and animal origin (SANTE/2019/12752)

- (6) For pendimethalin and spirotetramat, the Authority concluded that all requirements with respect to completeness of data submission were met and that the modifications to the MRLs requested by the applicants were acceptable with regard to consumer safety on the basis of a consumer exposure assessment for 27 specific European consumer groups. In so concluding, the Authority took into account the most recent data on the toxicological properties of the substances. Neither the long-term exposure to these substances via consumption of all food products that may contain them, nor the short-term exposure due to high consumption of the relevant products showed a risk that the acceptable daily intake or the acute reference dose is exceeded.
- (7) Based on the reasoned opinions of the Authority and taking into account the relevant factors listed in Article 14(2) of Regulation (EC) No 396/2005, it is appropriate to conclude that the proposed modifications to the MRLs fulfil the requirements of that article.
- (8) Fish oil and sheep fat were temporarily included in Annex IV to Regulation (EC) No 396/2005 pending the finalisation of their evaluation either under Council Directive 91/414/EEC ⁽⁴⁾ or under Regulation (EC) No 1107/2009 of the European Parliament and of the Council ⁽⁵⁾, and pending the review of MRLs on those active substances in accordance with Article 12 of Regulation (EC) No 396/2005. In the context of applications for renewal of the approval of those active substances under Regulation (EC) No 1107/2009, the Authority issued conclusions on the peer review of the pesticide risk assessment of fish oil and sheep fat ⁽⁶⁾. Based on those conclusions, no MRLs are required for fish oil and sheep fat. Therefore, it is appropriate for those substances to remain in Annex IV to Regulation (EC) No 396/2005.
- (9) Regulation (EC) No 396/2005 should therefore be amended accordingly.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes II and IV to Regulation (EC) No 396/2005 are 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*.

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

Done at Brussels, 30 May 2023.

For the Commission
The President
Ursula VON DER LEYEN

⁽⁴⁾ Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ L 230, 19.8.1991, p. 1).

⁽⁵⁾ 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 (OJ L 309, 24.11.2009, p. 1).

⁽⁶⁾ Conclusion on the peer review of the pesticide risk assessment of the active substance fish oil. EFSA Journal 2022;20(1):7079. Conclusion on the peer review of the pesticide risk assessment of the active substance sheep fat. EFSA Journal 2022;20(1):7073.

ANNEX

Annexes II and IV to Regulation (EC) No 396/2005 are amended as follows:

(1) in Annex II, the columns for pendimethalin and spirotetramat are replaced by the following:

Pesticide residues and maximum residue levels (mg/kg)

Code number	Groups and examples of individual products to which the MRLs apply ^(*)	Pendimethalin (F)	Spirotetramat and spirotetramat-enol (sum of), expressed as spirotetramat (R)
(1)	(2)	(3)	(4)
0100000	FRUITS, FRESH or FROZEN; TREE NUTS	0,05 (*)	
0110000	Citrus fruits		0,5
0110010	Grapefruits		
0110020	Oranges		
0110030	Lemons		
0110040	Limes		
0110050	Mandarins		
0110990	Others (2)		
0120000	Tree nuts		0,5
0120010	Almonds		
0120020	Brazil nuts		
0120030	Cashew nuts		
0120040	Chestnuts		
0120050	Coconuts		
0120060	Hazelnuts/cobnuts		
0120070	Macadamias		
0120080	Pecans		
0120090	Pine nut kernels		
0120100	Pistachios		
0120110	Walnuts		
0120990	Others (2)		
0130000	Pome fruits		0,7
0130010	Apples		
0130020	Pears		
0130030	Quinces		
0130040	Medlars		
0130050	Loquats/Japanese medlars		
0130990	Others (2)		

(1)	(2)	(3)	(4)
0140000	Stone fruits		3
0140010	Apricots		
0140020	Cherries (sweet)		
0140030	Peaches		
0140040	Plums		
0140990	Others (2)		
0150000	Berries and small fruits		
0151000	(a) grapes		2
0151010	Table grapes		
0151020	Wine grapes		
0152000	(b) strawberries		0,3
0153000	(c) cane fruits		0,02 (*)
0153010	Blackberries		
0153020	Dewberries		
0153030	Raspberries (red and yellow)		
0153990	Others (2)		
0154000	(d) other small fruits and berries		1,5
0154010	Blueberries		
0154020	Cranberries		
0154030	Currants (black, red and white)		
0154040	Gooseberries (green, red and yellow)		
0154050	Rose hips		
0154060	Mulberries (black and white)		
0154070	Azaroles/Mediterranean medlars		
0154080	Elderberries		
0154990	Others (2)		
0160000	Miscellaneous fruitswith		
0161000	(a) edible peel		
0161010	Dates		0,02 (*)
0161020	Figs		0,02 (*)
0161030	Table olives		1,5
0161040	Kumquats		0,02 (*)
0161050	Carambolas		0,02 (*)

(1)	(2)	(3)	(4)
0161060	Kaki/Japanese persimmons		0,4
0161070	Jambuls/jambolans		0,02 (*)
0161990	Others (2)		0,02 (*)
0162000	(b) inedible peel, small		
0162010	Kiwi fruits (green, red, yellow)		3
0162020	Litchis/lychees		15
0162030	Passionfruits/maracujas		0,02 (*)
0162040	Prickly pears/cactus fruits		0,02 (*)
0162050	Star apples/cainitos		0,02 (*)
0162060	American persimmons/Virginia kaki		0,02 (*)
0162990	Others (2)		0,02 (*)
0163000	(c) inedible peel, large		
0163010	Avocados		0,4
0163020	Bananas		0,4
0163030	Mangoes		0,3
0163040	Papayas		0,4
0163050	Granate apples/pomegranates		0,4
0163060	Cherimoyas		0,02 (*)
0163070	Guavas		2
0163080	Pineapples		0,15
0163090	Breadfruits		0,02 (*)
0163100	Durians		0,02 (*)
0163110	Soursops/guanabanas		0,02 (*)
0163990	Others (2)		0,02 (*)
0200000	VEGETABLES, FRESH or FROZEN		
0210000	Root and tuber vegetables		
0211000	(a) potatoes	0,05 (*)	0,8
0212000	(b) tropical root and tuber vegetables	0,05 (*)	0,02 (*)
0212010	Cassava roots/manioc		
0212020	Sweet potatoes		
0212030	Yams		
0212040	Arrowroots		
0212990	Others (2)		

(1)	(2)	(3)	(4)
0213000	(c) other root and tuber vegetables except sugar beets		0,07
0213010	Beetroots	0,05 (*)	
0213020	Carrots	0,7	
0213030	Celeriacs/turnip rooted celeries	0,2	
0213040	Horseradishes	0,7	
0213050	Jerusalem artichokes	0,05 (*)	
0213060	Parsnips	0,7	
0213070	Parsley roots/Hamburg roots parsley	0,7	
0213080	Radishes	0,05 (*)	
0213090	Salsifies	0,7	
0213100	Swedes/rutabagas	0,4	
0213110	Turnips	0,4	
0213990	Others (2)	0,05 (*)	
0220000	Bulb vegetables	0,05 (*)	
0220010	Garlic		0,3
0220020	Onions		0,4
0220030	Shallots		0,3
0220040	Spring onions/green onions and Welsh onions		0,9
0220990	Others (2)		0,02 (*)
0230000	Fruiting vegetables	0,05 (*)	
0231000	(a) Solanaceae and Malvaceae		1
0231010	Tomatoes		
0231020	Sweet peppers/bell peppers		
0231030	Aubergines/eggplants		
0231040	Okra/lady's fingers		
0231990	Others (2)		
0232000	(b) cucurbits with edible peel		0,2
0232010	Cucumbers		
0232020	Gherkins		
0232030	Courgettes		
0232990	Others (2)		
0233000	(c) cucurbits with inedible peel		0,2
0233010	Melons		

(1)	(2)	(3)	(4)
0233020	Pumpkins		
0233030	Watermelons		
0233990	Others (2)		
0234000	(d) sweet corn		1,5
0239000	(e) other fruiting vegetables		0,02 (*)
0240000	Brassica vegetables(excluding brassica roots and brassica baby leaf crops)		
0241000	(a) flowering brassica	0,05 (*)	1
0241010	Broccoli		
0241020	Cauliflowers		
0241990	Others (2)		
0242000	(b) head brassica	0,05 (*)	
0242010	Brussels sprouts		0,3(+)
0242020	Head cabbages		2
0242990	Others (2)		0,02 (*)
0243000	(c) leafy brassica	0,5	7
0243010	Chinese cabbages/pe-tsai		
0243020	Kales		
0243990	Others (2)		
0244000	(d) kohlrabies	0,3	1,5(+)
0250000	Leaf vegetables, herbs and edible flowers		
0251000	(a) lettuces and salad plants		7
0251010	Lamb's lettuces/corn salads	0,6	
0251020	Lettuces	4	
0251030	Escaroles/broad-leaved endives	0,05 (*)	
0251040	Cresses and other sprouts and shoots	0,6	
0251050	Land cresses	0,05 (*)	
0251060	Roman rocket/rucola	0,6	
0251070	Red mustards	0,05 (*)	
0251080	Baby leaf crops (including brassica species)	0,6	
0251990	Others (2)	0,05 (*)	
0252000	(b) spinaches and similar leaves	0,05 (*)	7
0252010	Spinaches		
0252020	Purslanes		

(1)	(2)	(3)	(4)
0252030	Chards/beet leaves		
0252990	Others (2)		
0253000	(c) grape leaves and similar species	0,05 (*)	0,02 (*)
0254000	(d) watercresses	0,05 (*)	7
0255000	(e) witloofs/Belgian endives	0,05 (*)	0,03
0256000	(f) herbs and edible flowers		
0256010	Chervil	0,6	7
0256020	Chives	0,6	7
0256030	Celery leaves	0,6	7
0256040	Parsley	2	7
0256050	Sage	2	10
0256060	Rosemary	0,6	10
0256070	Thyme	0,6	10
0256080	Basil and edible flowers	0,6	7
0256090	Laurel/bay leaves	0,6	10
0256100	Tarragon	0,6	7
0256990	Others (2)	0,6	10
0260000	Legume vegetables		
0260010	Beans (with pods)	0,06	2
0260020	Beans (without pods)	0,05 (*)	1,5
0260030	Peas (with pods)	0,09	2
0260040	Peas (without pods)	0,05 (*)	1,5
0260050	Lentils	0,05 (*)	1,5
0260990	Others (2)	0,05 (*)	0,02 (*)
0270000	Stem vegetables		
0270010	Asparagus	0,1	0,02 (*)
0270020	Cardoons	0,05 (*)	0,02 (*)
0270030	Celeries	0,1	4
0270040	Florence fennels	0,1	4
0270050	Globe artichokes	0,05 (*)	1
0270060	Leeks	0,3	0,9
0270070	Rhubarbs	0,05 (*)	4
0270080	Bamboo shoots	0,05 (*)	0,02 (*)
0270090	Palm hearts	0,05 (*)	0,02 (*)

(1)	(2)	(3)	(4)
0270990	Others (2)	0,05 (*)	0,02 (*)
0280000	Fungi, mosses and lichens	0,05 (*)	0,02 (*)
0280010	Cultivated fungi		
0280020	Wild fungi		
0280990	Mosses and lichens		
0290000	Algae and prokaryotes organisms	0,05 (*)	0,02 (*)
0300000	PULSES	0,15	2
0300010	Beans		
0300020	Lentils		
0300030	Peas		
0300040	Lupins/lupini beans		
0300990	Others (2)		
0400000	OILSEEDS AND OIL FRUITS	0,05 (*)	
0401000	Oilseeds		
0401010	Linseeds		0,02 (*)
0401020	Peanuts/groundnuts		0,02 (*)
0401030	Poppy seeds		0,02 (*)
0401040	Sesame seeds		0,02 (*)
0401050	Sunflower seeds		0,02 (*)
0401060	Rapeseeds/canola seeds		0,02 (*)
0401070	Soyabeans		4
0401080	Mustard seeds		0,02 (*)
0401090	Cotton seeds		0,4
0401100	Pumpkin seeds		0,02 (*)
0401110	Safflower seeds		0,02 (*)
0401120	Borage seeds		0,02 (*)
0401130	Gold of pleasure seeds		0,02 (*)
0401140	Hemp seeds		0,02 (*)
0401150	Castor beans		0,02 (*)
0401990	Others (2)		0,02 (*)
0402000	Oil fruits		
0402010	Olives for oil production		1,5
0402020	Oil palms kernels		0,02 (*)
0402030	Oil palms fruits		0,02 (*)

(1)	(2)	(3)	(4)
0402040	Kapok		0,02 (*)
0402990	Others (2)		0,02 (*)
0500000	CEREALS	0,05 (*)	0,02 (*)
0500010	Barley		
0500020	Buckwheat and other pseudocereals		
0500030	Maize/corn		
0500040	Common millet/proso millet		
0500050	Oat		
0500060	Rice		
0500070	Rye		
0500080	Sorghum		
0500090	Wheat		
0500990	Others (2)		
0600000	TEAS, COFFEE, HERBAL INFUSIONS, COCOA AND CAROBS		
0610000	Teas	0,05 (*)	0,1 (*)
0620000	Coffee beans	0,05 (*)	0,1 (*)
0630000	Herbal infusions from		
0631000	(a) flowers	0,05 (*)	0,1 (*)
0631010	Chamomile		
0631020	Hibiscus/roselle		
0631030	Rose		
0631040	Jasmine		
0631050	Lime/linden		
0631990	Others (2)		
0632000	(b) leaves and herbs	0,05 (*)	50
0632010	Strawberry		
0632020	Rooibos		
0632030	Mate/maté		
0632990	Others (2)		
0633000	(c) roots	0,5	0,1 (*)
0633010	Valerian		
0633020	Ginseng		
0633990	Others (2)		

(1)	(2)	(3)	(4)
0639000	(d) any other parts of the plant	0,05 (*)	0,1 (*)
0640000	Cocoa beans	0,05 (*)	0,1 (*)
0650000	Carobs/Saint John's breads	0,05 (*)	0,1 (*)
0700000	HOPS	0,05 (*)	15
0800000	SPICES		
0810000	Seed spices	0,05 (*)	0,1 (*)
0810010	Anise/aniseed		
0810020	Black caraway/black cumin		
0810030	Celery		
0810040	Coriander		
0810050	Cumin		
0810060	Dill		
0810070	Fennel		
0810080	Fenugreek		
0810090	Nutmeg		
0810990	Others (2)		
0820000	Fruit spices	0,05 (*)	0,1 (*)
0820010	Allspice/pimento		
0820020	Sichuan pepper		
0820030	Caraway		
0820040	Cardamom		
0820050	Juniper berry		
0820060	Peppercorn (black, green and white)		
0820070	Vanilla		
0820080	Tamarind		
0820990	Others (2)		
0830000	Bark spices	0,05 (*)	0,1 (*)
0830010	Cinnamon		
0830990	Others (2)		
0840000	Root and rhizome spices		
0840010	Liquorice	0,05 (*)	0,1 (*)
0840020	Ginger (10)		
0840030	Turmeric/curcuma	0,05 (*)	0,1 (*)

(1)	(2)	(3)	(4)
0840040	Horseradish (11)		
0840990	Others (2)	0,05 (*)	0,1 (*)
0850000	Bud spices	0,05 (*)	0,1 (*)
0850010	Cloves		
0850020	Capers		
0850990	Others (2)		
0860000	Flower pistil spices	0,05 (*)	0,1 (*)
0860010	Saffron		
0860990	Others (2)		
0870000	Aril spices	0,05 (*)	0,1 (*)
0870010	Mace		
0870990	Others (2)		
0900000	SUGAR PLANTS		
0900010	Sugar beet roots	0,05 (*)	0,06
0900020	Sugar canes	0,05 (*)	0,02 (*)
0900030	Chicory roots	0,2	0,07
0900990	Others (2)	0,05 (*)	0,02 (*)
1000000	PRODUCTS OF ANIMAL ORIGIN -TERRESTRIAL ANIMALS		
1010000	Commodities from		
1011000	(a) swine		
1011010	Muscle	0,01 (*)	0,05
1011020	Fat	0,2	0,02 (*)
1011030	Liver	0,05	0,7
1011040	Kidney	0,05	0,7
1011050	Edible offals (other than liver and kidney)	0,05	0,7
1011990	Others (2)	0,01 (*)	0,02 (*)
1012000	(b) bovine		
1012010	Muscle	0,01 (*)	0,05
1012020	Fat	0,2	0,02 (*)
1012030	Liver	0,05	0,7
1012040	Kidney	0,05	0,7
1012050	Edible offals (other than liver and kidney)	0,05	0,7
1012990	Others (2)	0,01 (*)	0,02 (*)

(1)	(2)	(3)	(4)
1013000	(c) sheep		
1013010	Muscle	0,01 (*)	0,05
1013020	Fat	0,2	0,02 (*)
1013030	Liver	0,05	0,7
1013040	Kidney	0,05	0,7
1013050	Edible offals (other than liver and kidney)	0,05	0,7
1013990	Others (2)	0,01 (*)	0,02 (*)
1014000	(d) goat		
1014010	Muscle	0,01 (*)	0,05
1014020	Fat	0,2	0,02 (*)
1014030	Liver	0,05	0,7
1014040	Kidney	0,05	0,7
1014050	Edible offals (other than liver and kidney)	0,05 (*)	0,7
1014990	Others (2)	0,01 (*)	0,02 (*)
1015000	(e) equine		
1015010	Muscle	0,01 (*)	0,05
1015020	Fat	0,2	0,02 (*)
1015030	Liver	0,05	0,7
1015040	Kidney	0,05	0,7
1015050	Edible offals (other than liver and kidney)	0,05	0,7
1015990	Others (2)	0,01 (*)	0,02 (*)
1016000	(f) poultry	0,01 (*)	0,02 (*)
1016010	Muscle		
1016020	Fat		
1016030	Liver		
1016040	Kidney		
1016050	Edible offals (other than liver and kidney)		
1016990	Others (2)		
1017000	(g) other farmed terrestrial animals		
1017010	Muscle	0,01 (*)	0,05
1017020	Fat	0,2	0,02 (*)
1017030	Liver	0,05	0,7
1017040	Kidney	0,05	0,7
1017050	Edible offals (other than liver and kidney)	0,05	0,7
1017990	Others (2)	0,01 (*)	0,02 (*)

(1)	(2)	(3)	(4)
1020000	Milk	0,02	0,01 (*)
1020010	Cattle		
1020020	Sheep		
1020030	Goat		
1020040	Horse		
1020990	Others (2)		
1030000	Birds eggs	0,01 (*)	0,01 (*)
1030010	Chicken		
1030020	Duck		
1030030	Geese		
1030040	Quail		
1030990	Others (2)		
1040000	Honey and other apiculture products (7)	0,05 (*)	0,5
1050000	Amphibians and Reptiles	0,01 (*)	0,02 (*)
1060000	Terrestrial invertebrate animals	0,01 (*)	0,02 (*)
1070000	Wild terrestrial vertebrate animals	0,01 (*)	0,02 (*)
1100000	PRODUCTS OF ANIMAL ORIGIN - FISH, FISHPRODUCTS AND ANY OTHER MARINE AND FRESHWATER FOOD PRODUCTS (8)		
1200000	PRODUCTS OR PART OF PRODUCTS EXCLUSIVELY USED FOR ANIMAL FEED PRODUCTION (8)		
1300000	PROCESSED FOOD PRODUCTS (9)		

(*) Indicates lower limit of analytical determination

(2) For the complete list of products of plant and animal origin to which MRL's apply, reference should be made to Annex I

Pendimethalin (F)

(F) Fat soluble

Spirotetramat and spirotetramat-enol (sum of), expressed as spirotetramat (R)

(R) The residue definition differs for the following combinations pesticide-code number: Spirotetramat - Code 1000000 except 1040000: spirotetramat-enol expressed as spirotetramat

The European Food Safety Authority identified some information on residue trials as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 20 April 2023, or, if that information is not submitted by that date, the lack of it.

0242010 Brussels sprouts

0244000 (d) kohlrabies'

(2) Annex IV is amended as follows:

- (a) the entry for 'Repellants: Fish oil⁽¹⁾' is replaced by the following:
'Repellants: Fish oil';
 - (b) the entry for 'Repellants: Sheep fat⁽¹⁾' is replaced by the following:
'Repellants: Sheep fat'.
-

COMMISSION IMPLEMENTING REGULATION (EU) 2023/1050**of 30 May 2023****imposing a definitive anti-dumping duty on imports of rebars originating in the Republic of Belarus 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 Regulation (EU) 2017/1019 ⁽²⁾, the European Commission ('the Commission') imposed anti-dumping duties on imports of certain concrete reinforcement bars and rods ('rebars') originating in the Republic of Belarus ('the original measures'). The investigation that led to the imposition of the original measures will hereinafter be referred to as 'the original investigation'.
- (2) The anti-dumping duty currently in force on imports from the Republic of Belarus ('Belarus' or 'the country concerned') is 10,6 %.

1.2. Request for an expiry review

- (3) Following the publication of a Notice of impending expiry ⁽³⁾, the Commission received a request for a review pursuant to Article 11(2) of the basic Regulation.
- (4) The request for expiry review ('the request') was lodged on 16 March 2022 by the European Steel Association ('Eurofer' or 'the applicant') on behalf of the Union industry of rebars in the sense of Article 5(4) of the basic Regulation representing more than 25 % of the total Union production. The request was based on the grounds that the expiry of the measures would be likely to result in continuation of dumping and recurrence of injury to the Union industry.

1.3. Initiation of an expiry review

- (5) 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 15 June 2022 the Commission initiated an expiry review with regard to imports into the Union of rebars originating in Belarus 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) 2017/1019 of 16 June 2017 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain concrete reinforcement bars and rods originating in the Republic of Belarus (OJ L 155, 17.6.2017, p. 6).

⁽³⁾ Notice of impending expiry of the anti-dumping measures (OJ C 372, 16.9.2021, p. 9).

⁽⁴⁾ Notice of initiation of an expiry review of the anti-dumping measures applicable to imports of rebars originating in the Republic of Belarus (OJ C 231, 15.6.2022, p. 21).

1.4. Review investigation period and period considered

- (6) 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 a continuation or recurrence of injury covered the period from 1 January 2018 to the end of the review investigation period ('the period considered').

1.5. Interested parties

- (7) 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 applicants, other known Union producers, the known exporting producer and the authorities in Belarus, known importers, users and traders about the initiation of the expiry and invited them to participate.
- (8) 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.

1.6. Representative country

- (9) In accordance with Article 2(7) of the basic Regulation, since Belarus is not a member of the WTO and is listed in Annex I to Regulation (EU) 2015/755 of the European Parliament and of the Council ⁽⁹⁾, the normal value must be determined on the basis of the price or constructed value in an appropriate representative country.
- (10) With the view of seeking cooperation of exporting producers in an appropriate representative country, pursuant to Article 2(7) of the basic Regulation the Commission contacted potential producers of rebars located in Bosnia-Herzegovina, South Korea, Dominican Republic, Switzerland, Norway, Türkiye, the United States (USA) and South Africa. It received a reply from only one producer, located in the USA.
- (11) In the absence of cooperation from any producers located in another potential representative country, the Commission decided to determine the normal value on the basis of the information received from this producer in the USA.
- (12) In accordance with Article 2(7) of the basic Regulation, parties were informed and given 10 days to comment on the choice of the USA as appropriate representative country. No comments were received from interested parties.

1.7. Sampling

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

1.7.1. Sampling of Union producers

- (14) In the Notice of Initiation, the Commission stated that it had provisionally selected a sample of Union producers. The Commission selected the sample on the basis of volume of production and sales of the like product in the Union during the review investigation period, whilst taking into account geographical spread. This sample consisted of three Union producers, accounting for more than 17 % of the estimated total volume of production and sales of the like product in the Union. In accordance with Article 17(2) of the basic Regulation, the Commission invited interested parties to comment on the provisional sample. No comments were received, therefore the provisional sampled was confirmed.

⁽⁹⁾ 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).

1.7.2. *Sampling of importers*

- (15) 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 importer provided the requested information and agreed to be included in the sample.

1.7.3. *Sampling of producers in Belarus*

- (16) In order to decide whether sampling was necessary and, if so, to select a sample, the Commission asked all producers in Belarus to provide the information specified in the Notice of Initiation. In addition, the Commission asked the Mission of the Republic of Belarus to the European Union to identify and/or contact other producers, if any, that could be interested in participating in the investigation.
- (17) Only one producer of rebars from Belarus, Byelorussian Steel Works ('BMZ'), came forward. Therefore, sampling was not necessary.

1.8. **Replies to the questionnaire**

- (18) The Commission sent questionnaires to the three sampled Union producers, the applicant, BMZ and the cooperating producer in the representative country. The questionnaires were also made available online ⁽⁶⁾ on the day of initiation.
- (19) Questionnaire replies were received from the three sampled Union producers, the applicant and the producer in the USA.
- (20) BMZ did not provide a questionnaire reply and was therefore deemed not to be cooperating with the Commission in this expiry review investigation.
- (21) Accordingly, in the absence of cooperation from the Belarusian producer, the Commission applied Article 18 of the basic Regulation and based its findings in the expiry review investigation on facts available.

1.9. **On spot verification**

- (22) 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. Verification visits pursuant to Article 16 of the basic Regulation were carried out at the premises of the following companies:

Union producers

- SN Maia – Siderurgia Nacional S.A., Portugal
- CMC Poland SP. z o.o, Poland
- Riva Acier S.A.S., France

Union Producers Association

- Eurofer, Belgium

Producer in an appropriate representative country

- CMC, Irving, Texas, USA

⁽⁶⁾ <https://tron.trade.ec.europa.eu/investigations/case-view?caseId=2607>.

1.10. Subsequent procedure

- (23) On 17 April 2023, the Commission disclosed the essential facts and considerations on the basis of which it intended to maintain the anti-dumping duties in force. All parties were granted a period within which they could make comments on the disclosure.
- (24) Only the applicant provided comments which supported the Commission's findings and conclusions.

2. PRODUCT UNDER REVIEW AND LIKE PRODUCT

2.1. Product under review

- (25) The product under review is the same as in the original investigation, namely certain concrete reinforcement bars and rods, made of iron or non-alloy steel, not further worked than forged, hot-rolled, hot-drawn or hot-extruded, whether or not twisted after rolling, containing indentations, ribs, grooves or other deformations produced during the rolling process, originating in Belarus and currently falling under CN codes ex 7214 10 00, ex 7214 20 00, ex 7214 30 00, ex 7214 91 10, ex 7214 91 90, ex 7214 99 10 and ex 7214 99 95 ('the product under review'). High fatigue performance iron or steel concrete reinforcing bars and rods are excluded. Other long products, such as round bars, are excluded.

2.2. Like product

- (26) As established in the original investigation, this expiry review investigation confirmed that the following products have the same basic physical, chemical 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 representative country, and
 - the product produced and sold in the Union by the Union industry.
- (27) These products are therefore considered to be like products within the meaning of Article 1(4) of the basic Regulation.

3. LIKELIHOOD OF CONTINUATION OR RECURRENCE OF DUMPING

- (28) In accordance with Article 11(2) of the basic Regulation, the Commission examined whether the expiry of the measures in force would be likely to lead to a continuation or recurrence of dumping from Belarus.

3.1. Preliminary remarks

- (29) According to Eurostat Comext database, during the RIP, imports from Belarus totalled around 206 200 tonnes with a market share of about 1,9 %. The main importing Member States were: Estonia, Latvia, Lithuania and Poland. Compared to the original investigation, imports and market share were more than halved (i.e. 488 700 tonnes and 5,0 % market share).
- (30) As indicated in recital (20), the only known Belarusian manufacturer did not cooperate with the investigation. Therefore, the Commission informed the authorities of Belarus that due to the absence of cooperation, the Commission might apply Article 18 of the basic Regulation concerning the findings with regard to Belarus. The Commission did not receive any comments.
- (31) 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 Eurostat, the database established according to Article 14(6) of the basic Regulation ('the Article 14(6) database'), Global Trade Atlas ('GTA') and the request.

- (32) Import volume and price from Belarus were determined based on information extracted from the Article 14(6) database.

3.2. Procedure for the determination of the normal value under Article 2(7) of the basic Regulation

- (33) As noted in Section 1.6 above, in accordance with Article 2(7) of the basic Regulation, since Belarus is not a member of the WTO and is listed in Annex I to Regulation (EU) 2015/755, the normal value should be determined on the basis of the price or constructed value in an appropriate representative country.
- (34) As the Commission received a reply from only one producer, located in the USA, it decided to determine the normal value on the basis of the information received from this producer in the USA, that is, on the basis of actual prices of that cooperating producer.

3.3. Normal value

- (35) First, the Commission examined whether, in accordance with Article 2(2) of the basic Regulation, the total volume of the sales of the like product by the cooperating producer to independent customers in the USA was representative. The total volume of the sales in the USA was compared to the total import volume from Belarus into the Union, as reported in the Article 14(6) database. On that basis, the Commission found that the like product was sold in representative quantities on the USA market.
- (36) The Commission subsequently examined for the cooperating producer in the USA whether each type of the like product sold domestically could be considered as being sold in the ordinary course of trade pursuant to Article 2(4) of the basic Regulation. The sales transactions were considered profitable where the unit price was equal or above the cost of production. The cost of production of each product type produced by the producer in the USA during the RIP was therefore determined.
- (37) Since the volume sold at a net sales price equal to or above the calculated cost of production (costs of manufacturing plus SG&A costs), represented more than 80 % of the total domestic sales volume, the normal value was based on the actual domestic price of the cooperating producer in the USA.

3.4. Export price

- (38) As indicated in recital (32), export prices from Belarus were established based on Article 14(6) database import values, which were adjusted to ex-works level. For that purpose, the transport costs that were deducted were based on information provided by the applicant in the request.

3.5. Comparison

- (39) The Commission compared the normal value and the export prices on an ex-works basis.

3.6. Dumping margin

- (40) The comparison showed a countrywide dumping margin for the Belarusian exports expressed as a percentage of the Union customs value of 41,1 %.

4. LIKELIHOOD OF CONTINUATION OF DUMPING

- (41) 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 Belarus, the relation between export prices to third countries and the price level in the Union, and the attractiveness of the Union market. It is recalled that due to the non-cooperation from the Belarusian exporting producer and the government of Belarus, the analysis was based on facts available in accordance with Article 18 of the basic Regulation, in particular the information provided by the applicant in the request for review and the statistical database Global Trade Atlas ('GTA').

4.1. Production capacity and spare capacity in Belarus

- (42) The production capacity and spare capacity in Belarus were established on the basis of the information provided in the request.
- (43) According to the data provided in the request, cross checked with public sources, the production capacity for 2021 in Belarus was estimated at more than 2,6 million tonnes of rebars with a possibility to be increased by 300 thousand additional tonnes, that is 3 million tonnes in total. ⁽⁷⁾ According to the available data, Belarusian sales amounted to 1,7 million tonnes, of which 700 thousand were consumed domestically and around 1 million were exported. ⁽⁸⁾ The spare capacity was thus estimated to be more than 900 000 tonnes, which represented more than 8 % of the Union consumption during the RIP. This spare capacity could be used to produce the product under review for exports to the Union if measures were allowed to lapse.

4.2. Attractiveness of the Union market

- (44) Based on the information provided in the request, the rebars industry in Belarus is export oriented as around 85 % of Belarus' steel production capacity is destined for export. According to the GTA database, the Union market was the main export market for Belarus. Export prices from Belarus to third countries (551 EUR/tonne) were found on average 10 euro per tonne lower compared with the average export sales prices to the Union market and 15 % lower than the average sales prices of the Union producers on the Union market (651 EUR/tonne). Taking into account these price levels, exporting to the Union would be potentially more attractive for Belarusian exporters than exporting to most other markets. Moreover, a large number of export countries (i.e. the USA, Canada, the UK, Türkiye, Ukraine, Malaysia, Mexico, Morocco, the Gulf countries, Egypt, and other countries) became increasingly unavailable to Belarus, due to domestic oversupply and trade measures against Belarusian imports.
- (45) The Union market was also attractive for the Belarusian producer in view of its geographical proximity and its size, with a total consumption of around 11 million tonnes.
- (46) Therefore, in terms size, prices and proximity, the Union market remained attractive for the Belarusian exporting producer vis-à-vis other markets..

4.3. Impact of sanctions against Belarus

- (47) The Commission noted that due to the military aggression by the Russian Federation against Ukraine, the Union imposed successive packages of sanctions against Russia and Belarus which also affected steel products and/or the steel companies producing and exporting the product under review after the review investigation period. Since the imposition of sanctions in March 2022, imports from Belarus stopped as from June 2022. However, the current situation cannot be considered of a lasting nature. Indeed, given that those sanctions are linked to the military aggression and the underlying geopolitical situation, their scope, modulation, and/or duration are unpredictable. Furthermore, anti-dumping measures have a lifetime of five years. Considering the abovementioned uncertainties and the fact that the Council may further amend the precise scope and duration of sanctions at any moment, the Commission found that they cannot have a bearing in its conclusions in this investigation. In particular, the Commission found that despite of the current sanctions, measures were still necessary within the meaning of Article 11(1) and (2) of the basic Regulation.

4.4. Conclusion on the likelihood of continuation of dumping

- (48) The investigation showed that the imports from Belarus continued to enter the Union market at dumped prices during the RIP.
- (49) In addition, the spare capacity in Belarus was significant in comparison with the Union consumption during the RIP. Moreover, the attractiveness of the Union market in terms of size and prices pointed to the likelihood that Belarusian exports would be directed towards the Union market, should the measures lapse, and spare capacity would also be used to increase production and exports to the Union.

⁽⁷⁾ Exporting producer: <https://eng.belsteel.com/about/rolling-production.php>

⁽⁸⁾ CRU group database, <https://www.crugroup.com/>

- (50) Consequently, the Commission concluded that there was a likelihood that the expiry of the anti-dumping measures would result in a significant increase of dumped imports of the product under review from Belarus to the Union.
- (51) In the light of the above, the Commission concluded that the expiry of the anti-dumping measures would likely to lead to a continuation of dumping.

5. INJURY

5.1. Definition of the Union industry and Union production

- (52) The like product was manufactured by around 25 producers in the Union during the period considered. They constitute the 'Union industry' within the meaning of Article 4(1) of the basic Regulation.
- (53) The total Union production during the RIP was established at around 11 200 000 tonnes. The Commission established the figure on the basis of the reply to the macroeconomic questionnaire provided by the applicant. As indicated in recital (14) above, three Union producers were selected in the sample, representing more than 17 % of the total Union production of the like product.

5.2. Union consumption

- (54) The Commission established the Union consumption on the basis of the total sales volume of the Union industry on the Union market, plus total imports into the Union. Sales of the Union industry in the Union market were obtained from the applicant and adjusted where applicable in accordance with verified data provided in the replies of the sampled Union producers for the RIP. As regards imports, the Commission relied on the Article 14(6) database.
- (55) On this basis Union consumption developed as follows:

Table 1

Union consumption

	2018	2019	2020	Review Investigation period
Total Union consumption (tonnes)	10 297 042	10 821 698	10 411 261	11 116 688
<i>Index (2018 = 100)</i>	<i>100</i>	<i>105</i>	<i>101</i>	<i>108</i>

Source: Article 14(6) database and questionnaire replies.

- (56) Union consumption increased between years 2018 and 2019 by 5 %, slightly decreased in 2020 to further increase in the RIP. Fluctuations in the consumption during 2020 and the RIP were the result of the outbreak of the COVID-19 resulting in the reduction of activity of economic operators, resulting in a decrease of consumption, followed by the resumption of economic activities.
- (57) Union consumption increased overall by 8 % over the period considered.

5.3. Imports from the country concerned

5.3.1. Volume and market share of the imports from the country concerned

- (58) The Commission established the volume of imports on the basis of the Article 14(6) database. The market share of the imports was established on the basis of the share of these imports in the total Union consumption as set out in section 5.2.

- (59) Imports into the Union from the country concerned developed as follows:

Table 2

Import volume and market share

	2018	2019	2020	Review Investigation period
Volume of imports from Belarus (tonnes)	[72 000 – 80 000]	[80 000 – 90 000]	[125 000 – 140 000]	[200 000 – 210 000]
<i>Index (2018 = 100)</i>	100	107	172	268
Market share (%)	0,6 – 0,8	0,7 – 0,9	1 – 1,5	1,8 – 2,1
<i>Index (2018 = 100)</i>	100	102	170	248

Source: Article 14(6) database and questionnaire replies.

- (60) Imports of the product under review from Belarus more than doubled over the period considered, from 72 000 – 80 000 tonnes in 2018 to 200 000 – 210 000 tonnes in the RIP. The market share of the imports from Belarus showed a similar development as the volume of imports and increased significantly every year, from 0,6 % – 0,8 % in 2018 to 1,8 % – 2,1 % in the RIP.

5.3.2. Average import prices from Belarus

- (61) The Commission established the prices of imports on the basis of Article 14(6) database.
- (62) The weighted average price of imports into the Union from Belarus developed as follows:

Table 3

Import prices

	2018	2019	2020	Review Investigation period
Belarus (EUR/tonne)	420 – 440	400 – 420	345 – 365	540 – 570
<i>Index (2018 = 100)</i>	100	93	82	128

Source: Article 14(6) database.

- (63) The average prices of imports decreased from 420 – 440 EUR/tonne in 2018 to 345 – 365 EUR/tonne in 2020, but subsequently increased to 550 – 570 EUR/tonne in the RIP. Overall, the increase between 2018 and the RIP was 28 %, representing a price increase of 120 – 130 EUR per tonne. This overall price increase was in line with the general rebar price trend in the Union market.
- (64) However, the average import price from Belarus, at CIF level, during the entire period considered was lower than Union producers' unit cost as described below in Section 5.5.3.1 below.

5.3.3. Price undercutting

- (65) The Commission determined the price undercutting during the RIP by comparing the weighted average import price on a cost, insurance, freight ('CIF') basis, adjusted for post-importation costs ⁽⁹⁾ (including the anti-dumping duty) with the weighted average sales price, adjusted at an ex-works level, of the sampled Union producers charged to unrelated customers in the Union.
- (66) The result of the comparison was expressed as a percentage of the sampled Union producers' turnover during the RIP and showed that the Belarus import prices undercut the prices of the Union industry by 2,5 % – 3 %. Excluding the anti-dumping duty, the Commission established an undercutting at a level of 11,8 % – 12 %.

5.4. Imports from third countries other than Belarus

- (67) The imports of rebars from third countries other than Belarus were mainly from Norway, Russia and Türkiye.
- (68) The aggregated volume of imports into the Union as well as the market share and price trends for imports of rebars from other third countries developed as follows:

Table 4

Import volume and market share from other third countries

Country		2018	2019	2020	Review Investigation period
Norway	Volume (tonnes)	91 685	91 068	150 285	148 780
	Index (2018 = 100)	100	99	164	162
	Market share (%)	0,9	0,8	1,4	1,3
	Average price (EUR/tonne)	538	492	448	705
	Index (2018 = 100)	100	92	83	131
Türkiye	Volume (tonnes)	212 854	142 755	38 735	63 558
	Index (2018 = 100)	100	67	18	30
	Market share (%)	2,1	1,3	0,4	0,6
	Average price (EUR/tonne)	481	458	381	488
	Index (2018 = 100)	100	95	79	102
Russia	Volume (tonnes)	254 438	125 522	25 269	37 237
	Index (2018 = 100)	100	49	10	15
	Market share (%)	2,5	1,2	0,2	0,3

⁽⁹⁾ Post importation cost were established at a level of 2 % in the original investigation.

Other third countries	Average price (EUR/tonne)	503	464	414	625
	<i>Index (2018 = 100)</i>	100	92	82	124
	Volume (tonnes)	190 092	129 870	44 444	206 013
	<i>Index (2018 = 100)</i>	100	68	23	108
	Market share (%)	1,8	1,2	0,4	1,9
	Average price (EUR/tonne)	812	476	441	691
	<i>Index (2018 = 100)</i>	100	59	54	85
	Volume (tonnes)	749 069	489 216	258 732	455 588
	<i>Index (2018 = 100)</i>	100	65	35	61
	Market share (%)	7,3	4,5	2,5	4,1
Total of all third countries excluding Belarus	Average price (EUR/tonne)	579	471	434	662
	<i>Index (2018 = 100)</i>	100	81	75	114

Source: Article 14(6) database and questionnaire replies.

- (69) During the RIP, the market share of imports from third countries other than Belarus represented 4,1 % of the Union consumption. The import volume decreased substantially in 2020 and increased during the RIP, but did not reach the level of 2019, resulting in an overall decrease in their market share of 3,2 percentage points in the period considered. The average import price increased by 14 % during the period considered. During the RIP, the average import price from third countries other than Belarus was higher compared to the Union industry's average price (+ 2 %) and higher compared to the average import price from Belarus (+ 17 % – 20 %).

5.5. Economic situation of the Union industry

5.5.1. General remarks

- (70) The assessment of the economic situation of the Union industry included an evaluation of all economic indicators having a bearing on the state of the Union industry during the period considered.
- (71) As mentioned in recital (14), sampling was used for the assessment of the economic situation of the Union industry.
- (72) For the injury determination, the Commission distinguished between macroeconomic and microeconomic injury indicators. The Commission evaluated the macroeconomic indicators on the basis of the macroeconomic data provided by the Union producers' association and data relating to all Union producers contained in the verified questionnaire replies from the sampled Union producers. The Commission evaluated the microeconomic indicators on the basis of data contained in the questionnaire replies from the sampled Union producers. Both sets of data were found to be representative of the economic situation of the Union industry.

- (73) 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.
- (74) The microeconomic indicators are: average unit prices, unit cost, labour costs, inventories, profitability, cash flow, investments, return on investments, and ability to raise capital.

5.5.2. Macroeconomic indicators

5.5.2.1. Production, production capacity and capacity utilisation

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

Table 5

Production, production capacity and capacity utilisation

	2018	2019	2020	Review Investigation period
Production volume (tonnes)	11 029 000	11 814 000	11 204 000	11 201 000
<i>Index (2018 = 100)</i>	100	107	102	102
Production capacity (tonnes)	16 468 495	17 472 690	17 576 838	17 350 801
<i>Index (2018 = 100)</i>	100	106	107	105
Capacity utilisation (%)	67	68	64	65
<i>Index (2018 = 100)</i>	100	101	95	96

Source: Verified data provided by the Union producers' association.

- (76) Overall, the production volume of the Union industry increased by 2 % during the period considered. The production volume increased by 7 % between 2018 and 2019. During the COVID-19 pandemic in 2020, the production decreased by 5 % in comparison to 2019 and remained the same in the RIP.
- (77) The production capacity of the Union industry increased by 5 % during the period considered. The capacity utilisation decreased from 67 % in 2018 to 65 % in the RIP.

5.5.2.2. Sales volume and market share

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

Table 6

Sales volume and market share

	2018	2019	2020	Review Investigation period
Total Sales volume on the Union market (tonnes)	9 517 192	10 293 817	10 054 658	10 507 529
<i>Index (2018 = 100)</i>	100	108	106	110

Market share (%)	92	95	96	94
<i>Index (2018 = 100)</i>	<i>100</i>	<i>103</i>	<i>105</i>	<i>102</i>

Source: Article 14(6) database and verified data provided by the Union producers' association.

- (79) The sales volume of the Union industry on the Union market increased by 10 % during the period considered. It increased by 8 % between 2018 and 2019 and then slightly dropped by 2 % in 2020, to further increase by 4 % during the RIP.
- (80) The market share of the Union industry slightly increased by 2 % during the period considered. It increased by 5 % between 2018 and 2020, but decreased during the RIP.

5.5.2.3. Growth

- (81) The growth in consumption in the Union was 8 % during the period considered. The Union industry benefited from this increase in consumption and even slightly increased its market share by 2 % during the period considered.

5.5.2.4. Employment and productivity

- (82) Employment and productivity developed over the period considered as follows:

Table 7

Employment and productivity

	2018	2019	2020	Review Investigation period
Number of employees	5 507	6 159	5 999	5 557
<i>Index (2018 = 100)</i>	<i>100</i>	<i>112</i>	<i>109</i>	<i>101</i>
Productivity (tonne/employee)	2 002	1 918	1 867	2 015
<i>Index (2018 = 100)</i>	<i>100</i>	<i>96</i>	<i>93</i>	<i>101</i>

Source: Verified data provided by the Union producers' association.

- (83) The number of employees fluctuated during the period considered. It increased from 2018 to 2019 by 12 % and then gradually decreased in 2020 and the RIP to a level slightly above the 2018 level. Productivity decreased from 2018 to 2020 by 7 % and increased by 8 % from 2020 to the RIP. During the period considered, productivity increased by 1 %.

5.5.2.5. Magnitude of the dumping margin and recovery from past dumping

- (84) The dumping margin established during the review investigation period was significantly above the *de minimis* level, while the level of imports from Belarus during the review investigation period was 1,9 % of Union consumption.

5.5.3. Microeconomic indicators

5.5.3.1. Prices and factors affecting prices

- (85) The weighted average unit sales prices of the sampled Union producers to unrelated customers in the Union developed over the period considered as follows:

Table 8

Sales prices and cost of production in the Union

	2018	2019	2020	Review Investigation period
Average unit sales price in the Union (EUR/tonne)	508	469	424	651
Index (2018 = 100)	100	92	83	128
Unit cost of production	477	438	410	578
Index (2018 = 100)	100	92	86	121

Source: Verified questionnaire replies of the sampled Union producers.

- (86) The Union industry's average unit sales price to unrelated customers decreased by 17 % between 2018 and 2020, reflecting the decrease of the unit cost of production. In the RIP, the price increased by 45 % in relation to 2020. The price increase was driven by an increase in the unit cost of production and an increase in demand following the recovery after the COVID-19 pandemic.
- (87) Current anti-dumping duties allowed the Union industry to remain competitive with the current level of prices, since, as explained in recital (64), during the entire period considered Union producers' unit costs were higher than the average import price from Belarus.

5.5.3.2. Labour costs

- (88) The average labour costs of the sampled Union producers developed over the period considered as follows:

Table 9

Average labour costs per employee

	2018	2019	2020	Review Investigation period
Average labour costs per employee (EUR)	41 477	41 434	40 137	42 622
Index (2018 = 100)	100	100	97	103

Source: Verified questionnaire replies of the sampled Union producers.

- (89) The average labour cost per employee of the Union industry increased by 3 % during the period considered, with a temporary decrease by 3 % in 2020, mainly because of production shutdowns due to the COVID-19 pandemic.

5.5.3.3. Inventories

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

Table 10

Inventories

	2018	2019	2020	Review Investigation period
Closing stocks (tonnes)	186 048	181 490	170 626	193 376
<i>Index (2018 = 100)</i>	100	98	92	104
Closing stocks as a percentage of production	10,2	9,6	9,6	9,7
<i>Index (2018 = 100)</i>	100	94	93	95

Source: Verified questionnaire replies of the sampled Union producers.

- (91) Inventories increased by 4 % during the period considered.

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

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

Table 11

Profitability, cash flow, investments and return on investments

	2018	2019	2020	Review Investigation period
Profitability of sales in the Union to unrelated customers (% of sales turnover)	8,4	5,0	4,9	15,3
<i>Index (2018 = 100)</i>	100	60	58	183
Cash flow (EUR)	77 870 905	63 476 067	41 354 068	109 174 968
<i>Index (2018 = 100)</i>	100	82	53	140
Investments (EUR)	21 227 319	15 647 296	17 870 081	18 838 367
<i>Index (2018 = 100)</i>	100	74	84	89
Return on investments (%)	102	69	51	215
<i>Index (2018 = 100)</i>	100	68	50	211

Source: Verified questionnaire replies of the sampled Union producers.

- (93) The Commission established the profitability of the sampled 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 profitability of the Union industry decreased between 2018 and 2020 from 8,4 % to 4,9 %, followed by a sharp increase between 2020 and the RIP to reach 15,3 %. During the RIP the increase in demand, explained by the post COVID-19 economic recovery, allowed the industry to increase its prices at higher rate than the increase of cost of production, which resulted in an increased profitability. The anti-dumping duties in place allowed the Union industry to return to a healthy business situation. Throughout the period considered the profitability of the sampled Union producers was higher than the target profit established during the original investigation (4,8 %).
- (94) The investigation showed that the RIP was characterised by exceptional circumstances, linked to the outbreak of the COVID-19 pandemic, followed by a fast economic recovery. In particular in 2020, the Union rebar market saw a great perturbation due to COVID, with exceptional volatilities. During the first half of 2020 production was temporarily stopped given the lack of orders. At a later stage, in the second half of 2020 and in the RIP, the profitability of Union rebar producers improved, as demand continued to recover faster than expected. In this regard, the improvement in Union producers' profitability during the RIP was likely of a temporary nature, as it was mainly due to an exceptionally fast and strong increase of demand which led to higher price levels.
- (95) The net cash flow is the ability of the Union producers to self-finance their activities. The trend in net cash flow increased by 40 % fuelled by the profitability but at a lower rate, reflecting again the positive effect of the anti-dumping duties and exceptional circumstances in the RIP described in recital (94).
- (96) The level of investment decreased by 11 % over the period considered.
- (97) The return on investments is the profit in percentage of the net book value of investments. It decreased between 2018 and 2020 from 102 % to 51 % and increased sharply between 2020 and the RIP. Overall, the return on investments more than doubled during the period considered.

5.6. Conclusion on injury

- (98) Most injury indicators, such as Union sales volume, market share, employment, profitability and cash flow developed positively during the period considered. Though the trend of the indicators such as closing stocks and investments was negative during this period, their absolute levels are satisfactory and did thus not indicate a sign of material injury.
- (99) On basis of the above, the Commission concluded 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 RIP.

6. LIKELIHOOD OF RECURRENCE OF INJURY

- (100) The Commission concluded in recital (99) that the Union industry did not suffer material injury during the RIP. Therefore, the Commission assessed, in accordance with Article 11(2) of the basic Regulation, whether there would be a likelihood of recurrence of injury caused by the dumped imports from Belarus if the measures were allowed to lapse.
- (101) In order to establish whether there is a likelihood of recurrence of injury originally caused by the dumped imports from the country concerned, the Commission examined: (i) the production capacity and spare capacity in Belarus; and (ii) likely price levels of imports from Belarus and their impact on the Union industry's situation, should the measures be allowed to lapse.

6.1. Production capacity and spare capacity in Belarus

- (102) As indicated in recital (49) above, the spare capacity in Belarus was estimated to be more than 900 000 tonnes, which represented more than 8 % of the Union consumption during the RIP. This spare capacity could be used to supply the Union market if the current measures would be allowed to lapse.

6.2. Attractiveness of the Union market, likely price levels of imports from Belarus and their impact on the Union industry's situation should the measures lapse

- (103) As established in recitals (44) to (46), in terms of size, prices and proximity, the Union market remained attractive to Belarusian exporting producers.
- (104) The Commission analysed the price level of Belarusian imports into the Union. The weighted average Belarus import prices, in the absence of anti-dumping duties, were significantly lower than the Union industry prices during the entire period considered. During the RIP imports from Belarus ⁽¹⁰⁾ were 13 % to 15 % lower than Union industry prices. Furthermore, as explained in recitals (64) and (87), the price level of Belarusian imports was even lower than the Union production cost. Consequently, it is likely that, should the measures be allowed to lapse, the Union market would become even more attractive for Belarus.
- (105) Likewise, in order to assess the impact of future imports on the situation of the Union industry, the Commission also considered that price levels of the Belarusian exports to third markets would be a reasonable indicator of future price levels to the Union market.
- (106) As set out in recital (44) above, the Commission analysed the price level of Belarusian exports to third markets and found these export prices were significantly lower when compared with the Union industry prices (15 %). Therefore, the Union market, in terms of prices, remains very attractive for Belarusian producers.
- (107) Considering the above, and if confronted with an increase of low priced imports from Belarus, the Union producers, in an attempt to keep sales volumes and market shares, would be forced to reduce their prices. This would have an impact on the industry's overall profitability which would deteriorate.
- (108) On the other hand, if the Union industry would keep its current price levels, this would have an almost immediate negative impact on its sale and production volume as well as its market share. Moreover, a decrease in production volume would result in an increase of the item costs of production due to reduced benefits of economy of scale. This would further deteriorate the Union industry's profitability. With a loss of profitability, the Union industry would not be able to carry out necessary investments. Ultimately, this would also lead to loss of employment and risk of closure of production lines.
- (109) The product under review is affected by the packages of sanctions against Russia and Belarus, however, as mentioned in recital (47), the current situation cannot be considered of a lasting nature. The Commission found that they cannot have a bearing in its conclusions in this investigation.

6.3. Conclusion on likelihood of recurrence of injury

- (110) On this basis, it was concluded that the absence of measures would in all likelihood result in a significant increase of dumped imports from Belarus at injurious prices and material injury would be likely to recur.

7. UNION INTEREST

- (111) In accordance with Article 21 of the basic Regulation, the Commission examined whether maintaining the existing anti-dumping measures would be against the interest of the Union as whole. The determination of the Union interest was based on an appreciation of all the various interests involved, including those of the Union industry, importers and users.

⁽¹⁰⁾ Should 2 % post importation cost be included price difference would be 11,8 % – 12 % as set out in recital (66).

7.1. Interest of the Union industry

- (112) As stated in recital (99), Union industry has recovered from the injury caused by past dumping. If existing measures were allowed to lapse, the Union industry would likely be faced with increased unfair competition from Belarus producers most likely putting a halt to the on-going recovery of the Union industry.
- (113) The Commission therefore concluded that the continuation of the measures would be in the interest of the Union industry

7.2. Interest of unrelated importers and traders.

- (114) As mentioned in recital (15), no importers came forward following the publication of the Notice of initiation and during the investigation. Although it could not be ruled out that the imposition of the measures had a negative impact on their activity, importers were not dependent on Belarus and could source the product under review from other countries, such as Norway and Türkiye. Therefore, the Commission concluded that from the importers' perspective, there were no compelling reasons not to extend the existing measures.

7.3. Interest of users

- (115) No user came forward following the publication of the Notice of initiation and during the investigation. Therefore, there were no indications that the conclusion reached in the original investigation ⁽¹¹⁾ were no longer valid and that the maintenance of the measures would have a negative impact on the users outweighing the positive impact of the measures.

7.4. Conclusion on Union interest

- (116) On the basis of the above, the Commission concluded that there were no compelling reasons of the Union interest against the maintenance of the existing measures on imports of rebars originating in Belarus.

8. ANTI-DUMPING MEASURES

- (117) On the basis of the conclusions reached by the Commission on continuation or recurrence of dumping, recurrence of injury and Union interest, the anti-dumping measures on rebars from Belarus should be maintained.
- (118) In view of Article 109 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council ⁽¹²⁾, 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.
- (119) The measures provided for in this regulation are in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EU) 2016/1036,

⁽¹¹⁾ Overall, there were no compelling reasons against the imposition of measures on imports of the product concerned from Belarus

⁽¹²⁾ 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).

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is imposed on imports of certain concrete reinforcement bars and rods, made of iron or non-alloy steel, not further worked than forged, hot-rolled, hot-drawn or hot-extruded, whether or not twisted after rolling, containing indentations, ribs, grooves or other deformations produced during the rolling process, currently falling under CN codes ex 7214 10 00, ex 7214 20 00, ex 7214 30 00, ex 7214 91 10, ex 7214 91 90, ex 7214 99 10 and ex 7214 99 95 (TARIC codes 7214 10 00 10, 7214 20 00 20, 7214 30 00 10, 7214 91 10 10, 7214 91 90 10, 7214 99 10 10, 7214 99 95 10) and originating in Belarus. High fatigue performance iron or steel concrete reinforcing bars and rods are excluded. Other long products, such as round bars, are excluded.
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 shall be 10,6 %.
3. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 2

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

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

Done at Brussels, 30 May 2023.

For the Commission
The President
Ursula VON DER LEYEN

DECISIONS

COUNCIL DECISION (EU) 2023/1051

of 22 May 2023

amending Decision (EU) 2019/1754 on the accession of the European Union to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207 in conjunction with Article 218(6), point (a), thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) The Lisbon Agreement for the Protection of Appellations of Origin and their International Registration of 31 October 1958 ('the Lisbon Agreement') is a treaty administered by the World Intellectual Property Organization (WIPO). The Lisbon Agreement creates a special union ('the Special Union') within the framework of the Union for the Protection of Industrial Property. It is open to parties to the Paris Convention for the Protection of Industrial Property, signed in Paris, on 20 March 1883. Its contracting parties ('the parties') are to protect on their territories the appellations of origin of products of the other parties recognised and protected as such in the country of origin and registered at the International Bureau of WIPO, unless they declare within a period of one year from the receipt of the notification of registration that they cannot ensure protection.
- (2) Seven Member States are parties to the Lisbon Agreement, namely Bulgaria, Czechia, France, Italy, Hungary, Portugal and Slovakia. The Union itself is not a party to the Lisbon Agreement as only countries can accede to that Agreement.
- (3) Following a review of the Lisbon Agreement, on 20 May 2015 the WIPO Diplomatic Conference adopted the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications ⁽¹⁾ ('the Geneva Act'). The Geneva Act extends the protection of appellations of origin to all geographical indications and allows intergovernmental organisations to become parties to it.
- (4) In its judgment of 25 October 2017 ⁽²⁾, the Court of Justice of the European Union ('the Court') held that the negotiation of the Geneva Act fell within the exclusive competence conferred on the Union by Article 3(1) of the Treaty on the Functioning of the European Union (TFEU) in the field of the common commercial policy referred to in Article 207(1) TFEU.
- (5) On 27 July 2018, the Commission made a proposal for a Council decision on the accession of the Union to the Geneva Act on the basis of Article 207 and Article 218(6), point (a), TFEU. In view of the Union's exclusive competence as regards the negotiation of the Geneva Act, that proposal provided that the Union alone would accede to that Act.

⁽¹⁾ OJ L 271, 24.10.2019, p. 15.

⁽²⁾ Judgment of the Court of Justice of 25 October 2017, *Commission v Council (Revised Lisbon Agreement)*, C-389/15, ECLI:EU:C:2017:798.

- (6) On 7 October 2019, the Council unanimously adopted Decision (EU) 2019/1754 ⁽³⁾ on the accession of the Union to the Geneva Act in accordance with Article 293(1) TFEU. Article 3 of Decision (EU) 2019/1754 provides that Member States which wish to do so are authorised to ratify or accede to, as appropriate, alongside the Union, the Geneva Act in the interest of the Union and in full respect of its exclusive competence. Article 4 of Decision (EU) 2019/1754 provides that, in the Special Union, the Union and any Member State which ratifies or accedes to the Geneva Act is represented by the Commission in accordance with Article 17(1) of the Treaty on European Union (TEU). Article 4 of Decision (EU) 2019/1754 further provides that the Union is responsible for ensuring the exercise of the rights and fulfilment of the obligations of the Union and of the Member States which ratify or accede to the Geneva Act.
- (7) In a statement entered in the Council minutes relating to the adoption of Decision (EU) 2019/1754, the Commission objected to the possibility for all Member States which wish to do so to be authorised to ratify or accede to the Geneva Act alongside the Union. However, the Commission also stated that it would have been ready to agree that the seven Member States which are already parties to the Lisbon Agreement and which have extensive intellectual property rights registered under that Agreement could be authorised to accede to the Geneva Act in the interest of the Union.
- (8) The Geneva Act entered into force on 26 February 2020, three months after the Union deposited its instrument of accession, bringing the number of parties to the requisite five.
- (9) On 17 January 2020, the Commission brought an action under Article 263 TFEU seeking the partial annulment of Decision (EU) 2019/1754 on the grounds of an infringement of Article 218(6) and Article 293(1) TFEU, of the principle of the conferral of powers laid down in Article 13(2) TEU, of the principle of institutional balance and of the Commission's right of initiative, and, in the alternative, on the grounds of an infringement of Article 2(1) and Article 207 TFEU and the duty to state reasons.
- (10) The Commission asked the Court to annul Decision (EU) 2019/1754, insofar as that Decision authorises all Member States to accede to the Geneva Act. However, the Commission also asked the Court to maintain the effects of the parts of that Decision which it sought to have annulled, in particular any use of the authorisation granted to accede to the Geneva Act, implemented before the date of delivery of the judgment by the seven Member States that are already parties to the Lisbon Agreement. The Commission indicated that it could, exceptionally, accept a compromise whereby the seven Member States which are parties to the Lisbon Agreement accede to the Geneva Act in order to avoid problems relating to the continuity of rights.
- (11) In its judgment of 22 November 2022 ⁽⁴⁾, the Court annulled Article 3 and, to the extent that it contains references to the Member States, Article 4 of Decision (EU) 2019/1754.
- (12) In its judgment of 22 November 2022, the Court also acknowledged the necessity of preserving the seniority and continuity of the protection of appellations of origin registered under the Lisbon Agreement in the seven Member States that were already parties to that Agreement, in particular, in accordance with the principle of sincere cooperation between the Union and the Member States set out in Article 4(3) TEU, in order to protect acquired rights derived from those national registrations. The Court thus declared that the effects of the annulled parts of Decision (EU) 2019/1754 should be maintained for the Member States which have already availed themselves of the authorisation to ratify or accede to the Geneva Act until the entry into force, within a reasonable period not exceeding six months from the date of delivery of the judgment, of a new Council decision.
- (13) In view of the Union's exclusive competence and the possibility for the Union to accede to the Geneva Act, it is only in certain duly justified and specific circumstances that Member States can be authorised, in the interest of the Union, to accede alongside the Union.

⁽³⁾ Council Decision (EU) 2019/1754 of 7 October 2019 on the accession of the European Union to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (OJ L 271, 24.10.2019, p. 12).

⁽⁴⁾ Judgment of the Court of Justice of 22 November 2022, *Commission v Council*, C-24/20, ECLI:EU:C:2022:911.

- (14) Article 11 of Regulation (EU) 2019/1753 of the European Parliament and of the Council ^(*) provides for transitional provisions for appellations of origin originating in Member States already registered under the Lisbon Agreement. On the basis of those provisions, the seven Member States that are parties to the Lisbon Agreement notified the Commission by 14 November 2022 that they had chosen to request the international registration under the Geneva Act of appellations of origin already registered under the Lisbon Agreement.
- (15) Given those specific circumstances, it is appropriate to amend Decision (EU) 2019/1754 in order to authorise, in full respect of the exclusive competence of the Union, the seven Member States that were parties to the Lisbon Agreement prior to the entry into force of the Geneva Act to also ratify or accede to the Geneva Act, strictly to the extent that this is necessary to preserve, in the interest of the Union, the seniority and continuity of the protection of the appellations of origin already registered by those Member States under the Lisbon Agreement.
- (16) Decision (EU) 2019/1754 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Amendments to Decision (EU) 2019/1754

Decision (EU) 2019/1754 is amended as follows:

- (1) Article 3 is replaced by the following:

‘Member States which were parties to the Lisbon Agreement on 26 February 2020, namely Bulgaria, Czechia, France, Italy, Hungary, Portugal and Slovakia, are hereby authorised, in full respect of the Union’s exclusive competence, to ratify or accede, alongside the Union, to the Geneva Act, strictly to the extent that their accession is necessary to preserve, in the interest of the Union, the seniority and continuity of the protection of the appellations of origin already registered by those Member States under the Lisbon Agreement and to comply with the obligations provided for by Article 11 of Regulation (EU) 2019/1753 of the European Parliament and of the Council ^(*).

^(*) Regulation (EU) 2019/1753 of the European Parliament and of the Council of 23 October 2019 on the action of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (OJ L 271, 24.10.2019, p. 1).’;

- (2) in Article 4(1), the first subparagraph is replaced by the following:

‘In the Special Union, the Union and those Member States which have ratified or acceded to the Geneva Act pursuant to Article 3 of this Decision shall be represented by the Commission in accordance with Article 17(1) TEU. The Union shall be responsible for ensuring the exercise of the rights and fulfilment of the obligations of the Union pursuant to Article 3 of this Decision.’.

Article 2

Entry into force

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

^(*) Regulation (EU) 2019/1753 of the European Parliament and of the Council of 23 October 2019 on the action of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (OJ L 271, 24.10.2019, p. 1).

Done at Brussels, 22 May 2023.

For the Council
The President
E. BUSCH

COUNCIL DECISION (EU) 2023/1052**of 22 May 2023****on the position to be taken on behalf of the European Union within the Joint Committee established by the Agreement on civil aviation safety between the European Union and Japan as regards the adoption of the rules of procedure of the Joint Committee**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on civil aviation safety between the European Union and Japan ⁽¹⁾ ('the Agreement') was approved on behalf of the Union by Council Decision (EU) 2021/112 ⁽²⁾ and entered into force on 30 June 2021.
- (2) Article 11(1) of the Agreement, provides for a Joint Committee of the Parties to be established for the effective implementation of the Agreement.
- (3) Article 11(3) of the Agreement further provides that the Joint Committee shall draw up and adopt its rules of procedure.
- (4) The Commission and the Ministry of Foreign Affairs of Japan have cooperated in the drawing up of draft rules of procedure.
- (5) It is appropriate to establish the position to be taken on the Union's behalf within the Joint Committee as regards the adoption of the rules of procedure of the Joint Committee as they will be binding on the Union.
- (6) The position of the Union within the Joint Committee should therefore be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

Article 1

1. The position to be taken on the Union's behalf within the Joint Committee established by the Agreement on civil aviation safety between the European Union and Japan at its first meeting as regards the adoption of its rules of procedure shall be based on the draft Decision of the Joint Committee attached to this Decision.
2. The representative of the Union within the Joint Committee may agree to minor changes to the draft Decision of the Joint Committee without a further decision of the Council.

Article 2

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

⁽¹⁾ OJ L 229, 16.7.2020, p. 4.

⁽²⁾ Council Decision (EU) 2021/112 of 25 January 2021 on the conclusion of the Agreement on civil aviation safety between the European Union and Japan (OJ L 36, 2.2.2021, p. 1).

Done at Brussels, 22 May 2023.

For the Council
The President
F. BUSCH

DRAFT**DECISION No 1/... OF THE EU-JAPAN JOINT COMMITTEE ESTABLISHED BY THE AGREEMENT
ON CIVIL AVIATION SAFETY BETWEEN THE EUROPEAN UNION AND JAPAN****of ...****adopting its rules of procedure**

THE EU-JAPAN JOINT COMMITTEE,

Having regard to the Agreement on Civil Aviation Safety between the European Union and Japan, and in particular Article 11(3) thereof,

HAS ADOPTED THIS DECISION:

Item 1

The rules of procedure of the Joint Committee annexed to this Decision are hereby adopted.

Item 2

This Decision will become applicable on the day of its adoption.

Done at ...,

*For the European Union**For Japan*

ANNEX

**JOINT COMMITTEE OF THE PARTIES TO THE AGREEMENT ON CIVIL AVIATION SAFETY
BETWEEN THE EUROPEAN UNION AND JAPAN**

Rules of Procedure

*Item 1***Definitions**

For the purposes of these rules of procedure under Article 11(3) of the Agreement on Civil Aviation Safety between the European Union and Japan, the term:

- ‘Party’ means the European Union or Japan;
- ‘both Parties’ means the European Union and Japan.

*Item 2***Chair and Composition**

1. The Joint Committee will be chaired jointly by a representative of the European Union and by a representative of Japan (the ‘chairpersons’).
2. The European Union is represented in the Joint Committee by the European Commission, assisted by the European Union Aviation Safety Agency and accompanied by the aviation authorities of the European Union Member States.
3. Japan is represented in the Joint Committee by the Ministry of Foreign Affairs and/or the Mission of Japan to the European Union and accompanied by the Ministry of Land, Infrastructure, Transport and Tourism.

*Item 3***Meetings**

1. The Joint Committee will meet at regular intervals on the request of either Party.
2. Meeting locations will alternate, as much as possible, between Brussels and Tokyo. As an alternative, discussions via videoconference could be organised. Decisions and recommendations adopted during videoconferences will have the same value as those adopted in physical meetings. Once the date and the place of a meeting have been decided between the Parties, the meeting will be convened by the European Commission for the European Union and by the Ministry of Foreign Affairs for Japan.
3. Except as otherwise decided by the chairpersons, the meetings of the Joint Committee will not be open to public participation. A press release may, by mutual consent of the chairpersons, be issued after the meetings.
4. Meetings and documents will be in English. Costs of interpretation or translation into another language will be borne by the Party requesting it.

*Item 4***Delegations**

1. Prior to each meeting, the Parties will inform each other of the intended composition of their respective delegations, nominating their respective chairpersons.
2. The chairpersons may, on an ad-hoc basis, decide to invite external participants to attend meetings of the Joint Committee in order to provide information on particular subjects or as observers.

*Item 5***Secretariat**

An official of the European Commission and an official of the Ministry of Foreign Affairs will act jointly as secretaries of the Joint Committee.

*Item 6***Agenda of the Meetings**

1. The chairpersons will establish the provisional agenda of each meeting by mutual consent. This provisional agenda and any relevant meeting documents will be transmitted by the secretaries to the participants at the latest fifteen working days before the date of the meeting.
2. The agenda will be adopted by the Joint Committee at the beginning of each meeting. Items other than those appearing on the provisional agenda may be included in the agenda if the Parties so decide.
3. The chairpersons may modify, by consent, the time limit for transmitting documents, referred to in paragraph 1, including the provisional agenda, in order to take into account the requirements of a Party's internal procedures or the urgency of a particular matter.

*Item 7***Minutes**

1. Draft minutes of each Joint Committee meeting will be drawn up after the meeting. They will indicate the decisions and recommendations adopted and the conclusions made.
2. When approved, the minutes will be signed by the chairpersons, and one original or scanned copy will be filed by each Party. Electronic signature and archiving is possible.

*Item 8***Written Procedure**

Where necessary and justified, recommendations and decisions of the Joint Committee may be adopted through written procedure. To that end, the chairpersons will exchange the draft measures on which the opinion of the Joint Committee is sought, which may then be confirmed by exchange of correspondence. Any Party may, however, request that the Joint Committee be convened to discuss the matter.

*Item 9***Deliberations**

1. The Joint Committee will adopt its decisions and recommendations by consensus between the Parties.
2. The decisions and recommendations of the Joint Committee will be entitled respectively 'Decision' and 'Recommendation' and will be followed by a serial number, by the date of their adoption and by a description of their subject.
3. The decisions and recommendations of the Joint Committee will be signed by the chairpersons.
4. The decisions adopted by the Joint Committee will be implemented by the Parties in line with their own internal procedures.

5. The decisions adopted by the Joint Committee may be published by the Parties in their respective official publications. Recommendations or any other act adopted by the Joint Committee may be published if the Parties so decide. One original or scanned copy of the decisions and recommendations will be retained by each Party.

Item 10

Expenses

1. The Parties will be in charge of paying their own expenses incurred by reason of their participation in the meetings of the Joint Committee and meetings in line with the decisions and recommendations of the Joint Committee, including staff, travelling and subsistence expenditures and postal and telecommunications costs.
 2. Expenditure relating to the material organisation of meetings will be borne by the Party hosting the meeting.
-

COMMISSION IMPLEMENTING DECISION (EU) 2023/1053**of 30 May 2023****laying down rules for the application of Regulation (EU) 2023/588 of the European Parliament and of the Council as regards operational requirements for governmental services provided under Union Secure Connectivity Programme and its service portfolio**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2023/588 of the European Parliament and of the Council of 15 March 2023 establishing the Union Secure Connectivity Programme for the period 2023-2027 ⁽¹⁾, and in particular Article 9(2) and Article 10(4) and (5) thereof,

Whereas:

- (1) The Union Secure Connectivity Programme, established by Regulation (EU) 2023/588, has the objective of ensuring the provision and long-term availability of worldwide-uninterrupted access to secure, autonomous, reliable and cost-effective satellite governmental communication services to governmental users by establishing a secure connectivity system under civil control.
- (2) Operational requirements of the Union Secure Connectivity Programme should be laid down, in the form of technical specifications and implementation plans for governmental services related in particular to crisis management, surveillance and key infrastructure management, including diplomatic and defence communication networks and other governmental users' needs.
- (3) The service portfolio for the governmental services should be established, including services restricted to government authorised users based on the governmental infrastructure, and also services to governmental users based on the commercial infrastructure, such as assured worldwide low latency service or worldwide narrowband service. The service portfolio for the governmental services should take into account the service portfolio of the government satellite communication ('GOVSATCOM') services established within the framework of Regulation (EU) 2021/696 of the European Parliament and of the Council ⁽²⁾.
- (4) The measures provided for in this Decision are in accordance with the opinion of the Programme committee established by Article 107 of Regulation (EU) 2021/696, in the GOVSATCOM configuration.

HAS ADOPTED THIS DECISION:

*Article 1***The service portfolio for governmental services provided under Union Secure Connectivity Programme**

1. The system implementing the Union Secure Connectivity Programme shall be designed to provide or enable the following satellite communications services:
 - (a) the following services offered to governmental users based on the governmental infrastructure:
 - (i) Service #1: Robust Worldwide Low-latency Service;
 - (ii) Service #2: Space Data Relay;

⁽¹⁾ OJ L 79, 17.3.2023, p. 1.⁽²⁾ Regulation (EU) 2021/696 of the European Parliament and of the Council of 28 April 2021 establishing the Union Space Programme and the European Union Agency for the Space Programme and repealing Regulations (EU) No 912/2010, (EU) No 1285/2013 and (EU) No 377/2014 and Decision No 541/2014/EU (OJ L 170, 12.5.2021, p. 69).

(b) the following services offered to governmental users based on the commercial infrastructure:

- (i) Service #3: Assured Worldwide Low-latency Service;
- (ii) Service #4: Assured Worldwide Narrowband Service.

The services referred to in the first subparagraph shall comply with the requirements for the predefined profiles for those services set out in the Annex.

2. The service portfolio of the system implementing the Union Secure Connectivity programme shall be tailored for each service and delivered to the end-users in conformity with the following procurement schemes:

- (a) end-to-end service scheme, where the service is provided from the router/switch on the anchor station side, to the router/switch on the user terminal side, including the possibility of providing the external network on the anchor station side;
- (b) managed services scheme, where the provision of the service is guaranteed with the exclusion of the terminal.

Article 2

Rules and Operational Requirements for the Provision of Governmental Services

The following rules and operational requirements shall apply for the provision of governmental services:

(1) In terms of resources and participants' shares:

- (a) the resources of the system implementing the Union Secure Connectivity Programme aimed to the provision of the Service #1, Service #2, Service #3, Service #4 defined in the Annex shall extend the Common Union pool defined in Article 2 of the Commission Implementing Decision (EU) 2023/1055 ⁽³⁾. They form an 'Extended Union Pool'.
- (b) the Commission shall set the additional number of tokens ('SC tokens') to be added to the GOVSATCOM tokens as defined in Article 2 of the Implementing Decision (EU) 2023/1055.
- (c) the repartition of 'SC tokens' among Programme participants shall follow the rules defined in Article 5 of the Implementing Decision (EU) 2023/1055. However, the repartition of the 'SC tokens' between Member States, EU institutions and the crisis margin defined in Article 5(2) may vary.

(2) In terms of allocation of services:

- (a) the provision of the services provided by the system implementing the Union Secure Connectivity Programme to the participants shall follow the fixed and dynamic schemes as defined in the Articles 6, 7 and 8 of the Implementing Decision (EU) 2023/1055.
- (b) the allocation of the fixed and dynamic part of Service #1 and Service #2 defined in the Annex shall follow the approach defined in Articles 6(1), (3) and (4), Article 7(1), (5), (6), (7) and (8) and Article 8 of the Implementing Decision (EU) 2023/1055.
- (c) the allocation of the fixed and dynamic part of Service #3 and Service #4 defined in the Annex shall follow the approach defined in Articles 6, 7 and 8 of the Implementing Decision (EU) 2023/1055.
- (d) the services provided by the system implementing the Union Secure Connectivity Programme shall be compensated using tokens. The compensation value in tokens for each service option shall be included in the service proposal made to the Competent GOVSATCOM Authority.

⁽³⁾ Commission Implementing Decision (EU) 2023/1055 of 30 May 2023 setting out the rules on the sharing and prioritisation of satellite communication capacities, services, and user equipment to fulfil the function referred to in Article 66(2) of Regulation (EU) 2021/696 of the European Parliament and of the Council (see page 57 of this Official Journal).

(3) In terms of service profiles, requests and prioritisation:

- (a) the service profiles are defined by their primary attributes' values. The predefined service profiles are set in the Annex.
- (b) the users may issue service requests as defined in Article 9 of the Implementing Decision (EU) 2023/1055.
- (c) the requests for services shall follow the rules as defined in Article 9 of the Implementing Decision (EU) 2023/1055. The GOVSATCOM Hub shall assign the request to the Extended Union pool, which includes the capacity provided by the Union Secure Connectivity Programme.
- (d) any conflict associated to the service request, including the need for pre-emption of the services, shall follow the rules defined in Article 11 of the Implementing Decision (EU) 2023/1055.

(4) In terms of deployment logic:

- (a) the system implementing the Union Secure Connectivity Programme shall be conceived as modular and scalable, progressively expanding the space segment according to the evolution of the demand of the services over the service life.
- (b) the modularity and scalability of the system implementing the Union Secure Connectivity Programme may include investment from the private sector in accordance with market demand variations.
- (c) any replenishment activity at Space or Ground Segment level shall not affect the continuity of the operational services.

Article 3

Entry into force

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, 30 May 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Predefined profiles for the governmental services provided under the Union Secure Connectivity Programme

Table 1

Service #1: Robust Worldwide Low-latency Service

Feature	Technical specifications
Frequency band	Ka-Gov; others
Data rate	Forward (FWD)/Return (RTN) link throughput service levels per user: — Low: < 1 Mbps — Medium: ≥1 Mbps and < 5 Mbps — High: ≥5 Mbps and < 50 Mbps — Very High: ≥50 Mbps
Geographical coverage	Global
Availability (over one year)	99,5 %
Latency	— Less than 40 ms (one way end-to-end) over the EU continental territory — Less than 80 ms (Internet Round-Trip Time) over the EU continental territory
User terminal	Fixed/On-the-move/Nomadic
Robustness and security features	Robust

Table 2

Service #2: Space Data Relay

Feature	Technical specifications
Frequency band	Optical
Data rate	Depending on the connectivity scenario (combination of user and destination entities): — ≥1 Gbps and < 10 Gbps — ≥10 Gbps
Geographical coverage	Global
User entity/destination entity	— Satellites of the system implementing the Union Secure Connectivity Programme — Third-party satellites — Aerial platform — Ground station
Robustness and security features	Robust

Table 3

Service #3: Assured Worldwide Low-latency Service

Feature	Technical specifications
Data rate	Forward (FWD)/Return (RTN) link throughput service levels per user: — Low: < 1 Mbps — Medium: ≥1 Mbps and < 5 Mbps — High: ≥5 Mbps and < 50 Mbps — Very High: ≥50 Mbps
Geographical coverage	Global
Availability (over one year)	99,5 %
Latency	— Less than 50 ms (one way end-to-end) over the EU continental territory — Less than 100 ms (Internet Round-Trip Time) over the EU continental territory
User terminal	Fixed/On-the-move/Nomadic
Robustness and security features	Assured

Table 4

Service #4: Assured Worldwide Narrowband Service

Feature	Technical specifications
Data rate	Forward (FWD)/Return (RTN) link throughput per user: 2 Kbps to 1 Mbps
Geographical coverage	Global
Availability (over one year)	98 %
User terminal	Internet Of Things (IOT) and other narrowband user equipment
Robustness and security features	Assured

COMMISSION IMPLEMENTING DECISION (EU) 2023/1054**of 30 May 2023****laying down rules for the application of Regulation (EU) 2021/696 of the European Parliament and of the Council as regards the service portfolio for the Governmental Satellite Communications services offered by the system established under the Union Space Programme**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2021/696 of the European Parliament and of the Council of 28 April 2021 establishing the Union Space Programme and the European Union Agency for the Space Programme and repealing Regulations (EU) No 912/2010, (EU) No 1285/2013 and (EU) No 377/2014 and Decision No 541/2014/EU ⁽¹⁾ and in particular Article 63(3) thereof,

Whereas:

- (1) In accordance with Article 62 of Regulation (EU) 2021/696, under the Governmental Satellite Communications ('GOVSATCOM') component, satellite communication capacities and services are to be combined into a common Union pool of satellite communication capacities and services, with appropriate security requirements.
- (2) In accordance with Article 63(1) of Regulation (EU) 2021/696, the provision of GOVSATCOM capacities and services is to be ensured as laid down in the service portfolio. The service portfolio should be based on the needs of the user communities of governmental satellite communications, by including flexible and user adjustable GOVSATCOM services. It should therefore cover end-to-end services, anchored capacity services and raw capacity services.
- (3) The service portfolio should cover existing and expected capacities and services to be included in the common Union pool. Therefore, different options for latency, frequency bands, security levels and other attributes need to be included in the service portfolio.
- (4) In order to ensure service provision, there is a need to describe the process for service requests from the GOVSATCOM users to the GOVSATCOM hub. The competent GOVSATCOM authorities should act as intermediaries in this process.
- (5) In order to ensure the best match between supply and demand for GOVSATCOM services, there is a need to base the availability of services on the supply and demand of pooled and shared satellite capacities and procured services.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Programme committee in the GOVSATCOM configuration.

HAS ADOPTED THIS DECISION:

*Article 1***Definitions**

For the purposes of this Decision, the definitions in Article 2 of Commission Implementing Decision (EU) 2023/1055 ⁽²⁾ apply.

⁽¹⁾ OJ L 170, 12.5.2021, p. 69.

⁽²⁾ Commission Implementing Decision (EU) 2023/1055 of 30 May 2023 setting out the rules on the sharing and prioritisation of satellite communication capacities, services, and user equipment to fulfil the function referred to in Article 66(2) of Regulation (EU) 2021/696 of the European Parliament and of the Council (see page 57 of this Official Journal).

*Article 2***GOVSATCOM service portfolio**

1. The GOVSATCOM service portfolio shall consist of the following categories of communication services:
 - (a) end-to-end services, allowing the user to connect to a network capable to provide services;
 - (b) anchored capacity services, allowing the user to use satellite capacity and associated anchoring station facility;
 - (c) raw capacity services, allowing the user to use satellite capacity (bandwidth).
2. The services referred to in paragraph 1 shall comply with the primary and secondary attributes of the communication services categories are set out in Annex I.
3. User equipment may be provided by a resource provider to the user as part of its service.
4. The services referred to in paragraph 1, points (a) and (c) shall be provided through the GOVSATCOM hub infrastructure in its initial services operational configuration.

*Article 3***Service profiles and requests**

1. GOVSATCOM service profiles shall be determined on the basis of the values of their primary attributes set out in Annex II ('predefined service profiles').
2. Users shall be able to issue requests of a predefined service profile, where the user is able to browse the predefined service profiles which contain the information provided by the respective resource provider.

Users shall also be able to issue requests of a user determined profile, with specified service attributes' values which have been previously defined by the user. The user-determined profile shall be used to issue service request to the GOVSATCOM Hub for matching predefined service profiles.

Users shall also be able to issue requests of a service with attributes' values selected by the user, where the attributes' values are used to issue service request to the GOVSATCOM hub for matching predefined service profiles.

3. The GOVSATCOM hub shall respond to users' requests by presenting the available services which match the requests. For the available services, the user shall be informed about their primary and secondary attributes as well as any additional information and details specific to the service. Users shall be able to select from the available services which match their request.
4. Following the selection of a service by the users, and according to the rules laid down in Implementing Decision (EU) 2023/1055, the GOVSATCOM hub shall proceed to the allocation of the resources for the provision of the service and inform the user when the service is booked and activated.
5. Following the activation of the service the respective users shall be able to access it either with their user equipment when compatible with the service, or with user equipment provided by the resource provider through GOVSATCOM.

*Article 4***Access to GOVSATCOM service portfolio and services**

1. The competent GOVSATCOM authorities (CGAs) established in accordance with Article 68(4) and (5) of Regulation (EU) 2021/696 shall have access to the service portfolio and to the services selection process.

2. In the framework of the services selection process a CGA shall:
 - (a) receive, prioritise, anonymise as needed, and forward its users' service requests to the GOVSATCOM hub;
 - (b) receive the results of the requests from the GOVSATCOM Hub and forward them to the users;
 - (c) receive, anonymise as needed, and forward its users' service selection to the GOVSATCOM hub.
3. With regard to the anonymisation referred to in paragraph 2, the CGA, during the provision of a service to the users shall act as a proxy to any communication of the user with the GOVSATCOM hub, thereby anonymising the identity of the user. Appropriate classified channels shall be used for communication, as needed. The CGA may select not to anonymise a user. In this case user identity shall be made available from the GOVSATCOM hub to the resource provider to support the selection, establishment, management, maintenance and troubleshooting of the service provided to the user. Furthermore, the resource provider may request the de-anonymisation of a user. In this case, the GOVSATCOM hub shall forward this request to the relevant CGA for assessment.
4. The GOVSATCOM hub shall provide to the CGAs the information needed for the selection, the booking, the establishment and the provision of the services.

Article 5

Service prioritisation and security levels

1. The prioritisation of the provision of services shall be performed in accordance with Implementing Decision (EU) 2023/1055.
2. Users shall have access to the services of the service portfolio on the basis of their security level, as set out in Commission Implementing Decision C(2023)3204 of 30 May 2023 ⁽³⁾.

Article 6

GOVSATCOM pooling and services availability

1. Pooled satellite communication capacities and services shall be made available through the service portfolio with their attributes' values.
2. The availability of services in the portfolio shall be subject to the supply and demand of pooled and shared satellite capacities and services procured from entities as referred to in Article 64 of Regulation (EU) 2021/696.

Article 7

Entry into force

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, 30 May 2023.

For the Commission
The President
Ursula VON DER LEYEN

⁽³⁾ Commission Implementing Decision C(2023)3204 of 30 May 2023 on setting out the general security requirements of GOVSATCOM referred to in Article 34(2) of Regulation (EU) 2021/696 of the European Parliament and of the Council.

ANNEX I

Communication services categories attributes

Table 1

End-to-end Service

Primary attributes	
[Maximum] Latency	Round Trip Transmission delay in ms (milliseconds)
Throughput*	Peak information rate in Mbps (megabits per second)
Symmetric service	Yes/No <i>Note: A symmetric service has the same attributes' values for the forward and return links</i> <i>Note: in case of negative reply, Forward (FWD)/Return (RTN) link throughput should be identified</i>
Coverage type	Regional/Global/Spot
Minimum Availability	Service minimum availability (% of time per month)
Security level	Enhanced/Robust/Assured
Secondary attributes	
Committed Information Rate*	Committed information rate in Mbps
Service area	List of available geographical areas for the provision of the service as in Figure 1
Service specific information	List of information related to the service, not included in other attributes (e.g. coverage area, radiated power, G/T, Quality of Service, deployment time, training, technical support, installation services options, overall latency of the service, polarisation etc.)
User equipment	Fixed/Deployable/Mobile
User equipment provision	Yes/No <i>Note: The user shall be presented a list of compatible user equipment with their technical information (e.g. Manual/Automatic pointing capability), in order to be selected by the user as needed.</i>
Maximum time of service disruption	In hours <i>Note: Decimal points are supported for the definition of subdivision of the hour</i>
Link status service	Yes/No
Connection to terrestrial networks	Yes/No <i>Note: In case of 'Yes' the terrestrial network(s) for which connectivity is provided are listed</i>

Table 2

Anchored capacity service

<i>Primary attributes</i>	
Maximum Latency	Round Trip Transmission delay in ms
Bandwidth*	Capacity in MHz
Symmetric service	Yes/No <i>Note: A symmetric service has the same attributes' values for the forward and return links</i> <i>Note: in case of negative reply FWD/RTN link throughput should be identified</i>
Coverage type	Regional/Global/Spot
Frequency band	HF-VHF-UHF/L/S/C/X/Ku/Ka/Ka Gov/V/Q
Frequency service type	FSS/MSS/BSS
Minimum Availability	Service minimum availability (% of time per month)
Security level	Enhanced/Robust/Assured
<i>Secondary attributes</i>	
Service area	List of available geographical areas for the provision of the service as in Figure 1
Anchoring station interface	Interface description used for the connection of user provided equipment to the anchoring station
Additional anchoring capabilities	Yes/No <i>Note: In case of 'Yes' the additional anchoring capabilities are listed (e.g. Multiprotocol Label Switching, ethernet connectivity etc.)</i>
Service specific information	List of information related to the service, not included in other attributes (e.g coverage area, radiated power, G/T, Quality of Service, deployment time, training, technical support, installation services options, overall latency of the service, polarization etc.)
User equipment	Fixed/Deployable/Mobile
User equipment provision	Yes/No <i>Note: The user shall be presented a list of compatible user equipment with their technical information (e.g. Manual/Automatic pointing capability), in order to be selected by the user as needed.</i>
Maximum time of service disruption	In hours <i>Note: Decimal points are supported for the definition of subdivision of the hour</i>
Link status service	Yes/No

Table 3

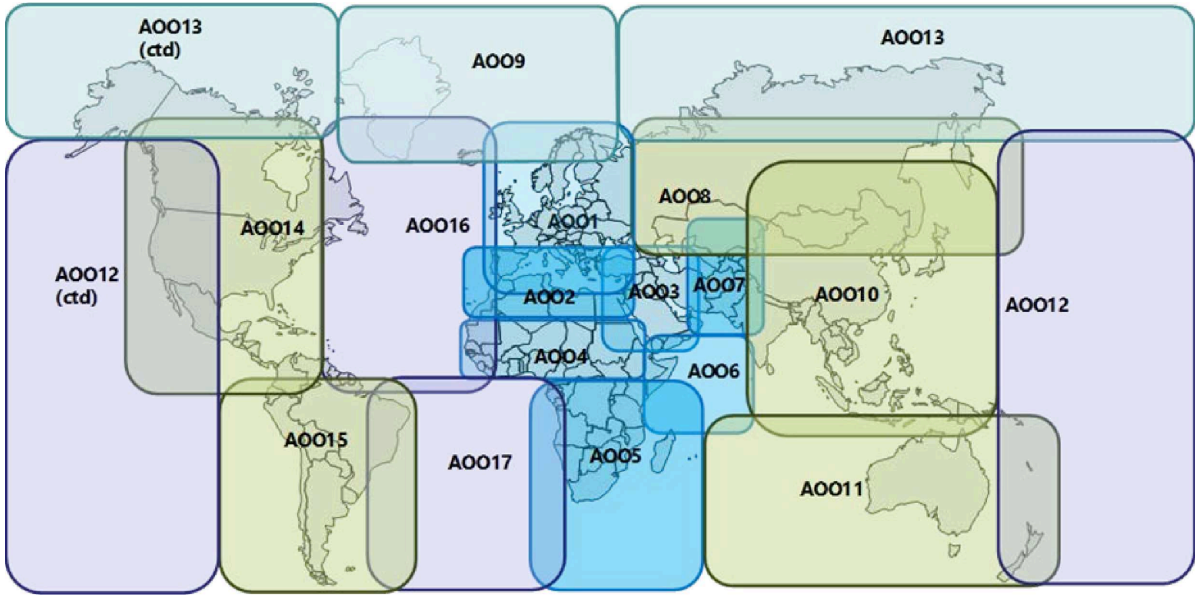
Raw capacity service

<i>Primary attributes</i>	
Maximum Latency	Round Trip Transmission delay in ms
Bandwidth*	Capacity in MHz
Symmetric service	Yes/No <i>Note: A symmetric service has the same attributes' values for the forward and return links</i> <i>Note: in case of negative reply FWD/RTN link throughput should be identified</i>
Coverage type	Regional/Global/Spot
Frequency band	HF-VHF-UHF/L/S/C/X/Ku/Ka/Ka Gov/V/Q
Frequency service type	FSS/MSS/BSS
Minimum Availability	Service minimum availability (% of time per month)
Security level	Enhanced/Robust/Assured
<i>Secondary attributes</i>	
Service area	List of available geographical areas for the provision of the service as in Figure 1
Service specific information	List of information related to the service, not included in other attributes (e.g. coverage area, radiated power, G/T, Quality of Service, deployment time, training, technical support, installation services options, overall latency of the service, polarisation etc.)
User equipment	Fixed/Deployable/Mobile
User equipment provision	Yes/No <i>Note: The user shall be presented a list of compatible user equipment with their technical information (e.g. Manual/Automatic pointing capability), in order to be selected by the user as needed.</i>
Maximum time of service disruption	In hours <i>Note: Decimal points are supported for the definition of subdivision of the hour</i>
Link status service	Yes/No

*: In the case of non-symmetric service this attribute shall accept two values; one for the forward (satellite to user) link and one for the return (user to satellite) link.

Figure 1

GOVSATCOM Service Areas



ANNEX II

Predefined service profiles

<i>Enhanced pooled service</i>	
Communication category	End-to-end Service
Maximum Latency	600 ms
Throughput	10 Mbps
Coverage	Regional
Minimum Availability	99,5 %
Security level	Enhanced services, which provide a very high degree of availability and resilience, and a high degree of confidentiality, integrity and availability.
<i>Robust pooled service</i>	
Communication category	End-to-end Service
Maximum Latency	600 ms
Throughput	10 Mbps
Coverage	Regional
Minimum Availability	99,5 %
Security level	Robust services, which provide a high degree of availability and resilience, and a high degree of confidentiality, integrity and availability.
<i>Assured pooled service</i>	
Communication category	End-to-end Service
Maximum Latency	600 ms
Throughput	10 Mbps
Coverage	Regional
Minimum Availability	98 %
Security level	Assured services, which provide a lower degree of robustness and resilience, and a lower degree of confidentiality, integrity and availability.

The security levels are defined in Implementing Decision C(2023)3204 of 30 May 2023.

COMMISSION IMPLEMENTING DECISION (EU) 2023/1055**of 30 May 2023****setting out the rules on the sharing and prioritisation of satellite communication capacities, services, and user equipment to fulfil the function referred to in Article 66(2) of Regulation (EU) 2021/696 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) 2021/696 of the European Parliament and of the Council of 28 April 2021 establishing the Union Space Programme and the European Union Agency for the Space Programme and repealing Regulations (EU) No 912/2010, (EU) No 1285/2013 and (EU) No 377/2014 and Decision No 541/2014/EU ⁽¹⁾ and in particular Article 66(2) thereof,

Whereas:

- (1) Article 62 of Regulation (EU) 2021/696 provides that under the GOVSATCOM component, satellite communication capacities and services shall be combined into a common Union pool of satellite communication capacities and services, with appropriate security requirements.
- (2) Pursuant to Article 66(2) of Regulation (EU) 2021/696 the Commission is to adopt, by means of implementing acts, the detailed rules on the sharing and prioritisation of satellite communication capacities, services, and user equipment, taking into account expected demand for the different GOVSATCOM use-cases, the analysis of security risks for those use-cases and, where appropriate, cost-efficiency.
- (3) The sharing and prioritization should provide fair and optimized use of the available GOVSATCOM resources, tailored to the needs of each participant. In order to ensure the best match between supply and demand for GOVSATCOM services, there is a need to base the availability of services on the supply and demand of pooled and shared satellite capacities and services procured.
- (4) Resources of resource providers should be pooled into a Common Union pool. The sharing and prioritization should provide mechanisms for the allocation of services to participants according to their needs for GOVSATCOM services. Therefore, the Common Union pool should be divided into a fixed allocation and a dynamic allocation. Guaranteed provision of services is supported through fixed allocation of services per participant, while unplanned needs are supported through dynamic allocation of services. A volume of resources should be included as crisis margin in the Common Union Pool, in order to support the provision of services for unplanned, urgent and high priority needs of any participant.
- (5) The sharing and prioritization should support different priorities of participant requests for GOVSATCOM services and implement appropriate mechanisms for their processing. A GOVSATCOM services compensation mechanism should be foreseen in order to facilitate the efficient use of resources and avoid market distortions. To that effect, a system of tokens should be established with compensation values based on the level of priority of the requests. The possibility for buying additional tokens or donating tokens to another participant should also be foreseen.
- (6) The total number of tokens available based on the available budget should be divided in the Member States' total share, the EU institution's share and a crisis margin.
- (7) The pooled resources should be allocated to services according to the service requests of participants that reach the GOVSATCOM hub. To that effect each participant should determine the relevance of its users and the criticality of its request.

⁽¹⁾ OJ L 170, 12.5.2021, p. 69.

- (8) To ensure the smooth processing of service requests the GOVSATCOM hub should perform matchmaking of the service request with the resources of the pool. In cases where service requests cannot be matched with the available resources of the pool a conflict resolution mechanism should be foreseen.
- (9) The measures provided for in this Decision are in accordance with the opinion of the committee established under Article 107 of the Regulation (EU) 2021/696,

HAS ADOPTED THIS DECISION:

Article 1

Scope

- (1) This Decision set outs the GOVSATCOM sharing and prioritization rules for the inclusion of resources to a Common Union Pool and the sharing of services among the participants.
- (2) This Decision applies to the GOVSATCOM services as defined in the Commission Implementing Decision (EU) 2023/1054 ⁽²⁾. Users interact with the GOVSATCOM Hub through the respective competent GOVSATCOM authority (CGA).

Article 2

Definitions

- (1) *Allocated resource*: A resource allocated to a service for specific time period, according to the relevant service request.
- (2) *Available resource*: A resource which is not allocated to a service for specific time period.
- (3) *Common Union pool or pool*: The pool of resources which are made available to GOVSATCOM through contracts or agreements with resource providers.
- (4) *Compensation*: Payment mechanism based on tokens.
- (5) *Competent GOVSATCOM Authority (CGA)*: The entity designated by a participant in accordance with Article 68(4) of Regulation (EU) 2021/696 to perform the tasks referred to in Article 68(5).
- (6) *Conflict*: The situation where the volume of a certain resource in the pool is lower than the aggregated volume needed by service requests for a specific time period; thus, service requests conflict over the same resource.
- (7) *Crisis margin*: The resources of the pool which remain available for dynamic allocation in case of high priority request(s) for which no matching and available resources are found in the other parts of the pool.
- (8) *Dynamic allocation*: The allocation of services and resources to a participant according to its users' service requests which are issued during a Pool Programming Term (PPT).
- (9) *Fixed allocation*: The allocation of services and resources for the whole PPT according to the expressed plan of each participant, before the starting date of the PPT.
- (10) *GOVSATCOM services or services*: The services included in the GOVSATCOM service portfolio.

⁽²⁾ Commission Implementing Decision (EU) 2023/1054 of 30 May 2023 laying down rules for the application of Regulation (EU) 2021/696 of the European Parliament and of the Council as regards the service portfolio for the Governmental Satellite Communications services offered by the system established under the Union Space Programme (see page 49 of this Official Journal).

(11) *GOVSATCOM Hub services*: The services which are provided by the GOVSATCOM Hub to support the operation of the GOVSATCOM system. GOVSATCOM Hub services support, such as the selection, the booking, the establishment, the provision of GOVSATCOM services, the allocation and the deallocation of resources etc. and which are not included in the GOVSATCOM service portfolio.

(12) *GOVSATCOM system*: The system which includes the GOVSATCOM Hub(s), the GOVSATCOM Security Monitoring Infrastructure, the interfaces between the GOVSATCOM Hub(s) and the Competent GOVSATCOM Authorities, the interfaces between the GOVSATCOM Hub(s) and the resource providers, and any other EU-owned infrastructure necessary to enable the provision of satellite capacities and services pooled and shared by resource providers and made available to GOVSATCOM users.

(13) *Participant's account*: The account of the participant which holds its tokens.

(14) *Participant share*: The share of pool's resources corresponding to a GOVSATCOM participant. The share is expressed in tokens.

(15) *Pool Programmatic Term (PPT)*: The fixed time period for which contracts or agreements have been concluded between the Commission and resource providers for the inclusion of their resources to the Common Union pool.

(16) *Pre-Emption*: The drop, interruption or downgrading of a service due to conflict resolution.

(17) *Resource*: Satellite communication capacity, service, asset, user equipment used for the provision of services identified in the Service Portfolio Implementing Acts [ref.] which are allocated to the GOVSATCOM participants in the form of services.

(18) *Resource provider*: An entity referred to in Article 64 of Regulation (EU) 2021/696 providing resources to the Common Union pool, through contracts or agreements with the Union, which owns and/or operates the space systems and the associated ground segment and networks.

(19) *Resource request*: The request issued by the GOVSATCOM Hub to a resource provider with the purpose to allocate/deallocate pooled resources.

(20) *Service request*: The request issued by a CGA to the GOVSATCOM Hub with the purpose to confirm availability of resources and proceed to their allocation for the provision of a service.

(21) *Token*: The unit used for payment (compensation) of GOVSATCOM Services.

Article 3

Common Union Pool

(1) GOVSATCOM services shall be made available to participants by the inclusion of resources of resource providers in a pool.

(2) The resources of the pool shall be made available through contracts or agreements concluded between the Commission and resource providers during one Pool Programmatic Term (PPT) for each of the parts of the pool.

(3) The pool shall consist of four (4) parts:

(a) fixed allocation part which includes the resources for the provision of fixed allocation services to the participants in accordance with Article 6;

(b) dynamic allocation pre-paid part which includes the resources for the provision of services requested through the pre-paid dynamic allocation mechanism in accordance with Articles 7 and 8;

- (c) dynamic allocation on-demand part which includes the resources for the provision of services requested through the on demand dynamic allocation mechanism in accordance with Articles 7 and 8;
 - (d) crisis margin part which includes resources for the provision of services in case of dynamic high priority requests when the resources of other parts of the pool are not sufficient, in accordance with Article 7.
- (4) The Commission shall communicate to the participants their shares, the available services and related attributes for the next PPT along with their values in tokens, the latest 30 weeks before the starting date of the PPT.
- (5) The first PPT shall start at the entry into service of the GOVSATCOM hub, and its duration shall be of two years. Once a PPT expires, another PPT shall start for the same duration.

Article 4

GOVSATCOM services compensation, tokens and accounts

- (1) GOVSATCOM services shall be shared and prioritised between users through the form of a compensation using tokens.
- (2) The basis compensation value of a service shall be the sum of the compensations which are given to the resource providers to make available the needed resources for the provision of the service with the specific attributes and duration indicated in the respective service request. The compensation value of a service shall be a) 80 % of its basis compensation value in case of low priority requests, b) 100 % of its basis compensation value in case of medium priority requests c) 130 % of its basis compensation value in case of high priority requests.
- (3) Each participant shall have its participant account which holds its tokens. Each participant account shall be split in two parts: a) the pre-paid and b) the pay-on-demand parts, which are used for the compensation of services requested using dynamic allocation pre-paid or pay-on-demand mechanisms respectively.

The splitting of participant's tokens in each part of the account shall be set by the participant before the starting date of the PPT referred to in Article 6 and the tokens shall not be transferred from one part to the other during the PPT.

The remaining tokens in the pre-paid part of the account shall be cleared at the end of the PPT according to paragraph 6.

The GOVSATCOM hub maintains participants' accounts.

- (4) During a PPT a participant may use euros to buy additional tokens through the Commission according to the conversion ratio of tokens to euros defined for that PPT.

The Commission shall inform the GOVSATCOM hub and the additional tokens shall be added to the pay-on-demand part of the respective participant account.

- (5) A participant may donate tokens from its account to another participant.

The transfer of the tokens from one participant's account to another shall be requested from the donating participant's CGA to the GOVSATCOM hub and the acceptance of the donation from the CGA of the receiving participant.

Tokens shall be transferred from the same part of the donating participant account (the pre-paid or on demand part) to the same part of the receiving participant's account.

A participant may donate tokens from its share for fixed allocation of services in accordance with Article 6 to another participant, informing the Commission.

(6) The number of tokens available for each participant in the pre-paid part of its account shall be cleared at the end of the PPT and the number of tokens in the pre-paid part of all participants' accounts shall be set to zero.

(7) Each resource provider shall receive compensation in euros for each successfully delivered service using its resources, according to its agreement or contract with the Commission.

Article 5

Participants' shares

(1) The Commission shall define the total number of tokens to be distributed for the next PPT according to the available budget and to the conditions of the contracts and agreements referred to in Article 3(2). These tokens shall be made available to the GOVSATCOM participants in accordance with the rules established in paragraphs 2 to 5.

(2) The total number of tokens shall be divided in three parts:

- (a) the *Member States total share*, which is set to 75 % of the total number of tokens;
- (b) the *Crisis margin*, which is set to 10 % of the total number of tokens;
- (c) the *EU institutions total share* which is set to 15 % of the total number of tokens.

(3) The *Member States total share* shall be further divided into the shares of the Member States. Each Member State shall receive a percentage (in tokens) of the Member States total share proportional to the number of its votes in the Council. The number of tokens received by each Member State shall be the participant share for the respective Member State for the next PPT.

If a Member State has not nominated its competent GOVSATCOM authority at least 32 weeks before the starting date of the PPT its tokens shall be distributed among the Member States which have nominated their CGA pro rata their share.

(4) The *EU institutions total share* shall be further divided into the shares of EU institutions. Each EU institution shall receive a percentage (in tokens) of the EU institutions total share according to the *EU institution sharing plan* to be defined by the Commission for each PPT. The number of tokens received by each EU institution shall be the participant share for the respective EU institution for the next PPT.

If an EU institution has not nominated its competent GOVSATCOM authority at least 32 weeks before the starting date of the PPT its tokens shall be distributed among the EU institutions which have nominated their CGA pro rata their share in the EU institution sharing plan.

(5) The tokens of each participant share for a new PPT shall be added to the tokens which may have been left in the respective participant's account pay-on-demand part at the end of the previous PPT. Before this addition, the remaining tokens in participant's account pay-on-demand part shall be converted to tokens for the new PPT according to the conversion ratio of tokens to euros for the new PPT.

Article 6

Resources for fixed allocation of services

(1) Each participant shall select the services to be allocated to it through fixed allocation. The aggregate value of the selected services shall not exceed the number of tokens of its account.

On this basis, the participants shall prepare a plan consisting of:

- (a) the service requests for the selected services; and
- (b) the splitting of participant's remaining tokens into the pre-paid and the pay-on-demand parts of its account.

The plan shall be sent by the participant to the GOVSATCOM hub, the latest 20 weeks before the starting date of the PPT.

(2) On reception of the plans referred to in paragraph 1, the GOVSATCOM hub shall aggregate the resources which are needed for the requested services and communicate them to the Commission the latest 18 weeks before the starting date of the PPT.

The Commission shall conclude the respective contracts or agreements with the resource providers for the resources needed for fixed allocation of services.

The Commission shall communicate the contracts and agreements with the resource providers to the GOVSATCOM Hub the latest 10 weeks before the starting date of the PPT.

The GOVSATCOM hub shall assess the availability of the resources needed for fixed allocation of services and in case some of the requested services cannot be provided due to lack of sufficient resources from the resource providers or any other reason, the GOVSATCOM hub shall drop the respective service request in accordance to Article 11(4).

The tokens related to the dropped service shall remain for use in the dynamic parts of the account of the affected participant.

(3) The GOVSATCOM hub shall inform the participants for the services that will be made available to them through fixed allocation and according to the plan of each participant at the latest 6 weeks before the starting date of the PPT.

The number of tokens of each participant shall be decreased by the total value of the services which have been made available to this participant through the fixed allocation mechanism and the number of tokens remaining in the participant's account is communicated to each participant.

(4) Following the conclusion of the contracts or agreements for fixed allocation of services and their enter into force, the respective resources shall be included in the corresponding part of the pool.

Article 7

Resources for dynamic allocation of services and crisis management part

(1) The remaining number of tokens in the participant's account maybe used by the participant to issue service requests for dynamic allocation of services. Each participant shall define the split of its remaining tokens to the pre-paid and on-demand parts of its account, the latest 4 weeks before the starting date of the PPT, and shall inform the GOVSATCOM hub.

(2) The contracts or agreements with providers referred to in Article 3(2) shall include resources in the Common Union pool to be made available through the dynamic allocation pre-paid mechanism during the PPT.

(3) The contracts or agreements with providers referred to in Article 3(2) shall also include resources in the pool that are reserved in case of crisis ('*crisis margin*'). The use of such resources shall be reserved to request(s) issued with high priority in accordance with Article 9 for which no matching and available resources are found in the other parts of the pool.

(4) Following the conclusion of the contracts or agreements for dynamic allocation of services and subject to the provisions of paragraph 7, the respective resources shall be included in the corresponding parts of the pool. The total value of these contracts or agreements shall not exceed the total number of tokens available for crisis margin and pre-paid dynamic allocation of services during the PPT.

(5) The Commission shall take into account the services which have been requested by the participants for fixed allocation, for the selection of resources which shall be included in the pool for pre-paid dynamic allocation and crisis margin.

(6) The Commission shall conclude contracts or agreements with resource providers for the inclusion of resources to the dynamic allocation on-demand part of the pool through the dynamic allocation pay-on-demand mechanism. Such contracts or agreements may be concluded also during the duration of the PPT.

(7) Following the conclusion of the contracts or agreements referred in paragraphs 2 and 3 the resources shall be included in the dynamic allocation pre-paid part, dynamic allocation on-demand part, and crisis margin part of the common Union pool, upon the entering into force of the respective contract or agreement between the Commission and the respective resource provider.

(8) Resources shall be excluded from the common Union pool upon the termination of the respective contract or agreement.

Article 8

Activation of the dynamic allocation services

(1) During a PPT each CGA may request services using the dynamic allocation mechanism.

(2) The dynamic allocation of services shall be performed through the issuance of service requests in accordance with Articles 9 and 10. The service requests for the dynamic allocation of services shall be made through either a pre-paid service request or a pay-on-demand service request.

(3) Each CGA shall define the proportion between the pre-paid and the pay-on-demand parts of the tokens assigned to the dynamic allocation services prior to the beginning of each PPT.

(4) The service requests shall be issued by the CGA of the participant towards the GOVSATCOM hub.

Article 9

Service requests

(1) Each participant shall determine the relevance of its users on the basis of a scale which goes from 0 to 2.

(2) Each user should determine the criticality of its request ⁽³⁾ on the basis of a scale which goes from 0 to 2 and shall inform its CGA accordingly.

(3) The priority of a service request shall be determined on the basis of user relevance and the criticality of the request. The priority score is determined by the product of the relevance and criticality in accordance to the rule defined in the Annex.

(4) Every service request issued by the CGA to the GOVSATCOM hub shall include the priority score referred to in paragraph 3. The range of priority score shall be from zero (0) to four (4) and maps to three priority levels: i) low priority for priority score equal to zero, ii) medium priority for priority scores higher than zero and lower than four, iii) high priority for priority score equal to four.

Every dynamic allocation service request shall identify the sub-category to which it belongs: i) pre-paid or ii) pay-on-demand.

The service request shall also include the identifier of the respective participant.

(5) The sharing and prioritisation procedure and rules between GOVSATCOM users which are authorised by a same participant shall be determined by that participant and implemented by its CGA.

⁽³⁾ The Commission will make available a guidance document on the assessment of user relevance and the criticality of service requests.

(6) High priority service requests shall include a persistency option of 30 days. The processing of the high priority service requests with the activated persistency option follows the provisions of Article 10. As long as no resources have been allocated to the service request yet and the persistency option is activated, the GOVSATCOM hub performs regular match making of the service request against the available resources of the pool. In case new matching resources are found in the pool the GOVSATCOM hub updates the service proposal and forwards it to the user through the respective CGA.

(7) A CGA may request the cancellation of a dynamically allocated service by issuing a service cancellation request to the GOVSATCOM hub. The processing of the service cancellation request is performed according to Article 10(5).

Article 10

Service request processing

(1) Upon the reception of a service request, the GOVSATCOM hub shall assess its validity and completeness, in accordance with the provisions of Article 9 and Implementing Decision (EU) 2023/1054. The GOVSATCOM hub shall reject invalid or incomplete requests and the issuer shall be informed.

(2) The GOVSATCOM hub shall perform match making of the service request against the resources of the pool. The match making of dynamic allocation pre-paid service requests shall be performed with the resources of the dynamic allocation pre-paid part of the pool. The match making of dynamic allocation on-demand service requests shall be performed with the resources of the dynamic allocation on-demand part of the pool and the availability of resources shall be confirmed by the resource providers from the service activation date until the service deactivation date. The following cases shall be identified according to the results of match making:

- (a) no matching resources found in the pool, the service request shall be rejected and the issuer shall be informed;
- (b) matching and available resources are found in the pool, the available service options including their respective compensation values in tokens shall be forwarded as a service proposal from the GOVSATCOM Hub through the CGA to the user, for its ranking;
- (c) all matching resources in the pool are allocated to prior service request(s). If the priority of the service request is low or medium, the service request shall be dropped and the issuer is informed. If the priority of the service request is high then the conflict resolution mechanism is activated in accordance with Article 11. If the conflict resolution mechanism returns matching resources, the issuer shall be notified according to paragraph (b); if no matching resources are found, the service request shall be dropped and the issuer shall be informed.

(3) The user shall rank the services options of the proposal in order of preference and shall submit them to the GOVSATCOM Hub through the respective CGA for the allocation of the corresponding resources.

In case of an invalid selection, the service request shall be rejected and the issuer shall be informed.

(4) Subject to the availability of sufficient tokens in the pre-paid or pay-on-demand part of participant's account according to the sub-category of the dynamic service request, the GOVSATCOM hub shall issue a resource request to the resource provider of the highest ranked service option of the service proposal, according to the ranking provided by the CGA.

In case of rejection of the resource request by the resource provider, the GOVSATCOM hub shall issue a resource request to the resource provider of the next preferred service option. The issuance of resource requests shall continue until the confirmation from a resource provider that the requested resources are available for allocation, or the rejection of all resource requests by the resource providers. Where a resource provider has confirmed that a resource is available, the GOVSATCOM hub shall proceed to the allocation of the resources and the subtraction of the value of the service from the tokens of the respective participant account. Where all resource requests are rejected by the resource providers the service request is dropped. In both cases the GOVSATCOM hub shall notify the issuer of the service request status.

(5) The GOVSATCOM hub upon the reception of a service cancellation request by a CGA, deallocates the resources which have been allocated for the provision of the service and makes them available to the pool. The participant may receive refund of the tokens used for the compensation of the resources, according to the terms and conditions agreed with the resource provider.

Article 11

Conflict resolution

(1) Conflict resolution shall be activated by the GOVSATCOM hub in order to resolve conflicts between requests with different priority scores as referred to in Article 9(2).

(2) If a high priority service request conflicts with one or more low priority service requests, and under the condition that the pre-emption of low priority service requests will free sufficient resources which match the high priority service request, the respective low priority service requests shall be marked for pre-emption and the relevant service options shall be included in the service proposal.

Subject to the ranking of the service options and the availability of tokens, the appropriate low priority service request(s) shall be dropped and the related active service(s) shall be pre-empted.

The CGA(s) whose service(s) are to be pre-empted are informed of the pre-emption as soon as possible after the decision on the pre-emption is made. The value of the pre-empted service for the time during which the service will not be available due to pre-emption shall be returned to the respective participant account and the participant shall be notified.

(3) In case the application of the procedure of paragraph 2 does not find matching resources, the GOVSATCOM Hub shall perform match making of the high priority service request with the resources of the crisis margin part of the pool. If matching and available resources are found, the relevant service options shall be included in the service proposal.

(4) In case of non-sufficient resources from resources providers for the provision of the requested services referred to in Article 6, the conflict resolution mechanism shall be based on the priorities of the service requests.

Where service requests of the same priority are conflicting, the priority shall be given to the service request that is the continuation of a service already provided to the requesting participant at the end of the previous PPT where applicable.

Where service requests of the same priority are conflicting and none of them is a continuation of an already provided service to the requesting participant, the GOVSATCOM hub shall compare the values of the conflicting services as percentage of the respective participant's share and give the priority to the service request corresponding to the higher percentage.

Article 12

Entry into force

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, 30 May 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Table

Priority score as product of user relevance and criticality of service request

		User relevance		
		0	1	2
Criticality of service request	0	0 (LOW)	0 (LOW)	0 (LOW)
	1	0 (LOW)	1 (MEDIUM)	2 (MEDIUM)
	2	0 (LOW)	2 (MEDIUM)	4 (HIGH)

CORRIGENDA

Corrigendum to Council Decision (EU) 2023/992 of 16 May 2023 appointing 16 members of the Management Board of the European Chemicals Agency (ECHA)

(Official Journal of the European Union L 135 of 23 May 2023)

Council Decision (EU) 2023/992 should read as follows:

**‘COUNCIL DECISION (EU) 2023/992
of 16 May 2023
appointing 16 members of the Management Board of the European Chemicals Agency (ECHA)**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC ⁽¹⁾, and in particular Article 79 thereof,

Whereas:

- (1) Article 79 of Regulation (EC) No 1907/2006 provides that the Council is to appoint one representative from each Member State as a member of the Management Board of the European Chemicals Agency (the ‘Management Board’).
- (2) The members of the Management Board are to be appointed on the basis of their relevant experience and expertise in the fields of chemical safety or the regulation of chemicals, and on the basis that relevant expertise in the fields of general, financial and legal matters is available amongst board members.
- (3) The term of office is four years and may be renewed once.
- (4) By its Decisions of 27 May 2019 ⁽²⁾ and of 6 May 2021 ⁽³⁾, the Council appointed 15 and 12 members of the Management Board respectively.
- (5) The members of the Management Board nominated by Germany, Cyprus, Lithuania, Malta, Romania, Bulgaria, Greece, Poland, Slovakia, Portugal, Latvia, Estonia, Belgium, Denmark, Ireland and France were appointed for a period ending on 31 May 2027.
- (6) The Council has received nominations from all the Member States concerned,

HAS ADOPTED THIS DECISION:

Article 1

The following persons shall be appointed members of the Management Board for a second term running from 1 June 2023 to 31 May 2027:

— Ms Ingrid BORG, Malta;

⁽¹⁾ OJ L 396, 30.12.2006, p. 1.

⁽²⁾ Council Decision of 27 May 2019 appointing 15 members of the Management Board of the European Chemicals Agency (OJ C 185, 29.5.2019, p. 4).

⁽³⁾ Council Decision of 6 May 2021 appointing twelve members of the Management Board of the European Chemicals Agency (OJ C 185, 12.5.2021, p. 4).

- Ms Claudia-Sorina DUMITRU, Romania;
- Ms Tasoula KYPRIANIDOU – LEONTIDOU, Cyprus;
- Ms Anna Katarzyna LEWANDOWSKA, Poland;
- Ms Donata PIPIRAITĖ-VALIŠKIENĖ, Lithuania;
- Ms Teodora VALKOVA, Bulgaria;
- Mr. Axel Otto VORWERK, Germany;
- Ms Sofia ZISI, Greece.

Article 2

The following persons shall be appointed members of the Management Board for a first term running from 1 June 2023 to 31 May 2027:

- Ms Catheline Irène DANTINNE, Belgium;
- Ms Kristīne KAZEROVSKA, Latvia;
- Ms Agnès LEFRANC, France;
- Ms Dília Maria LIMA JARDIM, Portugal;
- Ms Annemari LINNO, Estonia;
- Ms Yvonne Marie MULLOOLY, Ireland;
- Ms Charlotta Amalia WALLENSTEIN, Denmark;
- Ms Katarína ZGALINOVIČOVÁ, Slovakia.

Article 3

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

Done at Brussels, 16 May 2023.

For the Council
The President
E. SVANTESSON.

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