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Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Council Implementing Regulation (EU) 2022/299 of 24 February 2022 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria** 1
- ★ **Council Implementing Regulation (EU) 2022/300 of 24 February 2022 implementing Article 8a of Regulation (EC) No 765/2006 concerning restrictive measures in view of the situation in Belarus** 3
- ★ **Commission Implementing Regulation (EU) 2022/301 of 24 February 2022 extending the definitive countervailing duty imposed by Implementing Regulation (EU) 2020/776 on imports of certain woven and/or stitched glass fibre fabrics ('GFF') originating in the People's Republic of China ('the PRC') to imports of GFF consigned from Morocco, whether declared as originating in Morocco or not, and terminating the investigation concerning possible circumvention of the countervailing measures imposed by Implementing Regulation (EU) 2020/776 on imports of GFF originating in Egypt by imports of GFF consigned from Morocco, whether declared as originating in Morocco or not** 31
- ★ **Commission Implementing Regulation (EU) 2022/302 of 24 February 2022 extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) 2020/492, as amended by Implementing Regulation (EU) 2020/776, on imports of certain woven and/or stitched glass fibre fabrics ('GFF') originating in the People's Republic of China ('the PRC') to imports of GFF consigned from Morocco, whether declared as originating in Morocco or not, and terminating the investigation concerning possible circumvention of the anti-dumping measures imposed by Implementing Regulation (EU) 2020/492 on imports of GFF originating in Egypt by imports of GFF consigned from Morocco, whether declared as originating in Morocco or not** 49
- ★ **Commission Delegated Regulation (EU) 2022/303 of 15 December 2021 amending Regulation (EU) 2019/1241 as regards measures to reduce incidental catches of the resident population of the Baltic Proper harbour porpoise (*Phocoena phocoena*) in the Baltic Sea** 67

EN

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

The titles of all other acts are printed in bold type and preceded by an asterisk.

★ Commission Implementing Regulation (EU) 2022/304 of 23 February 2022 amending Regulation (EC) No 1484/95 as regards fixing representative prices in the poultrymeat and egg sectors and for egg albumin	81
★ Commission Implementing Regulation (EU) 2022/305 of 24 February 2022 amending Annexes V and XIV to Implementing Regulation (EU) 2021/404 as regards the entries for the United Kingdom and the United States in the lists of third countries authorised for the entry into the Union of consignments of poultry, germinal products of poultry and fresh meat of poultry and game birds ⁽¹⁾	84

DECISIONS

★ Council Implementing Decision (CFSP) 2022/306 of 24 February 2022 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria	95
★ Council Decision (CFSP) 2022/307 of 24 February 2022 amending Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus.....	97
★ Decision No 2/2021 of the Community/Switzerland Inland Transport Committee of 17 December 2021 amending Annex 1 to the Agreement between the European Community and the Swiss Confederation on the Carriage of Goods and Passengers by Rail and Road and Decision No 2/2019 on transitory measures to maintain smooth rail traffic between Switzerland and the European Union [2022/308].....	125
★ Commission Implementing Decision (EU) 2022/309 of 24 February 2022 amending Implementing Decision (EU) 2019/583 to take into account certain eco-innovation CO ₂ savings for the calculation of the average specific CO ₂ emissions of Daimler AG and the Daimler AG pool (notified under document C(2022) 965) ⁽¹⁾	128
★ Decision (EU) 2022/310 of the European Central Bank of 17 February 2022 amending Decision (EU) 2019/1743 of the European Central Bank on the remuneration of holdings of excess reserves and of certain deposits (ECB/2022/5)	140

GUIDELINES

★ Guideline (EU) 2022/311 of the European Central Bank of 17 February 2022 amending Guideline ECB/2012/27 on a Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2) (ECB/2022/4).....	142
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RULES OF PROCEDURE

★ Code of Conduct for the Members and former Members of the Court	145
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⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) 2022/299**of 24 February 2022****implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria and repealing Regulation (EU) No 442/2011 ⁽¹⁾, and in particular Article 32(1) thereof,

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

Whereas:

- (1) On 18 January 2012, the Council adopted Regulation (EU) No 36/2012.
- (2) The entry for one deceased person should be deleted.
- (3) Annex II to Regulation (EU) No 36/2012 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EU) No 36/2012 is amended as set out in the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 24 February 2022.

For the Council
The President
A. PANNIER-RUNACHER

⁽¹⁾ OJ L 16, 19.1.2012, p. 1.

ANNEX

The following entry is deleted from the list set out in Section A (Persons) of Annex II to Regulation (EU) No 36/2012:

32. Mohammed Makhoulf.

COUNCIL IMPLEMENTING REGULATION (EU) 2022/300**of 24 February 2022****implementing Article 8a of Regulation (EC) No 765/2006 concerning restrictive measures in view of the situation in Belarus**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 765/2006 of 18 May 2006 concerning restrictive measures in view of the situation in Belarus ⁽¹⁾, and in particular Article 8a(1) and (3) thereof,

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

Whereas:

- (1) On 18 May 2006, the Council adopted Regulation (EC) No 765/2006.
- (2) On the basis of a review of Council Decision 2012/642/CFSP ⁽²⁾, the Council has decided that the restrictive measures set out therein should be renewed until 28 February 2023.
- (3) The statements of reasons or the information for 27 natural and seven legal persons included in the list of natural and legal persons, entities and bodies subject to restrictive measures set out in Annex I to Regulation (EC) No 765/2006 should be amended.
- (4) Annex I to Regulation (EC) No 765/2006 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 765/2006 is amended as set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 24 February 2022.

For the Council

The President

A. PANNIER-RUNACHER

⁽¹⁾ OJ L 134, 20.5.2006, p. 1.

⁽²⁾ Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures in view of the situation in Belarus (OJ L 285, 17.10.2012, p. 1).

Annex I to Regulation (EC) No 765/2006 is amended as follows:

- (1) in table 'A. Natural persons referred to in Article 2(1)', entries 2, 3, 8, 16, 18, 19, 20, 21, 30, 31, 33, 46, 49, 50, 53, 70, 77, 87, 88, 112, 114, 121, 123, 124, 125, 127 and 144 are replaced by the following:

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
'2.	Dzmitry Valerievich PAULICHENKA Dmitri Valerievich PAVLICHENKO (Dmitriy Valeriyevich PAVLICHENKO)	Дзмітрый Валер'евіч ПАЎЛІЧЭНКА Дмитрий Валериевич ПАВЛИЧЕНКО	Position(s): Former Commander of the Special Rapid Response Unit (SOBR) Commander of an OMON unit DOB: 1966 POB: Vitebsk/Viciebsk, former USSR (now Belarus) Address: Belarusian Association of Veterans of Special Forces of the Ministry of Internal Affairs "Honour", 111 Mayakovskogo St., 220028 Minsk, Belarus Gender: male	Key person in the unresolved disappearances of Yuri Zakharenko, Viktor Gonchar, Anatoly Krasovski and Dmitri Zavadski in Belarus in 1999-2000. Former Commander of the Special Rapid Response Unit (SOBR) at the Ministry of Internal Affairs (MoIA). Businessman, Head of "Honour", the MoIA's Association of Veterans of Special Forces of the MoIA. He was identified as commanding an OMON unit during the brutal crackdown on protesters that took place in Belarus in the wake of the 2020 presidential election.	24.9.2004
3.	Viktar Uladzimiravich SHEIMAN (Viktar Uladzimiravich SHEYMAN) Viktor Vladimirovich SHEIMAN (Viktor Vladimirovich SHEYMAN)	Віктар Уладзіміравіч ШЭЙМАН Виктор Владимирович ШЕЙМАН	Position(s): Former Head of the Belarus President Property Management Directorate DOB: 26.5.1958 POB: Soltanishki, Grodno/Hrodna Region/Oblast, former USSR (now Belarus) Address: Belarus President Property Management Directorate, 38 Karl Marx St., 220016 Minsk, Belarus Gender: male	Former Head of the Belarus President Property Management Directorate. Responsible for the unresolved disappearances of Yuri Zakharenko, Viktor Gonchar, Anatoly Krasovski and Dmitri Zavadski in Belarus in 1999-2000. Former Secretary of the Security Council. Sheiman remains a Special Assistant/Aid to the President. He remains an influential and active member of the Lukashenka regime.	24.9.2004
8.	Siarhei Mikalaevich KHAMENKA Sergei Nikolaevich KHOMENKO	Сяргей Мікалаевіч ХАМЕНКА Сергей Николаевич ХОМЕНКО	Position(s): Former Deputy Minister of Internal Affairs, Major-General of Militia (police force) Minister of Justice	In his former leadership position as Deputy Minister of the Ministry of Internal Affairs (MoIA), he was responsible for the repression and intimidation campaign led by MoIA forces in the wake of the 2020	2.10.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
			DOB: 21.9.1966 POB: Yasinovataya, former USSR (now Ukraine) Gender: male	presidential election, in particular arbitrary arrests and ill-treatment, including torture, of peaceful demonstrators as well as intimidation and violence against journalists. He remains active in the Lukashenka regime as Minister of Justice.	
16.	Aliaksandr Mikhailavich ALIASHKEVICH Alexander Mikhailovich ALESHKEVICH	Аляксандр Міхайлавіч АЛЯШКЕВІЧ Александр Михайлович АЛЕШКЕВИЧ	Position(s): Former First Deputy Head of the District Department of Internal Affairs in Moskovsky District, Minsk, Head of Criminal Police Head of the District Department of Internal Affairs in Leninsky District, Minsk Gender: male	In his former position as First Deputy Head of the District Department of Internal Affairs in Moskovsky District, Minsk, and Head of Criminal Police, he was responsible for the repression and intimidation campaign in that district against peaceful protesters in the wake of the 2020 presidential election, in particular arbitrary arrests, excessive use of force and ill-treatment, including torture. He remains active in the Lukashenka regime as Head of the District Department of Internal Affairs in Leninsky District, Minsk.	2.10.2020
18.	Aliaksandr Paulavich VASILIEU Alexander Pavlovich VASILIEV	Аляксандр Паўлавіч ВАСІЛЬЕЎ Александр Павлович ВАСИЛЬЕВ	Position(s): Former Head of the Department of Internal Affairs of Gomel/Homyel Region/Oblast Executive Committee Head of the Academy of the Ministry of Internal Affairs DOB: 24.3.1975 POB: Mahiliou/Mogilev, former USSR (now Belarus) Gender: male	In his former position as Head of the Department of Internal Affairs of Gomel/Homyel Region/Oblast Executive Committee, he was responsible for the repression and intimidation campaign in that region/oblast against peaceful protesters in the wake of the 2020 presidential election, in particular arbitrary arrests, excessive use of force and ill- treatment, including torture. He remains active in the Lukashenka regime as Head of the Academy of the Ministry of Internal Affairs.	2.10.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
19.	Aleh Mikalaevich SHULIAKOUSKI Oleg Nikolaevich SHULIAKOVSKI	Алег Мікалаевіч ШУЛЯКОЎСКІ Олег Николаевич ШУЛЯКОВСКИЙ	Position(s): Former First Deputy Head of the Department of Internal Affairs of Gomel/Homyel Region/Oblast Executive Committee, Head of Criminal Police Head of the Department of Internal Affairs of the Brest Region/Oblast Executive Committee DOB: 26.7.1977 Gender: male	In his former position as First Deputy Head of the Department of Internal Affairs of Gomel/Homyel Region/Oblast Executive Committee and Head of Criminal Police, he was responsible for the repression and intimidation campaign in that region/oblast against peaceful protesters in the wake of the 2020 presidential election, in particular arbitrary arrests, excessive use of force and ill- treatment, including torture. He remains active in the Lukashenka regime as Head of the Department of Internal Affairs of the Brest Region/Oblast Executive Committee.	2.10.2020
20.	Anatol Anatolievich VASILIEU Anatoli Anatolievich VASILIEV	Анатоль Анатольевіч ВАСІЛЬЕЎ Анатолий Анатольевич ВАСИЛЬЕВ	Position(s): Former Deputy Head of the Department of Internal Affairs of Gomel/Homyel Region/Oblast Executive Committee, Head of Public Safety Police Deputy Chairman of the Investigative Committee DOB: 26.1.1972 POB: Gomel/Homyel, Gomel/Homyel Region/Oblast, former USSR (now Belarus) Gender: male	In his former position as Deputy Head of the Department of Internal Affairs of Gomel/Homyel Region/Oblast Executive Committee and Head of Public Safety Police, he was responsible for the repression and intimidation campaign in that region/oblast against peaceful protesters in the wake of the 2020 presidential election, in particular arbitrary arrests, excessive use of force and ill- treatment, including torture. He remains active in the Lukashenka regime as Deputy Chairman of the Investigative Committee.	2.10.2020
21.	Aliaksandr Viachaslavovich ASTREIKA Alexander Viacheslavovich ASTREIKO	Аляксандр Вячаслававіч АСТРЭЙКА Александр Вячеславович АСТРЕЙКО	Position(s): Former Head of the Department of Internal Affairs of Brest Region/Oblast Executive Committee, Major-General of Militia (police force) Head of the Department of Internal Affairs of the Minsk Region/Oblast Executive Committee	In his former position as Head of the Department of Internal Affairs of Brest Region/Oblast Executive Committee and Major-General of Militia, he was responsible for the repression and intimidation campaign in that region/oblast against peaceful protesters in the wake of the 2020 presidential election, in particular arbitrary arrests, excessive use of force and ill-treatment, including torture.	2.10.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
			DOB: 22.12.1971 POB: Kapyl, former USSR (now Belarus) Gender: male	He remains active in the Lukashenka regime as Head of the Department of Internal Affairs of the Minsk Region/Oblast Executive Committee.	
30.	Uladzimir Viktaravich KALACH Vladimir Viktorovich KALACH	Уладзімір Віктаравіч КАЛАЧ Владимир Викторович КАЛАЧ	Position(s): Former Deputy Chairman of the State Security Committee (KGB) Aide to the President of the Republic of Belarus - Inspector for Minsk Region/Oblast Gender: male Rank: Major-General	In his former leadership position as Deputy Chairman of the State Security Committee (KGB), he was responsible for the participation of the KGB in the repression and intimidation campaign in the wake of the 2020 presidential election, in particular arbitrary arrests and ill-treatment, including torture, of peaceful demonstrators and opposition members. He remains active in the Lukashenka regime as Aide to the President of the Republic of Belarus - Inspector for Minsk Region/Oblast.	2.10.2020
31.	Alieg Anatolevich CHARNYSHOU Oleg Anatolievich CHERNYSHEV	Алег Анатольевіч ЧАРНЫШОЎ Олег Анатольевич ЧЕРНЫШЁВ	Position(s): Former Deputy Chairman of the State Security Committee (KGB) Deputy Chairman of the Presidium of the National Academy of Sciences Gender: male Rank: Major-General	In his former leadership position as Deputy Chairman of the State Security Committee (KGB), he was responsible for the participation of the KGB in the repression and intimidation campaign in the wake of the 2020 presidential election, in particular arbitrary arrests and ill-treatment, including torture, of peaceful demonstrators and opposition members. He remains active in the Lukashenka regime as Deputy Chairman of the Presidium of the National Academy of Sciences.	2.10.2020
33.	Lidzia Mihailauna YARMOSHINA Lidia Mikhailovna YERMOSHINA	Лідзія Міхайлаўна ЯРМОШЫНА Лидия Михайловна ЕРМОШИНА	Position(s): Former Chairwoman of the Central Electoral Commission (CEC) DOB: 29.1.1953 POB: Slutsk, former USSR (now Belarus) Gender: female	In her former position as Chairwoman of the Central Electoral Commission (CEC), she was responsible for its misconduct of the 2020 presidential electoral process, its non-compliance with basic international standards of fairness and transparency, and its falsification of election results.	2.10.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
				The CEC and its leadership have, in particular, organised the dismissal of certain opposition candidates on spurious grounds and placed disproportionate restrictions on observers in polling stations. The CEC has also ensured that the election commissions under its supervision are composed in a biased manner.	
46.	Viktar Aliaksandravich LUKASHENKA Viktor Aleksandrovich LUKASHENKO	Віктар Аляксандравіч ЛУКАШЭНКА Виктор Александрович ЛУКАШЕНКО	Position(s): Former National Security Advisor to the President, Member of the Security Council President of the National Olympic Committee of Belarus DOB: 28.11.1975 POB: Mahiliou/Mogilev, former USSR (now Belarus) Gender: male Personal ID: 3281175A014PB8	In his former position as National Security Advisor to the President and a Member of the Security Council, as well as his informal supervisory position over Belarus security forces, he has been responsible for the repression and intimidation campaign led by the State apparatus in the wake of the 2020 presidential election, in particular arbitrary arrests and ill-treatment, including torture, of peaceful demonstrators as well as intimidation and violence against journalists. He remains active in the Lukashenka regime as the President of the National Olympic Committee. In this position, to which he was appointed on 26 February 2021, he bears responsibility for the mistreatment by the NOC officials of athlete Krystsina Tsimanouskaya during the 2020 Summer Olympics in Tokyo.	6.11.2020
49.	Raman Ivanavich MELNIK Roman Ivanovich MELNIK	Раман Іванавіч МЕЛЬНІК Роман Иванович МЕЛЬНИК	Position(s): Former Head of the Main Directorate of Law and Order Protection and Prevention at the Ministry of Internal Affairs Head of the Administration of the Leninsky District of Minsk DOB: 29.5.1964 Gender: male	In his former leadership position as the Head of the Main Directorate of Law and Order Protection and Prevention at the Ministry of Internal Affairs, he was responsible for the repression and intimidation campaign led by the State apparatus in the wake of the 2020 presidential election, in particular arbitrary arrests and ill-treatment, including torture, of peaceful demonstrators as well as intimidation and violence against journalists.	6.11.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
				He remains active in the Lukashenka regime as Head of the Administration of the Leninsky District of Minsk.	
50.	Ivan Danilavich NASKEVICH Ivan Danilovich NOSKEVICH	Іван Данилавіч НАСКЕВІЧ Иван Данилович НОСКЕВИЧ	Position(s): Former Chairman of the Investigative Committee Member of the reserve of the Investigative Committee DOB: 25.3.1970 POB: village of Cierabličy in Brest Region/Oblast, former USSR (now Belarus) Gender: male	In his former leadership position as the Chairman of the Investigative Committee, he was responsible for the repression and intimidation campaign led by that Committee in the wake of the 2020 presidential election, in particular investigations launched against the Coordination Council and peaceful demonstrators. He remains active in the Lukashenka regime as a member of the reserve of the Investigative Committee.	6.11.2020
53.	Andrei Fiodaravich SMAL Andrei Fyodorovich SMAL	Андрэй Фёдаравіч СМАЛЬ Андрей Фёдорович СМАЛЬ	Position(s): Former Deputy Chairman of the Investigative Committee DOB: 1.8.1973 POB: Brest, former USSR (now Belarus) Gender: male	In his former leadership position as the Deputy Chairman of the Investigative Committee, he was responsible for the repression and intimidation campaign led by the Committee in the wake of the 2020 presidential election, in particular investigations launched against the Coordination Council and peaceful demonstrators.	6.11.2020
70.	Aleh Heorhieievich KARAZIEI Oleg Georgievich KARAZEI	Алег Георгіевіч КАРАЗЕЙ Олег Георгиевич КАРАЗЕЙ	Position(s): Former Head of the Prevention Department of the Main Department of Law Enforcement and Prevention of the Public Security Police of the Ministry of Internal Affairs Associate professor at the Academy of the Ministry of Internal Affairs DOB: 1.1.1979 POB: Minsk Region/Oblast, former USSR (now Belarus) Gender: male	In his former leadership position as Head of the Prevention Department of the Main Department of Law Enforcement and Prevention of the Public Security Police of the Ministry of Internal Affairs, he was responsible for the repression and intimidation campaign led by the police forces in the wake of the 2020 presidential election, in particular arbitrary arrests and ill-treatment, including torture, of peaceful demonstrators as well as intimidation and violence against journalists. He remains active in the Lukashenka regime as associate professor at the Academy of the Ministry of Internal Affairs.	17.12.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
77.	Viktar Ivanavich STANISLAUCHYK Viktor Ivanovich STANISLAVCHIK	Віктар Іванавіч СТАНІСЛАЎЧЫК Виктор Иванович СТАНИСЛАВЧИК	Position(s): Former Deputy Head of the Police Department of the Sovetsky District of Minsk, Head of the Public Security Police First Deputy Head of the Centre of Advanced Studies and Specialists of the Ministry of Internal Affairs DOB: 27.1.1971 Gender: male	In his former position as Deputy Head of the Police Department of the Sovetsky District of Minsk and Head of the Public Security Police, he was responsible for the repression and intimidation campaign led by the local police force under his command in the wake of the 2020 presidential election, in particular arbitrary arrests and ill- treatment, including torture, of peaceful demonstrators as well as intimidation and violence against journalists. According to witnesses, he personally supervised the detention of peaceful protesters and beatings of those unlawfully detained. He remains active in the Lukashenka regime as the First Deputy Head of the Centre of Advanced Studies and Specialists of the Ministry of Internal Affairs.	17.12.2020
87.	Aliaksandr Vasilevich SHAKUTSIN Aleksandr Vasilevich SHAKUTIN	Аляксандр Васільевіч ШАКУЦІН Александр Васильевич ШАКУТИН	Position(s): Businessman, chairman of the board of directors of Amkodor holding DOB: 12.1.1959 POB: Bolshoe Babino, Orsha Rayon, Vitebsk/ Viciebsk Region/Oblast, former USSR (now Belarus) Gender: male	He is one of the leading businessmen operating in Belarus, with business interests in construction, machine building, agriculture and other sectors. He is reported to be one of the persons who benefitted most from the privatisation during Lukashenka's tenure as President. He is also a former member of the presidium of the pro-Lukashenka public association "Belaya Rus" and a former member of the Council for the Development of Entrepreneurship in the Republic of Belarus. In July 2020 he made public comments condemning the opposition protests in Belarus, thus supporting the Lukashenka regime's policy of repression towards peaceful protesters, democratic opposition and civil society.	17.12.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
				He maintains business interests in Belarus.	
88.	Mikalai Mikalaevich VARABEI/VERABEI Nikolay Nikolaevich VOROBAY	Мікалай Мікалаевіч ВАРАБЕЙ/ВЕРАБЕЙ Николай Николаевич ВОРОБЕЙ	Position(s): Businessman, co-owner of Bremino Group DOB: 4.5.1963 POB: Ukrainian SSR (now Ukraine) Gender: male	He is one of the leading businessmen operating in Belarus, and has had business interests in petroleum, coal transit, banking and other sectors. He is the co-owner of Bremino Group – a company that has enjoyed tax breaks and other forms of support from the Belarusian administration. His company BelKazTrans was granted an exclusive right to transfer coal through Belarus. In December 2020 he transferred some of his assets to his close business associates. According to media reports he still controls companies Interservice and Oil Bitumen Plant. He maintains business activities and close relations with authorities in Belarus and gave two luxury cars to Lukashenka. He also has business interests in Ukraine and Russia. He is therefore benefitting from and supporting the Lukashenka regime.	17.12.2020
112.	Siarhei Aliaksandravich GUSACHENKA Sergey Alexandrovich GUSACHENKO	Сяргей Аляксандравіч ГУСАЧЭНКА Сергей Александрович ГУСАЧЕНКО	Position(s): Deputy Chair of the National State Television and Radio Company (Belteleradio Company) DOB: 5.11.1983 POB: Minsk, former USSR (now Belarus) Gender: male Nationality: Belarusian Tel. (office): +375 (17) 369-90-15	In his position as the Deputy Chair of Belteleradio Company (the National State Television and Radio Company), author and host of weekly propaganda television show “Glavnyy efir”, Siarhei Gusachenka has been willingly providing the Belarusian public with false information about the outcome of elections, protests, repressions perpetrated by the state authorities and activities of the Lukashenka regime that facilitate illegal crossing of the external borders of the Union. He is directly responsible for the way in which the state television presents information about the situation in the country, thus lending support to the authorities including Lukashenka. He is therefore supporting the Lukashenka regime.	21.6.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
114.	Volha Mikalaeuna CHAMADANAVA Olga Nikolaevna CHEMODANOVA	Вольга Мікалаеўна ЧАМАДАНАВА Ольга Николаевна ЧЕМОДАНОВА	Position(s): Former Press Secretary of the Ministry of Internal Affairs of Belarus Head of the Main Directorate for Ideology and Youth of the Minsk City Executive Committee DOB: 13.10.1977 POB: Minsk Region/Oblast, former USSR (now Belarus) Gender: female Nationality: Belarusian Rank: Colonel Passport: MC1405076	In her former position as the main media person of the Ministry of Internal Affairs of Belarus, Volha Chamadanava played a key role in distorting and deflecting the facts regarding violence against protesters, as well as in spreading false information about them. She threatened peaceful protesters and continuously justified violence against them. Since she has been a part of the security apparatus and has spoken on its behalf, she is therefore supporting the Lukashenka regime. She remains active in the Lukashenka regime as the Head of the Main Directorate for Ideology and Youth of the Minsk City Executive Committee.	21.6.2021
121.	Liliya Valereuna LUKASHENKA (SIAMASHKA) Liliya Valerevna LUKASHENKO (SEMASHKO)	Лілія Валер'еўна ЛУКАШЭНКА (СЯМАШКА) Лилия Валерьевна ЛУКАШЕНКО (СЕМАШКО)	Position(s): Businesswoman, director of an art gallery DOB: 29.10.1979 Gender: female Nationality: Belarusian Personal ID: 4291079A047PB1	Liliya Lukashenka is the wife of Viktor Lukashenka and daughter-in-law of Aliaksandr Lukashenka. She has been closely connected with a number of high- profile companies which have benefitted from the Lukashenka regime, including Dana Holdings / Dana Astra and Belkhudozhpromysly concern. She was present, alongside her husband Viktor Lukashenka, on Aliaksandr Lukashenka's secret inauguration in September 2020. She is currently the director of the art gallery "Art Chaos". Her business activities are promoted by regime-affiliated media. She is therefore benefitting from and supporting the Lukashenka regime.	21.6.2021
123.	Aliaksandr Yauhenavich SHATROU Alexander (Alexandr) Evgenevich SHATROV	Аляксандр Яўтэнавіч ШАТРОЎ Александр Евгеньевич ШАТРОВ	Position(s): Businessman, shareholder and former head of Synesis LLC DOB: 9.11.1978 POB: former USSR (now Russian Federation) Gender: male	In his position as the former head and former majority shareholder of Synesis LLC, Alexander Shatrov was responsible for that company's decision to provide Belarusian authorities with a surveillance platform, Kipod, which can search through and	21.6.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
			Nationality: Russian, Belarusian Personal ID: 3091178A002VF5	analyse video footage and employ facial recognition software. He is therefore contributing to the repression of civil society and democratic opposition by the state apparatus. Synesis LLC and its subsidiary Panoptes benefit from their participation in the Republican Safety Monitoring System. Other companies which have been owned or co-owned by Shatrov, such as BelBet and Synesis Sport, also benefit from government contracts. He made public statements in which he criticised those protesting against the Lukashenka regime and put into perspective the lack of democracy in Belarus. He therefore benefits from and supports the Lukashenka regime. He remains a shareholder of Synesis LLC.	
124.	Siarhei Siamionavich TSIATSERYN Sergei Semionovich TETERIN	Сяргей Сямёнавіч ЦЯЦЕРЫН Сергей Семёнович ТЕТЕРИН	Position(s): Businessman, owner of BelGlobalStart, co-owner of VIBEL, former Chairman of the Belarusian Tennis Federation DOB: 7.1.1961 POB: Minsk, former USSR (now Belarus) Gender: male Nationality: Belarusian	Siarhei Tsiatseryn is one of the leading businessmen operating in Belarus, with business interests in the distribution of alcohol drinks (through his company BelGlobalStart), food products and furniture. He belongs to Lukashenka's inner circle. In 2019, BelGlobalStart was granted an opportunity to start the construction of a multi-functional business centre in front of the presidential palace in Minsk. He co-owns the company VIBEL, which sells commercials on a number of Belarusian national TV channels. He was the chairman of the Belarusian Tennis Federation and Lukashenka's former aide for sports matters.	21.6.2021
125.	Mikhail Safarbekovich GUTSERIEV	Микаил (Михаил) Сафарбекович ГУЦЕРИЕВ	Position(s): Businessman, shareholder and chairman of the board of executives of Safmar and Slavkali companies DOB: 9.5.1958 POB: Akmolinsk, former USSR (now Kazakhstan) Gender: male	Mikhail Gutseriev is a prominent Russian businessman, with business interests in Belarus in the sectors of energy, potash, hospitality and others. He is a long-time acquaintance of Aliaksandr Lukashenka and thanks to that association has accumulated significant wealth and influence among	21.6.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
			Nationality: Russian	<p>the political elite in Belarus. Safmar, a company which has been controlled by Gutseriev, was the only Russian oil firm that carried on supplying oil to Belarusian refineries during the energy crisis between Belarus and Russia in early 2020.</p> <p>Gutseriev also supported Lukashenka in disputes with Russia over oil deliveries. Gutseriev has been the chairman of the board of directors of, and a shareholder in, the Slavkali company, which is building the Nezhinsky potassium chloride mining and processing plant based on the Starobinsky potash salt deposit near Lyuban. It is the largest investment in Belarus, worth USD 2 billion. Lukashenka promised to rename the town of Lyuban “Gutserievsk” in his honour.</p> <p>His other businesses in Belarus have included fuelling stations and oil depots, a hotel, a business centre and an airport terminal in Minsk. Lukashenka came to Gutseriev’s defence after a criminal investigation was initiated against him in Russia. Lukashenka also thanked Gutseriev for his financial contributions to charity and investments worth billions of dollars in Belarus. Gutseriev is reported to have gifted Lukashenka luxurious presents.</p> <p>Gutseriev also declared himself to be the owner of a residency which de facto belongs to Lukashenka, thus covering him up when journalists started to investigate Lukashenka’s assets. Gutseriev attended Lukashenka’s secret inauguration on 23 September 2020. In October 2020 Lukashenka and Gutseriev both appeared at the opening of an orthodox church, which the latter sponsored.</p>	

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
				According to media reports, when the striking employees of Belarusian state-owned media were fired in August 2020, Russian media workers were flown to Belarus on board aircraft belonging to Gutseriev in order to replace the fired workers, and lodged in the Minsk Renaissance Hotel belonging to Gutseriev. Gutseriev assisted with the acquisition of CT scanners for Belarus during the COVID-19 crisis. Mikhail Gutseriev is therefore benefitting from and supporting the Lukashenka regime.	
127.	Aliaksandr Mikalaevich ZAITSAU Alexander (Alexandr) Nikolaevich ZAITSEV	Аляксандр Мікалаевіч ЗАЙЦАЎ Александр Николаевич ЗАЙЦЕВ	Position(s): Businessman, co-owner of Bremino Group and Sohra Group DOB: 22.11.1976 POB: Ruzhany, Brest Region/Oblast, former USSR (now Belarus) Gender: male Nationality: Belarusian	Aliaksandr Zaitsau is the former assistant of Viktor Lukashenka, son of and former Adviser on National Security to Aliaksandr Lukashenka. Through access to the Lukashenka family, Zaitsau obtains lucrative contracts for his businesses. He has had close ties with the Sohra Group that is granted the right to export state-owned enterprises' production (tractors and trucks) to the Gulf and African countries. He is also the co-owner and chairman of the Council of participants of Bremino Group. The company has received state support for developing the Bremino-Orsha zone, as well as a number of financial and tax advantages and other benefits. Zaitsau and other owners of Bremino Group received support from Viktor Lukashenka. He therefore benefits from and supports the Lukashenka regime.	21.6.2021
144.	Andrei Siarheevich BAKACH Andrei Sergeevich BAKACH	Андрэй Сярпеевіч БАКАЧ Андрей Сергеевич БАКАЧ	Position(s): Former Head of the Pervomaysky District Police Department of Minsk First Deputy Head of the Internal Affairs Directorate of the Grodno/Hrodna Regional Executive Committee	In his former position as Head of the Department of Internal Affairs of the Pervomaysky District Administration in Minsk, Andrei Bakach was responsible for the actions of police forces belonging to that police precinct and for the actions occurring	21.6.2021;

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
			<p>DOB: 19.11.1983</p> <p>POB: Minsk, former USSR (now Belarus)</p> <p>Gender: male</p> <p>Nationality: Belarusian</p>	<p>in the police station. During his time as Head, peaceful protesters in Minsk were subjected to cruel, inhumane and degrading treatment inside the police station under his control.</p> <p>He is therefore responsible for serious violations of human rights and the repression of civil society and democratic opposition.</p> <p>He remains active in the Lukashenka regime as the First Deputy Head of the Internal Affairs Directorate of the Grodno/Hrodna Regional Executive Committee.</p>	

(2) table 'B. Legal persons, entities or bodies referred to in Article 2(1)' is replaced by the following table:

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
'1.	Beltechexport	Белтехэкспорт	<p>Address: Nezavisimosti Ave. 86-B, Minsk, Belarus</p> <p>Website: https://bte.by/</p> <p>E-mail address: mail@bte.by</p>	<p>Beltechexport is a private entity which exports weapons and military equipment produced by Belarusian state-owned companies to countries in Africa, South America, Asia and the Middle East. Beltechexport is closely associated with the Ministry of Defence of Belarus.</p> <p>Beltechexport is therefore benefitting from its association with and supporting the Lukashenka regime, by bringing benefits to the presidential administration.</p>	17.12.2020
2.	Dana Holdings	ТАА “Дана Холдингз” ООО “Дана Холдингз”	<p>Address: Peter Mstislavets St. 9, pom. 3 (office 4), 220076 Minsk, Belarus</p> <p>Registration number: 690611860</p>	<p>Dana Holdings is one of the main real estate developers and constructors in Belarus. The company and its subsidiaries received development</p>	17.12.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
			Websites: https://bir.by/ ; https://en.dana-holdings.com ; https://dana-holdings.com/ E-mail address: info@bir.by Tel.: +375 (29) 636-23-91	rights for plots of land and developed several large residential complexes and business centres. Individuals reportedly representing Dana Holdings maintain close relations with President Lukashenka. Liliya Lukashenka, daughter-in-law of the President, had a high-ranking position in Dana Astra. Dana Holdings is still active economically in Belarus. Dana Holdings is therefore benefitting from and supporting the Lukashenka regime.	
3.	Dana Astra	ЗТАА “Дана Астра” ИООО “Дана Астра”	Address: Peter Mstislavets St. 9, pom. 9-13, 220076 Minsk, Belarus Registration number: 191295361 Websites: https://bir.by/ ; https://en.dana-holdings.com ; https://dana-holdings.com/ E-mail address: PR@bir.by Tel.: +375 (17) 269-32-60; +375 17 269-32-51	Dana Astra, previously a subsidiary of Dana Holdings, is one of the main real estate developers and constructors in Belarus. The company received development rights for plots of land and is developing the multifunctional centre “Minsk World”, which is advertised by the company as the biggest investment of its kind in Europe. Individuals reportedly representing Dana Astra maintain close relations with President Lukashenka. Liliya Lukashenka, daughter-in-law of the President, had a high-ranking position in the company. Dana Astra is therefore benefitting from and supporting the Lukashenka regime.	17.12.2020
4.	GHU – Main Economic Department of the Presidential Administration	Главное хозяйственное управление	Address: Miasnikova St. 37, Minsk, Belarus Website: http://ghu.by E-mail address: ghu@ghu.by	Main Economic Department (GHU) of the Presidential Administration is the largest operator on the non-residential real estate market in the Republic of Belarus and a supervisor of numerous companies. Victor Sheiman, who as the former head of the Belarus President Property Management Directorate exercised direct control over GHU, was asked by	17.12.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
				President Aliaksandr Lukashenka to supervise the safety of the 2020 presidential elections. GHU is therefore benefitting from its association with and supporting the Lukashenka regime.	
5.	SYNESIS LLC	ООО “Синезис”	Address: Platonova 20B, 220005 Minsk, Belarus; Mantulinskaya 24, 123100 Moscow, Russia Registration number: 190950894 (Belarus); 7704734000/ 770301001 (Russia) Website: https://synesis.partners ; https://synesis-group.com/ E-mail address: yuriy.serbenkov@synesis.by Tel.: +375 (17) 240-36-50	Synesis LLC provides the Belarusian authorities with a surveillance platform, which can search through and analyse video footage and employ facial recognition software, making the company responsible for the repression of civil society and democratic opposition by the state apparatus in Belarus. Synesis employees are forbidden from communicating in Belarusian, thereby supporting the Lukashenka regime's policy of discrimination on the basis of language. The Belarusian State Security Committee (KGB) and Ministry of Internal Affairs are listed as users of a system created by Synesis. The company is therefore benefitting from its association with and supporting the Lukashenka regime. Synesis former head, founder and former majority shareholder Alexander Shatrov publicly criticised those protesting against the Lukashenka regime and relativized the lack of democracy in Belarus.	17.12.2020
6.	AGAT electromechanical Plant OJSC	Агат-электромеханический завод	Address: Nezavisimosti Ave. 115, 220114 Minsk, Belarus Website: https://agat-emz.by/ E-mail address: marketing@agat-emz.by	AGAT electromechanical Plant OJSC is part of the Belarusian State Authority for Military Industry of the Republic of Belarus (a.k.a. SAMI or State Military	17.12.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
			Tel.: +375 (17) 272-01-32; +375 (17) 570-41-45	Industrial Committee), which is responsible for implementing the military-technical policy of the State and a subordinate to the Council of Ministers and President of Belarus. AGAT electromechanical Plant OJSC is therefore benefitting from its association with and supporting the Lukashenka regime. The company manufactures “Rubezh” – a barrier system designed for riot control that has been deployed against peaceful demonstrations that took place in the wake of the presidential elections held on 9 August 2020, thus making the company responsible for the repression of civil society and democratic opposition.	
7.	140 Repair Plant	140 ремонтный завод	Website: 140zavod.org	140 Repair Plant is part of the Belarussian State Authority for Military Industry of the Republic of Belarus (a.k.a. SAMI or State Military Industrial Committee), which is responsible for implementing the military-technical policy of the State and a subordinate to the Council of Ministers and President of Belarus. 140 Repair Plant is therefore benefitting from its association with and supporting the Lukashenka regime. The company manufactures transport vehicles and armoured vehicles, which have been deployed against peaceful demonstrations that took place in the wake of the presidential elections held on 9 August 2020, thus making the company responsible for the repression of civil society and democratic opposition.	17.12.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
8.	MZKT (a.k.a. VOLAT)	МЗКТ - Минский завод колёсных тягачей	Website: www.mzkt.by	<p>MZKT (a.k.a. VOLAT) is part of the Belarusian State Authority for Military Industry of the Republic of Belarus (a.k.a. SAMI or State Military Industrial Committee), which is responsible for implementing the military-technical policy of the State and a subordinate to the Council of Ministers and the President of Belarus. MZKT (a.k.a. VOLAT) is therefore benefitting from its association with and supporting the Lukashenka regime.</p> <p>Employees of MZKT who protested during the visit of Aliaksandr Lukashenka to the factory and went on strike in the wake of the 2020 presidential elections in Belarus were fired, which makes the company responsible for violation of human rights.</p>	17.12.2020
9.	Sohra Group / Sohra LLC	ООО Сохра	<p>Address: Revolucyonnaya 17/19, office no. 22, 220030 Minsk, Belarus</p> <p>Registration number: 192363182</p> <p>Website: http://sohra.by/</p> <p>E-mail address: info@sohra.by</p>	<p>Sohra company was owned by Aliaksandr Zaitsau, one of the most influential businessmen in Belarus, a person with close connections to the Belarusian political establishment and a close aide to Lukashenka's eldest son Viktor. Sohra promotes Belarusian industrial products in countries in Africa and the Middle East. It co-founded the defence company BSVT-New Technologies, engaged in weapons production and missile modernisation. Sohra, using its privileged position, serves as a proxy between the Belarusian political establishment and state-owned companies and foreign partners in Africa and the Middle East. It also engaged in gold mining in African countries on the basis of concessions obtained by the Lukashenka regime.</p> <p>Sohra Group is therefore benefitting from the Lukashenka regime.</p>	21.6.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
10.	Bremino Group LLC	ООО “Бремино групп”	Address: Niamiha 40, 220004 Minsk, Belarus; Bolbasovo village, Zavodskaya 1k, Orsha Region/Oblast, Belarus Registration number: 691598938 Website: http://www.bremino.by E-mail address: office@bremino.by ; marketing@bremino.by	<p>Bremino Group is the initiator and co-administrator of the Bremino-Orsha special economic zone project, created by a presidential decree signed by Aliaksandr Lukashenka. The company has received state support for developing the Bremino-Orsha zone, as well as a number of financial and tax advantages and other benefits. The owners of Bremino Group - Aliaksandr Zaitsau, Mikalai Varabei and Aliaksei Aleksin - belong to the inner circle of Lukashenka-related businessmen and maintain close relations with Lukashenka and his family.</p> <p>Bremino Group is therefore benefitting from the Lukashenka regime.</p> <p>Bremino Group is the owner of Transport and Logistics Center (TLC) on the Belarusian-Polish border - Bremino-Bruzgi, which was used by the Lukashenka regime as a shelter for migrants who have been transported to the Belarusian-Union border with the aim of illegally crossing it. Bremino-Bruzgi TLC was also a site of Lukashenka's propaganda visit to the migrants.</p> <p>Bremino Group is therefore contributing to the activities by the Lukashenka regime that facilitate the illegal crossing of the external borders of the Union.</p>	21.6.2021
11.	Globalcustom Management LLC	ООО “Глобалкастом-менеджмент”	Address: Nemiga 40/301, Minsk, Belarus Registration number: 193299162 Website: https://globalcustom.by/ E-mail address: info@globalcustom.by	Globalcustom Management is associated with the Belarus President Property Management Directorate, formerly headed by Victor Sheiman, who has been designated by the Union since 2004. The company is involved in the smuggling of goods to Russia, which would not be possible without the consent of the Lukashenka regime, which controls the border guards and customs. The privileged position in the flower export sector to Russia, from which the	21.6.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
				company benefits, is also conditioned on the support of the regime. Globalcustom Management was the first owner of the GardService, the only private company to whom Lukashenka granted the use of weapons. Globalcustom Management is therefore benefitting from the Lukashenka regime.	
12.	<p>Belarusski Avtomobilnyi Zavod (BelAZ) / OJSC "BELAZ"</p> <p>Open Joint Stock Company "BELAZ" - Management Company of Holding "BELAZ-HOLDING"</p>	<p>AAT "БЕЛАЗ"</p> <p>ОАО "БЕЛАЗ"</p>	<p>Address: 40 let Ochyabrya St. 4, 222161, Zhodino, Minsk Region/Oblast, Belarus</p> <p>Website: https://belaz.by</p>	<p>OJSC BelAZ is one of the leading state-owned companies in Belarus and one of the largest manufacturers of large trucks and large dump trucks in the world. It is a source of significant revenue for the Lukashenka regime. Lukashenka stated that the government will always support the company, and described it as a "Belarusian brand" and "part of the national legacy". OJSC BelAZ has offered its premises and equipment to stage a political rally in support of the Lukashenka regime. Therefore OJSC BelAZ benefits from and supports the Lukashenka regime.</p> <p>The employees of OJSC BelAZ who took part in strikes and peaceful protests in the aftermath of the fraudulent August 2020 elections in Belarus were threatened with layoffs and intimidated by the company management. A group of employees was locked indoors by OJSC BelAZ to prevent them from joining the other protesters. The company management presented a strike to the media as a staff meeting. Therefore OJSC BelAZ is responsible for the repression of civil society and supports the Lukashenka regime.</p>	21.6.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
13.	Minskii Avtomobilnyi Zavod (MAZ) / OJSC "MAZ" Open Joint Stock Company "Minsk Automobile Works" - Management Company of "BELAVTOMAZ" Holding	ААТ "Мінскі аўтамабільны завод" ОАО "Минский автомобильный завод"	Address: Socialisticheskaya 2, 220021 Minsk, Belarus Website: http://maz.by/ Date of registration: 16.7.1944 Tel.: +375 (17) 217-22-22; +8000 217-22-22	OJSC Minsk Automobile Plant (MAZ) is one of the biggest state-owned automotive manufacturers in Belarus. Lukashenka described it as "one of the most important industrial enterprises of the country". It is a source of revenue for the Lukashenka regime. OJSC MAZ has offered its premises and equipment to stage a political rally in support of the regime. Therefore, OJSC MAZ benefits from and supports the Lukashenka regime. Employees of OJSC MAZ who took part in strikes and peaceful protests in the aftermath of fraudulent August 2020 elections in Belarus were intimidated and later laid off by the company's management. A group of employees was locked indoors by OJSC MAZ to prevent them from joining the other protesters. Therefore, OJSC MAZ is responsible for the repression of civil society and supports the Lukashenka regime.	21.6.2021
14.	Logex	ТАА "Ларекс" ООО "Лорекс"	Address: 24 Kommunisticheskaya St., office 2, Minsk, Belarus Registration number: 192695465 Website: http://logex.by/ E-mail address: info@logex.by	Logex is associated with Aliaksandr Shakutsin, a businessman close to the Lukashenka regime, who has been designated by the Union. The company is involved in the export of flowers to the Russian Federation at dumped prices, which would not be possible without the consent of the regime, which controls the border guards and customs. The privileged position in the flower export sector to Russia, from which the company benefits, is conditioned on the support of the regime. The main Belarusian suppliers of cut flowers are the companies that are closely connected with the leadership of the republic. Logex is therefore benefitting from the Lukashenka regime.	21.6.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
15.	JSC “NNK” (Novaia naftavaia kampania) / New Oil Company	ЗАТ “ННК” (Новая нафтавая кампанія) ЗАО “ННК” (Новая нефтяная компания)	Address: Rakovska St. 14W room 7, 5th floor, Minsk, Belarus Registration number: 193402282	Novaya Neftnaya Kompaniya (NNK), New Oil company, is an entity founded in March 2020. It is the only private company entitled to export oil products from Belarus - an indication of close links to the authorities and the highest level of state privileges. NNK is owned by Interservice, a company belonging to Mikalai Varabei who is one of the leading businessmen benefitting from and supporting the Lukashenka regime. NNK is also reported to be connected to Aliaksei Aleksin, another prominent Belarusian businessman who benefits from the Lukashenka regime. According to media reports, Aleskin was the founder of NNK alongside Varabei. NNK was also used by the Belarusian authorities to adapt the Belarusian economy to restrictive measures introduced by the Union. NNK is therefore benefitting from the Lukashenka regime.	21.6.2021
16.	Belaeronavigatsia State-owned enterprise	Белаэранавігацыя Дзяржаўнае прадпрыемства Белаэроавігация Государственное предприятие	Address: 19 Korotkevich St., 220039 Minsk, Belarus Date of registration: 1996 Website: http://www.ban.by/ E-mail address: office@ban.by Tel.: +375 (17) 215-40-51 Fax: +375 (17) 213-41-63	The state-owned enterprise Belaeronavigatsia is responsible for Belarusian air traffic control. It therefore bears responsibility for diverting passenger flight FR4978 to Minsk airport without proper justification on 23 May 2021. This politically motivated decision was taken with the aim of arresting and detaining opposition journalist Raman Pratasevich and Sofia Sapega and is a form of repression against civil society and democratic opposition in Belarus. The state-owned enterprise Belaeronavigatsia is therefore responsible for the repression of civil society and democratic opposition.	21.6.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
17.	Open Joint Stock Company "Belavia Belarusian Airlines"	ААТ "Авіакомпанія Белавія" ОАО "Авиакомпания Белавиа"	Address: 14A Nemiga St., 220004 Minsk, Belarus Date of registration: 4.1.1996 Registration number: 600390798	<p>OJSC Belavia Belarusian Airlines is the state-owned national flag carrier airline. Aliaksandr Lukashenka promised that his administration would provide all possible support to Belavia after the Union decided to introduce a prohibition on the overflight of Union airspace and on access to Union airports by all Belarusian air carriers. To that end, he agreed with the Russian President Vladimir Putin on planning the opening of new airline routes for Belavia.</p> <p>Belavia's management also told its employees not to protest against the election irregularities and mass detentions in Belarus, in view of the fact that Belavia is a state-owned enterprise.</p> <p>Belavia is therefore benefitting from and supporting the Lukashenka regime.</p> <p>Belavia has been involved in bringing migrants from the Middle East to Belarus. Migrants wishing to cross the Union's external border have been flying to Minsk on board flights operated by Belavia from a number of Middle Eastern countries, in particular Lebanon, UAE and Turkey. In order to facilitate this, Belavia opened new air routes and expanded the number of flights on existing routes. Local tour operators have acted as intermediaries in selling Belavia tickets to prospective migrants, thereby helping Belavia to keep a low profile.</p> <p>Belavia is therefore contributing to activities by the Lukashenka regime that facilitate the illegal crossing of the external borders of the Union.</p>	2.12.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
18.	Republican unitary enterprise “TSENTRKURORT”	Рэспубліканскае унітарнае прадпрыемства “ЦЭНТРКУРОРТ” Республиканское унитарное предприятие “ЦЕНТРКУРОРТ”	Address: 39 Myasnikova St., 220030 Minsk, Belarus Date of registration: 12.8.2003 Registration number: 100726604	State-owned tourism company Tsentrkurort is part of the Belarus President Property Management Directorate. Tsentrkurort is reported to be one of the companies coordinating the flow of migrants that intend to cross the border between Belarus and the Union. Tsentrkurort helped at least 51 Iraqi citizens acquire visas for their visit to Belarus, and signed a contract for transportation services with Belarusian company Stroitur, which offers bus rentals with drivers. Buses booked by Tsentrkurort transported migrants, including children, from Minsk airport to hotels. Tsentrkurort is therefore contributing to activities by the Lukashenka regime that facilitate the illegal crossing of the external borders of the Union.	2.12.2021
19.	Oskartour LLC	ООО Оскартур	Address: 25 Karl Marx St., room 1n, Minsk, Belarus Date of registration: 18.10.2016 Registration number: 192721937	Oskartour is a tour operator, which facilitated the obtainment of visas for migrants coming from Iraq and organised their subsequent travel to Belarus by flights from Bagdad to Minsk. Those Iraqi migrants were later transported to the Belarusian-Union border with the aim of illegally crossing it. Thanks to Oskartour and its contacts with Iraqi airlines, Belarusian authorities and the state-owned Tsentrkurort company, regular flights from Baghdad to Minsk were launched by the Iraqi air carrier, in order to bring more persons to Belarus to illegally cross the external borders of the Union. Oskartour took part in this illegal border-crossing scheme carried out by Belarusian security services and state- owned companies.	2.12.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
				It is therefore contributing to activities by the Lukashenka regime that facilitate the illegal crossing of the external borders of the Union.	
20.	Republican subsidiary unitary enterprise "Hotel Minsk"	Гатэль "Мінск" Республіканскае дочерняе унітарнае прадпрыемства "Отель "Минск"	Address: 11 Nezavisimosti Ave., Minsk, Belarus Date of registration: 26.12.2016/3.4.2017 Registration number: 192750964 Website: http://hotelminsk.by/ E-mail address: hotelminsk@udp.gov.by ; marketing@hotelminsk.by Tel.: +375 (17) 209-90-61 Fax: +375 (17) 200-00-72	Hotel Minsk is a subsidiary company of the Belarus President Property Management Directorate – a government agency that directly reports to the President. Hotel Minsk took part in the illegal border-crossing scheme carried out by Belarusian security services and state-owned companies. Migrants were accommodated in the hotel before being transported to the border between Belarus and the Union in order to illegally cross it. Iraqi migrants had listed Hotel Minsk as a temporary residence in their Belarusian visa applications, which were lodged immediately before their arrival in Belarus. Hotel Minsk is therefore contributing to activities by the Lukashenka regime that facilitate the illegal crossing of the external borders of the Union.	2.12.2021
21.	Open Joint Stock Company "Hotel Planeta"	ААТ "Гасцініца Планета" ОАО "Гостиница Планета"	Address: 31 Pobediteley Ave., Minsk, Belarus Date of registration: 1.2.1994/6.3.2000 Registration number: 100135173 Website: https://hotelplaneta.by/ E-mail address: planeta@udp.gov.by Tel.: +375 (17) 226-78-53 Fax: +375 (17) 226-78-55	OJSC Hotel Planeta is a subsidiary company of the Belarus President Property Management Directorate – a government agency that directly reports to the President. Hotel Planeta took part in the illegal border-crossing scheme carried out by Belarusian security services and state-owned companies. Migrants were accommodated in the hotel before	2.12.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
				being transported to the border between Belarus and the Union in order to illegally cross it. They paid USD 1 000 to a travel agent in Baghdad for the flight, a tourist visa and a stay in the hotel. Hotel Planeta is therefore contributing to activities by the Lukashenka regime that facilitate the illegal crossing of the external borders of the Union.	
22.	ASAM (Asobnaia sluzhba aktyunyk merapryemstvau) OSAM (Otdiel'naya sluzhba aktivnykh mieropriyatiy)	Асобная служба актыўных мерапрыемстваў (АСАМ) Отдельная служба активных мероприятий (ОСАМ)	Address: State Border Committee of the Republic of Belarus, 24 Volodarsky St., 220050 Minsk, Belarus	ASAM (Separate Service for Active Measures) is a Belarusian special border guard unit controlled by Viktor Lukashenka and headed by Ihar Kruchkou. ASAM forces under special operation "Gate" organise illegal border crossings through Belarus to Union Member States and are directly involved in the physical transportation of migrants to the other side of the border. ASAM additionally charges the transported migrants for the border crossing. ASAM is therefore contributing to activities by the Lukashenka regime that facilitate the illegal crossing of the external borders of the Union.	2.12.2021
23.	Cham Wings Airlines		Address: P.O. Box 30588 Damascus, Syria Website: https://chamwings.com/	Cham Wings Airlines is an operator of charter flights from Syria to Belarus. The company increased the number of flights from Damascus to Minsk since the summer of 2021 in order to transport migrants to Belarus who intended to illegally cross the external borders of the Union. In autumn 2021, Cham Wings also opened two new offices in Minsk in order to be able to organise the flights between Damascus and Minsk. Cham Wings Airlines therefore contributes to activities by the Lukashenka regime that facilitate the illegal crossing of the external borders of the Union.	2.12.2021
24.	VIP Grub		Address: Büyükdere Cad., No:201, Istanbul, Turkey	VIP Grub is a passport and visa service based in Istanbul, Turkey, which organises trips to Belarus with the explicit intention of facilitating migration to the Union. VIP Grub actively advertises migration to	2.12.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
				the Union. VIP Grub therefore contributes to activities by the Lukashenka regime that facilitate the illegal crossing of the external borders of the Union.	
25.	Open Joint Stock Company "Grodno Azot" Including Branch "Khimvolokno Plant" JSC "Grodno Azot"	ААТ "Гродна Азот" ОАО "Гродно Азот" Філіял "Завод Хімвалакно" ААТ "Гродна Азот" Філіял "Завод Хімволокно" ОАО "Гродно Азот"	Address: 100 Kosmonavtov Ave., Grodno/Hrodna, Belarus Date of registration: 1965 Registration number: 500036524 Website: https://azot.by/en/ Address: 4 Slavinskogo St., 230026 Grodno/Hrodna, Belarus Date of registration: 12.5.2000 Registration number: 590046884 Website: www.grodno-khim.by E-mail address: office@grodno-khim.by ; market@grodno-khim.by ; ppm@grodno-khim.by ; tnp@grodno-khim.by Tel./Fax: +375 (152) 39-19-00; +375 (152) 39-19-44	OJSC Grodno Azot is a large state-owned producer of nitrogen compounds, based in Grodno/Hrodna. Lukashenka described it as "a very important enterprise, a strategic one". Grodno Azot also owns Khimvolokno Plant, which is a large manufacturer of polyamide and polyester and composite materials. Grodno Azot and its Khimvolokno Plant are a source of substantial revenue for the Lukashenka regime. Grodno Azot is therefore supporting the Lukashenka regime. Lukashenka visited the company and met with its representatives, discussing the plant's modernisation and various forms of State support. Lukashenka also promised that a loan would be used for the construction of a new nitrogen plant in Grodno/Hrodna. Grodno Azot is therefore benefitting from the Lukashenka regime. The workers of Grodno Azot, including its employees at the Khimvolokno Plant, who participated in peaceful protests against the regime and went on strike, were dismissed, intimidated and threatened both by the Grodno Azot management and regime representatives. Grodno Azot is therefore responsible for the repression of civil society.	2.12.2021
26.	State Production Association "Belorusneft"	Дзяржаўнае вытворчае аб'яднанне "Беларуснафта" Государственное производственное объединение "Белоруснефть"	Address: 9 Rogachevskaya St., 246003 Gomel/Homyel, Belarus Date of registration: 25.2.1966 Registration number: 400051902	Belorusneft is a state-owned company, operating in the petrochemical sector. The company's management dismissed workers who went on strike,	2.12.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
				took part in anti-regime protests or publicly supported those protests. Belorusneft is therefore responsible for the repression of civil society.	
27.	Open Joint Stock Company "Belshina"	ААТ "Белшина" ОАО "Белшина"	Address: 4 Minskoe Shosse St., 213824 Bobruisk, Belarus Date of registration: 10.1.1994 Registration number: 700016217 Website: http://www.belshinajsc.by/	OJSC Belshina is one of the leading state-owned companies in Belarus and a large manufacturer of vehicle tyres. As such, it is a substantial source of revenue for the Lukashenka regime. The Belarusian State is directly profiting from the earnings made by Belshina. Therefore, Belshina supports the Lukashenka regime. Employees of Belshina who protested and went on strike in the wake of the 2020 presidential elections in Belarus were dismissed. Belshina is therefore responsible for the repression of civil society.	2.12.2021'

COMMISSION IMPLEMENTING REGULATION (EU) 2022/301**of 24 February 2022**

extending the definitive countervailing duty imposed by Implementing Regulation (EU) 2020/776 on imports of certain woven and/or stitched glass fibre fabrics ('GFF') originating in the People's Republic of China ('the PRC') to imports of GFF consigned from Morocco, whether declared as originating in Morocco or not, and terminating the investigation concerning possible circumvention of the countervailing measures imposed by Implementing Regulation (EU) 2020/776 on imports of GFF originating in Egypt by imports of GFF consigned from Morocco, whether declared as originating in Morocco or not

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1037 of the European Parliament and of the Council of 8 June 2016 on protection against subsidised imports from countries not members of the European Union ⁽¹⁾ ('the basic Regulation') and in particular Article 23 thereof,

Whereas:

1. PROCEDURE**1.1. Existing measures**

- (1) In June 2020, by Commission Implementing Regulation (EU) 2020/776 ⁽²⁾, the Commission imposed a definitive countervailing duty on imports of certain woven and/or stitched glass fibre fabrics ('GFF') originating in the PRC and in Egypt, respectively ('the original anti-subsidy investigation'). The anti-subsidy measures took the form of an *ad valorem* duty ranging between 17 % and 30,7 % for imports originating in the PRC and an *ad valorem* duty of 10,9 % for imports originating in Egypt.

1.2. Request

- (2) The Commission received a request pursuant to Articles 23(4) and 24(5) of the basic Regulation to investigate the possible circumvention of the countervailing measures imposed on imports of GFF originating in the People's Republic of China and Egypt and to make such imports subject to registration.
- (3) The request was lodged on 19 May 2021 by TECH-FAB Europe e.V, an association of EU producers of GFF ('the applicant').
- (4) The request contained sufficient evidence of a change in the pattern of trade involving exports from China, Egypt and Morocco to the Union that had taken place following the imposition of measures on GFF. The change in the pattern of trade appeared to stem from a practice, process or work for which there is insufficient due cause or economic justification other than the imposition of the duty.
- (5) Furthermore, the request contained sufficient evidence showing that the practice, process or work were undermining the remedial effects of the existing countervailing measures in terms of quantity and prices. Significant volumes of imports of the product under investigation appeared to have entered the EU market. In addition, there was sufficient evidence that imports of GFF were made at injurious prices.

⁽¹⁾ OJ L 176, 30.6.2016, p. 55.

⁽²⁾ Commission Implementing Regulation (EU) 2020/776 of 12 June 2020 imposing definitive countervailing duties on imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt and amending Commission Implementing Regulation (EU) 2020/492 imposing definitive anti-dumping duties on imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt (OJ L 189, 15.6.2020, p. 1).

- (6) Finally, the request contained sufficient evidence that the product under investigation and/or parts thereof still benefit from the subsidy. Indeed, the product under investigation and the parts thereof were produced by and exported to Morocco by companies in China and Egypt that were found to receive countervailable subsidies for the production and sale of the product under investigation under the existing measures.

1.3. Product concerned and product under investigation

- (7) The product concerned is fabrics of woven, and/or stitched continuous filament glass fibre rovings and/or yarns with or without other elements, excluding products which are impregnated or pre-impregnated (pre-preg), and excluding open mesh fabrics with cells with a size of more than 1,8 mm in both length and width and weighing more than 35 g/m², classified on the date of entry into force of Implementing Regulation (EU) 2020/776 under CN codes ex 7019 39 00, ex 7019 40 00, ex 7019 59 00 and ex 7019 90 00 (TARIC codes 7019 39 00 80, 7019 40 00 80, 7019 59 00 80 and 7019 90 00 80) and originating in the People's Republic of China and Egypt ('the product concerned'). This is the product to which the measures that are currently in force apply.
- (8) The product under investigation is the same as that defined in the previous recital, currently falling under CN codes ex 7019 61 00, ex 7019 62 00, ex 7019 63 00, ex 7019 64 00, ex 7019 65 00, ex 7019 66 00, ex 7019 69 10, ex 7019 69 90, ex 7019 72 00, ex 7019 73 00, ex 7019 80 10, ex 7019 80 90, and ex 7019 90 00, but consigned from Morocco, whether declared as originating in Morocco or not (TARIC codes 7019 61 00 81, 7019 62 00 81, 7019 63 00 81, 7019 64 00 81, 7019 65 00 81, 7019 66 00 81, 7019 69 10 81, 7019 69 90 81, 7019 72 00 81, 7019 73 00 81, 7019 80 10 81, 7019 80 90 81, and 7019 90 00 81) ('the product under investigation') ⁽³⁾.
- (9) The investigation showed that GFF exported from China and Egypt to the Union and those consigned from Morocco, whether originating in Morocco or not, have the same basic physical and chemical characteristics, and are therefore considered as like products within the meaning of Article 2(c) of the basic Regulation.

1.4. Initiation

- (10) Having determined, after having informed the Member States, that sufficient evidence existed for the initiation of an investigation pursuant to Article 23 of the basic Regulation, the Commission initiated the investigation concerning a possible circumvention of the countervailing measures by Commission Implementing Regulation (EU) 2021/863 of 28 May 2021 ⁽⁴⁾ ('the initiating Regulation'). Pursuant to Articles 23(4) and 24(5) of the basic Regulation, the Commission, by the initiating Regulation, also directed the customs authorities to register imports of GFF consigned from Morocco, whether declared as originating in Morocco or not.

1.5. Comments on initiation

- (11) LM Wind Power, a wind blade manufacturer established in the Union, argued that the initiation of the investigation concerning the circumvention of countervailing measures was not justified due to a lack of sufficient evidence regarding the factors set out in paragraphs 1, 2 and 3 of Article 23 of the basic Regulation.
- (12) It argued that, in accordance with the second subparagraph of Article 23(3), there must be sufficient evidence of a practice, process or work which are defined as:
- the slight modification of the product concerned to make it fall under customs codes which are normally not subject to the measures, provided that the modification does not alter its essential characteristics;

⁽³⁾ The CN and TARIC codes referred to above will apply as from 1 January 2022 and are based on Commission Implementing Regulation (EU) 2021/1832 of 12 October 2021 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 385, 29.10.2021, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) 2021/863 of 28 May 2021 initiating an investigation concerning possible circumvention of the countervailing measures imposed by Implementing Regulation (EU) 2020/776 on imports of certain woven and/or stitched glass fibre fabrics originating in People's Republic of China and Egypt by imports of certain woven and/or stitched glass fibre fabrics consigned from Morocco, whether declared as originating in Morocco or not, and making such imports subject to registration (OJ L 190, 31.5.2021, p. 76).

- the consignment of the product subject to measures via third countries;
 - the reorganisation by exporters or producers of their patterns and channels of sales in the country subject to measures in order to eventually have their products exported to the Union through producers benefiting from an individual duty rate lower than that applicable to the products of the manufacturers.
- (13) LM Wind Power noted in particular that the request as referred to in recital (2) contained in particular allegations regarding assembly operations and transshipments, on which basis the Commission initiated the investigation. Its main argument was that the allegations of assembly operations taking place in Morocco were irrelevant to initiate an anti-subsidy circumvention investigation. According to this user, the second subparagraph of Article 23(3) of the basic Regulation, unlike the fourth subparagraph of Article 13(1) of the basic anti-dumping Regulation ⁽³⁾, does not list assembly operations as a practice, process or work that constitutes circumvention. Therefore, LM Wind Power requested that the Commission should terminate this investigation immediately.
- (14) The Egyptian authorities claimed that it had been unfairly involved in the present investigation as no circumvention practice has taken place involving Egypt. In this respect, the Egyptian authorities claimed that all necessary procedures were taken in Egypt to prevent circumvention since the original anti-dumping investigation. They also argued, similar to the claims of LM Wind Power, that there was a lack of evidence to prove circumvention in a form of either:
- assembly operations in Morocco involving the exports of glass fibre rovings from Egypt or;
 - transshipment between Morocco and the EU involving GFF from Egypt.
- (15) The Moroccan authorities requested the Commission to conclude that PGTEX Morocco SARL was not circumventing the measures imposed by the Union and to terminate the ongoing investigation. They stated that the establishment of PGTEX Morocco SARL in Morocco was the result of an authentic and long-term partnership, involving the PGTEX Group ⁽⁴⁾ and Morocco. They also stated that the production process of PGTEX Morocco SARL involved significant investments and extensive operations and contributed to the Moroccan economy. As a result, even if a change in the pattern of trade could be established, this would appear not to be caused by a practice of circumvention. Finally, the Moroccan authorities claimed that their official statistics refuted the allegation of the applicant that PGTEX Morocco SARL circumvented the measures in force by means of transshipment.
- (16) With regard to the claims related to the initiation referred to above, the Commission recalled that the investigation was initiated on the basis of the evidence provided in the request. Whilst the investigation could not confirm the existence of transshipment without assembly operations, it did find evidence of assembly or completion operations. In this regard, the Commission recalled that the second subparagraph of Article 23(3) of the basic Regulation explicitly uses the wording ‘inter alia’, thus covering circumvention practices, such as assembly operations, which are not explicitly listed in the Article. The request provided sufficient evidence ⁽⁵⁾ of the existence of assembly operations and that these assembly operations were done using glass fibre rovings from the PRC and Egypt ⁽⁶⁾.
- (17) The request also provided sufficient evidence regarding the lack of economic justification other than the duties, such as PGTEX China’s 2019 Annual Report. According to this report, the main purpose of the establishment of PGTEX Morocco SARL was “to actively respond to the EU’s anti-dumping investigation against China, further optimize and adjust its internationalization strategy, consolidate and increase the market share of products in Europe and the United States, meet customer demand, and protect customer supply” and in particular that PGTEX “decided to build a wholly-owned subsidiary in Morocco to break through the EU’s anti-dumping investigations, approach customers, meet market demand, and adapt to sustainable development”. ⁽⁷⁾ The separate anti-dumping investigation explicitly referred to was conducted in parallel with the anti-subsidy investigation, which led to the imposition of the countervailing duties. Thus, this statement shows an intention to circumvent the duties resulting from the Commission’s investigation.
- (18) Therefore, the Commission rejected the claims put forward by LM Wind Power, and the Moroccan and Egyptian authorities that the request did not contain sufficient evidence to warrant the initiation of the investigation.

⁽³⁾ 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 (OJ L 176, 30.6.2016, p. 21).

⁽⁴⁾ See further recitals (36) and (37) for a description of the PGTEX Group.

⁽⁵⁾ See the request, open version, points 40 to 42, page 10.

⁽⁶⁾ See the request, open version, point 29, page 8 and point 41, page 9.

⁽⁷⁾ See the request, open version, points 26 and 27, pages 7 and 8.

1.6. Investigation period and reporting period

- (19) The investigation period covered the period from 1 January 2019 to 31 December 2020 ('the investigation period' or 'IP'). Before 2019, there were no significant export volumes of GFF from Morocco to the Union. Data were collected for the IP to investigate, inter alia, the alleged change in the pattern of trade following the imposition of measures on the product concerned, and the existence of a practice, process or work for which there was insufficient due cause or economic justification other than the imposition of the duty. More detailed data were collected for the period from 1 January 2020 to 31 December 2020 ('the reporting period' or 'RP') in order to examine if imports were undermining the remedial effect of the measures in force in terms of prices and/or quantities and the existence of subsidisation.

1.7. Investigation

- (20) The Commission officially informed the authorities of China, Egypt and Morocco, the exporting producers in those countries, the Union industry and the President of the EU-Morocco Association Council of the initiation of the investigation.
- (21) In addition, the Commission asked the Mission of Morocco to the European Union to provide it with the names and addresses of exporting producers and/or representative associations that could be interested in participating in the investigation other than PGTEX Morocco SARL, the only producer of the product under investigation according to the request. The Moroccan authorities submitted a reply, listing three other companies. Two of those companies did not come forward, the third one did but declared that it did not export GFF to the Union.
- (22) Exemption claim forms for the producers/exporters in Morocco, questionnaires for the producers/exporters in China and Egypt, and for importers in the Union were made available on DG TRADE's website.
- (23) Only PGTEX Morocco SARL submitted an exemption claim form and also requested a hearing that took place on 21 June 2021. Moreover, as mentioned in recital (45), PGTEX Group requested and was invited to a hearing with the Commission on 10 January 2022, and a hearing with the Hearing Officer in Trade Proceedings on 12 January 2022.
- (24) Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the initiating Regulation. All parties were informed that the non-submission of all relevant information or the submission of incomplete, false or misleading information might lead to the application of Article 28 of the basic Regulation and to findings being based on the facts available.
- (25) On 20 December 2021 (the day of the disclosure), the Commission received a submission (dated 16 December 2021) from the Moroccan authorities, which was too late to be taken into consideration at disclosure stage. Following disclosure, the Moroccan authorities sent a second submission, summarizing its submission of 16 December 2021. In essence, the Moroccan authorities reiterated their request to terminate the investigation and put forward the following arguments.
- (26) First, the Moroccan authorities claimed that GFF is manufactured by PGTEX Morocco SARL through activities that cannot be qualified as a completion or assembly operation. Second, they claimed that these products are "originating" in Morocco within the meaning of Article 29 ⁽¹⁰⁾ of the EU-Morocco Association Agreement ⁽¹¹⁾ and further detailed under the list rules contained in Annex II of Protocol 4 of the EU-Morocco Association Agreement. In addition, pursuant to Article 9 of the EU-Morocco Association Agreement, "*products originating in Morocco shall be imported into the Community free of customs duties and charges having equivalent effect*" and that the EU – Morocco Association Agreement provides only for some exceptions. This preferential origin was also confirmed by the Moroccan Customs Administration, which issued preferential origin certificates (EUR.1) for PGTEX's GFF exports to the EU pursuant to Article 17 of Protocol 4 of the EU-Morocco Association Agreement.

⁽¹⁰⁾ Pursuant to Article 29 of the EU-Morocco Association Agreement, "*the concept of 'originating products' for the purposes of implementing this title and the methods of administrative cooperation relating thereto are laid down in Protocol 4*". In this respect, GFF fell under heading 7019 of the Harmonised System nomenclature and therefore conferred preferential origin under the list rules contained in Annex II of Protocol 4 of the EU-Morocco Association Agreement.

⁽¹¹⁾ Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part (OJ L 70, 18.3.2000, p. 2).

- (27) The Commission rejected the claim that the processing in Morocco of imported glass fibre rovings into GFF could not be qualified as an assembly or completion operation. As referred to in recital (16), the legal standards contained in Article 13(2) of basic anti-dumping Regulation can by analogy be used in assessing the anti-subsidy case in the context of Article 23(3) of the basic Regulation. In this context, Article 13(2) of the basic anti-dumping Regulation does not only cover the assembly operations of (several) parts into a finished product, but also the completion/conversion operations of intermediary products into the product concerned. This follows, in particular from point (b) of Article 13(2) of the basic anti-dumping Regulation, which stipulates that ‘...the value added to the parts brought in, during the assembly or completion operation, is greater than ...’ In addition, the fact that the Moroccan custom authorities issued EUR.1 certificates to PGTEX Morocco SARL, confirming their preferential origin under the Association Agreement, is irrelevant, as the applicable legal basis for this anti-circumvention investigation is the basic Regulation, in particular Article 23 thereof. ⁽¹²⁾
- (28) Furthermore, following disclosure, the Moroccan authorities, supported by PGTEX Morocco SARL, claimed that the anti-circumvention investigation was not permitted pursuant to Article 24 of the EU-Morocco Association Agreement, as this Article only allows for the imposition of anti-dumping measures on Moroccan products if the conditions of Article VI of the General Agreement on Tariffs and Trade are met.
- (29) The Commission rejected this claim as Article 24 of the EU-Morocco Association Agreement does not preclude any anti-circumvention investigation, also given the fact that this Article also refers to the related internal legislation. When Morocco and the EU ratified the Association Agreement in 2000, the applicable basic Regulation already contained anti-circumvention provisions.
- (30) Finally, the Moroccan authorities, as well as PGTEX Morocco SARL, claimed that the Commission’s anti-circumvention investigation was not permitted under the WTO – rules, in particular pursuant to Article VI of the GATT and the Agreement on Implementation of Article VI.
- (31) The Commission rejected the claim and referred to paragraph 18 of the preamble of the basic Regulation ⁽¹³⁾ which sets out the approach of the Commission in this respect. On this basis, like many other WTO members, the Union legislation contains provisions to tackle circumvention practices.

2. RESULTS OF THE INVESTIGATION

2.1. General considerations

- (32) In accordance with Article 23(3) of the basic Regulation, the assessment of the existence of circumvention was made by analysing successively whether:
- there was a change in the pattern of trade between third countries (China, Egypt and Morocco) and the Union,
 - this change stemmed from a practice, process or work for which there was insufficient due cause or economic justification other than the imposition of the duty,
 - there was evidence of injury or that the remedial effects of the duty were being undermined in terms of the prices and/or quantities of the like product, and
 - the imported like product and/or parts thereof still benefitted from the subsidy.

⁽¹²⁾ ECJ judgment of 12 September 2019, Case C-709/17 P, *European Commission v Kolachi Raj Industrial (Private) Ltd*, ECLI:EU:C:2019:717.

⁽¹³⁾ Recital 18 of the basic Regulation codifies this approach as follows: “Even though the Subsidies Agreement does not contain provisions concerning circumvention of countervailing measures, the possibility of such circumvention exists, in terms similar, albeit not identical, to the circumvention of anti-dumping measures. It is appropriate, therefore, to provide for an anti-circumvention provision in this Regulation.”

- (33) The second subparagraph of Article 23(3) of the basic Regulation does not list assembly operations specifically as a practice, process or work that constitutes circumvention. Nevertheless, the second subparagraph of Article 23(3) of the basic Regulation explicitly uses the wording ‘inter alia’, which means that it provides a non-exhaustive list of possible circumvention practices. As a result, it also covers other circumvention practices, which are not explicitly listed in the Article in question, such as assembly operations. Therefore, since the evidence provided by the applicant in the request pointed to assembly operations in Morocco, the Commission also analysed whether, by analogy, the criteria set out in Article 13(2) of the basic anti-dumping Regulation were met, in particular:
- whether the assembly operation started or substantially increased since, or just prior to, the initiation of the anti-subsidy investigation and whether the parts concerned are from the country subject to measures, and
 - whether the parts constitute 60 % or more of the total value of the parts of the assembled product and whether the added value of the parts brought in, during the assembly or completion operation, was greater than 25 % of the manufacturing costs.
- (34) Following disclosure, the PGTEX Group claimed that there was no basis to apply “by analogy” the standard in Article 13(2) of the basic anti-dumping Regulation to assess whether circumvention took place within the meaning of Article 23(3) of the basic Regulation. It argued in particular that had the legislator intended for the practice, process or work referred to in the first subparagraph of Article 23(3) of the basic Regulation to cover assembly operations, it would have expressly mentioned so, as it did in Article 13(1) of the basic anti-dumping Regulation. Furthermore, with regard to the objective of the rules to which Article 23(3) of the basic Regulation is part, it seeks to “...offset any subsidy granted, directly or indirectly, for the manufacture, production, export or transport of any product whose release for free circulation in the Union causes injury ⁽¹⁴⁾”. Article 2(a) of the basic Regulation is clear in that a product is to be considered as subsidised only if a subsidy has been granted “by the government of the country of origin of the imported product, or by the government of an intermediate country from which the product is exported to the Union”. In this respect, the PGTEX Group considered that Morocco is both the country of origin and export.
- (35) The Commission rejected this claim. As already referred to in recital (16), the Commission acknowledged that the second subparagraph of Article 23(3) of the basic Regulation does not list assembly operations specifically as a practice, process or work that constitutes circumvention, but explicitly uses the wording “inter alia”. Absent any explicit limitation, Article 23(3) of the basic Regulation should cover other circumvention practices, which are not explicitly listed in the Article in question, such as assembly operations. Indeed, otherwise, countervailing duties could be circumvented easily.

2.2. Level of cooperation

- (36) Only PGTEX Morocco SARL submitted a request for exemption in accordance with Article 23(6) of the basic Regulation. PGTEX Morocco SARL belongs to the Chinese Group PGTEX and is located in a Free Trade Zone in Tanger, Morocco.
- (37) In addition, its two related Chinese companies Chongqing Polycomp International Corporation (“CPIC”) and PGTEX China Co., Ltd (“PGTEX China”) also submitted questionnaire replies. PGTEX Morocco SARL is a wholly owned subsidiary of PGTEX China, which is subject to a countervailing duty of 17 % imposed by Implementing Regulation (EU) 2020/776.
- CPIC is a producer of glass fibre rovings, which are the main input materials to produce the product under investigation. It sold these input materials to its related company PGTEX China during the reporting period, of which it owned 60 % of its shares;
 - PGTEX China purchased the glass fibre rovings from CPIC during the reporting period. Subsequently, it either used them to produce GFF itself, or resold them, including to PGTEX Morocco SARL. PGTEX China did not produce the main input material (glass fibre rovings) during the reporting period.

⁽¹⁴⁾ Article 1 of the basic Regulation (OJ L 176, 30.6.2016, p. 55).

- (38) The questionnaire replies, including the response to a deficiency letter, of PGTEX Morocco SARL and its two Chinese related companies ('PGTEX Group') were found to be deficient for the following reasons:
- PGTEX Morocco SARL did not provide the necessary information required in the exemption claim form. In particular, it did not provide the necessary underlying documents for two sales transactions. As a result, the Commission was unable to verify the claim that PGTEX Morocco SARL only started its production in April 2020. Moreover, despite the fact that the Commission requested a detailed explanation for missing sales invoice numbers, only a general explanation for these missing sales invoice numbers was received. The Commission also noted a difference in the total turnover for the reporting period as reported in the sales listing compared to the one reported in its statutory accounts of 2020. The Commission could therefore not confirm the reported export sales volumes to the Union. In this respect, the Commission also noted that the reported export sales were higher than total imports to the Union from Morocco according to Eurostat import statistics and that PGTEX Morocco SARL was the only known producer in Morocco that exported the product under investigation to the Union. Contradictory information was also provided concerning the actual start of the production at PGTEX Morocco SARL. The information about the actual start of the production in 2020 was needed to identify the proportion of the incurred major costs (such as depreciation cost and rental cost) which could be attributed to the production of the product concerned. Furthermore, no satisfactory explanation was provided in the deficiency reply about the reasons behind the significant increase in the production volume in July 2020, which was about three times higher than the production volume of the previous month, June 2020, despite a more or less same level of electricity consumption in both months.
 - PGTEX China did not provide information from the Golden Tax System as requested concerning its purchases from CPIC and its sales to PGTEX Morocco SARL.
- (39) Therefore, in accordance with Article 28(4) of the basic Regulation the Commission informed the PGTEX Group, on 5 October 2021, of the fact that the non-exhaustive list of elements described in the previous recital might lead to the application of Article 28 of the basic Regulation and to the use of facts available. It also invited the PGTEX Group to comment on the possible application of Article 28 of the basic Regulation.
- (40) On 12 October 2021, the PGTEX Group claimed that the application of facts available was not legally justified in the present case for the following reasons:
- The Group did not fail to provide the "necessary" information, as spelled out in Article 28 of the basic Regulation.
 - The information submitted by the PGTEX Group cannot be disregarded.
 - In any event, any application of "facts available" must be limited.
- (41) The Commission analysed the information and documents that the PGTEX Group submitted with its letter of 12 October 2021. It concluded that neither satisfactory replies nor convincing supporting documentation were provided on most elements that were raised in its letter of 5 October 2021.
- (42) Accordingly, the Commission considered that the information provided by the PGTEX Group was partially incomplete and contradictory and thus could not be fully relied on by the Commission. Nevertheless, the data submitted by the PGTEX Group were not wholly disregarded, and the Commission used both the sales and cost data submitted by the PGTEX Group as a starting point of its analysis.
- (43) In accordance with Article 28(1) first sentence and Article 28(5) of the basic Regulation, the information provided by the PGTEX Group was complemented by data extracted from databases such as the Global Trade Atlas ('GTA') ⁽¹⁵⁾, and Eurostat, as further detailed in section 2.3. below. Import data were extracted from Eurostat, and GTA was used for the determination of export volumes of glass fibre rovings from the PRC and Egypt into Morocco.

⁽¹⁵⁾ <https://www.gtis.com/gta/>

- (44) Finally, in view of the outbreak of COVID-19 and the confinement measures put in place by various Member States as well as by various third countries, the Commission could not carry out verification visits pursuant to Article 26 of the basic Regulation at the premises of the cooperating legal entities. The Commission considered the information submitted by the PGTEX Group, such as replies to questionnaires and replies to deficiency letters, in line with the Notice of 16 March 2020 on the consequences of the COVID-19 outbreak on anti-dumping and anti-subsidy investigations. ⁽¹⁶⁾ No remote-cross check of the information was deemed necessary in light of the issues set out in the previous recitals.
- (45) Following disclosure, the PGTEX Group reiterated its allegation that the application of facts available was manifestly ill-founded and not justified in view of the information provided by the PGTEX Group. In addition, the PGTEX Group requested and was granted a hearing with the Commission on 10 January 2022, and a subsequent hearing with the Hearing Officer in Trade Proceedings on 12 January 2022 regarding the use of facts available under Article 28 of the basic Regulation.
- (46) During the hearing on 12 January 2022, the Commission provided additional explanations concerning its finding that the response to the Article 28-letter had not dispelled the concerns of the Commission. As explained in recital (42), the Commission maintained its position that the information provided by the PGTEX Group could not be fully relied on by the Commission. Moreover, the Hearing Officer in Trade Proceedings stated in the hearing on 12 January 2022 that the Commission had respected the rights of defence of the PGTEX Group.

2.3. Change in the pattern of trade

2.3.1. Imports of GFF

- (47) Table 1 below shows the development of imports of GFF from China, Egypt and Morocco between 2019 and 2020. As the TARIC codes were only created on 21 February 2019, the Commission extrapolated the data for period of 1 January 2019 to 20 February 2019 to use exactly the same period (12 months) for both years 2019 and 2020.

Table 1

Imports of GFF for the years 2019 and 2020 (tonnes)

	2019	RP
PRC	13 720	19 315
<i>index (base = 2019)</i>	100	141
Egypt	146	4 302
<i>index (base = 2019)</i>	100	2 946
Morocco	277	2 809
<i>index (base = 2019)</i>	100	1 014

Source: Eurostat, TARIC codes 7019 39 00 80, 7019 40 00 80, 7019 59 00 80 and 7019 90 00 80.

- (48) Table 1 shows that the imports of GFF from Morocco increased from 277 tonnes in 2019 to 2 809 tonnes in 2020. The significant increase in 2020 compared to 2019 coincided in time with the start of the production by PGTEX Morocco SARL. Although the company was officially established on 2 October 2019, it claimed in its exemption claim form to have started production and export sales only from April 2020 onwards. In this respect, the import data showed that the average monthly imports for the period April – December 2020 were about fifteen times higher than the average monthly imports from January 2019 to March 2020.

⁽¹⁶⁾ OJ C 86, 16.3.2020, p. 6.

- (49) The Commission also noted that the reported export sales of PGTEX Morocco SARL were higher than total imports to the Union from Morocco. Given that PGTEX Morocco SARL was the only Moroccan company that cooperated with the Commission in this investigation and the insignificant export volumes of GFF from Morocco to the Union prior to its establishment, the Commission considered it reasonable to conclude that that PGTEX Morocco SARL was the sole producer in Morocco that exported GFF to the Union during the reporting period (RP).
- (50) As shown in table 1 the imports of GFF from China increased from 13 720 tonnes in 2019 to 19 315 tonnes in 2020, whereas the imports of GFF from Egypt increased from 146 tonnes in 2019 to 4 302 tonnes in 2020. As mentioned in recital (48), the average monthly import volumes of PGTEX Morocco SARL increased considerably from April 2020 onwards, compared to the previous periods.

2.3.2. Export volumes of glass fibre rovings from China and Egypt to Morocco

- (51) Table 2 below shows the development of imports of glass fibre rovings from China and Egypt by Morocco based on the Moroccan import statistics from the GTA database between 2019 and 2020.

Table 2

Imports of glass fibre rovings from Egypt and China by Morocco for the years 2019 and 2020 (in tonnes)

	2019	RP
PRC		
7019 12 Glass fibre rovings	2 378	7 839
Egypt		
7019 12 Glass fibre rovings	1 118	3 120

Source: GTA.

- (52) The main input material for the production of GFF are glass fibre rovings. This input material is then further processed to produce GFF. The evidence available to the Commission showed that the GFF exported to the Union from Morocco was produced from mainly glass fibre rovings.
- (53) Table 2 shows that the imports of glass fibre rovings from China to Morocco substantially increased from 2 378 tonnes in 2019 to 7 839 tonnes in 2020. The imports of glass fibre rovings from Egypt into Morocco also increased from 1 297 tonnes in 2019 to 3 687 tonnes in 2020. The imports from both China and Egypt represent around 90 % of the total Moroccan imports of glass fibre rovings for both years 2019 and 2020.
- (54) PGTEX Morocco SARL claimed that the glass fibre rovings that it used to produce GFF were all purchased from China (none from Egypt), in particular from its parent company PGTEX China. It also claimed that it imported these rovings under HS code 7019 12. Imports under this code showed the most significant increase in imports from China by Morocco.
- (55) The significant increase in import volumes of glass fibre rovings from China, as well as from Egypt, to Morocco indicated an increasing demand for such input materials in Morocco, which could, at least in part, be explained by the increase in the production and exports of GFF in and from Morocco during the reporting period. This was also corroborated by the information provided by PGTEX Morocco SARL.
- (56) Given that PGTEX Morocco SARL, the apparent sole exporter of GFF to the Union (see recital (49)), purchased all its glass fibre rovings from China, the Commission did not find any evidence that the glass fibre rovings from Egypt were used either by PGTEX Morocco SARL or by any other producer of GFF in Morocco for export to the Union. In this respect, the imports of glass fibre rovings from China started to increase from the last quarter of 2019 onwards,

which was the quarter in which PGTEX Morocco SARL was established. The monthly average import volumes of glass fibre rovings from China during the last quarter of 2019 was considerably higher than the monthly average import volumes during the previous periods. Moreover, the monthly average import volumes of glass fibre rovings during 2020 (the year in which PGTEX Morocco SARL started its production) was also much higher than the monthly average import volumes during the last quarter of 2019. Despite the increase of imports of glass fibre rovings from Egypt into Morocco during 2020, the Commission found no evidence that those imports were used for further processing in Morocco into GFF to be subsequently exported to the Union. Hence, the evidence available to the Commission did not support the allegation that the change in pattern of trade involving Egypt stemmed from a practice the purpose of which was to avoid anti-dumping measures on GFF from Egypt.

- (57) Following disclosure, the PGTEX Group as well as LM Wind Power claimed that there was no change in the pattern of trade. The PGTEX Group argued that the emergence of imports of GFF from Morocco was not made to the detriment of imports of GFF from China. On the contrary, the increase in imports of GFF from Morocco was less substantial than the parallel increase in imports of GFF from China.
- (58) As explained in recitals (47) – (56) above, the Commission observed an increase of exports of GFF from Morocco to the Union as well as a significant increase of imports of glass fibre rovings from China to Morocco in 2020 as compared to 2019. This in itself constitutes a change in the pattern of trade.
- (59) Further, whilst the overall exports of GFF from China to the Union indeed increased, the overview tables provided by PGTEX China in the framework of this anti-circumvention investigation showed that the export volumes of PGTEX China – the mother company of PGTEX Morocco SARL and its sole supplier of glass fibre rovings – to the Union were more than 2 times lower in 2020 compared to 2018, and even more than 3 times lower in 2020 than in 2019.
- (60) The Commission could therefore establish a change of the pattern of trade and rejected the claims.

2.3.3. Conclusion on the change in the pattern of trade

- (61) The increase of exports of GFF from Morocco to the Union constitutes a change in the pattern of trade between Morocco and the Union within the meaning of Article 23(3) of the basic Regulation, together with the significant increase in 2020 compared to 2019 of Chinese exports of glass fibre rovings into Morocco as shown in table 2. On the other hand, no evidence was found concerning the alleged circumvention of countervailing measures on GFF involving Egypt.

2.4. Nature of circumvention practices for which there was insufficient due cause or economic justification other than the imposition of the countervailing duty

- (62) Article 23(3) of the basic Regulation requires that the change in the pattern of trade stems from a practice, process or work for which there is insufficient due cause or economic justification other than the imposition of the duty.
- (63) The Commission recalled that the practice, process or work includes the consignment of the product subject to the existing measures via third countries, and the assembly of parts/completion operations in a third country, as explained in recital (16).
- (64) According to the submission of the Moroccan authorities referred to in recital (15), the first contact with the PGTEX Group for the set-up of a plant in Morocco dated back to 20 March 2019, one month after the initiation of the original anti-dumping investigation ⁽¹⁷⁾ and two months before the initiation of the original anti-subsidy investigation ⁽¹⁸⁾. PGTEX Morocco SARL was set up on 2 October 2019, about 5 months after the initiation of the anti-subsidy investigation. This coincidence in time suggests that the potential imposition of the duties were the cause of the establishment of PGTEX Morocco SARL.

⁽¹⁷⁾ OJ C 68, 21.2.2019, p. 29.

⁽¹⁸⁾ OJ C 167, 16.5.2019, p. 11.

- (65) Based on the submitted sales listing by PGTEX Morocco SARL, during 2020, all export sales of PGTEX Morocco SARL went to the Union market, whereas only a small fraction of its 2020 production was sold domestically. Moreover, its export sales during 2020 were all sold to customers in the Union, which were supplied in the past by PGTEX China. This again suggested that the potential imposition of the duties were the reason for the set-up of PGTEX Morocco SARL. This was explicitly confirmed by the 2019 annual report of PGTEX China (see recital (17)).
- (66) Following disclosure, the PGTEX Group claimed that there was due cause and an economic justification for the establishment of PGTEX Morocco SARL. It claimed that the set-up of the Moroccan plant was the result of a lengthy process, which included feasibility studies, applications to obtain the necessary permits from the Chinese and Moroccan governments, and obtaining those permits.
- (67) The Commission noted that the documentation, which the PGTEX Group submitted on 15 October 2021, showed that the Group was assessing a long time before the initiation of the investigation in which country to establish a company. Various potential countries were considered, including Morocco. However, the fact remained that PGTEX Morocco SARL was finally set up on 2 October 2019, about 7 months after the initiation of the original anti-dumping investigation. This coincidence in time suggested that the anti-dumping investigation was a cause for the establishment of PGTEX Morocco SARL. This was further corroborated by a statement of the Moroccan authorities stating that their contacts with PGTEX for the establishment of a plant dated back to 20 March 2019, and as such just after the initiation of the original investigation ⁽¹⁹⁾. This demonstrated that formal contacts with the Moroccan authorities to establish a company in Morocco dated back to March 2019, which was just after the initiation of the initial anti-dumping investigation.
- (68) Following disclosure, LM Wind Power argued that PGTEX had set up its Moroccan plant in order to serve the Moroccan and Middle Eastern markets and therefore had an economic justification for its establishment other than avoiding duties.
- (69) The Commission rejected this claim. The Commission referred to evidence demonstrating that there was a lack of economic justification other than the duties (see in this context PGTEX China's 2019 Annual Report, as referred to in recital (17)). In addition, the argument of LM Wind Power that PGTEX Morocco SARL was set up to serve Moroccan and Middle Eastern markets was not supported by the evidence. In this respect, as explained in recital (65), all export sales by PGTEX Morocco SARL were made to the Union and only a small fraction of its production was sold domestically in Morocco.
- (70) In view of the above, the investigation did not reveal sufficient due cause or an economic justification of the establishment of a GFF production site in Morocco other than to avoid the payment of the duties currently in force.

2.5. Start or substantial increase of operations

- (71) Article 13(2) of the basic anti-dumping Regulation ⁽²⁰⁾ requires the assembly operation to have started or substantially increased since, or just prior to, the initiation of the anti-dumping investigation, while the parts concerned are from the country subject to anti-dumping measures. As referred to in recital (33), the legal standards contained in Article 13(2) of basic anti-dumping Regulation can by analogy be used in assessing the anti-subsidy case in the context of Article 23(3) of the basic Regulation.
- (72) The original anti-subsidy investigation was initiated in May 2019 and definitive countervailing duties were imposed in June 2020 (see recital (1)). PGTEX Morocco SARL was officially established on 2 October 2019 and started production from April 2020 according to its exemption claim form. This coincides with the change in the pattern of trade described in section 2.3.

⁽¹⁹⁾ Commentaires du Ministère de l'Industrie, du Commerce et de l'Economie Verte et Numérique du Royaume du Maroc relatifs à l'ouverture des enquêtes anti-contournement concernant les importations de certains tissus en fibres de verre, 14.07.2021, page 2: «...le Ministère souligne que le contact entre PGTEX et les autorités marocaines pour l'implantation d'une usine de PGTEX au Maroc remonte au 20 mars 2019, soit juste après l'initiation de l'enquête antidumping initiale de l'UE...».

⁽²⁰⁾ OJ L 176, 30.6.2016, p. 21.

- (73) PGTEX Morocco SARL submitted a sales listing, showing that all its export sales of own produced GFF went to the Union during the reporting period. Moreover, 100 % of its main input material (mainly glass fibre rovings) were purchased from its related parent company in China. It did not purchase any glass fibre rovings from Egypt.
- (74) Therefore, the Commission concluded that the assembly operation started since the initiation of the original anti-subsidy investigation as required by Article 13(2)(a) of the basic anti-dumping Regulation, while the parts concerned are mainly from China, one of the two countries subject to the original anti-subsidy measures.

2.6. Value of parts and added value

- (75) As far as assembly operations are concerned, Article 13(2)(b) of the basic anti-dumping Regulation states that another condition to establish circumvention is that the parts (of Chinese origin, in this case) constitute 60 % or more of the total value of the parts of the assembled product and that the added value of the parts brought in, during the assembly or completion operation, is less than 25 % of the manufacturing cost. The legal standards contained in Article 13(2) of basic anti-dumping Regulation can by analogy be used in assessing the anti-subsidy case in the context of Article 23(3) of the basic Regulation.
- (76) The main raw material to produce GFF is glass fibre rovings. PGTEX Morocco SARL purchased 100 % of the glass fibre rovings it used from its related parent company in China. Through the sewing-knitting process carried out, which is a completion operation in Morocco, these glass fibre rovings were transformed into GFF. According to the submitted information by PGTEX Morocco SARL, the glass fibre rovings constitute almost 100 % of the total value of the parts of the assembled/completed product in the sense of Article 13(2)(b) of the basic anti-dumping Regulation.
- (77) The Commission therefore concluded that the process taking place in Morocco is a completion operation (assembly operation) and that the 60 % criterion set out in Article 13(2)(b) of the basic anti-dumping Regulation – applied by analogy in view of the wording of Article 23(3) of the basic Regulation, as explained in recital (33) – was met.
- (78) Following disclosure, the PGTEX Group and LM Wind Power reiterated their claim that the manufacturing of GFF from the imported main raw material glass fibre rovings does not constitute an “assembly of parts by an assembly operation” within the meaning of Article 13(2) of the basic anti-dumping Regulation. In this context, they claimed, first, that glass fibre rovings are not “parts” of GFF but are rather “goods which are subject to a process in the production of another good” and, second, that glass fibre rovings are not “assembled” into GFF, but are processed into GFF by looming and stitching together various types of glass fibre rovings as well as other materials, using complex machinery.
- (79) The Commission rejected these claims. The practice described in recital (76) above can be characterised as a completion operation that falls within the concept of assembly operations under Article 13 of the basic Regulation, as explained in recital (33) above.
- (80) PGTEX Morocco SARL claimed that its value added cost would be above the threshold of 25 %. The two main cost items in the calculation of the added value were the depreciation cost and the rental cost, which were part of the financial data of the reporting period submitted by PGTEX Morocco SARL in its exemption claim form.
- (81) Concerning the depreciation cost, PGTEX Morocco SARL claimed that there were less than ten GFF-machines ⁽²¹⁾ installed at its premises, and that each of these GFF-machines had been running for 300 out of the 360 days during 2020. It calculated the depreciation amount for the reporting period on the basis of the following three elements:
- The acquisition value;
 - 9,5 % as a depreciation percentage to take into account the estimated useful life ⁽²²⁾;
 - the above-mentioned 300 running days on a total of 360 days.

⁽²¹⁾ A “GFF-machine” can be described as the machine, which is used during the assembly process, whereby mainly glass fibre rovings (the main input material) are converted into GFF.

⁽²²⁾ Useful life of a GFF-machine estimated to be 10 years, and adjusted for a residual value of 5 % at the end of its useful life.

- (82) The Commission disagreed with this way of calculating the depreciation cost in the framework of the value-added calculation within the meaning of Article 13 of the basic anti-dumping Regulation. In particular, using 300 days as an element to calculate the depreciation amount may be acceptable according to the international accounting standards, but led to an overstatement of the calculated depreciation amount in the framework of the value-added calculation by PGTEX Morocco SARL for various reasons. First, as submitted by PGTEX Morocco SARL in its exemption claim form, the capacity utilisation (actual production in kg divided by the actual production capacity in kg) of the GFF-machines was low ⁽²³⁾ in the year 2020. Given the low production capacity utilisation the reported depreciation cost was therefore found to have been overstated. Second, four of the GFF-machines were only shipped in November 2019 from Shanghai to Tanger and could not have been running during 300 days in 2020, taking into consideration the shipment time between Shanghai and Tanger, as well as the period required for unloading, installing and testing each of these 4 GFF machines. Third, PGTEX Morocco SARL claimed in its exemption claim form that the production only started in April 2020. If this were to be true, the total running time for each of the installed GFF-machines could only be at a maximum 270 days (from April 2020 to December 2020), without even taking into account any non-operational time caused by stoppages, as a result of required maintenance, days off, and holidays. As a result, the Commission concluded that the depreciation cost to be taken into account for the calculation of the value added cost should be significantly lower than the depreciation cost as calculated by PGTEX Morocco SARL.
- (83) Following disclosure, the PGTEX Group argued that the Commission committed manifest errors of assessment and acted in breach of Article 13(2) of the basic anti-dumping Regulation when performing calculations relating to the value-added. In this context, according to the PGTEX Group, the full depreciation should be considered, as such costs were actually incurred in 2020 for the production of GFF.

- (84) The Commission rejected this claim for the following reasons:

- Even though depreciation is in principle ⁽²⁴⁾ a fixed cost, because it recurs in the same amount per period throughout the useful life of an asset, the Commission could not accept the recorded depreciation cost fully in the framework of the value-added calculation. The reason for this is the low production capacity utilisation, as shown by the data submitted by the PGTEX Group;
- Moreover, the Commission could not use the full depreciation cost due to the incomplete and contradictory information it received. In this respect, PGTEX Morocco SARL mentioned for instance on the one hand that all the machines were acquired early 2020. On the other hand, PGTEX Morocco SARL stated that it only started producing in April 2020 in its completed questionnaire reply. PGTEX Morocco SARL also stated that all the machines were operational during 300 days.

PGTEX Morocco SARL used these 300 days (i.e. 299 days rounded up to 300 days) for the calculation of its depreciation calculation and created the impression that all GFF machines that it installed were operational and fully running during the whole year of 2020. However, it appeared that this was not the case, as several machines had not arrived yet at the plant in Morocco on 1 January 2020 (see recital (82) above).

Due to the above-mentioned contradictory statements, the Commission considered it appropriate to use the capacity utilisation rate for the full year 2020, as submitted by PGTEX Morocco SARL and which was undisputed. For the Commission, this capacity utilisation rate was considered to be an objective and clear measurement to determine an appropriate depreciation cost in the framework of its value added calculation.

- (85) Following disclosure, the PGTEX Group suggested that, to the extent that the Commission persisted to adjust the depreciation cost based on the capacity utilization (as communicated by the PGTEX Group in its Annex 7.2. of its letter of 12 October 2021) to use any of the alternative three methodologies that it proposed in its comments following disclosure:

- To adjust the capacity to reflect those months during which the relevant GFF machines were not operational;

⁽²³⁾ Table C.4.1. "Production and Production capacity" of the exemption claim form

⁽²⁴⁾ There is though one exception. If a business employs a usage-based depreciation methodology, then depreciation will be incurred in a pattern that is more consistent with a variable cost. The PGTEX Group remained silent on this methodology.

- To use only the cost data of December 2020, i.e. the month during the IP in which most GFF machines were operational, except for machine number 7;
 - To use the cost data of July to December 2020, since after June 2020, the certification of major customers was almost completed, so production could increase.
- (86) The Commission rejected the use of either of the three alternatives that the PGTEX Group proposed in view of a number of inconsistencies the Commission found, in Annex 7.2 of the letter of 12 October 2021, with regard to the proposed alternatives:
- The month of March 2020 was not mentioned by PGTEX Morocco SARL as a month of production in Annex 7.2 of the letter of 12 October 2021. PGTEX Morocco SARL stated for the first time ⁽²⁵⁾ on 12 October 2021 that there had been production in March 2020, but that this production in March 2020 was only booked in its production data for the month of April 2020. This means that the Commission could not exclude other errors and/or delays in booking the monthly production. Therefore, the method as proposed by the PGTEX Group to monthly allocate which GFF machines were operational and which were not, could not be used as a basis;
 - Using the cost data of December 2020 only could not be accepted either as the capacity utilisation rate for the month of December 2020 was not representative for the capacity utilisation rate for the full year 2020;
 - Using the cost data for the period July – December 2020 could not be accepted either for the same reason as mentioned under the second proposed alternative. The capacity utilisation rate for the period July – December 2020 was not representative for the capacity utilisation rate for the full year 2020.
- Therefore, the Commission concluded that the capacity utilisation rate over the full year of 2020 was the most appropriate indicator to reduce the fully booked depreciation rate in a reasonable way in the framework of the value-added calculation.
- (87) Following disclosure, the applicant claimed that the depreciation cost of the GFF machines should be fully excluded from the added-value calculations, as these machines were not acquired from an independent supplier, but from the parent company.
- (88) The Commission rejected this claim. Depreciation expenses are generally accepted under local and international accounting principles. In particular, the “matching” accounting principle sets out that expenses should be recorded in the same period in which revenue is earned from them. This means that, by using these GFF machines, completed GFF can be sold and revenue earned. Depreciations are then portions of fixed assets (the GFF machines) that have been considered consumed in the current period, and therefore expensed, irrespectively from whom the machines were purchased. The intent of this expense is to gradually reduce the carrying amount of fixed assets as their value is consumed over time.
- (89) Following disclosure, the applicant also claimed that, to the extent that the Commission would not simply remove the full depreciation of the GFF machines PGTEX transferred from its related company in China from the value added calculations, the determination of the depreciation amount must reflect the true useful life of such machines and related equipment. The applicant referred to the fact that it is not unusual for such machines to run for over 20 years.
- (90) The Commission rejected this claim as the applicant itself referred to a useful life of the GFF machines of about 10 years in its request. No evidence was provided concerning its statements that it is not uncommon that GFF machines run for over 20 years.
- (91) Concerning the rental cost, PGTEX Morocco did not provide its rental contracts in its reply in the exemption claim form, despite the important rental costs it incurred in 2020 ⁽²⁶⁾. In its exemption claim form, it informed the Commission that it had installed all its GFF-machines at one location (plant – phase 1). It initially stated that it only rented this one plant as it stated that it “only has one production site”, despite the question in the exemption claim form to provide the addresses of all its production sites. Subsequently, PGTEX Morocco SARL, however, provided

⁽²⁵⁾ In response to Question C.4.1 of PGTEX Morocco SARL's completed questionnaire, PGTEX Morocco SARL stated that the production started from April 2020. This statement was re-confirmed as a reply to question 1 on page 1 of its deficiency reply.

⁽²⁶⁾ The Commission requested in the exemption claim form that any cooperating producer should provide all main contracts, both from related and unrelated parties,

two rental contracts as a reply to the deficiency letter of the Commission, indicating that PGTEX Morocco SARL rented two separate premises from two different property owners during the reporting period. Since PGTEX Morocco SARL had claimed previously in its exemption claim form that the GFF-machines, which were operational during 2020, were only installed in one of these two rented plants, the rental amounts incurred in 2020 for the second plant (plant – phase 2) should have been excluded from the rental cost and value added cost. In addition, because of the low capacity utilisation, the Commission, in its value added cost calculation, could also not accept the total rental cost for the plant – phase 1 as it was not fully used due to the fact that the GFF-machines were not producing in the first quarter of 2020 and not running at full capacity during the other quarters of 2020. The total rental cost as reported was not accepted by the Commission because of the above reasons.

- (92) Following disclosure, the PGTEX Group argued that the Commission committed manifest errors of assessment and acted in breach of Article 13(2) of the basic anti-dumping Regulation as the Commission did not take into account the full rental cost.
- (93) The Commission rejected this claim, on the basis of the following statements that had been made by the PGTEX Group in the course of the investigation. First, in its reply to the deficiency letter ⁽²⁷⁾, the PGTEX Group only referred to the plant – phase 1 for its production, its storage of raw materials and finished products, and the administrative area. Second, in its reply to the deficiency letter ⁽²⁸⁾, the PGTEX Group stated that its GFF machines, which were running in 2020, were all located in plant – phase 1. Consequently, the Commission deducted that none of these machines, which were operational in 2020, were located in plant – phase 2. This was also corroborated by other statements of the PGTEX Group in its deficiency reply. ⁽²⁹⁾
- (94) By adjusting the reported depreciation cost and rental cost, taking into consideration the issues explained above, the average value added thus established during the reporting period was found to be below the 25 % threshold set by Article 13(2)(b) of the basic anti-dumping Regulation. Some other cost items were found to be overstated as well, but were not adjusted as such adjustments should only have led to an even lower percentage of value added. The Commission therefore concluded that the value added to the parts brought in, during the assembly or completion operation, was less than 25 % of the manufacturing cost, as required by Article 13(2)(b) of the basic anti-dumping Regulation for these operations to constitute circumvention.
- (95) It was therefore concluded that the second criterion set out in Article 13(2)(b) of the basic anti-dumping Regulation – applied by analogy in view of the wording of Article 23(3) of the basic Regulation was also met.

2.7. Undermining of the remedial effect of the duty

- (96) In accordance with Article 23(3) of the basic Regulation, the Commission examined whether the imports of the product under investigation, both in terms of quantities and prices, undermined the remedial effects of the measures currently in force.
- (97) Regarding quantities, the increase of imports of GFF from Morocco was significant, as explained in recital (48) above. The 2020 imports from Morocco were already ten times higher, from only 277 tonnes in 2019 to 2 809 tonnes in 2020. At the same time, the Union consumption for the year 2020 was estimated by the applicant to be in a range between 135 000 and 140 000 tonnes. The market share of the imports from Morocco represented as such more than 2 %.
- (98) Regarding prices, the Commission compared the average non-injurious price as established in the original anti-subsidy investigation with the weighted average export CIF prices determined on the basis of the information provided by PGTEX Morocco SARL, duly adjusted to include post clearance costs. This price comparison showed that the imports from PGTEX Morocco SARL undersold the Union prices by more than 10 %.
- (99) The Commission concluded that the existing measures were undermined in terms of quantities and prices by the imports from Morocco subject to this investigation.

⁽²⁷⁾ Deficiency reply concerning PGTEX Morocco SARL: Reply to question 7, page 20.

⁽²⁸⁾ Deficiency reply concerning PGTEX Morocco SARL: Reply to question 6 c, page 20.

⁽²⁹⁾ Deficiency reply concerning PGTEX Morocco SARL: Reply to question 9 m, ii, page 23.

- (100) Following disclosure, the PGTEX Group claimed that the Commission's calculation of the non-injurious price only reflected the situation prevailing in 2018. However, it provided no evidence that the non-injurious price used by the Commission was not accurate and/or had gone down since 2018. Therefore, the claim was rejected.

2.8. Evidence of subsidisation

- (101) In accordance with Article 23(3) of the basic Regulation, the Commission also examined whether the imported like product and/or parts thereof still benefitted from the subsidy.
- (102) As set out in Implementing Regulation (EU) 2020/776, Chinese exporting producers were found to benefit from a number of subsidy schemes by the Government of the PRC as well as regional and local governments in China. In this respect, PGTEX China and CPIC were found to benefit also from a number of subsidy schemes such as preferential interests on loans, grant programmes, and tax benefits.
- (103) No new information became available in this investigation that would question the conclusion from the initial subsidy investigation that such subsidy schemes were no longer valid.
- (104) PGTEX China is the parent company of PGTEX Morocco SARL, whereby the latter company purchased 100 % of the glass fibre rovings it used from its related parent company PGTEX China, which on its turn bought them from CPIC, the manufacturer of these glass fibre rovings,
- (105) A pass-through of subsidies between related parties can be legally presumed, ⁽³⁰⁾ in particular when the related downstream company was assembling and exporting the final product to the Union. In this case, since PGTEX China and PGTEX Morocco SARL make and export GFF and they use glass fibre rovings manufactured by CPIC, the amount of countervailable subsidies granted upon them should take into account the fact that, because of their relationship, they are capable of passing through those benefits to the product concerned exported to the Union as they see fit.
- (106) The Commission therefore concluded that the imported like product and/or parts thereof still benefit from the subsidy.
- (107) Following disclosure, the PGTEX Group claimed that there was no evidence that imports of GFF from Morocco still benefit from subsidies granted to Chinese GFF producers for the following reasons. First, the original anti-subsidy investigation (see recital (1)) did not relate to the subsidisation of glass fibre rovings and yarns, but related only to the subsidisation of GFF, which is a different product. Second, assembly operations are not covered by the basic Regulation as they cannot result in a subsidy, granted by either the country of origin or the country of export, benefitting the product allegedly circumvented. Third, the purchases by PGTEX Morocco from PGTEX China, and the purchases by PGTEX China from CPIC were at arm's length. In this respect, the PGTEX Group claimed that PGTEX China often paid a higher price compared to other customers of CPIC. As a result, CPIC did not pass through any benefits from subsidies to PGTEX China, and subsequently to PGTEX Morocco.
- (108) The Commission rejected these claims for the following reasons. First, even if the original anti-subsidy investigation was in the first place related to the subsidisation of GFF, the PGTEX Group fully cooperated during such investigation. In this respect, the original anti-subsidy investigation showed that both CPIC and PGTEX China, which are related to PGTEX Morocco SARL, received subsidies from the Chinese Government. Second, as already mentioned in recital (33), Article 23(3) of the basic Regulation also covers other circumvention practices, which are not explicitly listed in that Article, such as assembly operations. Third, as explained in recital (105), a pass-through of subsidies between related parties can be legally presumed, in particular when the related downstream company was assembling and exporting the final product to the Union. Moreover, a pass-through to related companies can occur in many ways (such as by charging certain management fees), and is not necessarily limited to the level of prices of input material charged to customers. In any event, a price comparison of glass fibre rovings and yarns, based on its questionnaire reply, showed that PGTEX China charged lower prices to PGTEX Morocco SARL than to other customers during the investigation period.

⁽³⁰⁾ WTO Appellate Body Report, *United States – Final Countervailing Duty Determination with respect to Certain Softwood Lumber from Canada*, WT/DS257/AB/R, 19 January 2004, para. 143)

3. MEASURES

- (109) Based on the above findings, the Commission concluded that the definitive countervailing measures imposed on imports of GFF originating in the PRC were being circumvented by imports of the product under investigation consigned from Morocco by PGTEX Morocco SARL. Given that the reported export sales of PGTEX Morocco SARL were higher than total imports to the Union from Morocco, and no other company in Morocco came forward to request an exemption, the Commission considered that PGTEX accounted for all export of GFF from Morocco to the Union. Thus, it concluded that the findings about circumvention practices found in respect of PGTEX Morocco SARL should be extended to the whole country.
- (110) No evidence was found concerning the circumvention of measures on GFF involving Egypt. As mentioned before, PGTEX Morocco SARL purchased all its glass fibre rovings from China and none in Egypt. The investigation as far as alleged circumvention of GFF originating in Egypt shall therefore be terminated.
- (111) Therefore, in accordance with Article 23(1) of the basic Regulation, the anti-subsidy measures in force on imports of GFF originating in China should be extended to imports of the product under investigation.
- (112) Pursuant to Article 23(2) of the basic Regulation, the measure to be extended should be the one established in Article 1(2) of Implementing Regulation (EU) 2020/776 for 'all other companies', which is a definitive countervailing duty of 30,7 % applicable to the net, free-at-Union-frontier price, before customs duty.
- (113) Pursuant to Articles 23(3) and 24(5) of the basic Regulation, which provide that any extended measure should apply to imports that entered the Union under registration imposed by the initiating Regulation, duties are to be collected on those registered imports of the product under investigation.

4. REQUEST FOR EXEMPTION

- (114) PGTEX Morocco SARL was the only Moroccan company that requested an exemption from the possible extended measures in accordance with Article 23(6) of the basic Regulation.
- (115) As described above, PGTEX Morocco SARL was found to be involved in circumvention practices. Therefore, an exemption cannot be granted to this company pursuant to Article 23(6) of the basic Regulation.

5. DISCLOSURE

- (116) On 20 December 2021, the Commission disclosed to all interested parties the essential facts and considerations leading to the above conclusions and invited them to comment.
- (117) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 25(3) of Regulation (EU) 2016/1037,

HAS ADOPTED THIS REGULATION:

Article 1

1. The definitive countervailing duty imposed by Implementing Regulation (EU) 2020/776 on imports of certain woven and/or stitched glass fibre fabrics ('GFF') originating in the People's Republic of China ('the PRC') is hereby extended to imports of fabrics of woven, and/or stitched continuous filament glass fibre rovings and/or yarns with or without other elements, excluding products which are impregnated or pre-impregnated (pre-preg), and excluding open mesh fabrics with cells with a size of more than 1,8 mm in both length and width and weighing more than 35 g/m², currently falling under CN codes ex 7019 61 00, ex 7019 62 00, ex 7019 63 00, ex 7019 64 00, ex 7019 65 00, ex 7019 66 00, ex 7019 69 10, ex 7019 69 90, ex 7019 72 00, ex 7019 73 00, ex 7019 80 10, ex 7019 80 90, and ex 7019 90 00, consigned from Morocco, whether declared as originating in Morocco or not (TARIC codes 7019 61 00 81, 7019 62 00 81, 7019 63 00 81, 7019 64 00 81, 7019 65 00 81, 7019 66 00 81, 7019 69 10 81, 7019 69 90 81, 7019 72 00 81, 7019 73 00 81, 7019 80 10 81, 7019 80 90 81, and 7019 90 00 81).

2. The extended duty is the countervailing duty of 30,7 % applicable to 'all other companies'.
3. The duty extended by paragraphs 1 and 2 of this Article shall be collected on imports consigned from Morocco, whether declared as originating in Morocco or not, registered in accordance with Article 2 of Implementing Regulation (EU) 2021/863 and Articles 23(4) and 24(5) of Regulation (EU) 2016/1037.
4. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 2

The investigation initiated by Commission Implementing Regulation (EU) 2021/863 of 28 May 2021 concerning the possible circumvention on imports of GFF originating in Egypt by imports consigned from Morocco, whether declared as originating in Morocco or not, and making such imports subject to registration, is terminated.

Article 3

Customs authorities are directed to discontinue the registration of imports established in accordance with Article 2 of Implementing Regulation (EU) 2021/863, which is hereby repealed.

Article 4

The exemption request submitted by PGTEX Morocco SARL is rejected.

Article 5

1. Requests for exemption from the duty extended by Article 1 shall be made in writing in one of the official languages of the European Union and must be signed by a person authorised to represent the entity requesting the exemption. The request must be sent to the following address:

European Commission
Directorate-General for Trade
Directorate G Office:
CHAR 04/39
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

2. In accordance with Article 23(6) of Regulation (EU) 2016/1037, the Commission may authorise, by decision, the exemption of imports from companies which do not circumvent countervailing measures imposed by Implementing Regulation (EU) 2020/776, from the duty extended by Article 1.

Article 6

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, 24 February 2022.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING REGULATION (EU) 2022/302**of 24 February 2022**

extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) 2020/492, as amended by Implementing Regulation (EU) 2020/776, on imports of certain woven and/or stitched glass fibre fabrics ('GFF') originating in the People's Republic of China ('the PRC') to imports of GFF consigned from Morocco, whether declared as originating in Morocco or not, and terminating the investigation concerning possible circumvention of the anti-dumping measures imposed by Implementing Regulation (EU) 2020/492 on imports of GFF originating in Egypt by imports of GFF consigned from Morocco, whether declared as originating in Morocco or not

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 13 thereof,

Whereas:

1. PROCEDURE**1.1. Existing measures**

- (1) In April 2020, the European Commission ('the Commission') imposed a definitive anti-dumping duty on imports of certain woven and/or stitched glass fibre fabrics ('GFF') originating in the People's Republic of China ('the PRC' or 'China') and Egypt by Commission Implementing Regulation (EU) 2020/492 ⁽²⁾, as amended by Commission Implementing Regulation (EU) 2020/776 ⁽³⁾. The anti-dumping measures took the form of an *ad valorem* duty ranging between 34 % and 69 % for imports originating in the PRC, and 20 % for imports originating in Egypt.

1.2. Request

- (2) The Commission received a request pursuant to Articles 13(3) and 14(5) of the basic Regulation to investigate the possible circumvention of the anti-dumping measures imposed on imports of GFF originating in the PRC and Egypt by imports consigned from Morocco, whether declared as originating in Morocco or not, and to make such imports subject to registration.
- (3) The request was lodged on 19 May 2021 by TECH-FAB Europe e.V, an association of EU producers of GFF ('the applicant').
- (4) The request contained sufficient evidence of a change in the pattern of trade involving exports from China, Egypt and Morocco to the Union that had taken place following the imposition of measures on GFF. The change in the pattern of trade appeared to stem from a practice, process or work for which there is insufficient due cause or economic justification other than the imposition of the duty.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ Commission Implementing Regulation (EU) 2020/492 of 1 April 2020 imposing definitive anti-dumping duties on imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt (OJ L 108, 6.4.2020, p. 1).

⁽³⁾ Commission Implementing Regulation (EU) 2020/776 of 12 June 2020 imposing definitive countervailing duties on imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt and amending Commission Implementing Regulation (EU) 2020/492 imposing definitive anti-dumping duties on imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt (OJ L 189, 15.6.2020, p. 1).

- (5) Furthermore, the request contained sufficient evidence showing that the practice, process or work were undermining the remedial effects of the existing anti-dumping measures in terms of quantity and prices. Significant volumes of imports of the product under investigation appeared to have entered the EU market. In addition, there was sufficient evidence that imports of GFF were made at injurious prices.
- (6) Finally, the request contained sufficient evidence that GFF consigned from Morocco were exported at dumped prices in relation to the normal value previously established for GFF.

1.3. Product concerned and product under investigation

- (7) The product concerned is fabrics of woven, and/or stitched continuous filament glass fibre rovings and/or yarns with or without other elements, excluding products which are impregnated or pre-impregnated (pre-preg), and excluding open mesh fabrics with cells with a size of more than 1,8 mm in both length and width and weighing more than 35 g/m², classified on the date of entry into force of Implementing Regulation (EU) 2020/492 under CN codes ex 7019 39 00, ex 7019 40 00, ex 7019 59 00 and ex 7019 90 00 (TARIC codes 7019 39 00 80, 7019 40 00 80, 7019 59 00 80 and 7019 90 00 80) and originating in the People's Republic of China and Egypt ('the product concerned'). This is the product to which the measures that are currently in force apply.
- (8) The product under investigation is the same as that defined in the previous recital, currently falling under CN codes ex 7019 61 00, ex 7019 62 00, ex 7019 63 00, ex 7019 64 00, ex 7019 65 00, ex 7019 66 00, ex 7019 69 10, ex 7019 69 90, ex 7019 72 00, ex 7019 73 00, ex 7019 80 10, ex 7019 80 90, and ex 7019 90 00, but consigned from Morocco, whether declared as originating in Morocco or not (TARIC codes 7019 61 00 81, 7019 62 00 81, 7019 63 00 81, 7019 64 00 81, 7019 65 00 81, 7019 66 00 81, 7019 69 10 81, 7019 69 90 81, 7019 72 00 81, 7019 73 00 81, 7019 80 10 81, 7019 80 90 81, and 7019 90 00 81) ('the product under investigation') (*).
- (9) The investigation showed that GFF exported from China and Egypt to the Union and GFF consigned from Morocco, whether originating in Morocco or not, have the same basic physical and chemical characteristics and have the same uses, and are therefore considered as like products within the meaning of Article 1(4) of the basic Regulation.

1.4. Initiation

- (10) Having determined, after having informed the Member States, that sufficient evidence existed for the initiation of an investigation pursuant to Article 13(3) of the basic Regulation, the Commission initiated the investigation and made imports of GFF consigned from Morocco, whether declared as originating in Morocco or not, subject to registration, by Commission Implementing Regulation (EU) 2021/864 on 28 May 2021 ^(†) ('the initiating Regulation').

1.5. Comments on initiation

- (11) LM Wind Power, a wind blade manufacturer established in the Union, argued that the initiation of the investigation was not justified due to a lack of sufficient evidence, and the investigation should therefore be immediately terminated.
- (12) It argued that circumvention did not occur since the practice, process or work taking place in Morocco did not fall within any of the categories of the fourth subparagraph of Article 13(1) of the basic Regulation. In particular, the practice, process or work cannot be qualified as a slight modification, as the product under investigation is a

(*) The CN and TARIC codes referred to above will apply as from 1 January 2022 and are based on Commission Implementing Regulation (EU) 2021/1832 of 12 October 2021 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 385, 29.10.2021, p. 1).

(†) Commission Implementing Regulation (EU) 2021/864 of 28 May 2021 initiating an investigation concerning possible circumvention of the anti-dumping measures imposed by Implementing Regulation (EU) 2020/492 on imports of certain woven and/or stitched glass fibre fabrics originating in People's Republic of China and Egypt by imports of certain woven and/or stitched glass fibre fabrics consigned from Morocco, whether declared as originating in Morocco or not, and making such imports subject to registration (OJ L 190, 31.5.2021, p. 82).

downstream product and, as such, a different product than its input materials (mainly glass fibre rovings), or an assembly operation, in particular since the product under investigation and glass fibre rovings are not classified under the same tariff headings.

- (13) It also claimed that there was sufficient due cause and economic justification for the practice, process or work taking place in Morocco via the establishment by PGTEX China of a GFF production plant in Morocco (PGTEX Morocco SARL) within the meaning of Article 13(1) of the basic Regulation. In this respect, it claimed that there is a significant demand for GFF in Morocco as a user ⁽⁶⁾ of GFF established in Morocco in 2017 needs around 5 000 tonnes of GFF per year. There are conventional customs duties of up to 7 % in place on imports of GFF from China, while exports of GFF from Morocco to the Union are not subject to conventional customs duties pursuant to the Euro-Mediterranean Partnership Agreement.
- (14) The Egyptian authorities claimed that they had been unfairly involved in the present investigation as no circumvention practice has taken place involving Egypt. In this respect, the Egyptian authorities claimed that all necessary procedures and measures were taken in Egypt to prevent circumvention since the original anti-dumping investigation. They also argued, similar to the claims of LM Wind Power, that there was a lack of evidence to prove circumvention in a form of either assembly operations in Morocco involving the exports of glass fibre rovings from Egypt or transshipment between Morocco and the EU involving GFF from Egypt.
- (15) The Moroccan authorities requested the Commission to conclude that PGTEX Morocco SARL was not circumventing the measures imposed by the Union and to terminate the ongoing investigation. They stated that the establishment of PGTEX Morocco SARL in Morocco was the result of an authentic and long-term partnership, involving the PGTEX Group ⁽⁷⁾ and Morocco. They also stated that the production process of PGTEX Morocco SARL involved significant investments and extensive operations and contributed to the Moroccan economy. As a result, even if a change in the pattern of trade could be established, this would appear not to be caused by a practice of circumvention. Finally, the Moroccan authorities claimed that their official statistics refuted the allegation of the applicant that PGTEX Morocco SARL circumvented the measures in force by means of transshipment.
- (16) With regard to the claims related to the initiation referred to above the Commission recalled that the investigation was initiated on the basis of the evidence provided in the request concerning assembly operations, not transshipment or slight modification. The request provided sufficient evidence ⁽⁸⁾ of the existence of assembly operations, one of the practices specifically mentioned in Article 13(1), in Morocco, and that these assembly operations were done using glass fibre rovings from the PRC and Egypt ⁽⁹⁾. It also contained sufficient evidence ⁽¹⁰⁾ that such practice constituted circumvention according to Article 13(2). The tariff classification of the product under investigation or its main input materials is irrelevant for determining whether an assembly operation constitutes circumvention.
- (17) The request also provided sufficient evidence regarding the lack of economic justification other than the duties, such as PGTEX China's 2019 Annual Report. According to this report, the main purpose of the establishment of PGTEX Morocco was *"to actively respond to the EU's anti-dumping investigation against China, further optimize and adjust its internationalization strategy, consolidate and increase the market share of products in Europe and the United States, meet customer demand, and protect customer supply"* and in particular that PGTEX *"decided to build a wholly-owned subsidiary in Morocco to break through the EU's anti-dumping investigations, approach customers, meet market demand, and adapt to sustainable development."* ⁽¹¹⁾.
- (18) Therefore, the Commission rejected the claims put forward by LM Wind Power, and the Moroccan and Egyptian authorities that the request did not contain sufficient evidence to warrant the initiation of the investigation.

⁽⁶⁾ This is a reference to the company Siemens Gamesa Renewable Energy Blades in Morocco, which was set up in 2017.

⁽⁷⁾ See further recitals (34) and (35) for a description of the PGTEX Group.

⁽⁸⁾ See the request, open version, points 40 to 42, page 10.

⁽⁹⁾ See the request, open version, point 29, page 8 and point 41, page 9.

⁽¹⁰⁾ See the request, open version, points 41 and 42, page 10, complemented by Annex 8 of the request.

⁽¹¹⁾ See the request, open version, points 26 and 27, pages 7 and 8.

1.6. Investigation period and reporting period

- (19) The investigation period covered the period from 1 January 2019 to 31 December 2020 ('the investigation period' or 'IP'). Before 2019, there were no significant export volumes of GFF from Morocco to the Union. Data were collected for the IP to investigate, inter alia, the alleged change in the pattern of trade following the imposition of measures on the product concerned, and the existence of a practice, process or work for which there was insufficient due cause or economic justification other than the imposition of the duty. More detailed data were collected for the period from 1 January 2020 to 31 December 2020 ('the reporting period' or 'RP') in order to examine if imports were undermining the remedial effect of the measures in force in terms of prices and/or quantities and the existence of dumping.

1.7. Investigation

- (20) The Commission officially informed the authorities of China, Egypt and Morocco, the known exporting producers in those countries, the Union industry and the President of the EU-Morocco Association Council of the initiation of the investigation.
- (21) In addition, the Commission asked the Mission of Morocco to the European Union to provide it with the names and addresses of exporting producers and/or representative associations that could be interested in participating in the investigation other than PGTEX Morocco SARL, the only producer of the product under investigation according to the request. The Moroccan authorities submitted a reply, listing three other companies. Two of those companies did not come forward, the third one did but declared that it did not export GFF to the Union.
- (22) Exemption claim forms for the producers/exporters in Morocco, questionnaires for the producers/exporters in China and Egypt, and for importers in the Union were made available on DG TRADE's website.
- (23) Only PGTEX Morocco SARL submitted an exemption claim form and also requested a hearing that took place on 21 June 2021. Moreover, as mentioned in recital (43), PGTEX Group requested and was invited to a hearing with the Commission on 10 January 2022, and a hearing with the Hearing Officer in Trade Proceedings on 12 January 2022.
- (24) Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the initiating Regulation. All parties were informed that the non-submission of all relevant information or the submission of incomplete, false or misleading information might lead to the application of Article 18 of the basic Regulation and to findings being based on the facts available.
- (25) On 20 December 2021 (the day of the disclosure), the Commission received a submission (dated 16 December 2021) from the Moroccan authorities, which was too late to be taken into consideration at disclosure stage. Following disclosure, the Moroccan authorities sent a second submission, summarizing its submission of 16 December 2021. In essence, the Moroccan authorities reiterated their request to terminate the investigation and put forward the following arguments.
- (26) First, the Moroccan authorities claimed that GFF is manufactured by PGTEX Morocco SARL through activities that cannot be qualified as a completion or assembly operation. Second, they claimed that these products are "originating" in Morocco within the meaning of Article 29 ⁽¹²⁾ of the EU-Morocco Association Agreement ⁽¹³⁾ and further detailed under the list rules contained in Annex II of Protocol 4 of the EU-Morocco Association Agreement. In addition, pursuant to Article 9 of the EU-Morocco Association Agreement, "*products originating in Morocco shall be*

⁽¹²⁾ Pursuant to Article 29 of the EU-Morocco Association Agreement, "*the concept of 'originating products' for the purposes of implementing this title and the methods of administrative cooperation relating thereto are laid down in Protocol 4*". In this respect, GFF fell under heading 7019 of the Harmonised System nomenclature and therefore conferred preferential origin under the list rules contained in Annex II of Protocol 4 of the EU-Morocco Association Agreement.

⁽¹³⁾ Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part, OJ L 70, 18.3.2000, p. 2.

imported into the Community free of customs duties and charges having equivalent effect” and that the EU – Morocco Association Agreement provides only for some exceptions. This preferential origin was also confirmed by the Moroccan Customs Administration, which issued preferential origin certificates (EUR.1) for PGTEX’s GFF exports to the EU pursuant to Article 17 of Protocol 4 of the EU-Morocco Association Agreement.

- (27) The Commission rejected the claim that the processing in Morocco of imported glass fibre rovings into GFF could not be qualified as an assembly or completion operation. Article 13(2) of the basic Regulation does not only cover the assembly operations of (several) parts into a finished product, but also the completion/conversion operations of intermediary products into the product concerned. This follows, in particular from point (b) of Article 13(2) of the basic Regulation, which stipulates that ‘...the value added to the parts brought in, during the assembly or completion operation, is greater than...’ In addition, the fact that the Moroccan custom authorities issued EUR.1 certificates to PGTEX Morocco SARL confirming their preferential origin under the Association Agreement is irrelevant as the applicable legal basis for this anti-circumvention investigation is the basic Regulation, in particular Article 13 thereof ⁽¹⁴⁾.
- (28) Furthermore, following disclosure, the Moroccan authorities, supported by PGTEX Morocco, claimed that the anti-circumvention investigation was not permitted pursuant to Article 24 of the EU-Morocco Association Agreement, as this Article only allows for the imposition of anti-dumping measures on Moroccan products if the conditions of Article VI of the General Agreement on Tariffs and Trade are met.
- (29) The Commission rejected this claim: Article 24 of the EU-Morocco Association Agreement does not preclude any anti-circumvention investigation, also given the fact that this Article also refers to the related internal legislation. When Morocco and the EU ratified the Association Agreement in 2000, the applicable basic Regulation already contained anti-circumvention provisions.
- (30) Finally, the Moroccan authorities, as well as PGTEX Morocco, claimed that the Commission’s anti-circumvention investigation was not permitted under the WTO rules, in particular pursuant to Article VI of the GATT and the Agreement on Implementation of Article VI.
- (31) The Commission rejected the claim and referred to paragraph 20 of the preamble of the basic Regulation ⁽¹⁵⁾, which sets out the approach of the Commission in this respect. On this basis, like many other WTO members, the Union legislation contains provisions to tackle circumvention practices.

2. RESULTS OF THE INVESTIGATION

2.1. General considerations

- (32) In accordance with Article 13(1) of the basic Regulation, the following elements should be analysed in order to assess possible circumvention:

⁽¹⁴⁾ ECJ judgment of 12 September 2019, Case C-709/17 P, *European Commission v Kolachi Raj Industrial (Private) Ltd*, ECLI:EU:C:2019:717.

⁽¹⁵⁾ Recital 20 of the basic Regulation codifies this approach as follows: “The 1994 Anti-Dumping Agreement does not contain provisions regarding the circumvention of anti-dumping measures, though a separate GATT Ministerial Decision recognised circumvention as a problem and referred it to the GATT Anti-dumping Committee for resolution. Given the failure of the multilateral negotiations so far and pending the outcome of the referral to the World Trade Organisation (‘WTO’) Anti-Dumping Committee, Union legislation should contain provisions to deal with practices, including mere assembly of goods in the Union or a third country, which have as their main aim the circumvention of anti-dumping measures.”

- whether there was a change in the pattern of trade between the PRC/Egypt/Morocco and the Union,
 - if this change stemmed from a practice, process or work for which there was insufficient due cause or economic justification other than the imposition of the anti-dumping measures in force,
 - if there is evidence of injury or the remedial effects of the anti-dumping measures in force were being undermined in terms of the prices and/or quantities of the product under investigation, and
 - whether there is evidence of dumping in relation to the normal values previously established for the product concerned.
- (33) Since the evidence provided by the applicant in the request pointed to assembly operations in Morocco, the Commission more specifically analysed whether the criteria set out in Article 13(2) of the basic Regulation were met, in particular:
- whether the assembly operation started or substantially increased since, or just prior to, the initiation of the anti-dumping investigation and whether the parts concerned are from the country subject to measures, and
 - whether the parts constitute 60 % or more of the total value of the parts of the assembled product and whether the added value of the parts brought in, during the assembly or completion operation, was greater than 25 % of the manufacturing costs.

2.2. Level of cooperation

- (34) Only PGTEX Morocco SARL submitted a request for exemption in accordance with Article 13(4) of the basic Regulation. PGTEX Morocco SARL belongs to the Chinese Group PGTEX and is located in a Free Trade Zone in Tanger, Morocco.
- (35) In addition, its two related Chinese companies Chongqing Polycomp International Corporation ("CPIC") and PGTEX China Co., Ltd ("PGTEX China") also submitted questionnaire replies. PGTEX Morocco SARL is a wholly owned subsidiary of PGTEX China, which is subject to an anti-dumping duty of 37,6 % imposed by Implementing Regulation (EU) 2020/492, as amended by Implementing Regulation (EU) 2020/776.
- CPIC is a producer of glass fibre rovings, which are the main input materials to produce the product under investigation. It sold these input materials to its related company PGTEX China during the reporting period, of which it owned 60 % of its shares;
 - PGTEX China purchased the glass fibre rovings from CPIC during the reporting period. Subsequently, it either used them to produce GFF itself, or resold them, including to PGTEX Morocco SARL. PGTEX China did not produce the main input material (glass fibre rovings) during the reporting period.
- (36) The questionnaire replies, including the response to a deficiency letter, of PGTEX Morocco SARL and its two Chinese related companies ("PGTEX Group") were found to be deficient for the following reasons:
- PGTEX Morocco SARL did not provide the necessary information required in its questionnaire replies. In particular, it did not provide the necessary underlying documents for two sales transactions. As a result, the Commission was unable to verify the claim that PGTEX Morocco SARL only started its production in April 2020.
 - Moreover, despite the fact that the Commission requested a detailed explanation for missing sales invoice numbers, only a general explanation for these missing sales invoice numbers was received. The Commission also noted a difference in the total turnover for the reporting period as reported in the sales listing compared to the one reported in its statutory accounts of 2020. The Commission could therefore not confirm the reported export sales volumes to the Union. In this respect, the Commission also noted that the reported export sales were higher than total imports to the Union from Morocco according to EUROSTAT import statistics and that PGTEX Morocco was the only known producer in Morocco that exported the product under investigation to the Union.

- Contradictory information was also provided concerning the actual start of the production at PGTEX Morocco SARL. The information about the actual start of the production in 2020 was needed to identify the proportion of the incurred major costs (such as depreciation cost and rental cost) which could be attributed to the production of the product concerned.
 - Furthermore, no satisfactory explanation was provided in the deficiency reply about the reasons behind the significant increase in the production volume in July 2020, which was about three times higher than the production volume of the previous month, June 2020, despite a more or less same level of electricity consumption in both months.
 - PGTEX China did not provide information from the Golden Tax System as requested concerning its purchases from CPIC and its sales to PGTEX Morocco SARL.
- (37) Therefore, in accordance with Article 18(4) of the basic Regulation the Commission informed the PGTEX Group, on 5 October 2021, of the fact that the non-exhaustive list of elements described in the previous recital might lead to the application of Article 18 of the basic Regulation and to the use of facts available. It also invited the PGTEX Group to comment on the possible application of Article 18 of the basic Regulation.
- (38) On 12 October 2021, the PGTEX Group claimed that the application of facts available was not legally justified in the present case for the following reasons:
- The Group did not fail to provide the “necessary” information, as spelled out in Article 18 of the basic Regulation.
 - The information submitted by the PGTEX Group could not be disregarded.
 - In any event, any application of “facts available” must be limited.
- (39) The Commission analysed the information and documents that the PGTEX Group submitted with its letter of 12 October 2021. It concluded that neither satisfactory replies nor convincing supporting documentation were provided on most elements that were raised in its letter of 5 October 2021.
- (40) Accordingly, the Commission considered that the information provided by the PGTEX Group was partially incomplete and contradictory and thus could not be fully relied on by the Commission. Nevertheless, the data submitted by the PGTEX Group were not wholly disregarded, and the Commission used both the sales and cost data submitted by the PGTEX Group as a starting point of its analysis.
- (41) In accordance with Article 18(1) first sentence and Article 18(5) of the basic Regulation, the information provided by the PGTEX Group was complemented by data extracted from databases such as the Global Trade Atlas (‘GTA’) ⁽¹⁶⁾, and Eurostat, as further detailed in section 2.3. below. Import data were extracted from Eurostat, and GTA was used for the determination of export volumes of glass fibre rovings from the PRC and Egypt into Morocco.
- (42) Finally, in view of the outbreak of COVID-19 and the confinement measures put in place by various Member States as well as by various third countries, the Commission could not carry out verification visits pursuant to Article 16 of the basic Regulation at the premises of the cooperating legal entities. The Commission considered the information submitted by the PGTEX Group, such as replies to questionnaires and replies to deficiency letters, in line with the Notice of 16 March 2020 on the consequences of the COVID-19 outbreak on anti-dumping and anti-subsidy investigations. ⁽¹⁷⁾ No remote-cross check of the information was deemed necessary in light of the issues set out in the previous recitals.
- (43) Following disclosure, the PGTEX Group reiterated its allegation that the application of facts available was manifestly ill-founded and not justified in view of the information provided by the PGTEX Group. In addition, the PGTEX Group requested and was granted a hearing with the Commission on 10 January 2022, and a subsequent hearing with the Hearing Officer in Trade Proceedings on 12 January 2022 regarding the use of facts available under Article 18 of the basic Regulation.

⁽¹⁶⁾ <https://www.gtis.com/gta/>

⁽¹⁷⁾ OJ C 86, 16.3.2020, p. 6.

- (44) During the hearing on 12 January 2022, the Commission provided additional explanations concerning its finding that the response to the Article 18 letter had not dispelled the concerns of the Commission. As explained in recital (40), the Commission maintained its position that the information provided by the PGTEX Group could not be fully relied on by the Commission. Moreover, the Hearing Officer in Trade Proceedings stated in the hearing on 12 January 2022 that the Commission had respected the rights of defence of the PGTEX Group.

2.3. Change in the pattern of trade

2.3.1. Imports of GFF

- (45) Table 1 below shows the development of imports of GFF from China, Egypt and Morocco between 2019 and 2020. As the TARIC codes were only created on 21 February 2019, the Commission extrapolated the data for period of 1 January 2019 to 20 February 2019 to use exactly the same period (12 months) for both years 2019 and 2020.

Table 1

Imports of GFF for the years 2019 and 2020 (tonnes)

	2019	RP
PRC	13 720	19 315
<i>index (base = 2019)</i>	100	141
Egypt	146	4 302
<i>index (base = 2019)</i>	100	2 946
Morocco	277	2 809
<i>index (base = 2019)</i>	100	1 014

Source: Eurostat, TARIC codes 7019 39 00 80, 7019 40 00 80, 7019 59 00 80 and 7019 90 00 80.

- (46) Table 1 shows that the imports of GFF from Morocco increased from 277 tonnes in 2019 to 2 809 tonnes in 2020. The significant increase in 2020 compared to 2019 coincided in time with the start of the production by PGTEX Morocco SARL. Although the company was officially established on 2 October 2019, it claimed in its exemption claim form to have started production and export sales only from April 2020 onwards. In this respect, the import data showed that the average monthly imports for the period April – December 2020 were about fifteen times higher than the average monthly imports from January 2019 to March 2020.
- (47) The Commission also noted that the reported export sales of PGTEX Morocco SARL were higher than total imports to the Union from Morocco. Given that PGTEX Morocco SARL was the only Moroccan company that co-operated with the Commission in this investigation and the insignificant export volumes of GFF from Morocco to the Union prior to its establishment, the Commission considered it reasonable to conclude that that PGTEX Morocco SARL was the sole producer in Morocco that exported GFF to the Union during the reporting period (RP).
- (48) As shown in table 1 the imports of GFF from China increased from 13 720 tonnes in 2019 to 19 315 tonnes in 2020, whereas the imports of GFF from Egypt increased from 146 tonnes in 2019 to 4 302 tonnes in 2020. As mentioned in recital (46), the average monthly import volumes of PGTEX Morocco SARL increased considerably from April 2020 onwards, compared to the previous periods.

2.3.2. Export volumes of glass fibre rovings from China and Egypt to Morocco

- (49) Table 2 below shows the development of imports of glass fibre rovings from China and Egypt by Morocco based on the Moroccan import statistics from the GTA database between 2019 and 2020.

Table 2

Imports of glass fibre rovings from Egypt and China by Morocco for the years 2019 and 2020 (in tonnes)

	2019	RP
PRC		
7019 12 Glass fibre rovings	2 378	7 839
Egypt		
7019 12 Glass fibre rovings	1 118	3 120

Source: GTA.

- (50) The main input material for the production of GFF are glass fibre rovings. This input material is then further processed to produce GFF. The evidence available to the Commission showed that the GFF exported to the Union from Morocco was produced from mainly glass fibre rovings.
- (51) Table 2 shows that the imports of glass fibre rovings from China to Morocco substantially increased from 2 378 tonnes in 2019 to 7 839 tonnes in 2020. The imports of glass fibre rovings from Egypt into Morocco also increased from 1 297 tonnes in 2019 to 3 687 tonnes in 2020. The imports from both China and Egypt represent around 90 % of the total Moroccan imports of glass fibre rovings for both years 2019 and 2020.
- (52) PGTEX Morocco SARL claimed that the glass fibre rovings that it used to produce GFF were all purchased from China (none from Egypt), in particular from its parent company PGTEX China. It also claimed that it imported these rovings under HS code 7019 12. Imports under this code showed the most significant increase in imports from China by Morocco.
- (53) The significant increase in import volumes of glass fibre rovings from China, as well as from Egypt, to Morocco indicated an increasing demand for such input materials in Morocco, which could, at least in part, be explained by the increase in the production and exports of GFF from Morocco during the reporting period. This was also corroborated by the information provided by PGTEX Morocco SARL.
- (54) Given that PGTEX Morocco SARL, the apparent sole exporter of GFF to the Union, purchased all its glass fibre rovings from China, the Commission did not find any evidence that the glass fibre rovings from Egypt were used, either by PGTEX Morocco SARL or by any other producer of GFF in Morocco for export to the Union. In this respect, the imports of glass fibre rovings from China started to increase from the last quarter of 2019 onwards, which was the quarter in which PGTEX Morocco SARL was established. The monthly average import volume of glass fibre rovings from China during the last quarter of 2019 was considerably higher than the monthly average import volumes during the previous periods. Moreover, the monthly average import volumes of glass fibre rovings during 2020 (the year in which PGTEX Morocco SARL started its production) was also much higher than the monthly average import volumes during the last quarter of 2019. Despite the increase of imports of glass fibre rovings from Egypt into Morocco during 2020, the Commission found no evidence that those imports were used for further processing in Morocco into GFF to be subsequently exported to the Union. Hence, the evidence available to the Commission did not support the allegation that the change in pattern of trade involving Egypt stemmed from a practice the purpose of which was to avoid anti-dumping measures on GFF from Egypt.

- (55) Following disclosure, the PGTEX Group as well as LM Wind Power claimed that there was no change in the pattern of trade. The PGTEX Group argued that the emergence of imports of GFF from Morocco was not made to the detriment of imports of GFF from China. On the contrary, the increase in imports of GFF from Morocco was less substantial than the parallel increase in imports of GFF from China.
- (56) As explained in recitals (45) – (54) above, the Commission observed an increase of exports of GFF from Morocco to the Union as well as a significant increase of imports of glass fibre rovings from China to Morocco in 2020 as compared to 2019. This in itself constitutes a change in the pattern of trade.
- (57) Further, whilst the overall exports of GFF from China to the Union indeed increased, the overview tables provided by PGTEX China in the framework of this anti-circumvention investigation showed that the export volumes of PGTEX China - the mother company of PGTEX Morocco and its sole supplier of glass fibre rovings - to the Union were more than 2 times lower in 2020 compared to 2018, and more than 3 times lower in 2020 than in 2019.
- (58) The Commission could therefore establish a change of the pattern of trade and rejected the claims.

2.3.3. Conclusion on the change in the pattern of trade

- (59) The increase of exports of GFF from Morocco to the Union constitutes a change in the pattern of trade between Morocco and the Union within the meaning of Article 13(1) of the basic Regulation, together with the significant increase in 2020 compared to 2019 of Chinese exports of glass fibre rovings into Morocco as shown in table 2. On the other hand, no evidence was found concerning the alleged circumvention of measures on GFF involving Egypt.

2.4. Nature of circumvention practices for which there was insufficient due cause or economic justification other than the imposition of the anti-dumping duty

- (60) Article 13(1) of the basic Regulation requires that the change in the pattern of trade stems from a practice, process or work for which there is insufficient due cause or economic justification other than the imposition of the duty. The practice, process or work includes the consignment of the product subject to the existing measures via third countries and the assembly of parts/completion operations in a third country in accordance with Article 13 (2) of the basic Regulation.
- (61) According to the submission of the Moroccan authorities referred to in recital (15), the first contact with the PGTEX Group for the set-up of a plant in Morocco dated back to 20 March 2019, one month after the initiation of the original anti-dumping investigation ⁽¹⁸⁾. PGTEX Morocco SARL was set up on 2 October 2019, about seven months after the initiation of the investigation. This coincidence in time suggests that the anti-dumping investigation and potential imposition of an anti-dumping duty were the cause of the establishment of PGTEX Morocco SARL.
- (62) Based on the submitted sales listing by PGTEX Morocco SARL, during 2020, all export sales of PGTEX Morocco SARL went to the Union market, whereas only a small fraction of its 2020 production was sold domestically. Moreover, its export sales during 2020 were all sold to customers in the Union, which were supplied in the past by PGTEX China. This again suggested that the anti-dumping investigation and the potential subsequent imposition of definitive anti-dumping duties were the reason for the set-up of PGTEX Morocco SARL. This was explicitly confirmed by the 2019 annual report of PGTEX China (see recital (17)).
- (63) Following disclosure, the PGTEX Group claimed that there was due cause and an economic justification for the establishment of PGTEX Morocco. It claimed that the set-up of the Moroccan plant was the result of a lengthy process, which included feasibility studies, applications to obtain the necessary permits from the Chinese and Moroccan governments, and obtaining those permits.

⁽¹⁸⁾ OJ C 68, 21.2.2019, p. 29.

- (64) The Commission noted that the documentation which the PGTEX Group submitted on 15 October 2021 showed that the Group was assessing a long time before the initiation of the investigation in which country to establish a company. Various potential countries were considered, including Morocco. However, the fact remained that PGTEX Morocco SARL was finally set up on 2 October 2019, about 7 months after the initiation of the original anti-dumping investigation. This coincidence in time suggested that the anti-dumping investigation was a cause for the establishment of PGTEX Morocco SARL. This was further corroborated by a statement of the Moroccan authorities stating that their contacts with PGTEX for the establishment of a plant dated back to 20 March 2019, and as such just after the initiation of the original investigation ⁽¹⁹⁾. This demonstrated that formal contacts with the Moroccan authorities to establish a company in Morocco dated back to March 2019, which was just after the initiation of the initial anti-dumping investigation.
- (65) Following disclosure, LM Wind Power argued that PGTEX had set up its Moroccan plant in order to serve the Moroccan and Middle Eastern markets and therefore had an economic justification for its establishment other than avoiding duties.
- (66) The Commission rejected this claim. The Commission referred to evidence demonstrating that there was a lack of economic justification other than the duties (see in this context PGTEX China's 2019 Annual Report, as referred to in recital (17)). In addition, the argument of LM Wind Power that PGTEX Morocco was set up to serve Moroccan and Middle Eastern markets was not supported by the evidence. In this respect, as explained in recital (62), all export sales by PGTEX Morocco SARL were made to the Union and only a small fraction of its production was sold domestically in Morocco.
- (67) In view of the above, the investigation did not reveal sufficient due cause or an economic justification of the establishment of a GFF production site in Morocco other than to avoid the payment of the anti-dumping duties currently in force.

2.5. Start or substantial increase of operations

- (68) Article 13(2) of the basic Regulation requires the assembly operation to have started or substantially increased since, or just prior to, the initiation of the anti-dumping investigation, while the parts concerned are from the country subject to anti-dumping measures.
- (69) The original anti-dumping investigation was initiated in February 2019 and definitive anti-dumping duties were imposed in April 2020 (see recital (1)). PGTEX Morocco SARL was officially established on 2 October 2019 and started production from April 2020 according to its exemption claim form. This coincides with the change in the pattern of trade described in section 2.3.
- (70) PGTEX Morocco SARL submitted a sales listing, showing that all its export sales of own produced GFF went to the Union during the reporting period. Moreover, 100 % of its main input material (mainly glass fibre rovings) were purchased from its related parent company in China. It did not purchase any glass fibre rovings from Egypt or elsewhere.
- (71) Therefore, the Commission concluded that the assembly operation started since the initiation of the original anti-dumping investigation as required by Article 13(2)(a) of the basic Regulation, while the parts concerned are mainly from China, one of the two countries subject to the original anti-dumping measures.

⁽¹⁹⁾ Commentaires du Ministère de l'Industrie, du Commerce et de l'Economie Verte et Numérique du Royaume du Maroc relatifs à l'ouverture des enquêtes anti-contournement concernant les importations de certains tissus en fibres de verre, 14.07.2021, page 2 : « ...le Ministère souligne que le contact entre PGTEX et les autorités marocaines pour l'implantation d'une usine de PGTEX au Maroc remonte au 20 mars 2019, soit juste après l'initiation de l'enquête antidumping initiale de l'UE... ».

2.6. Value of parts and added value

- (72) Article 13(2)(b) of the basic Regulation states that, as far as assembly operations are concerned, another condition to establish circumvention is that the parts (of Chinese origin, in this case) constitute 60 % or more of the total value of the parts of the assembled product and that the added value of the parts brought in, during the assembly or completion operation, is less than 25 % of the manufacturing cost.
- (73) The main raw material to produce GFF is glass fibre rovings. PGTEX Morocco SARL purchased 100 % of the glass fibre rovings it used from its related parent company in China. Through the sewing-knitting process carried out, which is a completion operation in Morocco, these glass fibre rovings were transformed into GFF. According to the submitted information by PGTEX Morocco SARL, the glass fibre rovings constitute almost 100 % of the total value of the parts of the assembled/completed product in the sense of Article 13(2)(b) of the basic Regulation.
- (74) The Commission therefore concluded that the process taking place in Morocco is a completion operation (assembly operation) and that the 60 % criterion set out in Article 13(2)(b) of the basic Regulation was met.
- (75) Following disclosure, the PGTEX Group and LM Wind Power reiterated their claim that the manufacturing of GFF from the imported main raw material glass fibre rovings does not constitute an “assembly of parts by an assembly operation” within the meaning of Article 13(2) of the basic Regulation. In this context, they claimed, first, that glass fibre rovings are not “parts” of GFF but are rather “goods which are subject to a process in the production of another good” and, second, that glass fibre rovings are not “assembled” into GFF, but are processed into GFF by looming and stitching together various types of glass fibre rovings as well as other materials, using complex machinery.
- (76) The Commission rejected these claims. The practice described in recital (73) above can be characterised as a completion operation that falls within the concept of assembly operations under Article 13 of the basic Regulation, as explained in recital (27) above.
- (77) PGTEX Morocco SARL claimed that its value added cost would be above the threshold of 25 %. The two main cost items in the calculation of the added value were the depreciation cost and the rental cost, which were part of the financial data of the reporting period submitted by PGTEX Morocco SARL in its exemption claim form.
- (78) Concerning the depreciation cost, PGTEX Morocco SARL claimed that there were less than ten GFF-machines ⁽²⁰⁾ installed at its premises, and that each of these GFF-machines had been running for 300 out of the 360 days during 2020. It calculated the depreciation amount for the reporting period on the basis of the following three elements:
- The acquisition value;
 - 9,5 % as a depreciation percentage to take into account the estimated useful life ⁽²¹⁾;
 - the above-mentioned 300 running days on a total of 360 days.
- (79) The Commission disagreed with this way of calculating the depreciation cost in the framework of the value-added calculation within the meaning of Article 13(2)(b) of the basic Regulation. In particular, using 300 days as an element to calculate the depreciation amount may be acceptable according to the international accounting standards, but led to an overstatement of the calculated depreciation amount in the framework of the value-added calculation by PGTEX Morocco SARL for various reasons. First, as submitted by PGTEX Morocco SARL in its exemption claim form, the capacity utilisation (actual production in kg divided by the actual production capacity in kg) of the GFF-machines was low ⁽²²⁾ in the year 2020. Given the low production capacity utilisation the reported depreciation cost was therefore found to have been overstated. Second, four of the GFF-machines were only shipped in November 2019 from Shanghai to Tanger and could not have been running during 300 days in 2020, taking into

⁽²⁰⁾ A GFF-machine” can be described as the machine, which is used during the assembly process, whereby mainly glass fibre rovings (the main input material) are converted into GFF.

⁽²¹⁾ Useful life of a GFF-machine estimated to be 10 years, and adjusted for a residual value of 5% at the end of its useful life.

⁽²²⁾ Table C.4.1. “Production and Production capacity” of the exemption claim form

consideration the shipment time between Shanghai and Tanger, as well as the period required for unloading, installing and testing each of these 4 GFF machines. Third, PGTEX Morocco SARL claimed in its exemption claim form that the production only started in April 2020. If this were to be true, the total running time for each of the installed GFF-machines could only be at a maximum 270 days (from April 2020 to December 2020), without even taking into account any non-operational time caused by stoppages, as a result of required maintenance, days off, and holidays. As a result, the Commission concluded that the depreciation cost to be taken into account for the calculation of the value added cost should be significantly lower than the depreciation cost as calculated by PGTEX Morocco SARL.

(80) Following disclosure, the PGTEX Group argued that the Commission committed manifest errors of assessment and acted in breach of Article 13(2) of the basic Regulation when performing calculations relating to the value-added. In this context, according to the PGTEX Group, the full depreciation should be considered, as such costs were actually incurred in 2020 for the production of GFF.

(81) The Commission rejected this claim for the following reasons:

- Even though depreciation is in principle ⁽²³⁾ a fixed cost, because it recurs in the same amount per period throughout the useful life of an asset, the Commission could not accept the recorded depreciation cost fully in the framework of the value-added calculation. The reason for this is the low production capacity utilisation, as shown by the data submitted by the PGTEX Group;
- Moreover, the Commission could not use the full depreciation cost due to the incomplete and contradictory information it received. In this respect, PGTEX Morocco SARL mentioned for instance on the one hand that all the machines were acquired early 2020. On the other hand, PGTEX Morocco SARL stated that it only started producing in April 2020 in its completed questionnaire reply. PGTEX Morocco SARL also stated that all the machines were operational during 300 days.

PGTEX Morocco SARL used these 300 days (i.e. 299 days rounded up to 300 days) for the calculation of its depreciation calculation and created the impression that all GFF machines that it installed were operational and fully running during the whole year of 2020. However, it appeared that this was not the case, as several machines had not arrived yet at the plant in Morocco on 1 January 2020 (see recital (79) above).

Due to the above-mentioned contradictory statements, the Commission considered it appropriate to use the capacity utilisation rate for the full year 2020, as submitted by PGTEX Morocco and which was undisputed. For the Commission, this capacity utilisation rate was considered to be an objective and clear measurement to determine an appropriate depreciation cost in the framework of its value added calculation.

(82) Following disclosure, the PGTEX Group suggested that, if the Commission was still to adjust the depreciation cost based on the capacity utilization (as communicated by the PGTEX Group in its Annex 7.2. of its letter of 12 October 2021), it should use any of the alternative three methodologies that it proposed in its comments following disclosure:

- To adjust the capacity to reflect those months during which the relevant GFF machines were not operational;
- To use only the cost data of December 2020, i.e. the month during the IP in which most GFF machines were operational, except for machine number 7;
- To use the cost data of July to December 2020, since after June 2020, the certification of major customers was almost completed, so production could increase.

⁽²³⁾ There is though one exception. If a business employs a usage-based depreciation methodology, then depreciation will be incurred in a pattern that is more consistent with a variable cost. The PGTEX Group remained silent on this methodology.

(83) The Commission rejected the use of either of the three alternatives that the PGTEX Group proposed in view of a number of inconsistencies the Commission found, in Annex 7.2. of the letter of 12 October 2021, with regard to the proposed alternatives:

- The month of March 2020 was not mentioned by PGTEX Morocco SARL as a month of production in Annex 7.2. of the letter of 12 October 2021. PGTEX Morocco SARL stated for the first time ⁽²⁴⁾ on 12 October 2021 that there had been production in March 2020, but that this production in March 2020 was only booked in its production data for the month of April 2020. This means that the Commission could not exclude other errors and/or delays in booking the monthly production. Therefore, the method as proposed by the PGTEX Group to monthly allocate which GFF machines were operational and which were not could not be used as a basis;
- Using the cost data of December 2020 only could not be accepted either as the capacity utilisation rate for the month of December 2020 was not representative for the capacity utilisation rate for the full year 2020;
- Using the cost data for the period July - December 2020 could not be accepted either for the same reason as mentioned under the second proposed alternative. The capacity utilisation rate for the period July - December 2020 was not representative for the capacity utilisation rate for the full year 2020.

Therefore, the Commission concluded that the capacity utilisation rate over the full year of 2020 was the most appropriate indicator to reduce the fully booked depreciation rate in a reasonable way in the framework of the value-added calculation.

(84) Following disclosure, the applicant claimed that the depreciation cost of the GFF machines should be fully excluded from the added-value calculations, as these machines were not acquired from an independent supplier, but from the parent company.

(85) The Commission rejected this claim. Depreciation expenses are generally accepted under local and international accounting principles. In particular, the “matching” accounting principle sets out that expenses should be recorded in the same period in which revenue is earned from them. This means that, by using these GFF machines, completed GFF can be sold and revenue earned. Depreciations are then portions of fixed assets (the GFF machines) that have been considered consumed in the current period, and therefore expensed, irrespectively from whom the machines were purchased. The intent of this expense is to gradually reduce the carrying amount of fixed assets as their value is consumed over time.

(86) Following disclosure, the applicant also claimed that, to the extent that the Commission would not simply remove the full depreciation of the GFF machines PGTEX transferred from its related company in China from the value added calculations, the determination of the depreciation amount must reflect the true useful life of such machines and related equipment. The applicant referred to the fact that it is not unusual for such machines to run for over 20 years.

(87) The Commission rejected this claim as the applicant itself referred to a useful life of the GFF machines of about 10 years in its request. No evidence was provided concerning its statements that it is not uncommon that GFF machines run for over 20 years.

(88) Concerning the rental cost, PGTEX Morocco did not provide its rental contracts in its reply in the exemption claim form, despite the important rental costs it incurred in 2020 ⁽²⁵⁾. In its exemption claim form, it informed the Commission that it had installed all its GFF-machines at one location (plant - phase 1). It initially stated that it only rented this one plant as it stated that it “only has one production site”, despite the question in the exemption claim form to provide the addresses of all its production sites. Subsequently, PGTEX Morocco SARL, however, provided two rental contracts as a reply to the deficiency letter of the Commission, indicating that PGTEX Morocco SARL rented two separate premises from two different property owners during the reporting period. Since PGTEX Morocco SARL had claimed previously in its exemption claim form that the GFF-machines, which were operational

⁽²⁴⁾ In response to Question C.4.1 of PGTEX Morocco's completed questionnaire, PGTEX Morocco SARL stated that the production started from April 2020. This statement was re-confirmed as a reply to question 1 on page 1 of its deficiency reply.

⁽²⁵⁾ The Commission requested in the exemption claim form that any co-operating producer should provide all main contracts, both from related and unrelated parties,

during 2020, were only installed in one of these two rented plants, the rental amounts incurred in 2020 for the second plant (plant – phase 2) should have been excluded from the rental cost and value added cost. In addition, because of the low capacity utilisation, the Commission, in its value added cost calculation, could also not accept the total rental cost for the plant – phase 1 as it was not fully used due to the fact that the GFF-machines were not producing in the first quarter of 2020 and not running at full capacity during the other quarters of 2020. The total rental cost as reported was not accepted by the Commission because of the above reasons.

- (89) Following disclosure, the PGTEX Group argued that the Commission committed manifest errors of assessment and acted in breach of Article 13(2) of the basic Regulation as the Commission did not take into account the full rental cost.
- (90) The Commission rejected this claim, on the basis of the following statements that had been made by the PGTEX Group in the course of the investigation. First, in its reply to the deficiency letter ⁽²⁶⁾, the PGTEX Group only referred to the plant – phase 1 for its production, its storage of raw materials and finished products, and the administrative area. Second, in its reply to the deficiency letter ⁽²⁷⁾, the PGTEX Group stated that its GFF machines, which were running in 2020, were all located in plant - phase 1. Consequently, the Commission deducted that none of these machines, which were operational in 2020, were located in plant – phase 2. This was also corroborated by other statements of the PGTEX Group in its deficiency reply ⁽²⁸⁾.
- (91) By adjusting the reported depreciation cost and rental cost, taking into consideration the issues explained above, the average value added thus established during the reporting period was found to be below the 25 % threshold set by Article 13(2)(b) of the basic Regulation. Some other cost items were found to be overstated as well, but were not adjusted as such adjustments should only have led to an even lower percentage of value added. The Commission therefore concluded that the value added to the parts brought in, during the assembly or completion operation, was less than 25 % of the manufacturing cost, as required by Article 13(2)(b) of the basic Regulation for these operations to constitute circumvention.
- (92) It was therefore concluded that the second criterion set out in Article 13(2)(b) of the basic Regulation was also met.

2.7. Undermining of the remedial effect of the anti-dumping duty

- (93) In accordance with Article 13(1) of the basic Regulation, the Commission examined whether the imports of the product under investigation, both in terms of quantities and prices, undermined the remedial effects of the measures currently in force.
- (94) Regarding quantities, the increase of imports of GFF from Morocco was significant, as explained in recital (46) above. The 2020 imports from Morocco were already ten times higher, from only 277 tonnes in 2019 to 2 809 tonnes in 2020. At the same time, the Union consumption for the year 2020 was estimated by the applicant to be in a range between 135 000 and 140 000 tonnes. The market share of the imports from Morocco represented more than 2 % in 2020.
- (95) Regarding prices, the Commission compared the average non-injurious price as established in the original anti-dumping investigation with the weighted average export CIF prices determined on the basis of the information provided by PGTEX Morocco SARL, duly adjusted to include post clearance costs. This price comparison showed that the imports from PGTEX Morocco SARL undersold the Union prices by more than 10 %.
- (96) The Commission concluded that the existing measures were undermined in terms of quantities and prices by the imports from Morocco subject to this investigation.

⁽²⁶⁾ Deficiency reply concerning PGTEX Morocco SARL: Reply to question 7, page 20.

⁽²⁷⁾ Deficiency reply concerning PGTEX Morocco SARL: Reply to question 6 c, page 20.

⁽²⁸⁾ Deficiency reply concerning PGTEX Morocco SARL: Reply to question 9 m, ii, page 23.

- (97) Following disclosure, the PGTEX Group claimed that the Commission's calculation of the non-injurious price only reflected the situation prevailing in 2018. However, it provided no evidence that the non-injurious price used by the Commission was not accurate and/or had gone down since 2018. Therefore, the claim was rejected.

2.8. Evidence of dumping

- (98) In accordance with Article 13(1) of the basic Regulation, the Commission also examined whether there was evidence of dumping in relation to the normal values previously established for the like product.
- (99) To this end, export prices of PGTEX Morocco SARL on an ex works basis were compared to the normal values established during the original anti-dumping investigation.
- (100) The comparison of normal values and export prices showed that GFF were imported at dumped prices during the reporting period by PGTEX Morocco SARL.
- (101) Following disclosure, the PGTEX Group claimed that the Commission's calculations of the normal value were not sufficiently clear to comment upon and were based on a constructed normal value reflecting costs prevailing in 2018, which do not relate to Moroccan cost in 2020. However, it provided no evidence that the constructed normal value used by the Commission was not accurate.
- (102) The Commission rejected this claim. Dumping was calculated using the normal values previously established in accordance with Article 13 of the basic Regulation. These normal values were confidential as they were based on the normal values of the co-operating exporting producers in the original investigation and therefore, only the weighted average normal value could be disclosed to the PGTEX Group.

3. MEASURES

- (103) Based on the above findings, the Commission concluded that the anti-dumping duty imposed on imports of GFF originating in the PRC were being circumvented by imports of the product under investigation consigned from Morocco by PGTEX Morocco SARL. Given that the reported export sales of PGTEX Morocco SARL were higher than total imports to the Union from Morocco, and no other company in Morocco came forward to request an exemption, the Commission considered that PGTEX accounted for all export of GFF from Morocco to the Union. Thus, it concluded that the findings about circumvention practices found in respect of PGTEX Morocco SARL should be extended to the whole country.
- (104) No evidence was found concerning the circumvention of measures on GFF involving Egypt. As mentioned before, PGTEX Morocco SARL purchased all its glass fibre rovings from China and none in Egypt. The investigation as far as alleged circumvention of GFF originating in Egypt shall therefore be terminated.
- (105) Therefore, in accordance with Article 13(1) of the basic Regulation, the anti-dumping measures in force on imports of GFF originating in China should be extended to imports of the product under investigation.
- (106) Pursuant to Article 13(1), second paragraph of the basic Regulation, the measure to be extended should be the one established in Article 1(2) of Implementing Regulation (EU) 2020/492 for 'all other companies', which is a definitive anti-dumping duty of 69 % applicable to the net, free-at-Union-frontier price, before customs duty.
- (107) Pursuant to Article 13(3) of the basic Regulation, which provide that any extended measure should apply to imports that entered the Union under registration imposed by the initiating Regulation, duties are to be collected on those registered imports of the product under investigation.

4. REQUEST FOR EXEMPTION

- (108) PGTEX Morocco SARL was the only Moroccan company that requested an exemption from the possible extended measures in accordance with Article 13(4) of the basic Regulation.

- (109) As described above, PGTEX Morocco SARL was found to be involved in circumvention practices. Therefore, an exemption cannot be granted to this company pursuant to Article 13(4) of the basic Regulation.

5. DISCLOSURE

- (110) On 20 December 2021, the Commission disclosed to all interested parties the essential facts and considerations leading to the above conclusions and invited them to comment.
- (111) 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,

HAS ADOPTED THIS REGULATION:

Article 1

1. The definitive anti-dumping duty imposed by Implementing Regulation (EU) 2020/492 on imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China, as amended by Implementing Regulation (EU) 2020/776 is hereby extended to imports of fabrics of woven, and/or stitched continuous filament glass fibre rovings and/or yarns with or without other elements, excluding products which are impregnated or pre-impregnated (pre-preg), and excluding open mesh fabrics with cells with a size of more than 1,8 mm in both length and width and weighing more than 35 g/m², currently falling under CN codes ex 7019 61 00, ex 7019 62 00, ex 7019 63 00, ex 7019 64 00, ex 7019 65 00, ex 7019 66 00, ex 7019 69 10, ex 7019 69 90, ex 7019 72 00, ex 7019 73 00, ex 7019 80 10, ex 7019 80 90, and ex 7019 90 00, consigned from Morocco, whether declared as originating in Morocco or not (TARIC codes 7019 61 00 81, 7019 62 00 81, 7019 63 00 81, 7019 64 00 81, 7019 65 00 81, 7019 66 00 81, 7019 69 10 81, 7019 69 90 81, 7019 72 00 81, 7019 73 00 81, 7019 80 10 81, 7019 80 90 81, and 7019 90 00 81).
2. The extended duty is the anti-dumping duty of 69 % applicable to 'all other companies'.
3. The duty extended by paragraphs 1 and 2 of this Article shall be collected on imports consigned from Morocco, whether declared as originating in Morocco or not, registered in accordance with Article 2 of Implementing Regulation (EU) 2021/864 and Articles 13(3) and 14(5) of Regulation (EU) 2016/1036.
4. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 2

The investigation initiated by Commission Implementing Regulation (EU) 2021/864 of 28 May 2021 concerning the possible circumvention on imports of GFF originating in Egypt by imports consigned from Morocco, whether declared as originating in Morocco or not, and making such imports subject to registration, is terminated.

Article 3

Customs authorities are directed to discontinue the registration of imports established in accordance with Article 2 of Implementing Regulation (EU) 2021/864, which is hereby repealed.

Article 4

The exemption request submitted by PGTEX Morocco SARL is rejected.

Article 5

1. Requests for exemption from the duty extended by Article 1 shall be made in writing in one of the official languages of the European Union and must be signed by a person authorised to represent the entity requesting the exemption. The request must be sent to the following address:

European Commission
Directorate-General for Trade
Directorate G Office:
CHAR 04/39
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

2. In accordance with Article 13(4) of Regulation (EU) 2016/1036, the Commission may authorise, by decision, the exemption of imports from companies which do not circumvent the anti-dumping measures imposed by Implementing Regulation (EU) 2020/492, from the duty extended by Article 1.

Article 6

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, 24 February 2022.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION DELEGATED REGULATION (EU) 2022/303

of 15 December 2021

amending Regulation (EU) 2019/1241 as regards measures to reduce incidental catches of the resident population of the Baltic Proper harbour porpoise (*Phocoena phocoena*) in the Baltic Sea

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 ⁽¹⁾, in particular Article 15(2) thereof,

Whereas:

- (1) In accordance with Article 3(2)(b) of Regulation (EU) 2019/1241, technical measures are to be adopted to contribute to minimising and where possible eliminating incidental catches of sensitive marine species, including those listed under Council Directive 92/43/EEC ⁽²⁾ and Directive 2009/147/EC of the European Parliament and of the Council ⁽³⁾, that are a result of fishing.
- (2) The harbour porpoise (*Phocoena phocoena*) is a strictly protected species according to Annex IV to Directive 92/43/EEC, which lists all cetaceans as species of Community interest in need of strict protection, and it is listed in Annex II to that Directive as species of Community interest whose conservation requires the designation of special areas of conservation.
- (3) The population of Baltic Proper harbour porpoise is genetically significantly different from other populations. The International Council for the Exploration of the Sea (ICES) therefore considers that the resident harbour porpoise population of the Baltic Proper should be managed as a separate population unit ⁽⁴⁾ (hereinafter 'Baltic Proper harbour porpoise').
- (4) Annex XIII to Regulation (EU) 2019/1241 lays down rules at regional level regarding mitigation measures to reduce incidental catches of sensitive species including cetaceans, by detailing restricted areas, periods and gear limitations.
- (5) In accordance with point 3 of Annex XIII to Regulation (EU) 2019/1241, Member States shall submit joint recommendations for additional mitigation measures for the reduction of incidental catches of sensitive species, on the basis of Article 15 of that Regulation, where scientific evidence, validated by ICES or STECF, shows negative impacts of fishing gear on the concerned species.

⁽¹⁾ OJ L 198, 25.7.2019, p. 105.

⁽²⁾ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

⁽³⁾ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).

⁽⁴⁾ ICES, 2020. EU request on emergency measures to prevent bycatch of common dolphin (*Delphinus delphis*) and Baltic Proper harbour porpoise (*Phocoena phocoena*) in the Northeast Atlantic. In Report of the ICES Advisory Committee, 2020. ICES Advice 2020, http://ices.dk/sites/pub/Publication%20Reports/Advice/2020/Special_Requests/eu.2020,04.pdf

- (6) The serious threat to the population of the Baltic Proper harbour porpoise and the need to take restorative action was recognised by parties to the Agreement on the conservation of small cetaceans of the Baltic, North East Atlantic, Irish and North Seas (ASCOBANS) through the adoption of the recovery plan for the Baltic Proper harbour porpoises ('Jastarnia plan'). This plan was developed in 2002 and revised in 2009 and in 2016 ⁽⁵⁾, and it identifies incidental catches in static net fisheries as the primary threat for the survival of the Baltic Proper harbour porpoise population.
- (7) The Baltic Marine Environment Protection Commission (HELCOM) reported in its red list ⁽⁶⁾ that the Baltic Proper harbour porpoise population in the Baltic Sea has declined dramatically over the past hundred years and there are strong indications that it is facing extinction.
- (8) New information about the status of the Baltic Proper harbour porpoise population provided by the SAMBAH project in 2016 ⁽⁷⁾ quantified the population size of Baltic Proper harbour porpoises at 497 individuals.
- (9) Following an EU request for advice on emergency measures to prevent by-catch of common dolphin (*Delphinus delphis*) and Baltic Proper harbour porpoise (*Phocoena phocoena*) in the Northeast Atlantic, the International Council for the Exploration of the Seas (ICES) has calculated in its advice of 26 May 2020 ⁽⁸⁾ the level of incidental catches of Baltic Proper harbour porpoises that would allow the population to recover to 50 % of its carrying capacity 95 % of the time over the long term. That level was calculated as 0,7 individuals by-caught per year. To meet this management objective, ICES stated that all fisheries of concern should be closed. Any incidental catch of only one individual per year would further increase the risk for the population to become extinct. ICES stated in its advice that, considering the life history of small cetaceans, any protection measures can only be effective when applied continuously for a long period.
- (10) ICES recommended in its advice of 26 May 2020 a set of bycatch mitigation measures that, if implemented as a whole, are expected to immediately reduce the bycatch risk of Baltic Proper harbour porpoise. Those measures include the closure of the Northern Midsea bank to all fisheries except for pots, traps and longlines, the closure of certain Natura 2000 sites and other areas to fishing with static nets (i.e. trammel net, gillnet, and semi-driftnet). It also recommends the obligatory use of acoustic deterrent devices on static nets in areas with low or potentially low occurrence of Baltic Proper harbour porpoise.
- (11) On the basis of the ICES advice ⁽⁹⁾, in December 2020, Denmark, Germany, Estonia, Latvia, Lithuania, Poland, Finland and Sweden ('BALTFISH' regional group), submitted a joint recommendation proposing mitigation measures to reduce incidental catches of Baltic Proper harbour porpoise. In September 2021, in line with the same ICES advice, BALTFISH submitted a new joint recommendation with additional mitigation measures for the Natura 2000 site Sydvästskånes utsjövatten (SE0430187).
- (12) The joint recommendations were assessed by the Baltic Sea Advisory Council in October 2020 and July 2021.

⁽⁵⁾ https://www.ascobans.org/sites/default/files/document/ASCOBANS_JastarniaPlan_MOP8.pdf

⁽⁶⁾ <https://www.helcom.fi/wp-content/uploads/2019/08/HELCOM-Red-List-Phocoena-phocoena.pdf>

⁽⁷⁾ NAMMCO-IMR. 2019. Report of Joint IMR/NAMMCO International Workshop on the Status of Harbour Porpoises in the North Atlantic. Rev 2020. North Atlantic Marine Mammal Commission and the Norwegian Institute of Marine Research, Tromsø, Norway. SAMBAH study. <http://www.sambah.org/SAMBAH-Final-Report-FINAL-for-website-April-2017.pdf>

⁽⁸⁾ ICES, 2020. EU request on emergency measures to prevent by-catch of common dolphin (*Delphinus delphis*) and Baltic Proper harbour porpoise (*Phocoena phocoena*) in the Northeast Atlantic. In Report of the ICES Advisory Committee, 2020. ICES Advice 2020.

⁽⁹⁾ ICES, 2020. EU request on emergency measures to prevent by-catch of common dolphin (*Delphinus delphis*) and Baltic Proper harbour porpoise (*Phocoena phocoena*) in the Northeast Atlantic. In Report of the ICES Advisory Committee, 2020. ICES Advice 2020.

- (13) The joint recommendation submitted in December 2020 by the BALTFISH regional group proposes the closure of the Northern Midsea bank, a core area for the Baltic Proper harbour porpoise during the breeding season ⁽¹⁰⁾, to all fisheries except for pots, traps and longlines. It also suggests the closure of the Southern Midsea Bank and a number of Natura 2000 sites for fishing with static nets in line with the ICES advice of 26 May 2020. The joint recommendation submitted in September 2021 proposes the seasonal closure (from 1 November to 30 April) for fishing with static nets in the Natura 2000 site Sydvästkånes utsjövatten, identified by ICES also as an area of importance for Baltic Proper harbour porpoise. In addition to the areas included in the ICES advice, the joint recommendation submitted in December 2020, proposed the closure of Adler Grund and Rønne Bank (DK00VA261) between 1 November and 31 January, an area where harbour porpoises are occasionally present during winter months ⁽¹¹⁾.
- (14) The joint recommendation of December 2020 further proposes the year-round obligatory use of acoustic deterrent devices within and outside the Natura 2000 site Zatoka Pucka and Półwysep Helski (PLH220032), covering the entire Puck Bay (Poland). ICES limited its advice to the area inside this Natura 2000 site. However, ICES advised to close the static net fisheries in the area east of the sandbank Ryf Mew (the Outer Puck Bay) because of higher probability of detection of Baltic Proper harbour porpoise. The joint recommendation of September 2021 proposes a seasonal obligatory use of acoustic deterrent devices (from 1 May to 31 October) on static nets in the Natura 2000 site of Sydvästkånes utsjövatten. Furthermore, ICES advised to equip static nets with acoustic deterrent devices in additional areas with low or potentially low occurrence of Baltic Proper harbour porpoise, which were not considered in these joint recommendations.
- (15) The joint recommendation submitted in December 2020 was assessed by the Scientific, Technical and Economic Committee for Fisheries (STECF) in its plenary meeting of March 2021 ⁽¹²⁾. The STECF stated that although the measures proposed in this joint recommendation are largely in line with those proposed by ICES, they do not follow it entirely. However, STECF also concluded that if effectively implemented, these measures will contribute to reducing unintended, incidental catches of the Baltic Proper harbour porpoise. The measures introduced in the joint recommendation of September 2021, in line with the ICES advice, further contribute to that objective.
- (16) Both joint recommendations provide that Member States should ensure control of fishing vessel activity in order to implement the measures proposed. The STECF concluded ⁽¹³⁾ in the assessment of the measures proposed in the joint recommendation of December 2020, that such measures may enhance the accuracy of the recording of bycatch events for protected, endangered and threatened species.
- (17) Overall, the STECF considers that the implementation of the measures proposed in the joint recommendation of December 2020 will contribute to reducing unintended, incidental catches of the Baltic Proper harbour porpoise and would be a step towards achieving the objectives of Regulation (EU) 2019/1241. Therefore, the measures proposed should be included in Annex XIII to Regulation (EU) 2019/1241.
- (18) The Commission also notes that Member States commit in the joint recommendation submitted in December 2020 to work on additional mitigation measures as soon as possible, including additional measures in relation to the use of acoustic deterrent devices on static nets in areas with low or potentially low occurrence of Baltic Proper harbour porpoise, and will endeavour to agree on more detailed control measures linked to the control of the mitigation measures. Furthermore, in addition to the areas already covered, Member States commit in the joint recommendation submitted in September 2021 to work on additional measures to stop fishing activities with static nets in areas where harbour porpoises have been detected.

⁽¹⁰⁾ https://www.ices.dk/sites/pub/Publication%20Reports/Advice/2020/Special_Requests/eu.2020,04.pdf

⁽¹¹⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2850498/STECF-PLN+21-01.pdf>

⁽¹²⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2850498/STECF-PLN+21-01.pdf>

⁽¹³⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2850498/STECF-PLN+21-01.pdf>

- (19) This Delegated Regulation is without prejudice to additional measures for the protection of the Baltic Proper harbour porpoise that the Commission may adopt, including in case of duly justified imperative grounds of urgency relating to a serious threat to the conservation of marine biological resources or to the marine ecosystem pursuant to Article 12 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽¹⁴⁾, and more stringent national measures that Member States may adopt for that purpose in their waters in accordance with Regulation (EU) No 1380/2013 and Regulation (EU) 2019/1241.
- (20) For reasons of urgency concerning the need to safeguard with immediate effect the Baltic Proper harbour porpoise population, this Regulation should enter into force immediately. In order to allow fishermen sufficient time to equip their vessels with the acoustic deterrent devices, the application of point 1.1(b) in the Annex should be deferred,

HAS ADOPTED THIS REGULATION:

Article 1

Annex XIII to Regulation (EU) 2019/1241 is amended in accordance with the Annex to this Regulation.

Article 2

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

The measures in point 1.1(b) of the Annex shall apply from 1 June 2022.

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

Done at Brussels, 15 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

⁽¹⁴⁾ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

ANNEX

Part A of Annex XIII to Regulation (EU) 2019/1241 is amended as follows:

1. Point 1.1 is amended as follows:

‘1.1. It shall be prohibited:

- (a) for vessels with an overall length of 12 m or more to use the fishing gear in specific areas as defined below without the simultaneous use of active acoustic deterrent devices.

Area	Gear
Baltic Sea Area delimited by a line running from the Swedish coast at the point at longitude 13° E, thence due south to latitude 55° N, thence due east to longitude 14° E, thence due north to the coast of Sweden; and, Area delimited by a line running from the eastern coast of Sweden at the point at latitude 55°30' N, thence due east to longitude 15° E, thence due north to latitude 56° N, thence due east to longitude 16° E thence due north to the coast of Sweden	Any bottom-set gill net or entangling net
Baltic Sea sub-division 24 (except for the area covered above)	Any bottom-set gill net or entangling net
ICES sub-area 4 and ICES division 3a (only from 1 August to 31 October)	Any bottom-set gill net or entangling net, or combination of these nets, the total length of which does not exceed 400 m
	Any bottom-set gillnet or entangling net ≥ 220 mm
ICES divisions 7e, 7f, 7g, 7h and 7j	Any bottom-set gillnet or entangling net
ICES division 7d	Any bottom-set gillnet or entangling net

- (b) for all vessels to use the fishing gear in specific areas as defined below without the simultaneous use of active acoustic deterrent devices.

Area	Gear														
<p>In the West and East of the “sandbank Ryf Mew” (Inner and Outer Puck Bay, within and outside the Natura 2000 site “Zatoka Pucka Półwysp Helski” (PLH220032))</p> <p>The area is defined as that area of sea enclosed by rhumb lines sequentially joining the following coordinates:</p> <table> <tr> <td>— 54,606030°N</td><td>— 18,803830°E</td></tr> <tr> <td>— 54,631210°N</td><td>— 18,772230°E</td></tr> <tr> <td>— 54,681520°N</td><td>— 18,711720°E</td></tr> <tr> <td>— 54,694090°N</td><td>— 18,690050°E</td></tr> <tr> <td>— 54,701420°N</td><td>— 18,652120°E</td></tr> <tr> <td>— 54,717640°N</td><td>— 18,628640°E</td></tr> <tr> <td>— 54,789790°N</td><td>— 18,418240°E</td></tr> </table>	— 54,606030°N	— 18,803830°E	— 54,631210°N	— 18,772230°E	— 54,681520°N	— 18,711720°E	— 54,694090°N	— 18,690050°E	— 54,701420°N	— 18,652120°E	— 54,717640°N	— 18,628640°E	— 54,789790°N	— 18,418240°E	Static nets *
— 54,606030°N	— 18,803830°E														
— 54,631210°N	— 18,772230°E														
— 54,681520°N	— 18,711720°E														
— 54,694090°N	— 18,690050°E														
— 54,701420°N	— 18,652120°E														
— 54,717640°N	— 18,628640°E														
— 54,789790°N	— 18,418240°E														

— 54,770450°N	— 18,412820°E	Static nets *
— 54,754770°N	— 18,392950°E	
— 54,727580°N	— 18,390240°E	
— 54,721830°N	— 18,402890°E	
— 54,720780°N	— 18,416430°E	
— 54,705080°N	— 18,436300°E	
— 54,695130°N	— 18,467000°E	
— 54,687800°N	— 18,460680°E	
— 54,660040°N	— 18,457070°E	
— 54,633310°N	— 18,463390°E	
— 54,628590°N	— 18,469710°E	
— 54,632780°N	— 18,510350°E	
— 54,615480°N	— 18,507640°E	
— 54,584510°N	— 18,537440°E	
— 54,550380°N	— 18,554600°E	
— 54,541970°N	— 18,543760°E	
— 54,510950°N	— 18,543760°E	
— 54,486220°N	— 18,564530°E	
— 54,592910°N	— 18,808350°E	
In the Natura 2000 site “Sydvästkånes utsjövatten” (SE0430187), this prohibition shall apply between 1 May and 31 October.		
The area is defined as that area of sea enclosed by rhumb lines sequentially joining the following coordinates:		
— 55,35106°N	— 12,97893°E	
— 55,22202°N	— 13,53572°E	
— 55,01445°N	— 13,39068°E	
— 55,01099°N	— 13,20750°E	
— 55,07472°N	— 13,16464°E	
— 55,12709°N	— 12,97429°E	
— 55,09678°N	— 12,97513°E	
— 55,16606°N	— 12,79373°E	
— 55,24938°N	— 12,67606°E	
— 55,30773°N	— 12,63771°E	
— 55,33667°N	— 12,64080°E	
— 55,34481°N	— 12,69023°E	
— 55,30593°N	— 12,70856°E	
— 55,27558°N	— 12,80246°E	
— 55,26932°N	— 12,88011°E	
— 55,27786°N	— 12,92801°E	

* Semi-driftnets, classified in the European Commission Fleet Register as a gillnet (GNS), that are anchored to the seabed at one side, fall within the definition of static nets.

2. The following points are added:

‘3. Special measures in the Baltic Sea

3.1. Fishing shall only be permitted with pots, fish traps and longlines within the following areas enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

“Northern Midsea Bank”:

— 56,241°N	— 17,042°E
— 56,022°N	— 17,202°E
— 56,380°N	— 17,675°E
— 56,145°N	— 17,710°E

3.2. Fishing with all types of static nets (*) shall be prohibited within the following areas enclosed by sequentially joining with rhumb lines the following coordinates which shall be measured according to the WGS84 system:

Natura 2000 site “Hoburgs bank och Midsjöbankarna” (SE0330308)

— 55,64194°N	— 17,55060°E
— 55,77718°N	— 17,45729°E
— 55,80195°N	— 17,32586°E
— 55,69214°N	— 17,11479°E
— 55,54258°N	— 17,18434°E
— 55,50003°N	— 17,00016°E
— 55,37749°N	— 16,58925°E
— 56,01093°N	— 16,61700°E
— 56,45158°N	— 17,14420°E
— 56,50419°N	— 18,05446°E
— 56,84110°N	— 18,08191°E
— 56,82638°N	— 18,64635°E
— 56,67028°N	— 18,75222°E
— 56,40337°N	— 18,60704°E
— 55,79712°N	— 18,03668°E
— 55,78242°N	— 17,99611°E
— 55,64194°N	— 17,55060°E

“Southern Midsea Bank”

The Southern Midsea Bank is defined as the Swedish part of the Southern Midsea Bank, covering all waters between the Natura 2000 site Hoburgs bank och Midsjöbankarna (SE0330308) and the Swedish-Polish border. Polish waters are delimited as the area within the following coordinates:

— 55,377°N	— 16,589°E
— 55,466°N	— 17,538°E
— 55,797°N	— 18,037°E

- 3.3. Fishing with static nets (*) shall be prohibited in the areas enclosed by rhumb lines sequentially joining the following sets of coordinates between 1 November and 31 January:

Natura 2000 site “Adler Grund and Rønne Banke” (DK00VA261)

— 55,035336°N	— 14,459815°E
— 54,971063°N	— 14,607236°E
— 54,812483°N	— 14,413654°E
— 54,812496°N	— 14,171885°E

Natura 2000 site “Adlergrund” (DE1251301)

— 55,64194°N	— 17,55060°E
— 55,77718°N	— 17,45729°E
— 55,80195°N	— 17,32586°E
— 55,69214°N	— 17,11479°E
— 55,54258°N	— 17,18434°E
— 55,50003°N	— 17,00016°E
— 55,37749°N	— 16,58925°E
— 56,01093°N	— 16,61700°E
— 56,45158°N	— 17,14420°E
— 56,50419°N	— 18,05446°E
— 56,84110°N	— 18,08191°E
— 56,82638°N	— 18,64635°E
— 56,67028°N	— 18,75222°E
— 56,40337°N	— 18,60704°E
— 55,79712°N	— 18,03668°E
— 55,78242°N	— 17,99611°E
— 55,64194°N	— 17,55060°E

Natura 2000 site “Westliche Rönnebank” (DE1249301)

— 54,70283°N	— 14,10320°E
— 54,64811°N	— 13,99096°E
— 54,66159°N	— 13,97909°E
— 54,67779°N	— 13,96169°E
— 54,69590°N	— 13,93852°E
— 54,70927°N	— 13,91839°E
— 54,71866°N	— 13,90198°E
— 54,74805°N	— 13,96202°E
— 54,77042°N	— 14,00388°E
— 54,76700°N	— 14,00920°E
— 54,72013°N	— 14,07838°E
— 54,70283°N	— 14,10320°E

Natura 2000 site “Pommersche Bucht mit Oderbank” (DE1652301)

— 54,12615°N	— 14,20141°E
— 54,23882°N	— 14,16802°E
— 54,27765°N	— 14,06962°E
— 54,44113°N	— 14,07828°E
— 54,50001°N	— 14,05618°E
— 54,50001°N	— 14,05786°E
— 54,50000°N	— 14,74218°E
— 54,49839°N	— 14,74796°E
— 54,38175°N	— 14,59768°E
— 54,16732°N	— 14,35027°E
— 54,12576°N	— 14,23746°E
— 54,12608°N	— 14,20783°E
— 54,12615°N	— 14,20141°E

Natura 2000 site “Greifswalder Boddenrandschwelle und Teile der Pommerschen Bucht” (DE1749302)

The area of sea enclosed by:

a) rhumb lines sequentially joining the following coordinates:

— 54,34995°N	— 13,75007°E
— 54,35002°N	— 13,78340°E
— 54,31672°N	— 13,88336°E
— 54,25958°N	— 14,00053°E
— 54,27765°N	— 14,06962°E
— 54,23882°N	— 14,16802°E
— 54,12615°N	— 14,20141°E
— 54,18295°N	— 13,98338°E
— 54,14431°N	— 13,86995°E
— 54,14633°N	— 13,83198°E
— 54,14714°N	— 13,83127°E
— 54,15004°N	— 13,82926°E
— 54,15088°N	— 13,82880°E
— 54,15144°N	— 13,82881°E
— 54,18832°N	— 13,82347°E
— 54,18832°N	— 13,82346°E
— 54,19374°N	— 13,82268°E
— 54,21375°N	— 13,80557°E
— 54,23009°N	— 13,79156°E
— 54,23160°N	— 13,77499°E
— 54,23358°N	— 13,75603°E
— 54,27407°N	— 13,72601°E

b) The coastline from 54,35002° N 13,72601°E to 54,27765°N 13,75007°E

Natura 2000 site "Ostoja na Zatoce Pomorskiej" (PLH990002).

The area of sea enclosed by:

a) rhumb lines sequentially joining the following coordinates:

— 54,32395°N	— 15,38526°E
— 54,25835°N	— 15,38440°E
— 54,24455°N	— 15,38422°E
— 54,19953°N	— 15,38237°E
— 54,16881°N	— 15,38111°E
— 54,15807°N	— 15,38067°E
— 54,15804°N	— 15,38067°E

b) the coast from 54,15804°N 15,38067°E to 54,00013°N 14,65346°E

c) rhumb lines sequentially joining the following coordinates:

— 54,00013°N	— 14,65346°E
— 53,99989°N	— 14,65269°E
— 53,99982°N	— 14,65200°E
— 53,99987°N	— 14,65201°E
— 54,01629°N	— 14,64664°E
— 53,97913°N	— 14,49071°E
— 53,95057°N	— 14,43891°E
— 53,93854°N	— 14,45827°E

d) the coast from 53,93854°N 14,45827°E to 53,92176°N 14,28495°E

e) rhumb lines sequentially joining the following coordinates, read in column order:

— 53,92176°N	— 14,28495°E	— 54,48498°N	— 14,79511°E	— 54,47014°N	— 14,85220°E
— 53,92905°N	— 14,28883°E	— 54,48476°N	— 14,79733°E	— 54,47135°N	— 14,85316°E
— 53,93619°N	— 14,29442°E	— 54,48434°N	— 14,79876°E	— 54,47238°N	— 14,85454°E
— 53,94698°N	— 14,30494°E	— 54,48346°N	— 14,80031°E	— 54,47294°N	— 14,85603°E
— 53,94830°N	— 14,31365°E	— 54,48261°N	— 14,80164°E	— 54,47313°N	— 14,85830°E
— 53,95213°N	— 14,33902°E	— 54,48179°N	— 14,80253°E	— 54,47319°N	— 14,86005°E
— 53,97892°N	— 14,33091°E	— 54,48092°N	— 14,80321°E	— 54,47303°N	— 14,86222°E
— 53,97914°N	— 14,33084°E	— 54,47987°N	— 14,80368°E	— 54,47261°N	— 14,86469°E
— 54,10243°N	— 14,29333°E	— 54,47887°N	— 14,80444°E	— 54,47191°N	— 14,86718°E
— 54,12747°N	— 14,28383°E	— 54,47743°N	— 14,80590°E	— 54,47115°N	— 14,86915°E
— 54,12688°N	— 14,25228°E	— 54,47594°N	— 14,80723°E	— 54,47031°N	— 14,87098°E

— 54,12728°N	— 14,24162°E	— 54,47431°N	— 14,80922°E	— 54,46938°N	— 14,87249°E
— 54,16731°N	— 14,35028°E	— 54,47285°N	— 14,81127°E	— 54,46819°N	— 14,87436°E
— 54,16880°N	— 14,35199°E	— 54,47083°N	— 14,81463°E	— 54,46476°N	— 14,87841°E
— 54,16889°N	— 14,35222°E	— 54,46903°N	— 14,81781°E	— 54,46234°N	— 14,88129°E
— 54,38286°N	— 14,59913°E	— 54,46704°N	— 14,82181°E	— 54,46009°N	— 14,88427°E
— 54,49418°N	— 14,74253°E	— 54,46523°N	— 14,82507°E	— 54,45760°N	— 14,88823°E
— 54,49380°N	— 14,74525°E	— 54,46369°N	— 14,82837°E	— 54,45514°N	— 14,89218°E
— 54,49272°N	— 14,75092°E	— 54,46218°N	— 14,83167°E	— 54,45298°N	— 14,89570°E
— 54,49188°N	— 14,75496°E	— 54,46121°N	— 14,83447°E	— 54,44969°N	— 14,90148°E
— 54,49095°N	— 14,75871°E	— 54,46044°N	— 14,83791°E	— 54,44706°N	— 14,90626°E
— 54,48966°N	— 14,76338°E	— 54,46010°N	— 14,84096°E	— 54,44515°N	— 14,90988°E
— 54,48813°N	— 14,76830°E	— 54,46010°N	— 14,84096°E	— 54,44264°N	— 14,91458°E
— 54,48735°N	— 14,77153°E	— 54,46018°N	— 14,84560°E	— 54,44081°N	— 14,91853°E
— 54,48661°N	— 14,77585°E	— 54,46076°N	— 14,84763°E	— 54,43878°N	— 14,92371°E
— 54,48597°N	— 14,77957°E	— 54,46185°N	— 14,84974°E	— 54,43679°N	— 14,92842°E
— 54,48525°N	— 14,78345°E	— 54,46303°N	— 14,85090°E	— 54,43529°N	— 14,93180°E
— 54,48506°N	— 14,78639°E	— 54,46454°N	— 14,85156°E	— 54,43364°N	— 14,93526°E
— 54,48516°N	— 14,79048°E	— 54,46628°N	— 14,85192°E	— 54,43167°N	— 14,93970°E
— 54,48510°N	— 14,79239°E	— 54,46903°N	— 14,85211°E	— 54,43013°N	— 14,94295°E

f) rhumb lines sequentially joining the following coordinates, read in column order:

— 54,30457°N	— 15,24969°E	— 54,31048°N	— 15,36540°E
— 54,30337°N	— 15,25282°E	— 54,31376°N	— 15,36389°E
— 54,30277°N	— 15,25502°E	— 54,31833°N	— 15,36227°E
— 54,30249°N	— 15,25746°E	— 54,32214°N	— 15,36082°E
— 54,30267°N	— 15,26188°E	— 54,32356°N	— 15,36059°E
— 54,30319°N	— 15,26968°E	— 54,32452°N	— 15,36102°E
— 54,30321°N	— 15,27431°E	— 54,32527°N	— 15,36217°E
— 54,30327°N	— 15,27860°E	— 54,32726°N	— 15,36727°E
— 54,30238°N	— 15,28297°E	— 54,32853°N	— 15,37192°E
— 54,30115°N	— 15,28744°E	— 54,32944°N	— 15,37681°E

— 54,30039°N	— 15,29080°E	— 54,33059°N	— 15,38341°E
— 54,29976°N	— 15,29354°E	— 54,33088°N	— 15,38527°E
— 54,29886°N	— 15,29724°E	— 54,33089°N	— 15,38535°E
— 54,29858°N	— 15,29968°E		
— 54,29829°N	— 15,30447°E		
— 54,29812°N	— 15,31408°E		
— 54,29777°N	— 15,32068°E		
— 54,29695°N	— 15,32706°E		
— 54,29610°N	— 15,33412°E		
— 54,29570°N	— 15,33741°E		
— 54,29523°N	— 15,34150°E		
— 54,29497°N	— 15,34467°E		
— 54,29501°N	— 15,34994°E		
— 54,29578°N	— 15,35382°E		
— 54,29752°N	— 15,35843°E		
— 54,29935°N	— 15,36192°E		
— 54,30108°N	— 15,36420°E		
— 54,30289°N	— 15,36536°E		
— 54,30516°N	— 15,36587°E		
— 54,30711°N	— 15,36580°E		

The marine part of the Natura 2000 site “Wolin i Uznam” (PLH320019)

The area is defined as that area of sea enclosed by joining:

a) rhumb lines sequentially joining the following coordinates:

— 53,93854°N	— 14,45827°E
— 53,95057°N	— 14,43891°E
— 53,97913°N	— 14,49071°E
— 54,01629°N	— 14,64664°E
— 53,99987°N	— 14,65201°E

b) The coastline between 53,93854°N and 14,45827°E

Natura 2000 site “Pommersche Bucht” (DE1552401)

The area of sea enclosed by rhumb lines sequentially joining the following coordinates:

— 54,12576°N	— 14,23746°E
— 54,12615°N	— 14,20141°E
— 54,23882°N	— 14,16801°E
— 54,27765°N	— 14,06962°E

— 54,44109°N	— 14,07828°E
— 54,44113°N	— 14,07828°E
— 54,61491°N	— 14,01307°E
— 54,62898°N	— 14,00541°E
— 54,64622°N	— 13,99307°E
— 54,64642°N	— 13,99285°E
— 54,64811°N	— 13,99096°E
— 54,72155°N	— 14,14161°E
— 54,81190°N	— 14,23910°E
— 54,81190°N	— 14,41303°E
— 54,65773°N	— 14,41303°E
— 54,53561°N	— 14,63560°E
— 54,53208°N	— 14,62721°E
— 54,50000°N	— 14,74218°E
— 54,49839°N	— 14,74796°E
— 54,38175°N	— 14,59768°E
— 54,16732°N	— 14,35027°E
— 54,12576°N	— 14,23746°E

- 3.4. Fishing with static nets (*) shall be prohibited in the areas enclosed by rhumb lines sequentially joining the following sets of coordinates from 1 November to 30 April.

Natura 2000 site “Sydvästkånes utsjövatten” (SE0430187)

— 55,35106°N	— 12,97893°E
— 55,22202°N	— 13,53572°E
— 55,01445°N	— 13,39068°E
— 55,01099°N	— 13,20750°E
— 55,07472°N	— 13,16464°E
— 55,12709°N	— 12,97429°E
— 55,09678°N	— 12,97513°E
— 55,16606°N	— 12,79373°E
— 55,24938°N	— 12,67606°E
— 55,30773°N	— 12,63771°E
— 55,33667°N	— 12,64080°E
— 55,34481°N	— 12,69023°E
— 55,30593°N	— 12,70856°E
— 55,27558°N	— 12,80246°E
— 55,26932°N	— 12,88011°E
— 55,27786°N	— 12,92801°E

3.5. Member States shall ensure that the control authorities can monitor fishing vessel's activity at any time to implement the measures laid down in points 3.1 to 3.4.

(*) Semi-driftnets, classified in the European Commission Fleet Register as a gillnet (GNS), that are anchored to the seabed at one side, fall within the definition of static nets.'

COMMISSION IMPLEMENTING REGULATION (EU) 2022/304**of 23 February 2022****amending Regulation (EC) No 1484/95 as regards fixing representative prices in the poultrymeat and egg sectors and for egg albumin**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 183(b) thereof,

Having regard to Regulation (EU) No 510/2014 of the European Parliament and of the Council of 16 April 2014 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products and repealing Council Regulations (EC) No 1216/2009 and (EC) No 614/2009 ⁽²⁾, and in particular Article 5(6)(a) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 ⁽³⁾ lays down detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.
- (2) Regular monitoring of the data used to determine representative prices for poultrymeat and egg products and for egg albumin shows that the representative import prices for certain products should be amended to take account of variations in price according to origin.
- (3) Regulation (EC) No 1484/95 should therefore be amended accordingly.
- (4) Given the need to ensure that this measure applies as soon as possible after the updated data have been made available, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1484/95 is replaced by the text set out in the Annex to this Regulation.

Article 2

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

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 150, 20.5.2014, p. 1.

⁽³⁾ Commission Regulation (EC) No 1484/95 of 28 June 1995 laying down detailed rules for implementing the system of additional import duties and fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and repealing Regulation No 163/67/EEC (OJ L 145, 29.6.1995, p. 47).

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

Done at Brussels, 23 February 2022.

*For the Commission,
On behalf of the President,
Wolfgang BURTSCHER
Director-General
Directorate-General for Agriculture and Rural
Development*

ANNEX

‘ANNEX I

CN code	Description of goods	Representative price (EUR/100 kg)	Security under Article 3 (EUR/100 kg)	Origin ⁽¹⁾
0207 14 10	Fowls of the species <i>Gallus domesticus</i> , boneless cuts, frozen	240,5	18	BR

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7).’

COMMISSION IMPLEMENTING REGULATION (EU) 2022/305**of 24 February 2022****amending Annexes V and XIV to Implementing Regulation (EU) 2021/404 as regards the entries for the United Kingdom and the United States in the lists of third countries authorised for the entry into the Union of consignments of poultry, germinal products of poultry and fresh meat of poultry and game birds****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') ⁽¹⁾, and in particular Articles 230(1) and 232(1) thereof.

Whereas:

- (1) Regulation (EU) 2016/429 requires that consignments of animals, germinal products and products of animal origin must come from a third country or territory, or zone or compartment thereof, listed in accordance with Article 230(1) of that Regulation in order to enter the Union.
- (2) Commission Delegated Regulation (EU) 2020/692 ⁽²⁾ lays down the animal health requirements with which consignments of certain species and categories of animals, germinal products and products of animal origin from third countries or territories, or zones thereof, or compartments thereof, in the case of aquaculture animals, must comply with in order to enter the Union.
- (3) Commission Implementing Regulation (EU) 2021/404 ⁽³⁾ establishes the lists of third countries, or territories, or zones or compartments thereof, from which the entry into the Union of the species and categories of animals, germinal products and products of animal origin falling within the scope of Delegated Regulation (EU) 2020/692 is permitted.
- (4) More particularly, Annexes V and XIV to Implementing Regulation (EU) 2021/404 set out the lists of third countries, or territories, or zones thereof authorised for the entry into the Union, respectively, of consignments of poultry, germinal products of poultry, and of fresh meat from poultry and game birds.
- (5) The United Kingdom notified the Commission of an outbreak of highly pathogenic avian influenza in poultry. The outbreak is located near Holy Island, Berwick Upon Tweed, Northumberland, England, and was confirmed on 9 February 2022 by laboratory analysis (RT-PCR).
- (6) Moreover, the United States notified the Commission of an outbreak of highly pathogenic avian influenza in poultry. The outbreak is located in Fulton county, state of Kentucky, United States, and was confirmed on 12 February 2022 by laboratory analysis (RT-PCR).

⁽¹⁾ OJ L 84, 31.3.2016, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2020/692 of 30 January 2020 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for entry into the Union, and the movement and handling after entry of consignments of certain animals, germinal products and products of animal origin (OJ L 174, 3.6.2020, p. 379).

⁽³⁾ Commission Implementing Regulation (EU) 2021/404 of 24 March 2021 laying down the lists of third countries, territories or zones thereof from which the entry into the Union of animals, germinal products and products of animal origin is permitted in accordance with Regulation (EU) 2016/429 of the European Parliament and of the Council (OJ L 114, 31.3.2021, p. 1).

- (7) Furthermore, the United States notified the Commission of an outbreak of highly pathogenic avian influenza in poultry. The outbreak is located in Webster county, state of Kentucky, United States, and was confirmed on 15 February 2022 by laboratory analysis (RT-PCR).
- (8) Additionally, the United States notified the Commission of an outbreak of highly pathogenic avian influenza in poultry. The outbreak is located in a second establishment in the already affected Dubois county, state of Indiana, United States and was confirmed on 16 February 2022 by laboratory analysis (RT-PCR).
- (9) The veterinary authorities of the United Kingdom and the United States established a 10 km control zone around the affected establishments and implemented a stamping-out policy in order to control the presence of highly pathogenic avian influenza and limit the spread of that disease.
- (10) The United Kingdom and the United States have submitted information to the Commission on the epidemiological situation on their territory and the measures they have taken to prevent the further spread of highly pathogenic avian influenza. That information has been evaluated by the Commission. On the basis of that evaluation, the entry into the Union of consignments of poultry, germinal products of poultry, and fresh meat from poultry and game birds from the areas under restrictions established by the veterinary authorities of the United Kingdom and the United States due to the recent outbreaks of highly pathogenic avian influenza should no longer be authorised.
- (11) The animal health situation in several areas of the United Kingdom and of the United States as regards highly pathogenic avian influenza is such that their suspension from the lists set out in Annexes V and XIV to Implementing Regulation (EU) 2021/404 is necessary in order to protect the animal health status of the Union.
- (12) Moreover, the United Kingdom has submitted updated information on the epidemiological situation on its territory in relation to the outbreak of HPAI confirmed in a poultry establishment on 4 November 2021 near Arbroath, Angus, Scotland and the measures it has taken to prevent the further spread of that disease. In particular, following this outbreak of HPAI, the United Kingdom has implemented a stamping out policy in order to control and limit the spread of that disease. In addition, the United Kingdom completed the requisite cleaning and disinfection measures following the implementation of the stamping out policy on the infected poultry establishment on its territory.
- (13) The Commission has evaluated the information submitted by the United Kingdom and concluded that the HPAI outbreak in a poultry establishment near Arbroath, Angus, Scotland has been cleared and that there is no longer any risk associated with the entry into the Union of poultry commodities from the area of the United Kingdom from where entry into the Union of poultry commodities has been suspended due to that outbreak.
- (14) Annexes V and XIV to Implementing Regulation (EU) 2021/404 should be therefore amended accordingly.
- (15) Taking into account the current epidemiological situation in the United Kingdom and in the United States as regards highly pathogenic avian influenza and the serious risk of its introduction into the Union, the amendments to be made to Implementing Regulation (EU) 2021/404 by this Regulation should take effect as a matter of urgency.
- (16) 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 V and XIV to Implementing Regulation (EU) 2021/404 are amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 24 February 2022.

For the Commission
The President
Ursula VON DER LEYEN

Annexes V and XIV to Implementing Regulation (EU) 2021/404 are amended as follows:

(1) Annex V is amended as follows:

(a) Part 1 is amended as follows:

(i) in the entry for the United Kingdom, the row for the zone GB-2.18 is replaced by the following:

‘GB United Kingdom	GB-2.18	Breeding poultry other than ratites and productive poultry other than ratites	BPP	N, P1		4.11.2021	8.2.2022
		Breeding ratites and productive ratites	BPR	N, P1		4.11.2021	8.2.2022
		Poultry intended for slaughter other than ratites	SP	N, P1		4.11.2021	8.2.2022
		Ratites intended for slaughter	SR	N, P1		4.11.2021	8.2.2022
		Day-old chicks other than ratites	DOC	N, P1		4.11.2021	8.2.2022
		Day-old chicks of ratites	DOR	N, P1		4.11.2021	8.2.2022
		Less than 20 heads of poultry other than ratites	POU-LT20	N, P1		4.11.2021	8.2.2022
		Hatching eggs of poultry other than ratites	HEP	N, P1		4.11.2021	8.2.2022
		Hatching eggs of ratites	HER	N, P1		4.11.2021	8.2.2022
		Less than 20 hatching eggs of poultry other than ratites	HE-LT20	N, P1		4.11.2021	8.2.2022’

(ii) in the entry for the United Kingdom, the following row for the zone GB-2.97 is added after the row for zone GB-2.96:

‘GB United Kingdom	GB-2.97	Breeding poultry other than ratites and productive poultry other than ratites	BPP	N, P1		9.2.2022	
		Breeding ratites and productive ratites	BPR	N, P1		9.2.2022	
		Poultry intended for slaughter other than ratites	SP	N, P1		9.2.2022	
		Ratites intended for slaughter	SR	N, P1		9.2.2022	

		Day-old chicks other than ratites	DOC	N, P1		9.2.2022	
		Day-old chicks of ratites	DOR	N, P1		9.2.2022	
		Less than 20 heads of poultry other than ratites	POU-LT20	N, P1		9.2.2022	
		Hatching eggs of poultry other than ratites	HEP	N, P1		9.2.2022	
		Hatching eggs of ratites	HER	N, P1		9.2.2022	
		Less than 20 hatching eggs of poultry other than ratites	HE-LT20	N, P1		9.2.2022'	

(iii) in the entry for the United States, the following rows for zones US-2.5, U.S-2.6 and US-2.7 are inserted after the row for zone US-2.4:

US United States	US.2.5	Breeding poultry other than ratites and productive poultry other than ratites	BPP	N, P1		12.2.2022	
		Breeding ratites and productive ratites	BPR	N, P1		12.2.2022	
		Poultry intended for slaughter other than ratites	SP	N, P1		12.2.2022	
		Ratites intended for slaughter	SR	N, P1		12.2.2022	
		Day-old chicks other than ratites	DOC	N, P1		12.2.2022	
		Day-old chicks of ratites	DOR	N, P1		12.2.2022	
		Less than 20 heads of poultry other than ratites	POU-LT20	N, P1		12.2.2022	
		Hatching eggs of poultry other than ratites	HEP	N, P1		12.2.2022	
		Hatching eggs of ratites	HER	N, P1		12.2.2022	
		Less than 20 hatching eggs of poultry other than ratites	HE-LT20	N, P1		12.2.2022	
	US.2.6	Breeding poultry other than ratites and productive poultry other than ratites	BPP	N, P1		15.2.2022	

		Breeding ratites and productive ratites	BPR	N, P1		15.2.2022	
		Poultry intended for slaughter other than ratites	SP	N, P1		15.2.2022	
		Ratites intended for slaughter	SR	N, P1		15.2.2022	
		Day-old chicks other than ratites	DOC	N, P1		15.2.2022	
		Day-old chicks of ratites	DOR	N, P1		15.2.2022	
		Less than 20 heads of poultry other than ratites	POU-LT20	N, P1		15.2.2022	
		Hatching eggs of poultry other than ratites	HEP	N, P1		15.2.2022	
		Hatching eggs of ratites	HER	N, P1		15.2.2022	
		Less than 20 hatching eggs of poultry other than ratites	HE-LT20	N, P1		15.2.2022	
	US.2.7	Breeding poultry other than ratites and productive poultry other than ratites	BPP	N, P1		16.2.2022	
		Breeding ratites and productive ratites	BPR	N, P1		16.2.2022	
		Poultry intended for slaughter other than ratites	SP	N, P1		16.2.2022	
		Ratites intended for slaughter	SR	N, P1		16.2.2022	
		Day-old chicks other than ratites	DOC	N, P1		16.2.2022	
		Day-old chicks of ratites	DOR	N, P1		16.2.2022	
		Less than 20 heads of poultry other than ratites	POU-LT20	N, P1		16.2.2022	
		Hatching eggs of poultry other than ratites	HEP	N, P1		16.2.2022	
		Hatching eggs of ratites	HER	N, P1		16.2.2022	
		Less than 20 hatching eggs of poultry other than ratites	HE-LT20	N, P1		16.2.2022'	

(b) Part 2 is amended as follows:

(i) in the entry for the United Kingdom, the following description of the zone GB-2.97 is added after the row GB-2.96:

United Kingdom	GB-2.97	Near Holy Island, Berwick Upon Tweed, Northumberland, England: The area contained within a circle of a radius of 10 km, centred on WGS84 dec, coordinates N55.67 and W1.80'
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(ii) in the entry for the United States, the following descriptions of the zones US-2.5, US-2.6 and US-2.7 are added after the description of the zone US-2.4:

United States	US-2.5	<p>State of Kentucky, with zone partially extending into State of Tennessee: Fulton County (Fulton01): a zone of a 10 km radius starting with North point on the circular Fulton 01 premise Control Zone border and extending in a clockwise fashion:</p> <p>(a) North: 1.0 km north-northwest from intersection of US Highway 51S and Sawmill Road. (b) Northeast: 0.9 km south-southeast from the intersection of State Route 307S and State Route 924. (c) East: 0.4 km east intersection of State Route 2150 and State Route 129. (d) Southeast: 0.7 km southeast from intersection of Billy Owens Road and Chapel Hill Road. (e) South: 2.3 km east-southeast from intersection of Hollie Hutchinson Road and Knox Daniel Road. (f) Southwest: 0.4 km northwest from intersection of Hubert Harris Road and Barham Road. (g) West: 1.1 km southeast from intersection of State Route 1127 and State Route 166 W. (h) Northwest: 2.6 km north-northeast of intersection of State Route 239 N and State Route 94 W.</p>
	US-2.6	<p>State of Kentucky: Webster County (Webster01): a zone of a 10 km radius starting with North point on the circular Webster01 premise Control Zone border and extending in a clockwise fashion:</p> <p>(a) North: 2.1 km north-northwest from intersection of Edward T Breathitt Pennyrile Parkway and State Road 56W. (b) Northeast: 1.8 km north from the intersection of Roland Landing and Gravel Pit Road.</p>

		<ul style="list-style-type: none"> (c) East: 1.1 km west from intersection of Weldon Road and Onton Road (d) Southeast: 3.6 km southeast from intersection of Edward T Breathitt Pennyrile Parkway and Jewel City Road. (e) South: 0.4 km east from intersection of Jones Road and Stagecoach Road. (f) Southwest: 1.1 km northwest from intersection of Gooch Jones Road and State Route 120 E. (g) West: 0.7 km south-southeast from intersection of State Route 283 and State Route 132 E. (h) Northwest: 1.8 km southwest of intersection of State Route 56 E and Cottingham Pratt Road.
	US-2.7	<p>State of Indiana: Dubois County (Dubois02): a zone of a 10 km radius starting with North point on the circular Dubois 02 premise Control Zone border and extending in a clockwise fashion:</p> <ul style="list-style-type: none"> (a) North: 1.2 km north-northeast from intersection of E. Schnellville Road and S Rustic Lane. (b) Northeast: 2.1 km north-northwest from the intersection of S 600E and E 400S highways. (c) East: 1.0 km northwest intersection of S Schnell Road and S Kyana Road. (d) Southeast: 0.7 km north from intersection of Highway 64 and E Ferdinand Road E. (e) South: 0.4 km northeast from intersection of County Road 875 E and E County Road 2100N. (f) Southwest: 0.9 km northeast from intersection of S US Highway 231 and W 1100 S. (g) West: 0.8 km northeast from intersection of S 500W and W 630S. (h) Northwest: 1.0 km north of intersection of S US Highway 231 and S Witz Road.'

(2) Annex XIV is amended as follows:

(a) Part 1 is amended as follows:

(i) in the entry for the United Kingdom, the row for the zone GB-2.18 is replaced by the following:

'GB United Kingdom	GB-2.18	Fresh meat of poultry other than ratites	POU	N, P1		4.11.2021	8.2.2022
		Fresh meat of ratites	RAT	N, P1		4.11.2021	8.2.2022
		Fresh meat of game birds	GBM	P1		4.11.2021	8.2.2022'

(ii) in the entry for the United Kingdom, the following row for the zone GB-2.97 is added after the row for the zone GB-2.96:

'GB United Kingdom	GB-2.97	Fresh meat of poultry other than ratites	POU	N, P1		9.2.2022	
		Fresh meat of ratites	RAT	N, P1		9.2.2022	
		Fresh meat of game birds	GBM	P1		9.2.2022'	

(iii) in the entry for the United States, the following rows for the zones US-2.5, U.S-2.6 and US-2.7 are added after the row for the zone US-2.4:

'US United States	US-2.5	Fresh meat of poultry other than ratites	POU	N, P1		12.2.2022	
		Fresh meat of ratites	RAT	N, P1		12.2.2022	
		Fresh meat of game birds	GBM	P1		12.2.2022	
	US-2.6	Fresh meat of poultry other than ratites	POU	N, P1		15.2.2022	
		Fresh meat of ratites	RAT	N, P1		15.2.2022	
		Fresh meat of game birds	GBM	P1		15.2.2022	
	US-2.7	Fresh meat of poultry other than ratites	POU	N, P1		16.2.2022	
		Fresh meat of ratites	RAT	N, P1		16.2.2022	
		Fresh meat of game birds	GBM	P1		16.2.2022'	

(b) in Part 2, in the entry for the United States, the following description of the zones US-2.5, U.S-2.6 and US-2.7 are added after the description of the zone US-2.4:

United States	US-2.5	<p>State of Kentucky, with zone partially extending into State of Tennessee: Fulton County (Fulton01): a zone of a 10 km radius starting with North point on the circular Fulton 01 premise Control Zone border and extending in a clockwise fashion:</p> <ul style="list-style-type: none"> (a) North: 1.0 km north-northwest from intersection of US Highway 51S and Sawmill Road. (b) Northeast: 0.9 km south-southeast from the intersection of State Route 307S and State Route 924. (c) East: 0.4 km east intersection of State Route 2150 and State Route 129. (d) Southeast: 0.7 km southeast from intersection of Billy Owens Road and Chapel Hill Road. (e) South: 2.3 km east-southeast from intersection of Hollie Hutchinson Road and Knox Daniel Road. (f) Southwest: 0.4 km northwest from intersection of Hubert Harris Road and Barham Road. (g) West: 1.1 km southeast from intersection of State Route 1127 and State Route 166 W. (h) Northwest: 2.6 km north-northeast of intersection of State Route 239 N and State Route 94 W.
	US-2.6	<p>State of Kentucky: Webster County (Webster01): a zone of a 10 km radius starting with North point on the circular Webster01 premise Control Zone border and extending in a clockwise fashion:</p> <ul style="list-style-type: none"> (a) North: 2.1 km north-northwest from intersection of Edward T Breathitt Pennyrile Parkway and State Road 56W. (b) Northeast: 1.8 km north from the intersection of Roland Landing and Gravel Pit Road. (c) East: 1.1 km west from intersection of Weldon Road and Onton Road (d) Southeast: 3.6 km southeast from intersection of Edward T Breathitt Pennyrile Parkway and Jewel City Road. (e) South: 0.4 km east from intersection of Jones Road and Stagecoach Road. (f) Southwest: 1.1 km northwest from intersection of Gooch Jones Road and State Route 120 E. (g) West: 0.7 km south-southeast from intersection of State Route 283 and State Route 132 E. (h) Northwest: 1.8 km southwest of intersection of State Route 56 E and Cottingham Pratt Road.

	US-2.7	<p>State of Indiana: Dubois County (Dubois02): a zone of a 10 km radius starting with North point on the circular Dubois 02 premise Control Zone border and extending in a clockwise fashion:</p> <ul style="list-style-type: none"> (a) North: 1.2 km north-northeast from intersection of E. Schnellville Road and S Rustic Lane. (b) Northeast: 2.1 km north-northwest from the intersection of S 600E and E 400S highways. (c) East: 1.0 km northwest intersection of S Schnell Road and S Kyana Road. (d) Southeast: 0.7 km north from intersection of Highway 64 and E Ferdinand Road E. (e) South: 0.4 km northeast from intersection of County Road 875 E and E County Road 2100N. (f) Southwest: 0.9 km northeast from intersection of S US Highway 231 and W 1100 S. (g) West: 0.8 km northeast from intersection of S 500W and W 630S. (h) Northwest: 1.0 km north of intersection of S US Highway 231 and S Witz Road.'
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DECISIONS

COUNCIL IMPLEMENTING DECISION (CFSP) 2022/306 of 24 February 2022 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 31(2) thereof,

Having regard to Council Decision 2013/255/CFSP of 31 May 2013 concerning restrictive measures against Syria ⁽¹⁾, and in particular Article 30(1) thereof,

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

Whereas:

- (1) On 31 May 2013, the Council adopted Decision 2013/255/CFSP.
- (2) The entry for one deceased person should be deleted.
- (3) Annex I to Decision 2013/255/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex I to Decision 2013/255/CFSP is amended as set out in the Annex to this Decision.

Article 2

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

Done at Brussels, 24 February 2022.

For the Council
The President
A. PANNIER-RUNACHER

⁽¹⁾ OJ L 147, 1.6.2013, p. 14.

ANNEX

The following entry is deleted from the list set out in Section A (Persons) of Annex I to Decision 2013/255/CFSP:

32. Mohammed Makhoulf.
-

COUNCIL DECISION (CFSP) 2022/307**of 24 February 2022****amending Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus**

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

- (1) On 15 October 2012, the Council adopted Decision 2012/642/CFSP ⁽¹⁾, concerning restrictive measures in view of the situation in Belarus.
- (2) On the basis of a review of Decision 2012/642/CFSP, and considering the persistent gravity of the situation in Belarus, the restrictive measures should be extended until 28 February 2023.
- (3) The statements of reasons or the information for 27 natural and seven legal persons included in the list of natural and legal persons, entities and bodies subject to restrictive measures set out in Annex I to Decision 2012/642/CFSP should be amended.
- (4) Decision 2012/642/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2012/642/CFSP is amended as follows:

- (1) Article 8 is replaced by the following:

'Article 8

1. This Decision shall apply until 28 February 2023.
2. This Decision shall be kept under constant review and shall be renewed or amended, as appropriate, if the Council deems that its objectives have not been met.;

- (2) Annex I is amended as set out in the Annex to this Decision.

Article 2

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

Done at Brussels, 24 February 2022.

For the Council

The President

A. PANNIER-RUNACHER

⁽¹⁾ Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures in view of the situation in Belarus (OJ L 285, 17.10.2012, p. 1).

Annex I to Decision 2012/642/CFSP is amended as follows:

- (1) in table 'A. Natural persons referred to in Articles 3(1) and 4(1)', entries 2, 3, 8, 16, 18, 19, 20, 21, 30, 31, 33, 46, 49, 50, 53, 70, 77, 87, 88, 112, 114, 121, 123, 124, 125, 127 and 144 are replaced by the following:

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
2.	Dzmitry Valerievich PAULICHENKA Dmitri Valerievich PAVLICHENKO (Dmitriy Valeriyevich PAVLICHENKO)	Дзмітрый Валер’евіч ПАЎЛІЧЭНКА Дмитрий Валериевич ПАВЛИЧЕНКО	Position(s): Former Commander of the Special Rapid Response Unit (SOBR) Commander of an OMON unit DOB: 1966 POB: Vitebsk/Viciebsk, former USSR (now Belarus) Address: Belarusian Association of Veterans of Special Forces of the Ministry of Internal Affairs 'Honour', 111 Mayakovskogo St., 220028 Minsk, Belarus Gender: male	Key person in the unresolved disappearances of Yuri Zakharenko, Viktor Gonchar, Anatoly Krasovski and Dmitri Zavadski in Belarus in 1999-2000. Former Commander of the Special Rapid Response Unit (SOBR) at the Ministry of Internal Affairs (MoIA). Businessman, Head of 'Honour', the MoIA's Association of Veterans of Special Forces of the MoIA. He was identified as commanding an OMON unit during the brutal crackdown on protesters that took place in Belarus in the wake of the 2020 presidential election.	24.9.2004
3.	Viktar Uladzimiravich SHEIMAN (Viktar Uladzimiravich SHEYMAN) Viktor Vladimirovich SHEIMAN (Viktor Vladimirovich SHEYMAN)	Віктар Уладзіміравіч ШЭЙМАН Виктор Владимирович ШЕЙМАН	Position(s): Former Head of the Belarus President Property Management Directorate DOB: 26.5.1958 POB: Soltanishki, Grodno/Hrodna Region/Oblast, former USSR (now Belarus) Address: Belarus President Property Management Directorate, 38 Karl Marx St., 220016 Minsk, Belarus Gender: male	Former Head of the Belarus President Property Management Directorate. Responsible for the unresolved disappearances of Yuri Zakharenko, Viktor Gonchar, Anatoly Krasovski and Dmitri Zavadski in Belarus in 1999-2000. Former Secretary of the Security Council. Sheiman remains a Special Assistant/Aid to the President. He remains an influential and active member of the Lukashenka regime.	24.9.2004

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
8.	Siarhei Mikalaevich KHAMENKA Sergei Nikolaevich KHOMENKO	Сяргей Мікалаевіч ХАМЕНКА Сергей Николаевич ХОМЕНКО	Position(s): Former Deputy Minister of Internal Affairs, Major-General of Militia (police force) Minister of Justice DOB: 21.9.1966 POB: Yasinovataya, former USSR (now Ukraine) Gender: male	In his former leadership position as Deputy Minister of the Ministry of Internal Affairs (MoIA), he was responsible for the repression and intimidation campaign led by MoIA forces in the wake of the 2020 presidential election, in particular arbitrary arrests and ill-treatment, including torture, of peaceful demonstrators as well as intimidation and violence against journalists. He remains active in the Lukashenka regime as Minister of Justice.	2.10.2020
16.	Aliaksandr Mikhailovich ALIASHKEVICH Alexander Mikhailovich ALESHEVICH	Аляксандр Міхайлавіч АЛЯШКЕВІЧ Александр Михайлович АЛЕШКЕВИЧ	Position(s): Former First Deputy Head of the District Department of Internal Affairs in Moskovsky District, Minsk, Head of Criminal Police Head of the District Department of Internal Affairs in Leninsky District, Minsk Gender: male	In his former position as First Deputy Head of the District Department of Internal Affairs in Moskovsky District, Minsk, and Head of Criminal Police, he was responsible for the repression and intimidation campaign in that district against peaceful protesters in the wake of the 2020 presidential election, in particular arbitrary arrests, excessive use of force and ill-treatment, including torture. He remains active in the Lukashenka regime as Head of the District Department of Internal Affairs in Leninsky District, Minsk.	2.10.2020
18.	Aliaksandr Paulavich VASILIEU Alexander Pavlovich VASILIEV	Аляксандр Паўлавіч ВАСІЛЬЕЎ Александр Павлович ВАСИЛЬЕВ	Position(s): Former Head of the Department of Internal Affairs of Gomel/Homyel Region/Oblast Executive Committee Head of the Academy of the Ministry of Internal Affairs DOB: 24.3.1975 POB: Mahiliou/Mogilev, former USSR (now Belarus) Gender: male	In his former position as Head of the Department of Internal Affairs of Gomel/Homyel Region/Oblast Executive Committee, he was responsible for the repression and intimidation campaign in that region/oblast against peaceful protesters in the wake of the 2020 presidential election, in particular arbitrary arrests, excessive use of force and ill-treatment, including torture. He remains active in the Lukashenka regime as Head of the Academy of the Ministry of Internal Affairs.	2.10.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
19.	Aleh Mikalaevich SHULIAKOUSKI Oleg Nikolaevich SHULIAKOVSKI	Алег Мікалаевіч ШУЛЯКОЎСкі Олег Николаевич ШУЛЯКОВСКИЙ	Position(s): Former First Deputy Head of the Department of Internal Affairs of Gomel/Homyel Region/Oblast Executive Committee, Head of Criminal Police Head of the Department of Internal Affairs of the Brest Region/Oblast Executive Committee DOB: 26.7.1977 Gender: male	In his former position as First Deputy Head of the Department of Internal Affairs of Gomel/Homyel Region/Oblast Executive Committee and Head of Criminal Police, he was responsible for the repression and intimidation campaign in that region/oblast against peaceful protesters in the wake of the 2020 presidential election, in particular arbitrary arrests, excessive use of force and ill-treatment, including torture. He remains active in the Lukashenka regime as Head of the Department of Internal Affairs of the Brest Region/Oblast Executive Committee.	2.10.2020
20.	Anatol Anatolievich VASILIEU Anatoli Anatolievich VASILIEV	Анатоль Анатольевіч ВАСІЛЬЕЎ Анатолий Анатольевич ВАСИЛЬЕВ	Position(s): Former Deputy Head of the Department of Internal Affairs of Gomel/Homyel Region/Oblast Executive Committee, Head of Public Safety Police Deputy Chairman of the Investigative Committee DOB: 26.1.1972 POB: Gomel/Homyel, Gomel/Homyel Region/Oblast, former USSR (now Belarus) Gender: male	In his former position as Deputy Head of the Department of Internal Affairs of Gomel/Homyel Region/Oblast Executive Committee and Head of Public Safety Police, he was responsible for the repression and intimidation campaign in that region/oblast against peaceful protesters in the wake of the 2020 presidential election, in particular arbitrary arrests, excessive use of force and ill-treatment, including torture. He remains active in the Lukashenka regime as Deputy Chairman of the Investigative Committee.	2.10.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
21.	Aliaksandr Viachaslavavich ASTREIKA Alexander Viacheslavovich ASTREIKO	Аляксандр Вячаслававіч АСТРЭЙКА Александр Вячеславович АСТРЕЙКО	Position(s): Former Head of the Department of Internal Affairs of Brest Region/Oblast Executive Committee, Major-General of Militia (police force) Head of the Department of Internal Affairs of the Minsk Region/Oblast Executive Committee DOB: 22.12.1971 POB: Kapyl, former USSR (now Belarus) Gender: male	In his former position as Head of the Department of Internal Affairs of Brest Region/Oblast Executive Committee and Major-General of Militia, he was responsible for the repression and intimidation campaign in that region/oblast against peaceful protesters in the wake of the 2020 presidential election, in particular arbitrary arrests, excessive use of force and ill-treatment, including torture. He remains active in the Lukashenka regime as Head of the Department of Internal Affairs of the Minsk Region/Oblast Executive Committee.	2.10.2020
30.	Uladzimir Viktaravich KALACH Vladimir Viktorovich KALACH	Уладзімір Віктаравіч КАЛАЧ Владимир Викторович КАЛАЧ	Position(s): Former Deputy Chairman of the State Security Committee (KGB) Aide to the President of the Republic of Belarus - Inspector for Minsk Region/Oblast Gender: male Rank: Major-General	In his former leadership position as Deputy Chairman of the State Security Committee (KGB), he was responsible for the participation of the KGB in the repression and intimidation campaign in the wake of the 2020 presidential election, in particular arbitrary arrests and ill-treatment, including torture, of peaceful demonstrators and opposition members. He remains active in the Lukashenka regime as Aide to the President of the Republic of Belarus - Inspector for Minsk Region/Oblast.	2.10.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
31.	Alieg Anatolevich CHARNYSHOU Oleg Anatolievich CHERNYSHEV	Алег Анатольевіч ЧАРНЫШОЎ Олег Анатольевич ЧЕРНЫШЁВ	Position(s): Former Deputy Chairman of the State Security Committee (KGB) Deputy Chairman of the Presidium of the National Academy of Sciences Gender: male Rank: Major-General	In his former leadership position as Deputy Chairman of the State Security Committee (KGB), he was responsible for the participation of the KGB in the repression and intimidation campaign in the wake of the 2020 presidential election, in particular arbitrary arrests and ill-treatment, including torture, of peaceful demonstrators and opposition members. He remains active in the Lukashenka regime as Deputy Chairman of the Presidium of the National Academy of Sciences.	2.10.2020
33.	Lidzia Mihailauna YARMOSHINA Lidia Mikhailovna YERMOSHINA	Лідзія Міхайлаўна ЯРМОШЫНА Лидия Михайловна ЕРМОШИНА	Position(s): Former Chairwoman of the Central Electoral Commission (CEC) DOB: 29.1.1953 POB: Slutsk, former USSR (now Belarus) Gender: female	In her former position as Chairwoman of the Central Electoral Commission (CEC), she was responsible for its misconduct of the 2020 presidential electoral process, its non-compliance with basic international standards of fairness and transparency, and its falsification of election results. The CEC and its leadership have, in particular, organised the dismissal of certain opposition candidates on spurious grounds and placed disproportionate restrictions on observers in polling stations. The CEC has also ensured that the election commissions under its supervision are composed in a biased manner.	2.10.2020
46.	Viktar Aliaksandravich LUKASHENKA Viktor Aleksandrovich LUKASHENKO	Віктар Аляксандравіч ЛУКАШЭНКА Виктор Александрович ЛУКАШЕНКО	Position(s): Former National Security Advisor to the President, Member of the Security Council President of the National Olympic Committee of Belarus	In his former position as National Security Advisor to the President and a Member of the Security Council, as well as his informal supervisory position over Belarus security forces, he has been responsible for the repression and intimidation campaign led by the State apparatus in the wake of the 2020 presidential election, in particular arbitrary arrests and ill-treatment, including torture, of peaceful demonstrators as well as intimidation and violence against journalists.	6.11.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
			DOB: 28.11.1975 POB: Mahiliou/Mogilev, former USSR (now Belarus) Gender: male Personal ID: 3281175A014PB8	He remains active in the Lukashenka regime as the President of the National Olympic Committee. In this position, to which he was appointed on 26 February 2021, he bears responsibility for the mistreatment by the NOC officials of athlete Krystsina Tsimanouskaya during the 2020 Summer Olympics in Tokyo.	
49.	Raman Ivanavich MELNIK Roman Ivanovich MELNIK	Раман Іванавіч МЕЛЬНІК Роман Иванович МЕЛЬНИК	Position(s): Former Head of the Main Directorate of Law and Order Protection and Prevention at the Ministry of Internal Affairs Head of the Administration of the Leninsky District of Minsk DOB: 29.5.1964 Gender: male	In his former leadership position as the Head of the Main Directorate of Law and Order Protection and Prevention at the Ministry of Internal Affairs, he was responsible for the repression and intimidation campaign led by the State apparatus in the wake of the 2020 presidential election, in particular arbitrary arrests and ill-treatment, including torture, of peaceful demonstrators as well as intimidation and violence against journalists. He remains active in the Lukashenka regime as Head of the Administration of the Leninsky District of Minsk.	6.11.2020
50.	Ivan Danilavich NASKEVICH Ivan Danilovich NOSKEVICH	Іван Данілавіч НАСКЕВІЧ Иван Данилович НОСКЕВИЧ	Position(s): Former Chairman of the Investigative Committee Member of the reserve of the Investigative Committee DOB: 25.3.1970 POB: village of Cierabličy in Brest Region/Oblast, former USSR (now Belarus) Gender: male	In his former leadership position as the Chairman of the Investigative Committee, he was responsible for the repression and intimidation campaign led by that Committee in the wake of the 2020 presidential election, in particular investigations launched against the Coordination Council and peaceful demonstrators. He remains active in the Lukashenka regime as a member of the reserve of the Investigative Committee.	6.11.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
53.	Andrei Fiodaravich SMAL Andrei Fyodorovich SMAL	Андрэй Фёдаравіч СМАЛЬ Андрей Фёдорович СМАЛЬ	Position(s): Former Deputy Chairman of the Investigative Committee DOB: 1.8.1973 POB: Brest, former USSR (now Belarus) Gender: male	In his former leadership position as the Deputy Chairman of the Investigative Committee, he was responsible for the repression and intimidation campaign led by the Committee in the wake of the 2020 presidential election, in particular investigations launched against the Coordination Council and peaceful demonstrators.	6.11.2020
70.	Aleh Heorhievich KARAZIEI Oleg Georgievich KARAZEI	Алег Георгіевіч КАРАЗЕЙ Олег Георгиевич КАРАЗЕЙ	Position(s): Former Head of the Prevention Department of the Main Department of Law Enforcement and Prevention of the Public Security Police of the Ministry of Internal Affairs Associate professor at the Academy of the Ministry of Internal Affairs DOB: 1.1.1979 POB: Minsk Region/Oblast, former USSR (now Belarus) Gender: male	In his former leadership position as Head of the Prevention Department of the Main Department of Law Enforcement and Prevention of the Public Security Police of the Ministry of Internal Affairs, he was responsible for the repression and intimidation campaign led by the police forces in the wake of the 2020 presidential election, in particular arbitrary arrests and ill-treatment, including torture, of peaceful demonstrators as well as intimidation and violence against journalists. He remains active in the Lukashenka regime as associate professor at the Academy of the Ministry of Internal Affairs.	17.12.2020
77.	Viktar Ivanavich STANISLAUCHYK Viktor Ivanovich STANISLAVCHIK	Віктар Іванавіч СТАНІСЛАЎЧЫК Виктор Иванович СТАНИСЛАВЧИК	Position(s): Former Deputy Head of the Police Department of the Sovetsky District of Minsk, Head of the Public Security Police First Deputy Head of the Centre of Advanced Studies and Specialists of the Ministry of Internal Affairs	In his former position as Deputy Head of the Police Department of the Sovetsky District of Minsk and Head of the Public Security Police, he was responsible for the repression and intimidation campaign led by the local police force under his command in the wake of the 2020 presidential election, in particular arbitrary arrests and ill-treatment, including torture, of peaceful demonstrators as well as intimidation and violence against journalists.	17.12.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
			DOB: 27.1.1971 Gender: male	According to witnesses, he personally supervised the detention of peaceful protesters and beatings of those unlawfully detained. He remains active in the Lukashenka regime as the First Deputy Head of the Centre of Advanced Studies and Specialists of the Ministry of Internal Affairs.	
87.	Aliaksandr Vasilevich SHAKUTSIN Aleksandr Vasilevich SHAKUTIN	Аляксандр Васільевіч ШАКУЦІН Александр Васильевич ШАКУТИН	Position(s): Businessman, chairman of the board of directors of Amkodor holding DOB: 12.1.1959 POB: Bolshoe Babino, Orsha Rayon, Vitebsk/Viciebsk Region/Oblast, former USSR (now Belarus) Gender: male	He is one of the leading businessmen operating in Belarus, with business interests in construction, machine building, agriculture and other sectors. He is reported to be one of the persons who benefitted most from the privatisation during Lukashenka's tenure as President. He is also a former member of the presidium of the pro-Lukashenka public association 'Belaya Rus' and a former member of the Council for the Development of Entrepreneurship in the Republic of Belarus. In July 2020 he made public comments condemning the opposition protests in Belarus, thus supporting the Lukashenka regime's policy of repression towards peaceful protesters, democratic opposition and civil society. He maintains business interests in Belarus.	17.12.2020
88.	Mikalai Mikalaevich VARABEI/VERABEI Nikolay Nikolaevich VOROBAY	Мікалай Мікалаевіч ВАРАБЕЙ/ВЕРАБЕЙ Николай Николаевич ВОРОБЕЙ	Position(s): Businessman, co-owner of Bremino Group DOB: 4.5.1963 POB: Ukrainian SSR (now Ukraine) Gender: male	He is one of the leading businessmen operating in Belarus, and has had business interests in petroleum, coal transit, banking and other sectors. He is the co-owner of Bremino Group – a company that has enjoyed tax breaks and other forms of support from the Belarusian administration. His company BelKazTrans was granted an exclusive right to transfer coal through Belarus. In December 2020 he transferred some of his assets to his close business associates. According to media reports he still controls	17.12.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
				companies Interservice and Oil Bitumen Plant. He maintains business activities and close relations with authorities in Belarus and gave two luxury cars to Lukashenka. He also has business interests in Ukraine and Russia. He is therefore benefitting from and supporting the Lukashenka regime.	
112.	Siarhei Aliaksandravich GUSACHENKA Sergey Alexandrovich GUSACHENKO	Сяргей Аляксандравіч ГУСАЧЭНКА Сергей Александрович ГУСАЧЕНКО	Position(s): Deputy Chair of the National State Television and Radio Company (Belteleradio Company) DOB: 5.11.1983 POB: Minsk, former USSR (now Belarus) Gender: male Nationality: Belarusian Tel. (office): +375 (17) 369-90-15	In his position as the Deputy Chair of Belteleradio Company (the National State Television and Radio Company), author and host of weekly propaganda television show 'Glavnyy efir', Siarhei Gusachenka has been willingly providing the Belarusian public with false information about the outcome of elections, protests, repressions perpetrated by the state authorities and activities of the Lukashenka regime that facilitate illegal crossing of the external borders of the Union. He is directly responsible for the way in which the state television presents information about the situation in the country, thus lending support to the authorities including Lukashenka. He is therefore supporting the Lukashenka regime.	21.6.2021
114.	Volha Mikalaeuna CHAMADANAVA Olga Nikolaevna CHEMODANOVA	Вольга Мікалаеўна ЧАМАДАНАВА Ольга Николаевна ЧЕМОДАНОВА	Position(s): Former Press Secretary of the Ministry of Internal Affairs of Belarus Head of the Main Directorate for Ideology and Youth of the Minsk City Executive Committee DOB: 13.10.1977 POB: Minsk Region/Oblast, former USSR (now Belarus)	In her former position as the main media person of the Ministry of Internal Affairs of Belarus, Volha Chamadanava played a key role in distorting and deflecting the facts regarding violence against protesters, as well as in spreading false information about them. She threatened peaceful protesters and continuously justified violence against them. Since she has been a part of the security apparatus and has spoken on its behalf, she is therefore supporting the Lukashenka regime.	21.6.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
			Gender: female Nationality: Belarusian Rank: Colonel Passport: MC1405076	She remains active in the Lukashenka regime as the Head of the Main Directorate for Ideology and Youth of the Minsk City Executive Committee.	
121.	Liliya Valereuna LUKASHENKA (SIAMASHKA) Liliya Valerevna LUKASHENKO (SEMASHKO)	Лілія Валер’еўна ЛУКАШЭНКА (СЯМАШКА) Лилия Валерьевна ЛУКАШЕНКО (СЕМАШКО)	Position(s): Businesswoman, director of an art gallery DOB: 29.10.1979 Gender: female Nationality: Belarusian Personal ID: 4291079A047PB1	Liliya Lukashenka is the wife of Viktor Lukashenka and daughter-in-law of Aliaksandr Lukashenka. She has been closely connected with a number of high-profile companies which have benefitted from the Lukashenka regime, including Dana Holdings / Dana Astra and Belkhudozhpromysly concern. She was present, alongside her husband Viktor Lukashenka, on Aliaksandr Lukashenka’s secret inauguration in September 2020. She is currently the director of the art gallery ‘Art Chaos’. Her business activities are promoted by regime-affiliated media. She is therefore benefitting from and supporting the Lukashenka regime.	21.6.2021
123.	Aliaksandr Yauhenavich SHATROU Alexander (Alexandr) Evgenevich SHATROV	Аляксандр Яўгенавіч ШАТРОЎ Александр Евгеньевич ШАТРОВ	Position(s): Businessman, shareholder and former head of Synesis LLC DOB: 9.11.1978 POB: former USSR (now Russian Federation) Gender: male Nationality: Russian, Belarusian Personal ID: 3091178A002VF5	In his position as the former head and former majority shareholder of Synesis LLC, Alexander Shatrov was responsible for that company’s decision to provide Belarusian authorities with a surveillance platform, Kipod, which can search through and analyse video footage and employ facial recognition software. He is therefore contributing to the repression of civil society and democratic opposition by the state apparatus. Synesis LLC and its subsidiary Panoptes benefit from their participation in the Republican Safety Monitoring System. Other companies which have been owned or co-owned by Shatrov, such as BelBet and Synesis Sport, also benefit from government contracts.	21.6.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
				<p>He made public statements in which he criticised those protesting against the Lukashenka regime and put into perspective the lack of democracy in Belarus. He therefore benefits from and supports the Lukashenka regime.</p> <p>He remains a shareholder of Synesis LLC.</p>	
124.	Siarhei Siamionavich TSIATSERYN Sergei Semionovich TETERIN	Сяргей Сямёнавіч ЦЯЦЕРЫН Сергей Семёнович ТЕТЕРИН	<p>Position(s): Businessman, owner of BelGlobalStart, co-owner of VIBEL, former Chairman of the Belarusian Tennis Federation</p> <p>DOB: 7.1.1961</p> <p>POB: Minsk, former USSR (now Belarus)</p> <p>Gender: male</p> <p>Nationality: Belarusian</p>	<p>Siarhei Tsiatseryn is one of the leading businessmen operating in Belarus, with business interests in the distribution of alcohol drinks (through his company BelGlobalStart), food products and furniture. He belongs to Lukashenka's inner circle.</p> <p>In 2019, BelGlobalStart was granted an opportunity to start the construction of a multi-functional business centre in front of the presidential palace in Minsk. He co-owns the company VIBEL, which sells commercials on a number of Belarusian national TV channels. He was the chairman of the Belarusian Tennis Federation and Lukashenka's former aide for sports matters.</p>	21.6.2021
125.	Mikhail Safarbekovich GUTSERIEV	Микаил (Михаил) Сафарбекович ГУЦЕРИЕВ	<p>Position(s): Businessman, shareholder and chairman of the board of executives of Safmar and Slavkali companies</p> <p>DOB: 9.5.1958</p> <p>POB: Akmolinsk, former USSR (now Kazakhstan)</p> <p>Gender: male</p> <p>Nationality: Russian</p>	<p>Mikhail Gutseriev is a prominent Russian businessman, with business interests in Belarus in the sectors of energy, potash, hospitality and others. He is a long-time acquaintance of Aliaksandr Lukashenka and thanks to that association has accumulated significant wealth and influence among the political elite in Belarus. Safmar, a company which has been controlled by Gutseriev, was the only Russian oil firm that carried on supplying oil to Belarusian refineries during the energy crisis between Belarus and Russia in early 2020.</p>	21.6.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
				<p>Gutseriev also supported Lukashenka in disputes with Russia over oil deliveries. Gutseriev has been the chairman of the board of directors of, and a shareholder in, the Slavkali company, which is building the Nezhinsky potassium chloride mining and processing plant based on the Starobinsky potash salt deposit near Lyuban. It is the largest investment in Belarus, worth USD 2 billion. Lukashenka promised to rename the town of Lyuban 'Gutserievsk' in his honour.</p> <p>His other businesses in Belarus have included fuelling stations and oil depots, a hotel, a business centre and an airport terminal in Minsk. Lukashenka came to Gutseriev's defence after a criminal investigation was initiated against him in Russia. Lukashenka also thanked Gutseriev for his financial contributions to charity and investments worth billions of dollars in Belarus. Gutseriev is reported to have gifted Lukashenka luxurious presents.</p> <p>Gutseriev also declared himself to be the owner of a residency which de facto belongs to Lukashenka, thus covering him up when journalists started to investigate Lukashenka's assets. Gutseriev attended Lukashenka's secret inauguration on 23 September 2020. In October 2020 Lukashenka and Gutseriev both appeared at the opening of an orthodox church, which the latter sponsored.</p> <p>According to media reports, when the striking employees of Belarusian state-owned media were fired in August 2020, Russian media workers were flown to Belarus on board aircraft belonging to Gutseriev in order to replace the fired workers, and lodged in</p>	

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
				the Minsk Renaissance Hotel belonging to Gutseriev. Gutseriev assisted with the acquisition of CT scanners for Belarus during the COVID-19 crisis. Mikhail Gutseriev is therefore benefitting from and supporting the Lukashenka regime.	
127.	Aliaksandr Mikalaevich ZAITSAU Alexander (Alexandr) Nikolaevich ZAITSEV	Аляксандр Мікалаевіч ЗАЙЦАЎ Александр Николаевич ЗАЙЦЕВ	Position(s): Businessman, co-owner of Bremino Group and Sohra Group DOB: 22.11.1976 POB: Ruzhany, Brest Region/Oblast, former USSR (now Belarus) Gender: male Nationality: Belarusian	Aliaksandr Zaitsau is the former assistant of Viktor Lukashenka, son of and former Adviser on National Security to Aliaksandr Lukashenka. Through access to the Lukashenka family, Zaitsau obtains lucrative contracts for his businesses. He has had close ties with the Sohra Group that is granted the right to export state-owned enterprises' production (tractors and trucks) to the Gulf and African countries. He is also the co-owner and chairman of the Council of participants of Bremino Group. The company has received state support for developing the Bremino-Orsha zone, as well as a number of financial and tax advantages and other benefits. Zaitsau and other owners of Bremino Group received support from Viktor Lukashenka. He therefore benefits from and supports the Lukashenka regime.	21.6.2021
144.	Andrei Siarheevich BAKACH Andrei Sergeevich BAKACH	Андрэй Сяргеевіч БАКАЧ Андрей Сергеевич БАКАЧ	Position(s): Former Head of the Pervomaysky District Police Department of Minsk First Deputy Head of the Internal Affairs Directorate of the Grodno/Hrodna Regional Executive Committee DOB: 19.11.1983	In his former position as Head of the Department of Internal Affairs of the Pervomaysky District Administration in Minsk, Andrei Bakach was responsible for the actions of police forces belonging to that police precinct and for the actions occurring in the police station. During his time as Head, peaceful protesters in Minsk were subjected to cruel, inhumane and degrading treatment inside the police station under his control. He is therefore responsible for serious violations of human rights and the repression of civil society and democratic opposition.	21.6.2021';

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
			POB: Minsk, former USSR (now Belarus) Gender: male Nationality: Belarusian	He remains active in the Lukashenka regime as the First Deputy Head of the Internal Affairs Directorate of the Grodno/Hrodna Regional Executive Committee.	

(2) table 'B. Legal persons, entities or bodies referred to in Article 4(1)' is replaced by the following table:

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
1.	Beltechexport	Белтехэкспорт	Address: Nezavisimosti Ave. 86-B, Minsk, Belarus Website: https://bte.by/ E-mail address: mail@bte.by	Beltechexport is a private entity which exports weapons and military equipment produced by Belarusian state-owned companies to countries in Africa, South America, Asia and the Middle East. Beltechexport is closely associated with the Ministry of Defence of Belarus. Beltechexport is therefore benefitting from its association with and supporting the Lukashenka regime, by bringing benefits to the presidential administration.	17.12.2020
2.	Dana Holdings	ТАА 'Дана Холдингз' ООО 'Дана Холдингз'	Address: Peter Mstislavets St. 9, pom. 3 (office 4), 220076 Minsk, Belarus Registration number: 690611860 Websites: https://bir.by/ ; https://en.dana-holdings.com ; https://dana-holdings.com/	Dana Holdings is one of the main real estate developers and constructors in Belarus. The company and its subsidiaries received development rights for plots of land and developed several large residential complexes and business centres. Individuals reportedly representing Dana Holdings maintain close relations with President Lukashenka. Liliya Lukashenka, daughter-in-law of the President, had a high-ranking position in Dana Astra.	17.12.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
			E-mail address: info@bir.by Tel.: +375 (29) 636-23-91	Dana Holdings is still active economically in Belarus. Dana Holdings is therefore benefitting from and supporting the Lukashenka regime.	
3.	Dana Astra	ЗТАА 'Дана Астра' ИООО 'Дана Астра'	Address: Peter Mstislavets St. 9, pom. 9-13, 220076 Minsk, Belarus Registration number: 191295361 Websites: https://bir.by/; https://en.dana-holdings.com; https://dana-holdings.com/ E-mail address: PR@bir.by Tel.: +375 (17) 269-32-60; +375 17 269-32-51	Dana Astra, previously a subsidiary of Dana Holdings, is one of the main real estate developers and constructors in Belarus. The company received development rights for plots of land and is developing the multifunctional centre 'Minsk World', which is advertised by the company as the biggest investment of its kind in Europe. Individuals reportedly representing Dana Astra maintain close relations with President Lukashenka. Liliya Lukashenka, daughter-in-law of the President, had a high-ranking position in the company. Dana Astra is therefore benefitting from and supporting the Lukashenka regime.	17.12.2020
4.	GHU – Main Economic Department of the Presidential Administration	Главное хозяйственное управление	Address: Miasnikova St. 37, Minsk, Belarus Website: http://ghu.by E-mail address: ghu@ghu.by	Main Economic Department (GHU) of the Presidential Administration is the largest operator on the non-residential real estate market in the Republic of Belarus and a supervisor of numerous companies. Victor Sheiman, who as the former head of the Belarus President Property Management Directorate exercised direct control over GHU, was asked by President Aliaksandr Lukashenka to supervise the safety of the 2020 presidential elections. GHU is therefore benefitting from its association with and supporting the Lukashenka regime.	17.12.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
5.	SYNESIS LLC	ООО 'Синезис'	Address: Platonova 20B, 220005 Minsk, Belarus; Mantulinskaya 24, 123100 Moscow, Russia Registration number: 190950894 (Belarus); 7704734000/770301001 (Russia) Website: https://synesis.partners ; https://synesis-group.com/ E-mail address: yuriy.serbenkov@synesis.by Tel.: +375 (17) 240-36-50	Synesis LLC provides the Belarusian authorities with a surveillance platform, which can search through and analyse video footage and employ facial recognition software, making the company responsible for the repression of civil society and democratic opposition by the state apparatus in Belarus. Synesis employees are forbidden from communicating in Belarusian, thereby supporting the Lukashenka regime's policy of discrimination on the basis of language. The Belarusian State Security Committee (KGB) and Ministry of Internal Affairs are listed as users of a system created by Synesis. The company is therefore benefitting from its association with and supporting the Lukashenka regime. Synesis former head, founder and former majority shareholder Alexander Shatrov publicly criticised those protesting against the Lukashenka regime and relativized the lack of democracy in Belarus.	17.12.2020
6.	AGAT electromechanical Plant OJSC	Агат-электромеханический завод	Address: Nezavisimosti Ave. 115, 220114 Minsk, Belarus Website: https://agat-emz.by/ E-mail address: marketing@agat-emz.by Tel.: +375 (17) 272-01-32; +375 (17) 570-41-45	AGAT electromechanical Plant OJSC is part of the Belarusian State Authority for Military Industry of the Republic of Belarus (a. k.a. SAMI or State Military Industrial Committee), which is responsible for implementing the military-technical policy of the State and a subordinate to the Council of Ministers and President of Belarus. AGAT electromechanical Plant OJSC is therefore benefitting from its association with and supporting the Lukashenka regime. The company manufactures 'Rubezh' – a barrier system designed for riot control that has been deployed against peaceful demonstrations that took place in the wake of the presidential	17.12.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
				elections held on 9 August 2020, thus making the company responsible for the repression of civil society and democratic opposition.	
7.	140 Repair Plant	140 ремонтный завод	Website: 140zavod.org	<p>140 Repair Plant is part of the Belarusian State Authority for Military Industry of the Republic of Belarus (a.k.a. SAMI or State Military Industrial Committee), which is responsible for implementing the military-technical policy of the State and a subordinate to the Council of Ministers and President of Belarus. 140 Repair Plant is therefore benefitting from its association with and supporting the Lukashenka regime.</p> <p>The company manufactures transport vehicles and armoured vehicles, which have been deployed against peaceful demonstrations that took place in the wake of the presidential elections held on 9 August 2020, thus making the company responsible for the repression of civil society and democratic opposition.</p>	17.12.2020
8.	MZKT (a.k.a. VOLAT)	МЗКТ - Минский завод колёсных тягачей	Website: www.mzkt.by	<p>MZKT (a.k.a. VOLAT) is part of the Belarusian State Authority for Military Industry of the Republic of Belarus (a.k.a. SAMI or State Military Industrial Committee), which is responsible for implementing the military-technical policy of the State and a subordinate to the Council of Ministers and the President of Belarus. MZKT (a.k.a. VOLAT) is therefore benefitting from its association with and supporting the Lukashenka regime.</p> <p>Employees of MZKT who protested during the visit of Aliaksandr Lukashenka to the factory and went on strike in the wake of the 2020 presidential elections in Belarus were fired, which makes the company responsible for violation of human rights.</p>	17.12.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
9.	Sohra Group / Sohra LLC	ООО Сохра	Address: Revolucyonnaya 17/19, office no. 22, 220030 Minsk, Belarus Registration number: 192363182 Website: http://sohra.by/ E-mail address: info@sohra.by	Sohra company was owned by Aliaksandr Zaitsau, one of the most influential businessmen in Belarus, a person with close connections to the Belarusian political establishment and a close aide to Lukashenka's eldest son Viktor. Sohra promotes Belarusian industrial products in countries in Africa and the Middle East. It co-founded the defence company BSVT-New Technologies, engaged in weapons production and missile modernisation. Sohra, using its privileged position, serves as a proxy between the Belarusian political establishment and state-owned companies and foreign partners in Africa and the Middle East. It also engaged in gold mining in African countries on the basis of concessions obtained by the Lukashenka regime. Sohra Group is therefore benefitting from the Lukashenka regime.	21.6.2021
10.	Bremino Group LLC	ООО 'Бремино групп'	Address: Niamiha 40, 220004 Minsk, Belarus; Bolbasovo village, Zavodskaya 1k, Orsha Region/Oblast, Belarus Registration number: 691598938 Website: http://www.bremino.by E-mail address: office@bremino.by ; marketing@bremino.by	Bremino Group is the initiator and co-administrator of the Bremino-Orsha special economic zone project, created by a presidential decree signed by Aliaksandr Lukashenka. The company has received state support for developing the Bremino-Orsha zone, as well as a number of financial and tax advantages and other benefits. The owners of Bremino Group - Aliaksandr Zaitsau, Mikalai Varabei and Aliaksei Aleksin - belong to the inner circle of Lukashenka-related businessmen and maintain close relations with Lukashenka and his family. Bremino Group is therefore benefitting from the Lukashenka regime. Bremino Group is the owner of Transport and Logistics Center (TLC) on the Belarusian-Polish border - Bremino-Bruzgi, which was used by the Lukashenka regime as a shelter for migrants who	21.6.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
				<p>have been transported to the Belarusian-Union border with the aim of illegally crossing it. Bremino-Bruzgi TLC was also a site of Lukashenka's propaganda visit to the migrants.</p> <p>Bremino Group is therefore contributing to the activities by the Lukashenka regime that facilitate the illegal crossing of the external borders of the Union.</p>	
11.	Globalcustom Management LLC	ООО 'Глобалкастом-менеджмент'	<p>Address: Nemiga 40/301, Minsk, Belarus</p> <p>Registration number: 193299162</p> <p>Website: https://globalcustom.by/</p> <p>E-mail address: info@globalcustom.by</p>	Globalcustom Management is associated with the Belarus President Property Management Directorate, formerly headed by Victor Sheiman, who has been designated by the Union since 2004. The company is involved in the smuggling of goods to Russia, which would not be possible without the consent of the Lukashenka regime, which controls the border guards and customs. The privileged position in the flower export sector to Russia, from which the company benefits, is also conditioned on the support of the regime. Globalcustom Management was the first owner of the GardService, the only private company to whom Lukashenka granted the use of weapons. Globalcustom Management is therefore benefitting from the Lukashenka regime.	21.6.2021
12.	<p>Belaruski Avtomobilnyi Zavod (BelAZ) / OJSC 'BELAZ'</p> <p>Open Joint Stock Company 'BELAZ' - Management Company of Holding 'BELAZ-HOLDING'</p>	<p>ААТ 'БЕЛАЗ'</p> <p>ОАО 'БЕЛАЗ'</p>	<p>Address: 40 let Ochyabrya St. 4, 222161, Zhodino, Minsk Region/Oblast, Belarus</p> <p>Website: https://belaz.by</p>	OJSC BelAZ is one of the leading state-owned companies in Belarus and one of the largest manufacturers of large trucks and large dump trucks in the world. It is a source of significant revenue for the Lukashenka regime. Lukashenka stated that the government will always support the company, and described it as a 'Belarusian brand' and 'part of the national legacy'. OJSC BelAZ has offered its premises and equipment to stage a political rally in support of the Lukashenka regime. Therefore OJSC BelAZ benefits from and supports the Lukashenka regime.	21.6.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
				The employees of OJSC BelAZ who took part in strikes and peaceful protests in the aftermath of the fraudulent August 2020 elections in Belarus were threatened with layoffs and intimidated by the company management. A group of employees was locked indoors by OJSC BelAZ to prevent them from joining the other protesters. The company management presented a strike to the media as a staff meeting. Therefore OJSC BelAZ is responsible for the repression of civil society and supports the Lukashenka regime.	
13.	Minskii Avtomobilnyi Zavod (MAZ) / OJSC 'MAZ' Open Joint Stock Company 'Minsk Automobile Works' - Management Company of 'BELAVTOMAZ' Holding	ААТ 'Мінскі аўтамабільны завод' ОАО 'Минский автомобильный завод'	Address: Socialisticheskaya 2, 220021 Minsk, Belarus Website: http://maz.by/ Date of registration: 16.7.1944 Tel.: +375 (17) 217-22-22; +8000 217-22-22	OJSC Minsk Automobile Plant (MAZ) is one of the biggest state-owned automotive manufacturers in Belarus. Lukashenka described it as 'one of the most important industrial enterprises of the country'. It is a source of revenue for the Lukashenka regime. OJSC MAZ has offered its premises and equipment to stage a political rally in support of the regime. Therefore, OJSC MAZ benefits from and supports the Lukashenka regime. Employees of OJSC MAZ who took part in strikes and peaceful protests in the aftermath of fraudulent August 2020 elections in Belarus were intimidated and later laid off by the company's management. A group of employees was locked indoors by OJSC MAZ to prevent them from joining the other protesters. Therefore, OJSC MAZ is responsible for the repression of civil society and supports the Lukashenka regime.	21.6.2021
14.	Logex	ТАА 'Ларекс' ООО 'Лорекс'	Address: 24 Kommunisticheskaya St., office 2, Minsk, Belarus Registration number: 192695465	Logex is associated with Aliaksandr Shakutsin, a businessman close to the Lukashenka regime, who has been designated by the Union.	21.6.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
			Website: http://logex.by/ E-mail address: info@logex.by	The company is involved in the export of flowers to the Russian Federation at dumped prices, which would not be possible without the consent of the regime, which controls the border guards and customs. The privileged position in the flower export sector to Russia, from which the company benefits, is conditioned on the support of the regime. The main Belarusian suppliers of cut flowers are the companies that are closely connected with the leadership of the republic. Logex is therefore benefitting from the Lukashenka regime.	
15.	JSC 'NNK' (Novaia naftavaia kampania) / New Oil Company	ЗАТ 'ННК' (Новая нафтавая кампанія) ЗАО 'ННК' (Новая нефтяная компания)	Address: Rakovska St. 14W room 7, 5th floor, Minsk, Belarus Registration number: 193402282	Novaya Neftnaya Kompaniya (NNK), New Oil company, is an entity founded in March 2020. It is the only private company entitled to export oil products from Belarus - an indication of close links to the authorities and the highest level of state privileges. NNK is owned by Interservice, a company belonging to Mikalai Varabei who is one of the leading businessmen benefitting from and supporting the Lukashenka regime. NNK is also reported to be connected to Aliaksei Aleksin, another prominent Belarusian businessman who benefits from the Lukashenka regime. According to media reports, Aleskin was the founder of NNK alongside Varabei. NNK was also used by the Belarusian authorities to adapt the Belarusian economy to restrictive measures introduced by the Union. NNK is therefore benefitting from the Lukashenka regime.	21.6.2021
16.	Belaeronavigatsia State-owned enterprise	Белаэранавігация Дзяржаўнае прадпрыемства Белаэронавігация	Address: 19 Korotkevich St., 220039 Minsk, Belarus Date of registration: 1996 Website: http://www.ban.by/	The state-owned enterprise Belaeronavigatsia is responsible for Belarusian air traffic control. It therefore bears responsibility for diverting passenger flight FR4978 to Minsk airport without proper justification on 23 May 2021. This politically motivated decision was taken with the aim of arresting and detaining	21.6.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
		Государственное предприятие	E-mail address: office@ban.by Tel.: +375 (17) 215-40-51 Fax: +375 (17) 213-41-63	opposition journalist Raman Pratasevich and Sofia Sapega and is a form of repression against civil society and democratic opposition in Belarus. The state-owned enterprise Belaeronavigatsia is therefore responsible for the repression of civil society and democratic opposition.	
17.	Open Joint Stock Company "Belavia Belarusian Airlines"	AAT 'Авіакомпанія Белавія' ОАО 'Авиакомпания Белавиа'	Address: 14A Nemiga St., 220004 Minsk, Belarus Date of registration: 4.1.1996 Registration number: 600390798	OJSC Belavia Belarusian Airlines is the state-owned national flag carrier airline. Aliaksandr Lukashenka promised that his administration would provide all possible support to Belavia after the Union decided to introduce a prohibition on the overflight of Union airspace and on access to Union airports by all Belarusian air carriers. To that end, he agreed with the Russian President Vladimir Putin on planning the opening of new airline routes for Belavia. Belavia's management also told its employees not to protest against the election irregularities and mass detentions in Belarus, in view of the fact that Belavia is a state-owned enterprise. Belavia is therefore benefitting from and supporting the Lukashenka regime. Belavia has been involved in bringing migrants from the Middle East to Belarus. Migrants wishing to cross the Union's external border have been flying to Minsk on board flights operated by Belavia from a number of Middle Eastern countries, in particular Lebanon, UAE and Turkey. In order to facilitate this, Belavia opened new air routes and expanded the number of flights on existing routes. Local tour operators have acted as intermediaries in selling Belavia tickets to prospective migrants, thereby helping Belavia to keep a low profile.	2.12.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
				Belavia is therefore contributing to activities by the Lukashenka regime that facilitate the illegal crossing of the external borders of the Union.	
18.	Republican unitary enterprise 'TSENTRKURORT'	Рэспубліканскае ўнітарнае прадпрыемства 'ЦЭНТРКУРОРТ' Республиканское унитарное предприятие 'ЦЕНТРКУРОРТ'	Address: 39 Myasnikova St., 220030 Minsk, Belarus Date of registration: 12.8.2003 Registration number: 100726604	State-owned tourism company Tsentrkurort is part of the Belarus President Property Management Directorate. Tsentrkurort is reported to be one of the companies coordinating the flow of migrants that intend to cross the border between Belarus and the Union. Tsentrkurort helped at least 51 Iraqi citizens acquire visas for their visit to Belarus, and signed a contract for transportation services with Belarusian company Stroitur, which offers bus rentals with drivers. Buses booked by Tsentrkurort transported migrants, including children, from Minsk airport to hotels. Tsentrkurort is therefore contributing to activities by the Lukashenka regime that facilitate the illegal crossing of the external borders of the Union.	2.12.2021
19.	Oskartour LLC	ООО Оскартур	Address: 25 Karl Marx St., room 1n, Minsk, Belarus Date of registration: 18.10.2016 Registration number: 192721937	Oskartour is a tour operator, which facilitated the obtainment of visas for migrants coming from Iraq and organised their subsequent travel to Belarus by flights from Bagdad to Minsk. Those Iraqi migrants were later transported to the Belarusian-Union border with the aim of illegally crossing it. Thanks to Oskartour and its contacts with Iraqi airlines, Belarusian authorities and the state-owned Tsentrkurort company, regular flights from Baghdad to Minsk were launched by the Iraqi air carrier, in order to bring more persons to Belarus to illegally cross the external borders of the Union. Oskartour took part in this illegal border-crossing scheme carried out by Belarusian security services and state-owned companies.	2.12.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
				It is therefore contributing to activities by the Lukashenka regime that facilitate the illegal crossing of the external borders of the Union.	
20.	Republican subsidiary unitary enterprise 'Hotel Minsk'	Гатэль 'Мінск' Республіканскае дочерняе унітарнае прадпрыемства "Отель 'Минск'	Address: 11 Nezavisimosti Ave., Minsk, Belarus Date of registration: 26.12.2016/ 3.4.2017 Registration number: 192750964 Website: http://hotelminsk.by/ E-mail address: hotelminsk@udp.gov.by ; marketing@hotelminsk.by Tel.: +375 (17) 209-90-61 Fax: +375 (17) 200-00-72	Hotel Minsk is a subsidiary company of the Belarus President Property Management Directorate – a government agency that directly reports to the President. Hotel Minsk took part in the illegal border-crossing scheme carried out by Belarusian security services and state-owned companies. Migrants were accommodated in the hotel before being transported to the border between Belarus and the Union in order to illegally cross it. Iraqi migrants had listed Hotel Minsk as a temporary residence in their Belarusian visa applications, which were lodged immediately before their arrival in Belarus. Hotel Minsk is therefore contributing to activities by the Lukashenka regime that facilitate the illegal crossing of the external borders of the Union.	2.12.2021
21.	Open Joint Stock Company 'Hotel Planeta'	ААТ 'Тасцініца Планета' ОАО 'Тостиница Планета'	Address: 31 Pobediteley Ave., Minsk, Belarus Date of registration: 1.2.1994/ 6.3.2000 Registration number: 100135173 Website: https://hotelplaneta.by/ E-mail address: planeta@udp.gov.by	OJSC Hotel Planeta is a subsidiary company of the Belarus President Property Management Directorate – a government agency that directly reports to the President. Hotel Planeta took part in the illegal border-crossing scheme carried out by Belarusian security services and state-owned companies. Migrants were accommodated in the hotel before being transported to the border between Belarus and the Union in order to illegally cross it. They paid USD 1 000 to a travel agent in Baghdad for the flight, a tourist visa and a stay in the hotel.	2.12.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
			Tel.: +375 (17) 226-78-53 Fax: +375 (17) 226-78-55	Hotel Planeta is therefore contributing to activities by the Lukashenka regime that facilitate the illegal crossing of the external borders of the Union.	
22.	ASAM (Asobnaia sluzhba aktyunykh merapryemstvau) OSAM (Otdiel'naya sluzhba aktivnykh mieropriyatiy)	Асобная служба актыўных мерапрыемстваў (АСАМ) Отдельная служба активных мероприятий (ОСАМ)	Address: State Border Committee of the Republic of Belarus, 24 Volodarsky St., 220050 Minsk, Belarus	ASAM (Separate Service for Active Measures) is a Belarusian special border guard unit controlled by Viktor Lukashenka and headed by Ihar Kruchkou. ASAM forces under special operation 'Gate' organise illegal border crossings through Belarus to Union Member States and are directly involved in the physical transportation of migrants to the other side of the border. ASAM additionally charges the transported migrants for the border crossing. ASAM is therefore contributing to activities by the Lukashenka regime that facilitate the illegal crossing of the external borders of the Union.	2.12.2021
23.	Cham Wings Airlines		Address: P.O. Box 30588 Damascus, Syria Website: https://chamwings.com/	Cham Wings Airlines is an operator of charter flights from Syria to Belarus. The company increased the number of flights from Damascus to Minsk since the summer of 2021 in order to transport migrants to Belarus who intended to illegally cross the external borders of the Union. In autumn 2021, Cham Wings also opened two new offices in Minsk in order to be able to organise the flights between Damascus and Minsk. Cham Wings Airlines therefore contributes to activities by the Lukashenka regime that facilitate the illegal crossing of the external borders of the Union.	2.12.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
24.	VIP Grub		Address: Büyükdere Cad., No:201, Istanbul, Turkey	VIP Grub is a passport and visa service based in Istanbul, Turkey, which organises trips to Belarus with the explicit intention of facilitating migration to the Union. VIP Grub actively advertises migration to the Union. VIP Grub therefore contributes to activities by the Lukashenka regime that facilitate the illegal crossing of the external borders of the Union.	2.12.2021
25.	Open Joint Stock Company 'Grodno Azot' Including Branch 'Khimvolokno Plant' JSC 'Grodno Azot'	ААТ 'Гродна Азот' ОАО 'Гродно Азот' Філіял 'Завод Хімвалакно' ААТ 'Гродна Азот' Філіял 'Завод Хімволокно' ОАО 'Гродно Азот'	Address: 100 Kosmonavtov Ave., Grodno/Hrodna, Belarus Date of registration: 1965 Registration number: 500036524 Website: https://azot.by/en/ Address: 4 Slavinskogo St., 230026 Grodno/Hrodna, Belarus Date of registration: 12.5.2000 Registration number: 590046884 Website: www.grodno-khim.by E-mail address: office@grodno-khim.by ; market@grodno-khim.by ; ppm@grodno-khim.by ; tnp@grodno-khim.by Tel./Fax: +375 (152) 39-19-00; +375 (152) 39-19-44	OJSC Grodno Azot is a large state-owned producer of nitrogen compounds, based in Grodno/Hrodna. Lukashenka described it as 'a very important enterprise, a strategic one'. Grodno Azot also owns Khimvolokno Plant, which is a large manufacturer of polyamide and polyester and composite materials. Grodno Azot and its Khimvolokno Plant are a source of substantial revenue for the Lukashenka regime. Grodno Azot is therefore supporting the Lukashenka regime. Lukashenka visited the company and met with its representatives, discussing the plant's modernisation and various forms of State support. Lukashenka also promised that a loan would be used for the construction of a new nitrogen plant in Grodno/Hrodna. Grodno Azot is therefore benefitting from the Lukashenka regime. The workers of Grodno Azot, including its employees at the Khimvolokno Plant, who participated in peaceful protests against the regime and went on strike, were dismissed, intimidated and threatened both by the Grodno Azot management and regime representatives. Grodno Azot is therefore responsible for the repression of civil society.	2.12.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
26.	State Production Association 'Belorusneft'	Дзяржаўнае вытворчае аб'яднанне 'Беларуснафта' Государственное производственное объединение 'Белоруснефть'	Address: 9 Rogachevskaya St., 246003 Gomel/Homyel, Belarus Date of registration: 25.2.1966 Registration number: 400051902	Belorusneft is a state-owned company, operating in the petrochemical sector. The company's management dismissed workers who went on strike, took part in anti-regime protests or publicly supported those protests. Belorusneft is therefore responsible for the repression of civil society.	2.12.2021
27.	Open Joint Stock Company 'Belshina'	ААТ 'Белшина' ОАО 'Белшина'	Address: 4 Minskoe Shosse St., 213824 Bobruisk, Belarus Date of registration: 10.1.1994 Registration number: 700016217 Website: http://www.belshinajsc.by/	OJSC Belshina is one of the leading state-owned companies in Belarus and a large manufacturer of vehicle tyres. As such, it is a substantial source of revenue for the Lukashenka regime. The Belarusian State is directly profiting from the earnings made by Belshina. Therefore, Belshina supports the Lukashenka regime. Employees of Belshina who protested and went on strike in the wake of the 2020 presidential elections in Belarus were dismissed. Belshina is therefore responsible for the repression of civil society.	2.12.2021'

**DECISION No 2/2021 OF THE COMMUNITY/SWITZERLAND INLAND TRANSPORT COMMITTEE
of 17 December 2021**

amending Annex 1 to the Agreement between the European Community and the Swiss Confederation on the Carriage of Goods and Passengers by Rail and Road and Decision No 2/2019 on transitory measures to maintain smooth rail traffic between Switzerland and the European Union [2022/308]

THE COMMITTEE,

Having regard to the Agreement of 21 June 1999 between the European Community and the Swiss Confederation on the Carriage of Goods and Passengers by Rail and Road ⁽¹⁾ ('the Agreement'), and in particular Article 52(4) thereof,

Whereas:

- (1) Under Article 51(2) of the Agreement, the Community/Switzerland Inland Transport Committee ('the Joint Committee') is responsible for the monitoring and application of the provisions of the Agreement and implements the adaptation and revision clauses referred to in Articles 52 and 55 thereof.
- (2) Under Article 52(4) of the Agreement, the Joint Committee adopts, inter alia, decisions revising Annex 1 so as to incorporate therein, as and where necessary and on a basis of reciprocity, amendments to the relevant legislation or decides on any other measure aimed at safeguarding the proper functioning of the Agreement.
- (3) By Decision No 2/2019 of 13 December 2019 ⁽²⁾, the Joint Committee, on the one hand, revised Annex 1 to the Agreement so as to incorporate substantive provisions of Directive (EU) 2016/797 of the European Parliament and of the Council ⁽³⁾ and Directive (EU) 2016/798 of the European Parliament and of the Council ⁽⁴⁾ and, on the other, adopted transitory provisions to maintain smooth rail traffic between Switzerland and the European Union. The transitory provisions set out in Articles 2, 3, 4 and 5 of Decision No 2/2019 were initially applicable until 31 December 2020. By Decision No 2/2020 of 11 December 2020 ⁽⁵⁾, the Joint Committee extended their applicability until 31 December 2021.
- (4) Pending the adoption of the final provisions replacing the current transitional arrangements, the provisions laid down in Articles 2, 3, 4 and 5 of Decision No 2/2019 should be extended until 31 December 2022 in order to maintain smooth rail traffic between Switzerland and the European Union.
- (5) By Decision No 1/2021 of 30 June 2021 ⁽⁶⁾, the date by which certain Swiss national rules listed in Annex 1 to the Agreement that may be incompatible with the technical specifications for interoperability should have been reviewed to decide whether to remove, amend or keep them was extended until 31 December 2021. In view of the stage reached in the review, that date should be changed to 31 December 2022,

⁽¹⁾ OJ L 114, 30.4.2002, p. 91.

⁽²⁾ Decision No 2/2019 of the Community/Switzerland Inland Transport Committee of 13 December 2019 on transitory measures to maintain smooth rail traffic between Switzerland and the European Union (OJ L 13, 17.1.2020, p. 43).

⁽³⁾ Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (OJ L 138, 26.5.2016, p. 44).

⁽⁴⁾ Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety (OJ L 138, 26.5.2016, p. 102).

⁽⁵⁾ Decision No 2/2020 of the Community/Switzerland Inland Transport Committee of 11 December 2020 amending Annex 1 to the Agreement between the European Community and the Swiss Confederation on the Carriage of Goods and Passengers by Rail and Road and Decision No 2/2019 of the Committee on transitory measures to maintain smooth rail traffic between Switzerland and the European Union (OJ L 15, 18.1.2021, p. 34).

⁽⁶⁾ Decision No 1/2021 of the Community/Switzerland Inland Transport Committee of 30 June 2021 amending Annex 1 to the Agreement between the European Community and the Swiss Confederation on the Carriage of Goods and Passengers by Rail and Road and Decision No 2/2019 of the Committee on transitory measures to maintain smooth rail traffic between Switzerland and the European Union (OJ L 255, 16.7.2021, p. 7).

HAS DECIDED AS FOLLOWS:

Article 1

Section 4 of Annex 1 to the Agreement is amended as follows: The date of '31 December 2021', by which the compatibility of the following Swiss national rules with the corresponding Union technical specifications for interoperability should have been reviewed, is replaced by '31 December 2022' for the following provisions:

- In relation to Commission Regulation (EU) No 1302/2014 of 18 November 2014 concerning a technical specification for interoperability relating to the 'rolling stock – locomotives and passenger rolling stock' subsystem of the rail system in the European Union:
 - CH-TSI LOC&PAS-009 (version 1.0 of June 2015)
 - CH-TSI LOC&PAS-019 (version 2.0 of June 2019)
 - CH-TSI LOC&PAS-020 (version 2.0 of June 2019)
 - CH-TSI LOC&PAS-025 (version 2.0 of June 2019)
 - CH-TSI LOC&PAS-027 (version 2.0 of June 2019)
 - CH-TSI LOC&PAS-031 (version 2.1 of November 2020)
 - CH-TSI LOC&PAS-035 (version 2.1 of November 2020)
 - CH-TSI LOC&PAS-036 (version 2.0 of June 2019)
 - CH-TSI LOC&PAS-037 (version 1.0 of June 2019).
- In relation to Commission Regulation (EU) 2016/919 of 27 May 2016 on the technical specification for interoperability relating to the 'control-command and signalling' subsystems of the rail system in the European Union:
 - CH-TSI CCS-006 (version 2.1 of November 2020)
 - CH-TSI CCS-019 (version 3.0 of November 2020)
 - CH-TSI CCS-026 (version 2.1 of November 2020)
 - CH-TSI CCS-032 (version 2.1 of November 2020)
 - CH-TSI CCS-033 (version 1.1 of November 2020)
 - CH-TSI CCS-035 (version 1.0 of June 2019)
 - CH-TSI CCS-038 (version 1.1 of November 2020)
 - CH-CSM-RA-001 (version 1.0 of June 2019)
 - CH-CSM-RA-002 (version 1.0 of June 2019).

Article 2

Article 6(3) of Decision No 2/2019 of the Joint Committee of 13 December 2019 is amended as follows:

'3. Annex 1 identifies applicable national rules and specific cases that are potentially incompatible with Union law. If compatibility with Union law has not been established by 31 December 2022, those national rules and specific cases may no longer be applied unless the Joint Committee decides otherwise.'

Article 3

The second paragraph of Article 8 of Decision No 2/2019 of the Joint Committee of 13 December 2019 is amended as follows:

'Articles 2, 3, 4 and 5 shall apply until 31 December 2022.'

Article 4

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

Brussels, 17 December 2021.

For the Swiss Confederation
The Head of the Swiss Delegation
Peter FÜGLISTALER

For the European Union
The President
Kristian SCHMIDT

COMMISSION IMPLEMENTING DECISION (EU) 2022/309**of 24 February 2022****amending Implementing Decision (EU) 2019/583 to take into account certain eco-innovation CO₂ savings for the calculation of the average specific CO₂ emissions of Daimler AG and the Daimler AG pool***(notified under document C(2022) 965)***(Only the Czech, German, English, French, Irish, Italian, Hungarian, Dutch and Swedish texts are authentic)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/631 of the European Parliament and of the Council of 17 April 2019 setting CO₂ emission performance standards for new passenger cars and for new light commercial vehicles and repealing Regulation (EC) No 443/2009 and (EU) No 510/2011 ⁽¹⁾, and in particular Article 7(5), second subparagraph, thereof,

Whereas:

- (1) In its judgement in case T-359/19 ⁽²⁾, the General Court annulled Commission Implementing Decision (EU) 2019/583 ⁽³⁾ as regards the calculation for the calendar year 2017 of the average specific CO₂ emissions, and the recorded CO₂ savings from eco-innovations for the manufacturer Daimler AG and the Daimler AG pool in columns D and I of the respective Tables 1 and 2 set out in Annex I to that Decision. It is therefore appropriate to adjust the values set out in that Decision.
- (2) The eco-innovation CO₂ savings certified in accordance with Commission Implementing Decision (EU) 2015/158 ⁽⁴⁾, as reported by Member States and verified by Daimler AG and the Daimler AG pool, should be taken into account for the calculation of the average specific emissions of those entities in calendar year 2017.
- (3) The eco-innovation CO₂ savings recorded in Implementing Decision (EU) 2019/583 should therefore be increased by 0,292 g CO₂/km for Daimler AG and for the Daimler AG pool.
- (4) The average specific emissions of CO₂ determined for Daimler AG and the Daimler AG pool in Implementing Decision (EU) 2019/583 have been recalculated taking into account the increase in the eco-innovation savings. It is therefore necessary to adapt the relevant entries.
- (5) Implementing Decision (EU) 2019/583 should therefore be amended accordingly,

⁽¹⁾ OJ L 111, 25.4.2019, p. 13.

⁽²⁾ OJ C 452, 8.11.2021, p. 21.

⁽³⁾ Commission Implementing Decision (EU) 2019/583 of 3 April 2019 confirming or amending the provisional calculation of the average specific emission of CO₂ and specific emissions targets for manufacturers of passenger cars for the calendar year 2017 and for certain manufacturers belonging to the Volkswagen pool for the calendar years 2014, 2015 and 2016 pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council (OJ L 100, 11.4.2019, p. 66).

⁽⁴⁾ Commission Implementing Decision (EU) 2015/158 of 30 January 2015 on the approval of two Robert Bosch GmbH high efficient alternators as the innovative technologies for reducing CO₂ emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council (OJ L 26, 31.1.2015, p. 31).

HAS ADOPTED THIS DECISION:

Article 1

Amendment to Implementing Decision (EU) 2019/583

Annex I to Implementing Decision (EU) 2019/583 is amended as follows:

(1) in Table 1, the entry for Daimler AG is replaced by the following:

A	B	C	D	E	F	G	H	I	J
Manufacturer name	Pools and derogations	Number of registrations	Average specific emissions of CO ₂ (100 %)	Specific emissions target	Distance to target	Distance to target adjusted	Average mass	CO ₂ savings from eco-innovations	Average CO ₂ emissions (100 %)
DAIMLER AG	P2	959 295	126,380	139,684	- 13,304	- 13,306	1 604,30	0,379	126,759';

(2) in Table 2, the entry for Daimler AG is replaced by the following:

A	B	C	D	E	F	G	H	I	J
Pool name	Pool	Number of registrations	Average specific emissions of CO ₂ (100 %)	Specific emissions target	Distance to target	Distance to target adjusted	Average mass	CO ₂ savings from eco-innovations	Average CO ₂ emissions (100 %)
DAIMLER AG	P2	961 406	126,632	139,690	- 13,058	- 13,061	1 604,44	0,379	127,011'.

Article 2

This Decision is addressed to the following individual manufacturers and pools formed in accordance with Article 6 of Regulation (EU) 2019/631:

- (1) Adidor Voitures SAS
2/4 Rue Hans List
78290 Croissy-sur-Seine
France
- (2) ALFA Romeo S.p.A.
Gate 8 – Building 6 – 1st floor – B15N Colonna N47
C.so Settembrini, 40
10135 Torino
Italy
- (3) Alpina Burkard Bovensiepen GmbH Co. KG
Alpenstraße 35 – 37
86807 Buchloe
Germany
- (4) Société des Automobiles Alpine SAS
1 Avenue du Golf
78288 Guyancourt Cedex
France

-
- (5) Aston Martin Lagonda Ltd
Represented in the Union by:
Aston Martin Lagonda of Europe GmbH
Unterschweinstiege 2-14
60549 Frankfurt am Main
Germany
- (6) Audi AG
Letter box 011/1882
38436 Wolfsburg
Germany
- (7) Audi Hungaria Motor KFT
Letter box 011/1882
38436 Wolfsburg
Germany
- (8) Automobiles Citroen
7, rue Henri Sainte-Claire Deville
92500 Rueil-Malmaison
France
- (9) Automobiles Peugeot
7, rue Henri Sainte-Claire Deville
92500 Rueil-Malmaison
France
- (10) AVTOVAZ JSC
Represented in the Union by:
CS AUTOLADA
211 Konevova
130 00 Prague 3
Czech Republic
- (11) Bee Bee Automotive
182 RT Beaugé
72700 Rouillon
France
- (12) Bentley Motors Ltd
Zeppelinstrasse 1
85399 Hallbergmoos (Munich)
Germany
- (13) BLUECAR SAS
31-32 quai de Dion Bouton
92800 Puteaux
France
- (14) Bayerische Motoren Werke AG
Petuelring 130
80788 München
Germany
- (15) BMW M GmbH
Petuelring 130
80788 München
Germany
- (16) Bugatti Automobiles SAS
Letter box 011/1882
38436 Wolfsburg
Germany

- (17) BYD AUTO INDUSTRY COMPANY LIMITED
Represented in the Union by:
BYD Europe B.V.
's-Gravelandseweg 256
3125 BK Schiedam
The Netherlands
- (18) Caterham Cars Ltd
2 Kennet Road Dartford
DA1 4QN Dartford
United Kingdom
- (19) Chevrolet Italia S.p.A.
Bahnhofsplatz 1 IPC 39-12
65423 Rüsselsheim
Germany
- (20) FCA US LLC
Represented in the Union by:
Fiat Chrysler Automobiles
Gate 8 – Building 6 – 1st floor – B1 5N Colonna N47
C.so Settembrini, 40
10135 Torino
Italy
- (21) CNG-Technik GmbH
Niehl Plant, building Imbert 479
Henry-Ford-Straße 1
50735 Köln
Germany
- (22) Automobile Dacia SA
Guyancourt
1 avenue du Golf
78288 Guyancourt Cedex
France
- (23) Daimler AG
Building 120, Mercedesstrasse 120
70546 Stuttgart-Untertuerkheim
Germany
- (24) Donkervoort Automobielen BV
Pascallaan 96
8218 NJ Lelystad
The Netherlands
- (25) Dr Motor Company Srl
S.S. 85, Venafrana km 37,500
86070 Macchia d'Isernia
Italy
- (26) Ferrari S.p.A.
Via Emilia Est 1163
41122 Modena
Italy
- (27) FCA Italy S.p.A.
Gate 8 – Building 6 – 1st floor – B1 5N Colonna N47
C.so Settembrini, 40
10135 Torino
Italy

- (28) Ford India Private Ltd
Represented in the Union by:
Ford Werke GmbH
Niehl Plant, building Imbert 479
Henry-Ford-Straße 1
50735 Köln
Germany
- (29) Ford Motor Company
Niehl Plant, building Imbert 479
Henry-Ford-Straße 1
50735 Köln
Germany
- (30) Ford Werke GmbH
Niehl Plant, building Imbert 479
Henry-Ford-Straße 1
50735 Köln
Germany
- (31) General Motors Holdings LLC
Represented in the Union by:
KnowMotive
Bouwhuispad 1
8121 PX Olst
Netherlands
- (32) GM Korea Company
Represented in the Union by:
Adam Opel GmbH
Bahnhofsplatz 1 IPC 39-13
65423 Rüsselsheim
Germany
- (33) Great Wall Motor Company Ltd
Represented in the Union by:
Great Wall Motor Europe Technical Center GmbH
Otto-Hahn-Str. 5
63128 Dietzenbach
Germany
- (34) Honda Automobile (China) Co., Ltd
Represented in the Union by:
Honda Motor Europe Ltd
Wijngaardveld 1 (Noord V)
9300 Aalst
Belgium
- (35) Honda Motor Co., Ltd
Represented in the Union by:
Honda Motor Europe Ltd
Wijngaardveld 1 (Noord V)
9300 Aalst
Belgium
- (36) Honda Türkiye A.S.
Represented in the Union by:
Honda Motor Europe Ltd
Wijngaardveld 1 (Noord V)
9300 Aalst
Belgium

- (37) Honda of the UK Manufacturing Ltd
Represented in the Union by:
Honda Motor Europe Ltd
Wijngaardveld 1 (Noord V)
9300 Aalst
Belgium
- (38) Hyundai Motor Company
Represented in the Union by:
Hyundai Motor Europe GmbH
Hyundai Platz
65428 Russelsheim
Germany
- (39) Hyundai Assan Otomotiv Sanayi Ve Ticaret A.S.
Represented in the Union by:
Hyundai Motor Europe GmbH
Hyundai Platz
65428 Russelsheim
Germany
- (40) Hyundai Motor Manufacturing Czech s.r.o.
Hyundai Platz
65428 Russelsheim
Germany
- (41) Hyundai Motor Europe GmbH
Hyundai Platz
65428 Russelsheim
Germany
- (42) Hyundai Motor India Ltd
Represented in the Union by:
Hyundai Motor Europe GmbH
Hyundai Platz
65428 Russelsheim
Germany
- (43) Jaguar Land Rover Ltd
Represented in the Union by:
JLR Ireland (Services) Ltd, Software Engineering Centre
Three Airport Avenue
Shannon Industrial Estate
V14 YH92 Shannon (Co. Clare)
Ireland
- (44) KIA Corporation
Represented in the Union by:
Kia Europe GmbH
Theodor-Heuss-Allee 11
60486 Frankfurt am Main
Germany
- (45) KIA Slovakia s.r.o.
Theodor-Heuss-Allee 11
60486 Frankfurt am Main
Germany
- (46) Koenigsegg Automotive AB
Valhall Park
262 74 Angelholm
Sweden

- (47) KTM-Sportmotorcycle AG
Stallhofnerstrasse 3
5230 Mattighofen
Austria
- (48) LADA Automobile GmbH
Erlengrund 7
21614 Buxtehude
Germany
- (49) Automobili Lamborghini S.p.A.
via Modena 12
40019 Sant'Agata Bolognese (BO)
Italy
- (50) Lotus Cars Ltd
Represented in the Union by:
Cina-Euro Vehicle Technology (CEVT)
Theres Svenssons Gata 7
41755 Goteborg
Sweden
- (51) Magyar Suzuki Corporation Ltd
Schweidel Jozsef U52
2500 Esztergom
Hungary
- (52) Mahindra Mahindra Ltd
Represented in the Union by:
Mahindra Europe S.r.l.
Via Cancelliera 35
00040 Ariccia (Roma)
Italy
- (53) MAN Truck Bus AG
Letter box 011/1882
38436 Wolfsburg
Germany
- (54) Maruti Suzuki India Ltd
Represented in the Union by:
Magyar Suzuki Corporation Ltd
Schweidel Jozsef U52
2500 Esztergom
Hungary
- (55) Maserati S.p.A.
Viale Ciro Menotti 322
41122 Modena
Italy
- (56) Mazda Motor Corporation
Represented in the Union by:
Mazda Motor Europe GmbH
European R D Centre
Hiroshimatr 1
61440 Oberursel/Taunus
Germany
- (57) McLaren Automotive Ltd
Chertsey Road
Woking
GU21 4YH Surrey
United Kingdom

- (58) Mercedes-AMG GmbH
Represented in the Union by:
Daimler AG
Building 120
Mercedesstrasse 120
70546 Stuttgart-Untertuerkheim
Germany
- (59) MG Motor UK Ltd
Represented in the Union by:
SAIC Motor Europe B.V.
Professor W.H. Keesomlaan 12
1183 Amstelveen
The Netherlands
- (60) Mitsubishi Motors Corporation MMC
Represented in the Union By:
Mitsubishi Motors Europe B.V.
Mitsubishi Avenue 21
6121 SH Born
The Netherlands
- (61) Mitsubishi Motors Europe B.V.
Mitsubishi Avenue 21
6121 SH Born
The Netherlands
- (62) Mitsubishi Motors Thailand Co., Ltd MMTh
Represented in the Union by:
Mitsubishi Motors Europe B.V.
Mitsubishi Avenue 21
6121 SH Born
The Netherlands
- (63) Morgan Technologies Ltd
Pickersleigh Road Malvern Link
Worcestershire
WR14 2LL
United Kingdom
- (64) Nissan International SA
Represented in the Union by:
Renault Nissan Representation Office
Av des Arts 40
1040 Brussels
Belgium
- (65) Noble Automotive Ltd
24a Centurion Way
Meridian Business Park
Leicester LE19 1WH
United Kingdom
- (66) Adam Opel GmbH
Bahnhofplatz 1 IPC 39-13
65423 Rüsselsheim
Germany
- (67) Opel Automobile GmbH
Bahnhofplatz 1 IPC 39-13
65423 Rüsselsheim
Germany

- (68) Pagani Automobili S.p.A.
Via dell' Artigianato 5
41018 San Cesario sul Panaro (Modena),
Italy
- (69) Perodua UK Limited
Dorney House
46 – 48a High Street
Buckinghamshire
SL1 7JP
United Kingdom
- (70) PGO Automobiles
ZA de la pyramide
30380 Saint Christol-Les-Alès
France
- (71) Dr Ing hc F Porsche AG
Letter box 011/1882
38436 Wolfsburg
Germany
- (72) PSA Automobiles SA
2-10 boulevard de l'Europe
78300 Poissy
France
- (73) Quattro GmbH
Letter box 011/1882
38436 Wolfsburg
Germany
- (74) Radical Motorsport Ltd
24 Ivatt Way Business Park
Westwood
Peterborough
PE3 7PG
United Kingdom
- (75) Renault S.A.S.
Guyancourt
1 avenue du Golf
78288 Guyancourt Cedex
France
- (76) Renault Trucks
99 Route de Lyon
TER L10 0 01
69802 Saint Priest Cedex
France
- (77) Rolls-Royce Motor Cars Ltd
Petuelring 130
80788 München
Germany
- (78) Seat SA
Letter box 011/1882
38436 Wolfsburg
Germany
- (79) Secma S.A.S.
Rue Denfert Rochereau
59580 Aniche
France

-
- (80) Skoda Auto AS
Letter box 011/1882
38436 Wolfsburg
Germany
- (81) SsangYong Motor Company
Represented in the Union by:
Ssangyong European Parts Center
IABC 5253-5254
4814RD, Breda
The Netherlands
- (82) Subaru Cooperation
Represented in the Union by:
SUBARU EUROPE N.V./S.A
Leuvensesteenweg 555 B/8
1930 Zaventem
Belgium
- (83) Suzuki Motor Corporation
Represented in the Union by:
Magyar Suzuki Corporation Ltd
2500 Esztergom
Schweidel Jozsef U52
Hungary
- (84) Suzuki Motor Thailand Co. Ltd
Represented in the Union by:
Magyar Suzuki Corporation Ltd
2500 Esztergom
Schweidel Jozsef U52
Hungary
- (85) Tecno Meccanica Imola SPA
Represented in the Union by:
Artega GmbH
Artegastraße 1
33129 Delbrück
Germany
- (86) Tesla Motors Ltd
Represented in the Union by:
Tesla Motors Netherlands B.V.
Burgemeester Stramanweg 122
1101 EN Amsterdam
The Netherlands
- (87) Toyota Motor Europe NV/SA
Avenue du Bourget 60
1140 Brussels
Belgium
- (88) Volkswagen AG
Letter box 011/1882
38436 Wolfsburg
Germany
- (89) Volvo Car Corporation
VAK building
Assar Gabrielssons väg
405 31 Göteborg
Sweden

- (90) Pool for: BMW Group
Petuelring 130
80788 Munich
Germany
- (91) Pool for: Daimler AG
Building 120
Mercedesstrasse 120
70546 Stuttgart-Untertuerkheim
Germany
- (92) Pool for: FCA Italy S.p.A.
C.so Settembrini, 40
Gate 8 – Building 6 – 1st floor – B15N Colonna N47
10135 Torino
Italy
- (93) Pool for: Ford-Werke GmbH
Niehl Plant, building Imbert 479
Henry Ford Strasse 1
50735 Köln
Germany
- (94) Pool for: General Motors
Bahnhofsplatz 1 IPC 39-12
65423 Rüsselsheim
Germany
- (95) Pool for: Honda Motor Europe Ltd
Wijngaardveld 1 (Noord V)
9300 Aalst
Belgium
- (96) Pool for: Hyundai
Hyundai Motor Europe GmbH
Kaiserleipromenade 5
63067 Offenbach
Germany
- (97) Pool for: Kia
Theodor-Heuss-Allee 11
60486 Frankfurt am Main
Germany
- (98) Pool for: Mitsubishi Motors
Mitsubishi Avenue 21
6121 SH Born
The Netherlands
- (99) Pool for: Renault
1 Avenue du Golf
78288
Guyancourt Cedex
France
- (100) Pool for: Suzuki
Schweidel Jozsef U52
2500 Esztergom
Hungary

(101) Pool for: Tata Motors Ltd, Jaguar Cars Ltd, Land Rover
JLR Ireland (Services) Ltd, Software Engineering Centre
Three Airport Avenue, Shannon Industrial Estate
Shannon
Co. Clare
V14 YH92
Ireland

(102) VW Group PC
Letter box 011/1882
38436 Wolfsburg
Germany

Done at Brussels, 24 February 2022.

For the Commission
Frans TIMMERMANS
Executive Vice-President

DECISION (EU) 2022/310 OF THE EUROPEAN CENTRAL BANK**of 17 February 2022****amending Decision (EU) 2019/1743 of the European Central Bank on the remuneration of holdings of excess reserves and of certain deposits (ECB/2022/5)**

the governing council of the European Central Bank,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first indent of Article 127(2) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular the first indent of Article 3.1 and Articles 17 to 19 thereof,

Whereas:

- (1) The remuneration of certain deposits of public entities of the Union with the European Central Bank (ECB) (other than those exempted from negative interest rates) as provided for in Decision (EU) 2019/1743 of the European Central Bank (ECB/2019/31) ⁽¹⁾ should be aligned with the remuneration of government deposits in accordance with Guideline (EU) 2019/671 of the European Central Bank (ECB/2019/7) ⁽²⁾, in order to ensure consistency in the remuneration of comparable deposits across the Eurosystem. To allow amendment of the relevant contractual arrangements between the ECB and public entities of the Union accordingly, this Decision should apply from 4 April 2022.
- (2) Therefore, Decision (EU) 2019/1743 (ECB/2019/31) should be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1***Amendment**

Article 2 of Decision (EU) 2019/1743 (ECB/2019/31) is replaced by the following:

‘Article 2

Remuneration of certain deposits held with the ECB

1. Accounts maintained with the ECB in accordance with Decision ECB/2003/14 ^{(1)*}, Decision ECB/2010/31 ^{(2)*}, Decision ECB/2010/17 ^{(3)*} and Council Regulation (EU) 2020/672 ^{(4)*} shall be remunerated as follows:
 - (a) if the deposit facility rate on the relevant calendar day is zero or higher (positive), at zero per cent or the euro short-term rate (€STR), whichever is lower;
 - (b) if the deposit facility rate on the relevant calendar day is lower than zero (negative), at the deposit facility rate or the euro short-term rate (€STR), whichever is lower.

However, when deposits need to be held in those accounts in advance of the date on which a payment must be made in accordance with the legal or contractual rules applicable to the relevant facility, such deposits shall be remunerated during this advance period at zero per cent or the euro short-term rate (€STR), whichever is higher.

2. The dedicated account maintained with the ECB in accordance with Article 13(2) of Commission Implementing Decision of 14 April 2021 establishing the necessary arrangements for the administration of the borrowing operations under Council Decision (EU, Euratom) 2020/2053 and for the lending operations related to loans granted in accordance with Article 15 of Regulation (EU) 2021/241 of the European Parliament and of the Council ^{(5)*} for the purposes of

⁽¹⁾ Decision (EU) 2019/1743 of the European Central Bank of 15 October 2019 on the remuneration of holdings of excess reserves and of certain deposits (ECB/2019/31) (OJ L 267, 21.10.2019, p. 12).

⁽²⁾ Guideline (EU) 2019/671 of the European Central Bank of 9 April 2019 on domestic asset and liability management operations by the national central banks (ECB/2019/7) (OJ L 113, 29.4.2019, p. 11).

prudential cash holdings as referred to in that Article shall be remunerated at zero per cent or the euro short-term rate (€STR), whichever is higher, except where the aggregate amount of deposits held in that dedicated account exceeds EUR 20 billion, in which case the amount in excess shall be remunerated as follows:

- (a) if the deposit facility rate on the relevant calendar day is zero or higher (positive), at zero per cent or the euro short-term rate (€STR), whichever is lower;
- (b) if the deposit facility rate on the relevant calendar day is lower than zero (negative), at the deposit facility rate or the euro short-term rate (€STR), whichever is lower.

(¹)* Decision ECB/2003/14 of 7 November 2003 concerning the administration of the borrowing-and-lending operations concluded by the European Community under the medium-term financial assistance facility (OJ L 297, 15.11.2003, p. 35).

(²)* Decision ECB/2010/31 of 20 December 2010 concerning the opening of accounts for the processing of payments in connection with EFSF loans to Member States whose currency is the euro (OJ L 10, 14.1.2011, p. 7).

(³)* Decision ECB/2010/17 of 14 October 2010 concerning the administration of the borrowing and lending operations concluded by the Union under the European financial stabilisation mechanism (OJ L 275, 20.10.2010, p. 10).

(⁴)* Council Regulation (EU) 2020/672 of 19 May 2020 on the establishment of a European instrument for temporary support to mitigate unemployment risks in an emergency (SURE) following the COVID-19 outbreak (OJ L 159, 20.5.2020, p. 1).

(⁵)* C/2021/2502 final.’.

Article 2

Entry into force

1. This Decision shall enter into force on the fifth day following that of its publication in the *Official Journal of the European Union*.
2. It shall apply from 4 April 2022.

Done at Frankfurt am Main, 17 February 2022.

For the Governing Council of the ECB
The President of the ECB
Christine LAGARDE

GUIDELINES

GUIDELINE (EU) 2022/311 OF THE EUROPEAN CENTRAL BANK

of 17 February 2022

amending Guideline ECB/2012/27 on a Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2) (ECB/2022/4)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union and in particular the first and fourth indents of Article 127(2) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank and in particular Article 3.1 and Articles 17, 18 and 22 thereof,

Whereas:

- (1) The Governing Council has decided on certain ceilings to the remuneration of government deposits, as specified in Guideline (EU) 2019/671 of the European Central Bank (ECB/2019/7) ⁽¹⁾.
- (2) Limitations on the remuneration of government deposits held by national central banks (NCBs) as fiscal agents pursuant to Article 21.2 of the Statute of the European System of Central Banks and of the European Central Bank must be specified to achieve the single monetary policy, in particular in order to provide incentives for government deposits to be placed in the market, so as to facilitate the Eurosystem's liquidity management and monetary policy implementation. In addition, the introduction of a ceiling on the remuneration of government deposits based on money market rates clarifies the criteria and facilitates the monitoring of the NCBs' compliance with the prohibition on monetary financing carried out by the ECB in accordance with Article 271(d) of the Treaty.
- (3) Guideline 2013/47/EU of the European Central Bank (ECB/2012/27) ⁽²⁾ contains provisions regarding the remuneration on Payments Module accounts, their sub-accounts and TIPS Dedicated Cash Accounts. Governments, as defined in Article 2 of Guideline (EU) 2019/671 (ECB/2019/7), may participate in TARGET2, as set out in Article 4(2)(a) or (b) of Annex II and in Article 5(2)(a) or (b) of Annex IIb to Guideline ECB/2012/27, and may hold balances on such accounts overnight. Therefore, the provisions of Guideline ECB/2012/27 on the remuneration of such accounts may interfere with the general principles on the remuneration of government deposits as approved by the Governing Council whereby following the discontinuation of the euro overnight index average (EONIA) as of January 2022 the remuneration ceiling applicable to such accounts and sub-accounts should be the euro short-term rate (€STR).
- (4) In order to ensure consistent and effective application of the general principles on the remuneration of government deposits, it is necessary to clarify and update the provisions of Guideline 2013/47/EU (ECB/2012/27).
- (5) For the purposes of the limitation on the remuneration of government deposits, Guideline (EU) 2019/671 (ECB/2019/7) should apply.
- (6) Therefore, Guideline 2013/47/EU (ECB/2012/27) should be amended accordingly,

⁽¹⁾ Guideline (EU) 2019/671 of the European Central Bank of 9 April 2019 on domestic asset and liability management operations by the national central banks (ECB/2019/7) (OJ L 113, 29.4.2019, p. 11).

⁽²⁾ Guideline 2013/47/EU of the European Central Bank of 5 December 2012 on a Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2) (ECB/2012/27) (OJ L 30, 30.1.2013, p. 1).

HAS ADOPTED THIS GUIDELINE:

Article 1

Amendments

Annexes II and IIb to Guideline 2013/47/EU (ECB/2012/27) are amended in accordance with the Annex to this Guideline.

Article 2

Taking effect and implementation

1. This Guideline shall take effect on the day of its notification to the national central banks of the Member States whose currency is the euro.
2. The national central banks of the Member States whose currency is the euro shall take the necessary measures to comply with this Guideline and apply them from 2 May 2022. They shall notify the ECB of the texts and means relating to those measures by 25 March 2022 at the latest.

Article 3

Addressees

This Guideline is addressed to all Eurosystem central banks.

Done at Frankfurt am Main, 17 February 2022.

For the Governing Council of the ECB
The President of the ECB
Christine LAGARDE

ANNEX

Annexes II and IIb to Guideline 2013/47/EU (ECB/2012/27) are amended as follows:

(1) in Annex II, Title IV, Article 12, paragraph 5 is replaced by the following:

‘5. PM accounts and their sub-accounts shall either be remunerated at zero per cent or at the deposit facility rate, whichever is lower, unless they are used to hold any of the following:

- (a) minimum reserves;
- (b) excess reserves;
- (c) government deposits as defined in Article 2, point (5) of Guideline (EU) 2019/671 (ECB/2019/7).

In the case of minimum reserves, the calculation and payment of remuneration of holdings shall be governed by Council Regulation (EC) No 2531/98 (*) and Regulation (EU) 2021/378 of the European Central Bank (ECB/2021/1) (**).

In the case of excess reserves, the calculation and payment of remuneration of holdings shall be governed by Decision (EU) 2019/1743 (ECB/2019/31) (***).

In the case of government deposits, the remuneration of holdings shall be governed by the provisions relating to those government deposits as set out in Article 4 of Guideline (EU) 2019/671 (ECB/2019/7) (****).

(*) Council Regulation (EC) No 2531/98 of 23 November 1998 concerning the application of minimum reserves by the European Central Bank (OJ L 318, 27.11.1998, p. 1).

(**) Regulation (EU) 2021/378 of the European Central Bank of 22 January 2021 on the application of minimum reserve requirements (ECB/2021/1) (OJ L 73, 3.3.2021, p. 1).

(***) Decision (EU) 2019/1743 of the European Central Bank of 15 October 2019 on the remuneration of holdings of excess reserves and of certain deposits (ECB/2019/31) (OJ L 267, 21.10.2019, p. 12).

(****) Guideline (EU) 2019/671 of the European Central Bank of 9 April 2019 on domestic asset and liability management operations by the national central banks (ECB/2019/7) (OJ L 113, 29.4.2019, p. 11).’;

(2) in Annex IIb, Title IV, Article 15, paragraph 5 is replaced by the following:

‘5. TIPS DCAs shall either be remunerated at zero per cent or at the deposit facility rate, whichever is lower, unless they are used to hold any of the following:

- (a) minimum reserves;
- (b) excess reserves;
- (c) government deposits as defined in Article 2, point (5) of Guideline (EU) 2019/671 (ECB/2019/7).

In the case of minimum reserves, the calculation and payment of remuneration of holdings shall be governed by Council Regulation (EC) No 2531/98 (*) and Regulation (EU) 2021/378 of the European Central Bank (ECB/2021/1) (**).

In the case of excess reserves, the calculation and payment of remuneration of holdings shall be governed by Decision (EU) 2019/1743 (ECB/2019/31) (***).

In the case of government deposits, the remuneration of holdings shall be governed by the provisions relating to those government deposits as set out in Article 4 of Guideline (EU) 2019/671 (ECB/2019/7) (****).

(*) Council Regulation (EC) No 2531/98 of 23 November 1998 concerning the application of minimum reserves by the European Central Bank (OJ L 318, 27.11.1998, p. 1).

(**) Regulation (EU) 2021/378 of the European Central Bank of 22 January 2021 on the application of minimum reserve requirements (ECB/2021/1) (OJ L 73, 3.3.2021, p. 1).

(***) Decision (EU) 2019/1743 of the European Central Bank of 15 October 2019 on the remuneration of holdings of excess reserves and of certain deposits (ECB/2019/31) (OJ L 267, 21.10.2019, p. 12).

(****) Guideline (EU) 2019/671 of the European Central Bank of 9 April 2019 on domestic asset and liability management operations by the national central banks (ECB/2019/7) (OJ L 113, 29.4.2019, p. 11).’.

RULES OF PROCEDURE

Code of Conduct for the Members and former Members of the Court

THE EUROPEAN COURT OF AUDITORS ('the Court'),

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 285, 286 and 339 thereof,

Having regard to the Rules of Procedure of the Court, and in particular Articles 3 and 34(1) thereof, and to the Rules for Implementing the Rules of Procedure of the Court, in particular Article 81(4) thereof,

Whereas the Members of the Court are required, in the Union's general interest, to be completely independent in the performance of their duties, neither to seek nor to take instructions from any government or from any other body, and to refrain from any action incompatible with their duties,

Whereas, when entering upon their duties, the Members of the Court give a solemn undertaking that, both during and after their term of office, they will respect the obligations arising therefrom,

Whereas Members have a special responsibility in ethical matters since, through their example, they have a significant influence on the culture of the organisation and on facilitating a good working environment,

Whereas this Code of Conduct reflects the fundamental ethical values and principles laid out, for example, in the Code of Ethics of the International Organization of Supreme Audit Institutions (ISSAI 130), such as integrity, independence and objectivity, competence, professional behaviour, confidentiality and transparency,

Whereas the Code of Conduct for the Members of the Court of 8 February 2012 needs to be revised in order to take account of the experience gained in its application and for the Court to ensure the highest ethical standards, as expected of Members of the Court, and to take account of the conclusions of the peer review report on the ethical framework of the Court completed in 2019 by the Supreme Audit Institutions of Croatia and Poland,

Whereas, in order to ensure greater transparency and consistency, all relevant provisions regarding the ethical obligations of Members should be merged into this Code of Conduct, which forms an integral part of the Rules for Implementing the Rules of Procedure of the Court,

Whereas the Court has adopted a policy for maintaining a satisfactory working environment and combating psychological and sexual harassment,

Whereas certain obligations arising from this Code of Conduct in relation to the Members of the Court should also apply to former Members in order to be fully effective,

Has decided to adopt the following *Code of Conduct for the Members and former Members of the Court*:

Article 1

Scope

This Code of Conduct shall apply to the Members of the Court and, where expressly specified, to former Members of the Court.

I. VALUES AND PRINCIPLES

Article 2

General provisions

1. Members shall observe the highest standards of ethical conduct and set the tone at the top by their actions.
2. Members shall observe the following ethical values and principles: integrity, independence, objectivity, competence, professional behaviour, confidentiality and transparency, dignity, commitment and loyalty, and discretion and collegiality.

Article 3

Integrity

1. Members shall act honestly, reliably, in good faith and solely in the public interest.
2. Members shall refrain from accepting any gifts or similar benefits with a value of more than EUR 150. Members shall also refrain from accepting from third parties the covering of manifestly disproportionate subsistence or travel costs.
3. Members may not accept payment for any type of external activity carried out or work published during their term of office.
4. Members shall use the infrastructure and resources placed at their disposal in full compliance with the general and specific rules laid down to that effect, and in particular the Court decisions in force concerning the procedure for recruiting staff to Members' cabinets, representation and reception expenses, and use of the Court's official vehicles.
5. Members of the Court shall choose the members of their cabinets taking into account the demanding nature of the function, the professional profiles required and the need to establish a relationship based on mutual trust between themselves and the members of their cabinets. Spouses, partners and direct family members shall not be part of the cabinets of Members of the Court.

Article 4

Independence

1. Members shall be free from circumstances or influences that compromise, or may be seen as compromising, their professional judgement.
2. Members shall neither seek nor take any instructions from any institution, body, office or agency of the Union, or from any government or from any other public or private entity.
3. Members shall maintain independence from political influence. In particular, they may not exercise any political office.
4. Members' relations with interest groups shall be compatible with the need to preserve their independence.

Article 5

Objectivity

1. Members shall act in an impartial and unbiased manner.
2. Members shall avoid any situation that is liable to give rise to a conflict of interest, or that could objectively be perceived as such. A conflict of interest arises where a personal interest could influence the independent performance of a Member's duties. Personal interests include, but are not limited to, any potential benefit or advantage to Members themselves, their spouses, partners or direct family members.

*Article 6***Competence**

Members shall develop and maintain knowledge and skills relevant for their duties and shall act in accordance with the applicable standards and with due care.

*Article 7***Professional behaviour**

1. Members shall comply with the applicable rules set out in the Treaties, in secondary law and by the Court. They shall avoid any conduct that could discredit the Court.
2. Members of the Court shall be mindful of the importance of their duties and responsibilities; they shall, leading by example, take into account the public nature of their duties and shall conduct themselves in a way that maintains and promotes the public's trust in the Court.

*Article 8***Confidentiality and transparency**

1. Members shall respect the confidential nature of the Court's work. They shall not divulge confidential information of the kind covered by the obligation of professional secrecy, as specified in Article 339 TFEU.
2. Members shall be responsible for the proper handling of any classified, confidential or sensitive documents and information with which they or their cabinet come into contact in the course of their duties.
3. Members shall not use for private purposes, either for themselves or on behalf of others, any information to which they have access by virtue of their official position and which has not been made available to the general public.
4. Members should be mindful that their public office requires enhanced transparency and accountability towards the public. They should balance the need for transparency with confidentiality.

*Article 9***Dignity**

1. Members shall respect the dignity of their office and shall not express themselves, through whatever medium, in a manner that adversely affects its public perception.
2. Members shall behave in a courteous and respectful manner. They shall establish and maintain a working environment that discourages any behaviour that might undermine an individual's dignity.

*Article 10***Commitment and loyalty**

1. Members of the Court shall devote themselves to the fulfilment of their mandate. They shall reside at the place where the Court has its seat.
2. They shall attend the meetings of the Court, of the Chambers, and of the Committees to which they belong, in accordance with Article 6 of the Rules for Implementing the Rules of Procedure of the Court.
3. In the spirit of loyalty, they shall provide their constant support to the Court in the discharge of its prerogatives.

*Article 11***Discretion and collegiality**

1. Members shall act and express themselves, both within and outside the institution, with the restraint their office requires.
2. Members shall under all circumstances respect the collegiate nature of the Court's organisation, and adhere to and take collective responsibility for any decisions adopted by the Court. However, Members may have recourse to the judicial instruments provided for under European Union law if they consider that those decisions have caused them harm.
3. Without prejudice to the President's responsibility for external relations, Members shall have authority outside the Court to communicate and comment upon any reports, opinions or information that the Court has decided to make public, subject to the conditions in paragraph 4 below.
4. Members shall refrain from making any comment outside the Court that:
 - (a) would call into question a decision taken by the Court;
 - (b) could damage the Court's reputation;
 - (c) could be interpreted as a statement of the Court's position on matters that do not fall within its institutional remit or on which the Court has not taken a position; or
 - (d) might involve the Court in any controversy, even after they have ceased to hold office.

*Article 12***External Activities**

1. Members shall not engage in any professional activity outside the Court, or in any other external activity, whether gainful or not, that is incompatible with their duties, as specified in Article 286(3) and (4) TFEU.
2. Under the conditions laid down in this article, Members may hold honorary, unremunerated offices in foundations or similar organisations in the political, legal, scientific, cultural, artistic, social, sporting or charitable spheres or in educational establishments. 'Honorary office' means an office in which the holder has no management role, no decision-making power and no responsibility for or control of the operations of the body in question, and only exercises a representative or advisory role. 'Foundation or similar organisation' means any non-profit organisation or association engaged in activities in the public interest in the aforementioned areas. Members shall avoid any conflict of interest that could arise, or that could be objectively perceived as arising, from these offices, particularly if the body in question receives any kind of financing from the EU budget.
3. Members may also engage in the following external activities, providing they observe Articles 2 and 10:
 - (a) giving courses in the interests of European integration, the rule of law or ethics, or delivering speeches, or taking part in conferences, provided that either no payment is made or, should a payment be made, that it is paid directly by the organiser to a charity of the Member's choice;
 - (b) publishing a book or writing an article, provided that any royalties from works published in connection with a Member's functions are paid directly by the publisher to a charity of the Member's choice.
4. External activities shall not
 - (a) undermine the Court's impartiality;
 - (b) create a conflict of interest, or be objectively perceived as creating a conflict of interest;
 - (c) take up an excessive amount of time, taking into account the cumulative impact of a Member's total external activities;
 - (d) afford the Member any pecuniary gain.

*Article 13***Obligations of Members after ceasing to hold office**

1. After ceasing to hold office, former Members shall respect those obligations arising from their duties that continue to have an effect after their term, in particular the duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefits in line with Article 286(4) TFEU, and the obligations specified in this Code of Conduct.
2. They shall continue to be bound by the duties of discretion and collegiality, as laid down in Article 11, with respect to the activities performed during their term of office. In accordance with Article 339 TFEU, the obligation of professional secrecy shall continue to apply after Members have ceased to hold office.

II. PROCEDURAL RULES*Article 14***Declaration of Interests**

1. Members shall submit a Declaration of Interests:
 - (a) within a maximum of one month of taking office;
 - (b) on an annual basis on 31 January;
 - (c) at any time, in the event of significant changes in the information to be declared (including new external activities covered by paragraph 10); and
 - (d) on leaving office.
2. These Declarations of Interests shall be submitted to the President using the form in Annex I to this Code of Conduct.
3. The Declaration of Interests shall contain the items listed in paragraphs 4 to 11 of this Article.
4. Members of the Court shall declare any financial interests, assets, or liabilities that might create or objectively be perceived as creating a conflict of interest in the performance of their duties.
5. This includes individual holdings in company capital, in particular shares, and other forms of holding such as convertible bonds or investment certificates. Units in unit trusts, which do not constitute a direct interest in company capital, do not have to be declared.
6. Any property owned either directly or through a real estate company shall be declared, and its approximate location and nature identified, with the exception of homes reserved for the exclusive use of the owner and their family. This shall not include moveable assets.
7. These obligations apply to the financial interests of spouses, partners ⁽¹⁾ and minor children, where those interests might be objectively considered capable of giving rise to a conflict of interest.
8. On first taking office, Members shall declare all activities, professional and honorary, engaged in during the previous three years.
9. Members shall, in order to obviate any potential risk of conflict of interests, declare any professional activities of their spouses or partners ⁽²⁾.
10. Members shall declare all current external activities in addition to declaring them in accordance with the specific procedure laid down in Article 16(1). This shall exclude external activities falling under Article 12(3).
11. Members shall declare any decoration, prize or honour bestowed on them.

⁽¹⁾ Stable non matrimonial partner as defined in Article 1(2)(c) of Annex VII of the Staff Regulations.

⁽²⁾ Ibid.

12. Members are responsible for their own declarations.
13. The President of the Court shall examine the declarations from a formal point of view, with the support of the Legal Service. The Declaration of Interests made by the President shall be examined by the Member next in order of precedence to the President under Article 5 of the Rules of Procedure.
14. Following this examination and with due regard to the protection of personal data, these Declarations of Interests shall be published on the Court's website.
15. The President shall take account of the declarations when proposing the assignment of the Member to a Chamber or Committee of the Court, in order to avoid any possible conflict of interests.
16. If Members are confronted with a situation outside the scope of the Declaration of Interests that may give rise to a conflict of interest, they shall inform the President of the Court. Following an examination by the Ethics Committee, the matter shall be submitted to the Court, which shall take any measure it considers appropriate.

Article 14a

Members' obligations regarding certain contractual relationships

1. Any long-term contractual relationships between Members and staff of the Court, whether or not they involve any remuneration, shall be declared to the Ethics Committee, which is responsible for their examination.
2. Members shall not enter into long-term rental, sub-rental, or loan agreements with staff of the Court.

Article 15

Acceptance of gifts and similar benefits

1. If, by virtue of diplomatic and courtesy usage, Members receive gifts or similar benefits of a value of more than EUR 150, they shall hand them over to the Secretary-General. In case of doubt, they shall declare to the Secretary-General any gift received in the performance of their duties, asking for an assessment of its value.
2. The Secretariat of the Court shall keep a register of gifts and similar benefits with a value of more than EUR 150, identifying the donors, which shall be publicly available on the Court's website.
3. This Article shall not apply to authorised official missions involving a Member's participation in an event where the organiser bears certain costs (for example, travel or hotel costs).

Article 16

Members' obligations regarding external activities

1. Members shall declare without delay to the President of the Court all external activities or changes to a declared activity, using the form in Annex II. Members shall describe the external activities as accurately as possible according to each of the criteria listed in paragraph 3.
2. The President shall forward any such declaration concerning external activities to the Ethics Committee, which is responsible for its examination.
3. To that end, the Ethics Committee shall examine any existing or requested external activity in the light of the general criteria laid down in Article 12(4).
4. By way of exception, external activities pursuant to Article 12(3)(a) and (b) shall be declared to the President using the form in Annex II and sent for information purposes to the Ethics Committee, which shall not issue an opinion unless it deems this necessary.

5. Activities falling within the scope of the Court's Decision on the mission expenses of the Members of the Court cannot constitute 'external activities' within the meaning of Articles 12 and 16 of this Code. Members remain free to provide any such information they see fit to the Ethics Committee, purely for its information. Conversely, an external activity declared under this Code cannot benefit from reimbursement under the Court's Decision on the mission expenses of the Members of the Court.

Article 17

Members' occupations after ceasing to hold office

1. Whenever Members or former Members of the Court intend to engage in an occupation during the two years after they have ceased to hold office, they shall declare it to the President of the Court using the form in Annex III as soon as they become aware of the matter, and if possible with at least two months' notice.
2. For the purposes of this Code, 'occupation' means any professional activity, whether gainful or not. It excludes:
 - (a) honorary, unremunerated offices in foundations or similar organisations, with no link to the activities of the European Union, in the political, legal, scientific, cultural, artistic, social, sporting or charitable sphere or in educational establishments;
 - (b) the mere management in a private capacity of assets or holdings or personal or family fortune; and
 - (c) comparable activities.
3. The President shall forward such declarations for examination by the Ethics Committee. The Ethics Committee shall examine whether the nature of the planned occupation is compatible with Article 286(4) TFEU and the present Code, whether it undermines the Court's impartiality, and whether there is a conflict of interest.
4. Where necessary, the Ethics Committee shall, in carrying out this examination under paragraph 3, identify and assess if there are any specific and substantiated risks to the criteria in paragraph 3 arising from reports for which the Member acted as Reporting Member in the last two years of his or her mandate. The Committee shall also have regard to Article 15 of the EU Charter of Fundamental Rights on the Freedom to choose an occupation and the right to engage in work.
5. If the Ethics Committee considers that the occupation would be incompatible with Article 286(4) TFEU and the present Code, the President shall inform the former Member, who shall refrain from engaging in that activity.
6. By way of exception, where the former Member intends to engage in public office, a conflict of interest is, in principle, not to be expected.

III. ORGANISATIONAL FRAMEWORK

Article 18

The Ethics Committee

1. The Court hereby establishes an Ethics Committee, which shall consider any matter of an ethical nature it deems relevant to the standards laid down in this Code and the reputation of the Court, including their further improvement.
2. The Committee's composition is laid down in Article 33 of the Court's Rules Implementing the Rules of Procedure.
3. The Committee shall elect a chairperson from among its Members.
4. The Committee shall convene at the request of its chairperson or following a request for an opinion submitted to it by the President or a Member of the Court. The Committee's deliberations shall be confidential.

5. The Committee shall issue an opinion within 30 days of being consulted. On a proposal from its chairperson, the Committee may issue an opinion by written procedure. By way of exception, when consulted under Article 17, it shall issue an opinion as soon as possible.
6. The Committee shall adopt its opinions by majority vote. Its opinions shall be reasoned with reference made to any dissenting view. Such opinions shall immediately be communicated to any Member or former Member that may be concerned by the Committee's opinion and forwarded to the President and Court for their information.
7. Where the Committee must consider a declaration of interests or a declaration concerning an external activity of a Member of the Committee, that Member shall be substituted by an alternate Member of the Committee and shall not take part in the Committee's work on the matter.
8. The Ethics Committee shall fulfil the role assigned to it in the decision setting out the Court's policy for maintaining a satisfactory working environment and combating psychological and sexual harassment.
9. The Legal Service shall assist the Ethics Committee in its tasks and provide secretarial support.
10. A contract shall be signed between the Court and the external Member of the Committee laying down their rights and obligations with regard to their mandate, including the amount of the fees.

Article 19

Interaction between the Members, the Ethics Committee and the Court

1. The President and the Members and former Members of the Court may seek the Committee's advice on any ethical question, in particular relating to the interpretation of this Code of Conduct.
2. Members shall immediately report in writing to the President and the relevant Dean any perceived undue influence on, or threat to, their independence by any entity external to the Court.
3. Members and former Members of the Court shall fully cooperate with the Committee, in particular regarding the provision of any information and supporting documents it has requested. They shall have the right to be heard.
4. A Member or former Member disagreeing with an opinion of the Ethics Committee adversely affecting him or her shall, within five working days from the date of receipt of the opinion, give reasons for such disagreement in writing to the President, who shall without delay refer the matter to the Court for its consideration and final decision. Where the referral concerns an envisaged occupation under Article 17, the Court shall deal with the matter without delay.
5. The effects of the Committee's opinion so referred to the Court shall be suspended. The Court shall give any provisional instruction on the matter referred as it may deem appropriate until it has adopted its final decision. The Member or former Member concerned shall comply without delay with such a Court instruction and final decision.
6. The President of the Court shall ensure that the Committee's opinions and any resulting instructions and decisions of the Court are acted upon.
7. Each year, the Court shall adopt a report on the application of this Code of Conduct, including the work of the Ethics Committee. It shall be published on the Court's website.

*Article 20***Cooperation with the EPPO and OLAF**

Without prejudice to the relevant provisions of the Treaty on the Functioning of the European Union, in particular the Protocol on Privileges and Immunities, and the texts relevant to their application, in particular the procedural guarantees laid down in Council Regulation (EU) 2017/1939 ⁽³⁾ and Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council ⁽⁴⁾, the Members of the Court shall cooperate fully with the European Public Prosecutor's Office and the European Anti-Fraud Office in the context of enquiries and investigations undertaken by them.

IV. GENERAL AND FINAL PROVISIONS*Article 21***Application of the Code of Conduct**

1. The President and Members of the Court shall ensure that this Code of Conduct is observed and that it is applied in good faith and with due consideration to the principle of proportionality. The existing internal and external controls of the Court are applicable to activities under this Code.
2. In the interpretation of this Code, and without prejudice to its provisions, which contain a complete set of rights and obligations, account should be taken of any relevant European and international practices and standards.

*Article 22***Final Provisions**

1. This Code of Conduct forms part of the Rules for Implementing the Rules of Procedure of the Court, to which it shall be annexed.
2. It repeals and replaces the Code of Conduct for the Members of the Court of 14 December 2020.
3. It shall enter into force with immediate effect.
4. Article 14(8) of the revised Code of Conduct shall not apply to Members whose terms of office are underway at the time of adoption of the present Code.
5. This Code of Conduct shall be notified to former Members, sent for information to the European Parliament and to the Council, and published in the *Official Journal of the European Union*.

Done at Luxembourg, 10 February 2022.

For the Court of Auditors
President
Klaus-Heiner LEHNE

⁽³⁾ Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

⁽⁴⁾ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

ANNEX I

DECLARATION OF INTERESTS

(pursuant to Article 14)

Full name:

I. Financial interests, assets and liabilities (Article 14(4)(5) of the Code of Conduct)

Indicate any such items that might create or objectively be perceived as creating a conflict of interest in the performance of your duties.

Indicate for each interest:

<i>The type of interest (e.g. shares, bonds, loans, other interest or liability)</i>	<i>The entity concerned (e.g. company, bank, fund)</i>	<i>The size of the interest (e.g. number of shares)</i>

II. Financial interests of spouse, partner or minor children that might objectively be considered capable of giving rise to a conflict of interest (Article 14(7) of the Code of Conduct)

Specify the names of the spouse, partner or minor children concerned, together with the same information as required under I.

III. Real Estate (Article 14(6) of the Code of Conduct)

Any property owned either directly or through a real estate company, identifying its approximate location and nature ⁽¹⁾. It is not considered necessary to stipulate the value of properties.

IV. Previous activities (Article 14(8) of the Code of Conduct) ⁽²⁾

Please indicate the nature of the post(s), the name of the body and its objective/activity.

V. Current external activities (Articles 14(10) of the Code of Conduct) ⁽³⁾ ⁽⁴⁾

Please indicate the title of each activity and describe its nature and objective.

VI. Spouse's or partner's professional activities (Article 14(9) of the Code of Conduct)

⁽¹⁾ As laid down in Article 14(6), this shall not include 'homes reserved for the exclusive use of the owner and their family'.

⁽²⁾ The declaration under this paragraph should be made by new Members on commencing their first term. As and when their declaration is updated, this part should be copied without alteration. Members starting a further (second or third) 6-year term, where there is no interruption between mandates, are exempt from making the declaration under this paragraph.

⁽³⁾ The external activities listed in Article 12(3)(a) and (b) are not declared here but instead dealt with in accordance with Article 16(4).

⁽⁴⁾ If you have just started your first mandate and one or more of your external activities is still under examination following your declaration under Article 16, you must nevertheless list them in full and add the following footnote: 'This external activity is currently under examination by the Court's Ethics Committee'. Once the procedure under Article 16(3) is completed, please submit an updated Declaration of Interests reflecting the consequences of the procedure.

VII. Decorations, prizes and honours and additional relevant information (Article 14(11) of the Code of Conduct)

I hereby declare that the information given above is true.

Date:

Signature:

This declaration will be made public in line with Article 14(14) of the Code.

ANNEX II

DECLARATION OF AN EXTERNAL ACTIVITY

(pursuant to Articles 12 and 16)

Full name:

Title of the external activity:**Description:***Please describe the activity as accurately as possible, attaching any relevant documentation.***Information:***Please provide information demonstrating for evaluation purposes whether the activity:*

- (a) *undermines the Court's impartiality;*
- (b) *engenders a conflict of interest;*
- (c) *takes up an excessive amount of time (both separately and taking into account your cumulated external activities);*
- (d) *affords you any pecuniary gain.*

Intended date of the external activity:**List any travel or subsistence costs covered by third parties:**

I hereby declare that the information given above is true.

Date:

Signature:

ANNEX III

DECLARATION OF AN OCCUPATION(Pursuant to Article 17 ⁽¹⁾)

Full name:

Intended occupation:**Description:***Please describe the occupation as fully and accurately as possible, attaching any relevant documentation as annexes:***Information:***Please provide information demonstrating for evaluation purposes whether the occupation:*

- (a) *undermines the Court's impartiality:*
- (b) *engenders a conflict of interest:*

Intended starting date for the occupation:

I hereby declare that the information given above is true.

Date:

Signature:

⁽¹⁾ Please note that activities that fall under the exception provided for in Article 17(2)(a), (b) or (c) do not need to be declared.

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