

Official Journal of the European Union

L 34



English edition

Legislation

Volume 60

9 February 2017

Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Commission Delegated Regulation (EU) 2017/214 of 30 November 2016 amending Regulation (EU) No 98/2013 of the European Parliament and of the Council, as regards adding aluminium powder to the list of explosives precursors in Annex II ⁽¹⁾** 1
- ★ **Commission Delegated Regulation (EU) 2017/215 of 30 November 2016 amending Regulation (EU) No 98/2013 of the European Parliament and of the Council, as regards adding magnesium nitrate hexahydrate to the list of explosives precursors in Annex II ⁽¹⁾** 3
- ★ **Commission Delegated Regulation (EU) 2017/216 of 30 November 2016 amending Regulation (EU) No 98/2013 of the European Parliament and of the Council, as regards adding magnesium powder to the list of explosives precursors in Annex II ⁽¹⁾** 5
- ★ **Commission Delegated Regulation (EU) 2017/217 of 5 December 2016 amending Annex II to Regulation (EU) No 978/2012 of the European Parliament and of the Council applying a scheme of generalised tariff preferences** 7
- ★ **Commission Implementing Regulation (EU) 2017/218 of 6 February 2017 on the Union fishing fleet register** 9
- ★ **Commission Implementing Regulation (EU) 2017/219 of 8 February 2017 concerning the authorisation of a preparation of *Bacillus subtilis* (DSM 27273) as a feed additive for weaned piglets and weaned minor porcine species (holder of authorisation Chr. Hansen A/S) ⁽¹⁾** 18
- ★ **Commission Implementing Regulation (EU) 2017/220 of 8 February 2017 amending Council Implementing Regulation (EU) No 1106/2013 imposing a definitive anti-dumping duty on imports of certain stainless steel wires originating in India following a partial interim review under Article 11(3) of Regulation (EU) 2016/1036 of the European Parliament and of the Council** 21

⁽¹⁾ Text with EEA relevance.

EN

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

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

★ Commission Implementing Regulation (EU) 2017/221 of 8 February 2017 amending for the 259th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations	30
--	----

Commission Implementing Regulation (EU) 2017/222 of 8 February 2017 establishing the standard import values for determining the entry price of certain fruit and vegetables	32
---	----

DECISIONS

★ Commission Implementing Decision (EU) 2017/223 of 7 February 2017 authorising a laboratory in Brazil to carry out serological tests to monitor the effectiveness of rabies vaccines in dogs, cats and ferrets (<i>notified under document C(2017) 572</i>) ⁽¹⁾	34
--	----

★ Commission Implementing Decision (EU) 2017/224 of 8 February 2017 setting out the technical and operational specifications allowing the commercial service offered by the system established under the Galileo programme to fulfil the function referred to in Article 2(4)(c) of Regulation (EU) No 1285/2013 of the European Parliament and of the Council	36
---	----

⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2017/214

of 30 November 2016

amending Regulation (EU) No 98/2013 of the European Parliament and of the Council, as regards adding aluminium powder to the list of explosives precursors in Annex II

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors ⁽¹⁾, and in particular Article 12 thereof,

Whereas:

- (1) Annex II to Regulation (EU) No 98/2013 lists explosives precursors which are subject to harmonised rules concerning their availability to the general public and ensuring the appropriate reporting of suspicious transactions, disappearances and thefts throughout the supply chain.
- (2) Substances listed in Annex II are available to the members of the general public but are subject to the reporting obligation that covers both professional users throughout the supply chain and members of the general public.
- (3) Member States have demonstrated that aluminium powder has been used in, and acquired for, the production of homemade explosives in Europe.
- (4) The marketing and use of aluminium powder is currently not harmonised at Union level. However, at least one Member State already limits its availability to the general public, and the World Customs Organisation monitors shipments worldwide to identify instances of illicit trade for the purpose of manufacturing improvised explosives precursors.
- (5) Developments in the misuse of aluminium powder do not currently justify restricting access by the members of the general public, in view of the level of threat or the volume of trade associated with this substance.
- (6) Increased control is necessary to allow national authorities to prevent and detect the possible illicit use of these substances as explosives precursors, and this can be achieved through the reporting mechanism established under Regulation (EU) No 98/2013.
- (7) In the light of the risk posed by the availability of aluminium powder, and considering that the reporting obligation will have no significant impact on economic operators or consumers, it is justified and proportionate to add this substance to Annex II of Regulation (EU) No 98/2013,

⁽¹⁾ OJ L 39, 9.2.2013, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

The table in Annex II to Regulation (EU) No 98/2013 is amended as follows:

(a) the header of the second column is replaced by the following:

‘Combined Nomenclature (CN) code ⁽¹⁾’;

(b) the following substance is added:

‘Aluminium, powders (CAS RN 7429-90-5) ⁽²⁾ ⁽³⁾ ’	ex 7603 10 00 ex 7603 20 00	
---	--------------------------------	--

⁽²⁾ With a particle size less than 200 µm.

⁽³⁾ As a substance or in mixtures containing 70 % or more, by weight, of aluminium and/or magnesium.’

Article 2

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

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

Done at Brussels, 30 November 2016.

For the Commission

The President

Jean-Claude JUNCKER

COMMISSION DELEGATED REGULATION (EU) 2017/215**of 30 November 2016****amending Regulation (EU) No 98/2013 of the European Parliament and of the Council, as regards adding magnesium nitrate hexahydrate to the list of explosives precursors in Annex II****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors ⁽¹⁾, and in particular Article 12 thereof,

Whereas:

- (1) Annex II to Regulation (EU) No 98/2013 lists explosives precursors which are subject to harmonised rules concerning their availability to the general public and ensuring the appropriate reporting of suspicious transactions, disappearances and thefts throughout the supply chain.
- (2) Substances listed in Annex II are available to the members of the general public but are subject to the reporting obligation that covers both professional users throughout the supply chain and members of the general public.
- (3) Annex II already covers a number of nitrate salts, in view that they can be misused as explosives precursors. Magnesium nitrate, which is supplied in its hexahydrate form, is a substance with similar properties but it is not yet covered.
- (4) Magnesium nitrate hexahydrate currently serves as a non-controlled alternative to the nitrate salts listed in Annex II. In addition, there have been reports in recent years of its misuse as an explosive precursor outside of the Union.
- (5) Developments in the misuse of magnesium nitrate hexahydrate do not currently justify restricting access by the members of the general public, in view of the level of threat or the volume of trade associated with this substance.
- (6) Increased control is necessary to allow national authorities to prevent and detect the possible illicit use of this substance as explosives precursor, and this can be achieved through the reporting mechanism established under Regulation (EU) No 98/2013.
- (7) In the light of the risk posed by the availability of magnesium nitrate hexahydrate, and considering that imposing the reporting obligation on it will have no significant impact on economic operators or consumers, it is justified and proportionate to add this substance to Annex II of Regulation (EU) No 98/2013,

HAS ADOPTED THIS REGULATION:

Article 1

In the table in Annex II to Regulation (EU) No 98/2013, the following substance is added:

'Magnesium nitrate hexahydrate (CAS RN 13446-18-9)	2834 29 80	3824 90 96'
--	------------	-------------

⁽¹⁾ OJ L 39, 9.2.2013, p. 1.

Article 2

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

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

Done at Brussels, 30 November 2016.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION DELEGATED REGULATION (EU) 2017/216**of 30 November 2016****amending Regulation (EU) No 98/2013 of the European Parliament and of the Council, as regards adding magnesium powder to the list of explosives precursors in Annex II****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors ⁽¹⁾, and in particular Article 12 thereof,

Whereas:

- (1) Annex II to Regulation (EU) No 98/2013 lists explosives precursors which are subject to harmonised rules concerning their availability to the general public and ensuring the appropriate reporting of suspicious transactions, disappearances and thefts throughout the supply chain.
- (2) Substances listed in Annex II are available to the members of the general public but are subject to the reporting obligation that covers both professional users throughout the supply chain and members of the general public.
- (3) Member States have demonstrated that aluminium powder has been used in, and acquired for, the production of homemade explosives in Europe. Magnesium powder is a substance with properties very similar to aluminium.
- (4) The marketing and use of aluminium and magnesium powders is currently not harmonised at Union level. However, at least one Member State already limits their availability to the general public, and the World Customs Organisation monitors the shipments of aluminium powder worldwide, to identify instances of illicit trade for the purpose of manufacturing improvised explosives precursors.
- (5) Developments in the misuse of aluminium and magnesium powders do not currently justify restricting access by the members of the general public, in view of the level of threat or the volume of trade associated with these substances.
- (6) Increased control is necessary to allow national authorities to prevent and detect the possible illicit use of these substances as explosives precursors, and this can be achieved through the reporting mechanism established under Regulation (EU) No 98/2013.
- (7) Aluminium powder is the subject of a separate delegated act which adds it to Annex II. This would leave magnesium powder as a realistic non-controlled alternative.
- (8) In the light of the risk posed by the availability of magnesium powder, and considering that the reporting obligation will have no significant impact on economic operators or consumers, it is justified and proportionate to add this substance to Annex II of Regulation (EU) No 98/2013,

HAS ADOPTED THIS REGULATION:

Article 1

In the table in Annex II to Regulation (EU) No 98/2013, the following substance is added:

Magnesium, <i>powders</i> (CAS RN 7439-95-4) ⁽²⁾ ⁽³⁾	ex 8104 30 00'	
---	----------------	--

⁽¹⁾ OJ L 39, 9.2.2013, p. 1.

Article 2

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

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

Done at Brussels, 30 November 2016.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION DELEGATED REGULATION (EU) 2017/217**of 5 December 2016****amending Annex II to Regulation (EU) No 978/2012 of the European Parliament and of the Council applying a scheme of generalised tariff preferences**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 978/2012 of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation (EC) No 732/2008 ⁽¹⁾, and in particular Article 5(3) thereof,

Whereas:

- (1) Article 4 of Regulation (EU) No 978/2012 establishes the criteria for granting tariff preferences under the general arrangement of the Generalised Scheme of Preferences ('GSP').
- (2) Points (a) and (b) of Article 4(1) of Regulation (EU) No 978/2012 provide, respectively, that a country that has been classified by the World Bank as a high-income or an upper-middle income country for three consecutive years, or a country that benefits from a preferential market access arrangement which provides the same tariff preferences as the GSP, or better, for substantially all trade, should not benefit from GSP.
- (3) The list of beneficiary countries of the general GSP referred to in point (a) of Article 1(2) of Regulation (EU) No 978/2012 is established in Annex II to that Regulation. Article 5(2) of Regulation (EU) No 978/2012 provides that Annex II is to be reviewed by 1 January of each year. The review should take into account changes in the economic, development or trade conditions of beneficiary countries in relation to the criteria laid down in Article 4.
- (4) Pursuant to Article 5(2) of Regulation (EU) No 978/2012, a GSP beneficiary country and economic operators are to be given sufficient time for an orderly adaptation to the country's GSP status revision. Therefore, the GSP arrangement is to continue for one year after the date of entry into force of a change in a country's status as referred to in Article 4(1)(a) and for two years after the date of application of a preferential market access arrangement, as referred to in Article 4(1)(b).
- (5) Tonga was classified by the World Bank as upper middle-income country in 2013, 2014 and 2015. Therefore, Tonga was removed from the list of GSP beneficiary countries in Annex II to Regulation (EU) No 978/2012 as from 1 January 2017 by Commission Delegated Regulation (EU) 2015/1979 ⁽²⁾. In 2016, however, Tonga was classified by the World Bank as a lower middle-income country. Therefore, Tonga should be reinserted into Annex II to Regulation (EU) No 978/2012, with application from 1 January 2017.
- (6) The implementation of the Deep and Comprehensive Free Trade Area (DCFTA), signed by the Union and Ukraine on 27 June 2014, as part of their broader Association Agreement, has been provisionally applied from 1 January 2016. As the DCFTA provides better tariff preferences as the GSP for substantially all trade, Ukraine should be removed from the list of GSP beneficiary countries in Annex II with application from 1 January 2018,

⁽¹⁾ OJ L 303, 31.10.2012, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2015/1979 of 28 August 2015 amending Annexes II, III and IV to Regulation (EU) No 978/2012 of the European Parliament and of the Council applying a scheme of generalised tariff preferences (OJ L 289, 5.11.2015, p. 3).

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) No 978/2012

Annex II to Regulation (EU) No 978/2012 is amended as follows:

(1) the following alphabetical code and the corresponding country are inserted in columns A and B, respectively:

'TO	Tonga'
-----	--------

(2) the following alphabetical code and the corresponding country are deleted from columns A and B, respectively:

'UA	Ukraine'
-----	----------

Article 2

Entry into force and application

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

Article 1(1) shall apply from 1 January 2017.

Article 1(2) shall apply from 1 January 2018.

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

Done at Brussels, 5 December 2016.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2017/218
of 6 February 2017
on the Union fishing fleet register

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulation (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC ⁽¹⁾, and in particular Article 24(4) thereof,

Whereas:

- (1) The Union fishing fleet register is a necessary tool for implementing the rules of the Common Fisheries Policy. That register should contain all Union fishing vessels.
- (2) Currently the rules governing the national fishing fleet registers and the Union fishing fleet register are laid down in Commission Regulation (EC) No 26/2004 ⁽²⁾.
- (3) Member States should record the information on ownership, on vessel and gear characteristics and on the activity of Union fishing vessels flying their flag and submit to the Commission such information in accordance with Article 24(1) of Regulation (EU) No 1380/2013. The Commission should maintain a Union fishing fleet register containing the information received from the Member States.
- (4) The Member States are responsible for the accuracy of the information contained in the national fishing fleet register. To this end the Member States should constantly monitor the quality of such information and ensure that it is regularly updated and can be checked at any time by the Commission through specific queries.
- (5) The processing by the Member States' competent authorities of personal data included in the national fishing fleet registers is subject to Union law rules on the protection of individuals with regard to the processing of personal data and on the free movement of such data, in particular Directive 95/46/EC of the European Parliament and of the Council ⁽³⁾, and to the relevant national implementing legislation. The characteristics and external marking recorded in the register kept by each Member State should be specified in accordance with Council Regulation (EEC) No 2930/86 ⁽⁴⁾ and Commission Implementing Regulation (EU) No 404/2011 ⁽⁵⁾.
- (6) In order to monitor the activities of vessels between Member States and to ensure an unequivocal link between the information contained in the Union fishing fleet register and the data from other information systems relating to fishing activities, a unique identification number should be allocated to each Union fishing vessel, which under no circumstances may be reassigned or altered.
- (7) To ensure the effective application of this Regulation it is appropriate to introduce new tools and procedures in order to simplify further data management between Member States and the European Commission and to guarantee access to updated data more frequently.
- (8) For the management of the capacity of fishing fleets and their activity, the Union fishing fleet register should be made available to Member States in its entirety and to the public in a limited version. This limited version should exclude personal data in order to protect such data but include fishing vessels identifiers for the purposes of strengthening access to and transparency of information for the public.

⁽¹⁾ OJ L 354, 28.12.2013, p. 22.

⁽²⁾ Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register (OJ L 5, 9.1.2004, p. 25).

⁽³⁾ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

⁽⁴⁾ Council Regulation (EEC) No 2930/86 of 22 September 1986 defining characteristics for fishing vessels (OJ L 274, 25.9.1986, p. 1).

⁽⁵⁾ Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy (OJ L 112, 30.4.2011, p. 1).

- (9) Processing of personal data in the framework of this Regulation by the Union institutions and bodies and access by the Member States to the information in the Union fishing fleet register is subject to Union law on the protection of individuals with regard to the processing of personal data and on the free movement of such data, in particular Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽¹⁾ in particular as regards the requirements of confidentiality and security of processing, the transfer of personal data from the national systems of Member States to the Commission, the lawfulness of processing, and the rights of data subjects to information, access to and rectification of their personal data.
- (10) The new tool for data exchanges developed by the Commission should be used for all electronic data exchanges.
- (11) As Article 24(2) of Regulation (EU) No 1380/2013 provides that Member States send to the Commission the information on ownership and on vessel and gear characteristics of Union fishing vessels flying their flag, those data should also be included in this Regulation.
- (12) Regulation (EC) No 26/2004 should be repealed.
- (13) Sufficient time should be given to Member States to adapt their national registers to the new data requirements laid down in this Regulation.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation:

- (a) lays down the obligations of the Commission for establishing and maintaining the Union fishing fleet register;
- (b) lays down the obligations of Member States regarding the collection and validation of data in their national fishing fleet register and the transmission of those data to the Commission;
- (c) determines the minimum information on vessel characteristics and activity which must appear in the national fishing fleet registers.

Article 2

Definitions

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

- (a) 'fishing vessel' means any vessel as defined in the Article 4 paragraph 1(4) of Regulation (EU) No 1380/2013;
- (b) 'Union fishing vessel' means: a fishing vessel as defined in the Article 4 paragraph 1(5) of Regulation (EU) No 1380/2013;
- (c) 'Union fishing fleet' means all Union fishing vessels flying the flag of a Member State and registered in the Union;
- (d) 'aquaculture vessel' means a vessel equipped exclusively for harvesting, transport, handling and/or landing of aquaculture products;

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

- (e) 'event' means any entry to or exit from the fleet of a vessel or change in one of its characteristics as listed in Annex I;
- (f) 'transmission' means a digital transfer of one or more events between the Member States and the Commission;
- (g) 'Transportation layer' means the electronic network for fisheries data exchanges as made available by the Commission to all Member States and the body designated by it to exchange data in a standardised way;
- (h) 'census date' means the date on which the first event has been communicated by a Member State to the Commission, as laid down in Annex II;
- (i) 'snapshot' means the list of events recorded for vessels in the fishing fleet register of a Member State in a defined period of time;
- (j) 'legal owner' means any natural or legal person that appears on the vessel's registration documents as having the legal title of ownership of the vessel;
- (k) 'operator' means a natural or legal person as defined in Article 4(19) of Council Regulation (EC) No 1224/2009 ⁽¹⁾;
- (l) 'common fleet register (CFR) number' means the unique identification number of the vessel in the Union fishing fleet, irrespective of any national fishing fleet numbers;
- (m) 'personal data' means any information relating to an identified or identifiable natural person as defined in Article 2(a) of Regulation (EC) No 45/2001;
- (n) 'national fishing fleet register' means the register which each Member State keeps of all the fishing vessels flying its flag;
- (o) 'Union fishing fleet register' means the register, kept by the Commission, containing information on all Union fishing vessels.

Article 3

Scope

This Regulation shall apply to all Union fishing vessels except aquaculture vessels and blue fin tuna traps.

Article 4

Use of the Union fishing fleet register

The data from the Union fishing register shall be used for the application of the rules of the common fisheries policy.

Article 5

Data collection in the national fishing fleet register

Each Member State shall collect, validate and record without delay in the national fishing fleet register the data referred to in Annex I.

⁽¹⁾ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

*Article 6***Data submission**

1. The Member States shall submit to the Commission any event concerning fishing vessels introduced in the national fishing fleet register no later than at the end of the working day when the event has been fully registered.
2. If the relevant event is a correction of earlier data, all events concerning that vessel since the census date or its first entry into the national fishing fleet register shall be transmitted to the Commission.
3. Event data shall be submitted to the Commission in accordance with Article 9.
4. The Commission shall verify the correctness of the submission received and register the events in the Union fishing fleet register if the submission complies with requirements of Article 9. Otherwise the submission shall be rejected. In that case, the Commission shall notify its observations to the Member State, which shall make the necessary changes in the national fishing fleet register not later than three national working days following the date of notification by the Commission.

*Article 7***Snapshots**

1. The Commission may request at any time a snapshot to any Member State.
2. The creation of a snapshot shall be fully automated.
3. Data shall be submitted to the Commission in accordance with Article 9.
4. The Commission shall verify the correctness of the snapshot received and shall replace the vessel data present in the Union fishing fleet register, if the submission complies with requirements of Article 9. Otherwise, the snapshot shall be rejected. In that case the Commission shall notify its observations to the Member State, which shall make the necessary changes in the national fishing fleet register not later than five national working days following the date of the notification by the Commission.

*Article 8***Common fleet register number**

1. Member States shall assign a common fleet register (CFR) number to any fishing vessel which enters in the Union fishing fleet for the first time.
2. The CFR number shall not be altered during the period in which the fishing vessel belongs to the Union fishing fleet, even if the vessel is transferred to another Member State.
3. The CFR number shall not be reassigned to another vessel. If a fishing vessel is exported outside the Union and re-imported back into a Member State, the fishing vessel shall be reassigned the same CFR number.
4. The CFR number shall be included in all transmissions of data between the Member State and the Commission concerning the fishing vessel.

*Article 9***Standards for data exchange between the Commission and the Member States**

1. Data shall be transmitted between the Commission and the Member States based on the United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT) standards available on the Master Data Register page of the European Commission Fisheries website.

2. All transmissions shall be fully automated and immediate, using the transportation layer.
3. Member States shall use the implementation document FLUX Vessel Implementation Document available on the European Commission fisheries website to ensure exchange of messages.
4. Amendments to standards and to the implementation document shall be decided by the Commission in concert with Member States.

Article 10

Access to vessel data

1. Member States shall have access to the information contained in the Union fishing fleet register. Such access may be granted through a user interface of an application provided by the Commission or a web service.
2. The public shall have access to a limited version of the Union fishing fleet register which shall not contain personal data.

Article 11

Personal data

The processing, management and use of data collected under this Regulation which contain personal data shall comply with Directive 95/46/EC and Regulation (EC) No 45/2001.

Article 12

Repeal

Regulation (EC) No 26/2004 is repealed.

Article 13

Entry into force

This Regulation shall enter into force on 1 February 2018.

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

Done at Brussels, 6 February 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

Definition of data and description of a registration

Name of data	Definition and comments	Compulsory (C)/ Compulsory if (CIF)/ Optional (O) (7)
Country of registration	Member State in which vessel is registered for fishing pursuant to Regulation (EU) No 1380/2013 Always the reporting Member States — code (6)	C
CFR	Unique identification number of a fishing vessel in the Union ISO-3 code of the Member State followed by an identifying series (nine characters). Where a series has fewer than nine characters, additional zeros must be inserted on the left hand side	C
UVI	Unique Vessel Identifier (IMO number) pursuant to Regulation (EU) No 404/2011	CIF
Event	Code (6) identifying the type of event reported	C
Date of event (1)	Date on which event occurred	C
Registration number	The registration number given by the Member State	O
External marking	Pursuant to Regulation (EU) No 404/2011	CIF
Name of vessel	The name of the fishing vessel registered in the national register	C
Place of registration	Code (6) identifying the place (mainly a port) where the vessel is registered	CIF
IRCS	International radio call sign	CIF
IRCS indicator	Vessel with an international radio on board — code (6)	C
Licence indicator	Vessel with a fishing licence according to Article 6 of Regulation (EC) No 1224/2009 and Article 3 of Regulation (EU) No 404/2011 — code (6)	CIF
VMS indicator	Vessel Monitoring System — code (6). Vessel with a satellite monitoring system in accordance with Article 9 of Regulation (EC) No 1224/2009 and Articles 18-28 of Regulation (EU) No 404/2011	CIF
ERS indicator	Vessel with an Electronic Reporting (logbook) System in accordance with Article 15 of Regulation (EC) No 1224/2009 and Articles 29 and following of Regulation (EU) No 404/2011 — code (6)	CIF
AIS indicator	Vessel with an Automatic Identification System in accordance with Article 10 of Regulation (EC) No 1224/2009 — code (6)	CIF
MMSI	Maritime Mobile Service Identity	O
Vessel Type	In accordance with the International Standard Statistical Classification of Fishery Vessels (ISSCFV) — code (6)	CIF

Name of data	Definition and comments		Compulsory (C)/ Compulsory if (CIF)/ Optional (O) (?)
Main fishing gear ⁽²⁾	In accordance with the International Standard Statistical Classification of Fishing Gear (ISSCF) — code ⁽⁶⁾		C
Subsidiary fishing gear ⁽³⁾	In accordance with the International Standard Statistical Classification of Fishing Gear (ISSCF) — code ⁽⁶⁾		C
LOA	Length Over All in metres, defined in accordance with Regulation (EEC) No 2930/86		CIF
LBP	Length Between Perpendiculars in metres, defined in accordance with Regulation (EEC) No 2930/86		CIF
Tonnage GT	In GT, defined in accordance with Regulation (EEC) No 2930/86		CIF
Other tonnage	In tonnes according to the Oslo Convention or in accordance with a definition to be laid down by the Member State		CIF
GTs	In GT, an increase in tonnage permitted on ground of safety (historical data).		CIF
Power of main engine	In kW, in accordance with Regulation (EEC) No 2930/86		C
Power of auxiliary engine	In kW. Includes all installed engine power not included under the heading 'Power of main engine'		C
Hull material	Material of the hull — code ⁽⁶⁾		C
Date of entry into service	In accordance with Regulation (EEC) No 2930/86		C
Segment	Code ⁽⁶⁾		C
Country of importation/exportation	Code ⁽⁶⁾		CIF
Type of export	Code ⁽⁶⁾		CIF
Public aid	Code ⁽⁶⁾		CIF
Date of construction	Date when the construction has started.		CIF
For contacts/legal owner ⁽⁴⁾	Name	Natural person: name, first name Legal person: name	CIF
	Legal Person Indicator	'Y' for a legal person, 'N' for a natural person — code ⁽⁶⁾	O
	Street ⁽⁵⁾	Street name and box	CIF
	PO box ⁽⁵⁾	Post-office box	O
	City ⁽⁵⁾	City name	O

Name of data	Definition and comments		Compulsory (C)/ Compulsory if (CIF)/ Optional (O) (?)
	Post code ⁽⁵⁾	Post code	O
	Country ⁽⁵⁾	Country — code ⁽⁶⁾	O
	Phone number	International phone number	O
	Fax number	International fax number	O
	Email address	Email address	O
	Nationality	Nationality of the contact — code ⁽⁶⁾	O
	IMO company identifier	IMO unique company and registered legal owner Identification number	O
For contacts/operator ⁽⁴⁾	Name	Natural person: name, first name Legal person: name	CIF
	Legal Person Indicator	'Y' for a legal person, 'N' for a natural person — code ⁽⁶⁾	O
	Street ⁽⁵⁾	Street name and box	CIF
	PO box ⁽⁵⁾	Post-office box	O
	City ⁽⁵⁾	City name	O
	Post code ⁽⁵⁾	Post code	O
	Country ⁽⁵⁾	Country — code ⁽⁶⁾	O
	Phone number	International phone number	O
	Fax number	International fax number	O
	Email address	Email address	O
	Nationality	Nationality of the contact — code ⁽⁶⁾	O
	IMO company identifier	IMO unique company and registered legal owner Identification number	O

(1) In the case of a fleet census, this is the date of the census in the Member State (Annex II). For all other types of event, the date of the official document recording the event must be notified.

(2) Fishing gear considered to be the one most frequently used on board the vessel for a fishing period of a year or for a fishing campaign.

(3) Up to five gears may be declared.

(4) Up to five contacts may be registered.

(5) The address based on the street, PO box, city, post code and country must be sufficiently clear for the fleet contact to be contacted.

(6) Codes (or appropriate references) are listed on the Master Data Register (MDR) of the Commission Fisheries website: http://ec.europa.eu/fisheries/cfp/control/codes/index_en.htm

(7) Detailed rules are available in the Vessel Implementation Document on the Master Data Register (MDR) of the Commission Fisheries website: http://ec.europa.eu/fisheries/cfp/control/codes/index_en.htm

ANNEX II

Date of census fixed by country

BEL, DNK, FRA, GBR, PRT	1.1.1989
NLD	1.9.1989
DEU, ESP	1.1.1990
IRL	1.10.1990
ITA	1.1.1991
GRC	1.7.1991
SWE, FIN	1.1.1995
CYP, EST, LTU, LVA, MLT, POL, SVN	1.5.2004
BGR, ROM	1.1.2007
HRV	1.7.2013
Member States acceding after 1 July 2013	Accession date
FRA — Mayotte	Any dates from 1.1.2014 onwards ⁽¹⁾

⁽¹⁾ Pursuant to Council Regulation (EU) No 1385/2013 of 17 December 2013 amending Council Regulations (EC) No 850/98 and (EC) No 1224/2009, and Regulations (EC) No 1069/2009, (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, following the amendment of the status of Mayotte with regard to the European Union (OJ L 354, 28.12.2013, p. 86).

COMMISSION IMPLEMENTING REGULATION (EU) 2017/219**of 8 February 2017****concerning the authorisation of a preparation of *Bacillus subtilis* (DSM 27273) as a feed additive for weaned piglets and weaned minor porcine species (holder of authorisation Chr. Hansen A/S)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003 an application was submitted for the authorisation of a preparation of *Bacillus subtilis* (DSM 27273). That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (3) That application concerns the authorisation of a preparation of *Bacillus subtilis* (DSM 27273) as a feed additive for weaned piglets and weaned minor porcine species to be classified in the additive category 'zootechnical additives'.
- (4) The European Food Safety Authority ('the Authority') concluded in its opinion of 20 October 2015 ⁽²⁾ that, under the proposed conditions of use, the preparation of *Bacillus subtilis* (DSM 27273) does not have an adverse effect on animal health, human health or the environment. It was also concluded that the preparation has a potential to improve performance in weaned piglets. This conclusion can be extrapolated to weaned minor porcine species when the additive is used at the same dose. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (5) The assessment of the preparation of *Bacillus subtilis* (DSM 27273) shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised as specified in the Annex to this Regulation.
- (6) 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

The preparation specified in the Annex, belonging to the additive category 'zootechnical additives' and to the functional group 'gut flora stabilisers', is authorised as an additive in animal nutrition, subject to the conditions laid down in that Annex.

Article 2

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

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ EFSA Journal 2015;13(11):4269.

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

Done at Brussels, 8 February 2017.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						CFU/Units of active substance/kg of complete feedingstuff with a moisture content of 12 %			
Category of zootechnical additives. Functional group: gut flora stabilisers									
4b1826	Chr.Hansen A/S	Bacillus subtilis DSM 27273	<p><i>Additive composition</i></p> <p>Preparation of <i>Bacillus subtilis</i> DSM 27273 containing a minimum of $1,6 \times 10^9$ CFU/g of additive</p> <p>Solid form</p> <p><i>Characterisation of the active substance</i></p> <p>Viable spores of <i>Bacillus subtilis</i> DSM 27273</p> <p><i>Analytical method</i> ⁽¹⁾</p> <p>Identification and enumeration of <i>Bacillus subtilis</i> DSM 27273 in the feed additive, premixtures and feedingstuffs:</p> <ul style="list-style-type: none"> — Identification: Pulsed Field Gel Electrophoresis (PFGE) — Enumeration: Spread plate method using tryptone soya agar — EN 15784 	Weaned piglets Weaned minor porcine species	— —	4×10^8 4×10^8	—	<p>1. In the directions for use of the additive and premixtures, indicate the storage temperature, storage life and stability to pelleting.</p> <p>2. For use in weaned piglets up to 35 kg of body weight.</p> <p>For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks resulting from its use. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment, including breathing, eyes and skin protections.</p>	1 March 2027

⁽¹⁾ Details of the analytical methods are available at the following address of the Reference Laboratory: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

COMMISSION IMPLEMENTING REGULATION (EU) 2017/220**of 8 February 2017****amending Council Implementing Regulation (EU) No 1106/2013 imposing a definitive anti-dumping duty on imports of certain stainless steel wires originating in India following a partial interim review under Article 11(3) of Regulation (EU) 2016/1036 of the European Parliament and of the Council**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽¹⁾ ('the basic Regulation'), and in particular Article 11(3) thereof,

Whereas:

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

- (1) By Implementing Regulation (EU) No 861/2013 ⁽²⁾ the Council imposed a definitive countervailing duty on imports of certain stainless steel wires originating in India.
- (2) By Implementing Regulation (EU) No 1106/2013 ⁽³⁾ the Council imposed a definitive anti-dumping duty on imports of certain stainless steel wires originating in India ('the original investigation').
- (3) In September 2015 the anti-dumping measures were amended by Commission Implementing Regulation (EU) 2015/1483 ⁽⁴⁾ following an absorption reinvestigation in accordance with Article 12 of Council Regulation (EC) No 1225/2009 ⁽⁵⁾.
- (4) The anti-dumping duty currently applicable to imports from Venus Wire Industries Pvt. Ltd is 9,4 % (currently applicable dumping margin of 12,4 % minus countervailing duty of 3 %) and to Garg Inox Ltd is 8,4 % (currently applicable dumping margin of 11,8 % minus countervailing duty of 3,4 %). The anti-dumping duty currently applicable to imports from exporting producers in India that did not cooperate in the original investigation is 12,5 % (dumping margin of 16,2 % minus countervailing duty of 3,7 %).

1.2. Request for a partial interim review

- (5) The Commission received two requests for a partial interim review of the existing anti-dumping measures, limited in scope to the examination of dumping.
- (6) One request for review was lodged by the Venus group ('Venus'), an exporting producer group from India ('the country concerned'). Venus group includes the companies Venus Wire Industries Pvt. Ltd, Precision Metals, Hindustan Inox. Ltd, Sieves Manufacturer India, Pvt. Ltd, and related importer Venus Edelmetall GmbH.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ Council Implementing Regulation (EU) No 861/2013 of 2 September 2013 imposing a definitive countervailing duty and collecting definitively the provisional duty imposed on imports of certain stainless steel wires originating in India (OJ L 240, 7.9.2013, p. 1).

⁽³⁾ Council Implementing Regulation (EU) No 1106/2013 of 5 November 2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain stainless steel wires originating in India (OJ L 298, 8.11.2013, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) 2015/1483 of 1 September 2015 amending Council Implementing Regulation (EU) No 1106/2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain stainless steel wires originating in India following an absorption reinvestigation pursuant to Article 12 of Council Regulation (EC) No 1225/2009 (OJ L 228, 2.9.2015, p. 1).

⁽⁵⁾ Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community (OJ L 343, 22.12.2009, p. 51). This Regulation has been repealed by the basic Regulation.

- (7) Another request for review was lodged by Garg Inox Ltd ('Garg'), an exporting producer from India. Venus and Garg are referred together as 'the applicants'.
- (8) In their requests, the applicants claimed that the circumstances on the basis of which anti-dumping measures were imposed have changed and that these changes are of a lasting nature. The applicants provided *prima facie* evidence that the continued imposition of the measures at the current level was no longer necessary to offset injurious dumping.

1.3. Initiation of a partial interim review

- (9) Having determined, after informing the Member States, that sufficient evidence existed to justify the initiation of a partial interim review limited to the examination of dumping as far as the applicants are concerned, the Commission announced by a notice published on 11 December 2015 in the *Official Journal of the European Union* ⁽¹⁾ the initiation of a partial interim review in accordance with Article 11(3) of Regulation (EC) No 1225/2009 on protection against dumped imports from countries not members of the European Community, limited in scope to the examination of dumping in respect of the applicants.

1.4. Investigation

- (10) In order to obtain the information necessary for its investigation, the Commission sent a questionnaire to the investigated exporting producers and received a reply from them within the deadline set for that purpose.
- (11) The Commission sought and verified all information it deemed necessary for the determination of dumping. Verification visits according to Article 16 of the basic Regulation were carried out at the premises of the following companies:
- Venus Wire Industries Pvt. Ltd, Mumbai, Maharashtra, India,
 - Precision Metals, Mumbai, Maharashtra, India,
 - Hindustan Inox. Ltd, Mumbai, Maharashtra, India,
 - Venus Edelmetall GmbH, Hagen, Germany,
- and
- Garg Inox Ltd, Bahadurgarh, Haryana, India.

- (12) At the request of Venus, a hearing with the Hearing Officer in trade proceedings took place on 26 July 2016.

1.5. Review investigation period

- (13) The investigation of the level of dumping covered the period from 1 October 2014 to 30 September 2015 ('the review investigation period').

2. PRODUCT CONCERNED AND LIKE PRODUCT

2.1. Product concerned

- (14) The product under investigation is defined as stainless steel wires containing by weight:
- 2,5 % or more of nickel, other than wire containing by weight 28 % or more but not more than 31 % of nickel and 20 % or more but not more than 22 % of chromium,
 - less than 2,5 % of nickel, other than wire containing by weight 13 % or more but not more than 25 % of chromium and 3,5 % or more but not more than 6 % of aluminium,
- originating in India, currently falling within CN codes 7223 00 19 and 7223 00 99 ('the product concerned').

⁽¹⁾ OJ C 411, 11.12.2015, p. 4.

2.2. Like product

- (15) The review investigation confirmed that stainless steel wires as defined in recital (14) above produced by the applicants and sold domestically have the same basic physical, technical and chemical characteristics and basic uses as the product concerned exported to the Union.
- (16) The Commission decided that those products are therefore like products within the meaning of Article 1(4) of the basic Regulation.

3. LASTING NATURE OF THE CHANGED CIRCUMSTANCES

- (17) In accordance with Article 11(3) of the basic Regulation, the Commission examined whether the alleged by the applicants changed circumstances could be considered to be of a lasting nature.

Venus

- (18) It is recalled that in the initial investigation Article 18 of the basic Regulation was applied with regard to Venus for the determination of cost of production and the dumping margin calculation. This was due to the fact that information concerning the steel grades was considered unreliable as exact tracing by individual steel grades in all the stages of the production process was not possible.
- (19) In its request for a review, Venus claimed changes in its accounting and inventory management system. Evidence obtained and verified during the investigation showed that Venus has put in place through a new software controls in its inventory management system enabling the company to trace individual steel grades throughout the production process. These controls have eliminated the risk of discrepancies at the level of individual steel grades. Therefore the reported distribution of the basic raw material by steel grade can be considered reliable for the determination of costs and sales prices of individual product types, having an impact on the cost of production for the product concerned and on the calculation of the dumping margin. The circumstance here described is unlikely to change in the foreseeable future in a manner that would affect these findings.
- (20) On this basis, the Commission concluded that regarding Venus the changed circumstances are of a lasting nature.

Garg

- (21) In the initial investigation, Garg had channelled a significant volume of exports through a related importer in the Union. The company claimed that since its subsidiary in the Union had been closed, the relationship between the two entities did not exist anymore and that this entailed a significant change in dumping margin calculations since export prices would no longer need to be constructed under Article 2(9) of the basic Regulation.
- (22) The investigation confirmed the closure of the subsidiary in the Union. On this basis, the Commission concluded that the changed circumstances regarding Garg are of significant and lasting nature.

4. DUMPING

(a) Introduction

- (23) As set out below, a number of issues emerged with regard to Garg which led the Commission to consider the application of Article 18 of the basic Regulation.
- (24) The on-the-spot verification at Garg revealed that the company had payable commissions on export transactions to its former related importer in the Union during the interim review investigation period but had failed to report them in its reply to the questionnaire.

- (25) By letter of 30 May 2016, the Commission informed Garg that for the reason set out under recital (24), it intended to apply facts available in accordance with Article 18 of the basic Regulation as far as those commissions were concerned.
- (26) The company commented on the intention of the Commission to use facts available on 15 June 2016 and agreed that commissions for some transactions had not been reported and that facts available could on that basis be used for determining the amount of the commissions.
- (27) The Commission examined the comments of the company and concluded that the company does not dispute the reason set out under recital (24). Thus, in line with Article 18 of the basic Regulation the Commission used best facts available with regard to the commissions in the calculation of the dumping margin.
- (b) Normal value
- (28) The Commission first examined whether the total volume of domestic sales for the applicants was representative, in accordance with Article 2(2) of the basic Regulation. The domestic sales are representative if for each applicant the total domestic sales volume of the like product to independent customers on the domestic market represented at least 5 % of its total export sales volume of the product concerned to the Union during the review investigation period. On this basis, the total sales of the like product on the domestic market were representative for the applicants.
- (29) The Commission subsequently identified the product types sold domestically that were identical or comparable with the product types sold for export to the Union for each applicant.
- (30) The Commission then examined whether the domestic sales by each of the applicants on the domestic market for each product type that is identical or comparable with a product type sold for export to the Union were representative, in accordance with Article 2(2) of the basic Regulation. The domestic sales of a product type are representative if the total volume of domestic sales of that product type to independent customers during the review investigation period represents at least 5 % of the total volume of export sales of the identical or comparable product type to the Union.
- (31) The Commission established that most product types were representative for Garg. With regard to Venus only some product types were representative. For the product types that were not representative, the Commission proceeded as set out under recitals (36) and (37).
- (32) The Commission next defined the proportion of profitable sales to independent customers on the domestic market for each product type during the review investigation period in order to decide whether to use actual domestic sales for the calculation of the normal value, in accordance with Article 2(4) of the basic Regulation.
- (33) The normal value is based on the actual domestic price per product type, irrespective of whether those sales are profitable or not, if:
- (a) the sales volume of the product type, sold at a net sales price equal to or above the calculated cost of production, represented more than 80 % of the total sales volume of this product type; and
 - (b) the weighted average sales price of that product type is equal to or higher than the unit cost of production.
- (34) In this case, the normal value is the weighted average of the prices of all domestic sales of that product type during the review investigation period.
- (35) The normal value is the actual domestic price per product type of only the profitable domestic sales of the product types during the review investigation period, if:
- (a) the volume of profitable sales of the product type represents 80 % or less of the total sales volume of this type; or
 - (b) the weighted average price of this product type is below the unit cost of production.

- (36) As the result of the above tests, the normal value for each of the applicants was calculated as a weighted average of their profitable sales, except where there were no or insufficient sales of a product type of the like product in the ordinary course of trade, or where a product type was not sold in representative quantities on the domestic market, where the Commission constructed the normal value in accordance with Article 2(3) and (6) of the basic Regulation.
- (37) Normal value was constructed by adding the following to the average cost of production of the like product of the applicant concerned during the review investigation period:
- (a) the weighted average selling, general and administrative ('SG&A') expenses incurred by each of the applicants on domestic sales of the like product, in the ordinary course of trade, during the review investigation period; and
 - (b) the weighted average profit realised by each of the applicants on domestic sales of the like product, in the ordinary course of trade, during the review investigation period.

The cost of production was adjusted, where necessary.

(c) Export price

- (38) Venus exported to the Union either directly to independent customers or through a related company acting as an importer.
- (39) Where the product concerned was directly exported to independent customers in the Union, the export price was established in accordance with Article 2(8) of the basic Regulation on the basis of export prices actually paid or payable.
- (40) Where export sales to the Union were made through the related company acting as an importer, the export price was established in accordance with Article 2(9) of the basic Regulation on the basis of prices at which the imported products were first resold to an independent buyer, adjusted for all costs, incurred between importation and resale, as well as a reasonable margin for SG&A and for profits. The related importer's own SG&A costs were used and, due to unreliability of the related importer's profit margin and in the absence of profit information from an unrelated importer in this investigation, use was made of the profit rate applied in the original investigation, namely 5 %.
- (41) As concerns Garg, all export sales to the Union were made directly to independent customers, and therefore the Commission established the export price on the basis of prices actually paid or payable for sales of the product concerned to the Union, in accordance with Article 2(8) of the basic Regulation.

(d) Comparison

- (42) The Commission compared the normal value and the export price of the applicants on an ex-works basis.
- (43) Where justified by the need to ensure a fair comparison, the Commission adjusted the normal value and/or the export price for differences affecting prices and price comparability, in accordance with Article 2(10) of the basic Regulation.
- (44) Adjustments were made for transport related costs, handling, loading and ancillary charges, import related charges, credit costs, bank charges, and commissions, Concerning Garg, the Commission made use of best facts available regarding the amount of the commissions on exports to the Union.

(e) Dumping margin

- (45) For the exporting producers the Commission compared the weighted average normal value of each type of the like product with the weighted average export price of the corresponding type of the product concerned, in accordance with Article 2(11) and (12) of the basic Regulation.

- (46) On this basis, the weighted average dumping margin of Venus expressed as a percentage of the CIF Union frontier price, duty unpaid, is 9,9 % and of Garg 19,2 %.
- (47) Given that the revised dumping margin for Garg is higher than the dumping margin for all other non-cooperating companies in the original investigation, the Commission decided to revise also the dumping margin for all other non-cooperating companies in the original investigation at the level of the dumping margin of Garg, which is now the highest amongst all cooperating companies.

5. ANTI-DUMPING MEASURES

- (48) Venus, Garg and the Union industry were informed of the essential facts and considerations on the basis of which it was intended to amend the duty rate applicable to Venus and Garg and were given the opportunity to comment.
- (49) After disclosure, one of the exporting producers questioned the deviation from the calculation method applied in the original investigation. The exporting producer argued that (i) the Commission re-classified some types of the product concerned compared to the original investigation, that (ii) the Commission used a different cost allocation method than in the original investigation, contrary to Article 11(9) of the basic Regulation, and that (iii) the exclusion of certain steel grades from the dumping margin calculation was unjustified.
- (50) The Commission decided to adjust the classification of some types of the product concerned and the like product into groups of product types for the ordinary course of trade test and comparison purposes on the basis of the physical characteristics of these products. The physical characteristics did not justify the classification made by the exporting producer itself. It is an issue of precise classification of the characteristics of the product concerned that allows precise classification within the product types. This adjustment does not concern the 'methodology' referred to in Article 11(9) of the basic Regulation but the correct determination of the normal value on the basis of the facts collected and verified during this investigation. Therefore, this does not constitute a change in methodology. This claim has therefore to be rejected.
- (51) In the original investigation, the Commission used facts available regarding the definitive determination of cost of production and the dumping margin calculation for this exporting producer. The exporting producer claimed that circumstances with regard to constitutive elements of a dumping calculation, i.e. cost of production, have changed and that the change was of a lasting nature. It is recalled that in the original investigation the Commission used facts available to determine the cost of raw materials. The essence of the change in the present investigation is that the Commission decided to use the cost data for raw materials of the exporting producer. This is not a change in methodology. However, even if the current calculation method was to be regarded as change in methodology, the purpose of the current review investigation is to establish new findings because of changed circumstances with regard to constitutive elements in the dumping calculation, i.e. cost of production. The fact that the exporting producer's own claim with regard to changed circumstances has been accepted, would have justified a change in methodology. The exporting producer claimed that the Commission should have followed an allocation method for costs of processing that was used in the original investigation. However, this allocation method has been applied under the specific circumstances of using facts available for the determination of the cost of production. In view of the fact that in the present investigation the Commission uses the exporting producer's own data, the Commission could apply a proper allocation method, something which was not possible in the original investigation because of the use of facts available. In addition, the methodology proposed by the exporting producer was solely established for the purpose of this anti-dumping investigation, did not reflect historically used accounting policies, could not be applied to the whole production of the company and did not properly reflect the cost drivers for the production of the product concerned and the like product. Following Article 2(5) of the basic Regulation the Commission decided to use an allocation based on the value added to the cost of raw materials during the manufacturing process, which is a variation on the allocation on the basis of turnover neutralizing the high impact that the cost of raw materials may have on the turnover of each product type.
- (52) The same exporting producer claimed that the Commission incorrectly disregarded certain quantities of steel purchased in the calculation of the cost of production. The type of raw material used is a criterion in the classification of the product concerned for the ordinary course of trade test and for comparison purposes. In order to calculate the cost of raw material for each product type sold by the company, the Commission retained the cost records which matched the specifications required by the classification of the product concerned and which

could be directly linked to the sales reported by the company under this classification. Grouping raw materials on a different level as proposed by the company was not considered a consistent and reasonable alternative. Therefore the claim has to be rejected.

- (53) The other exporting producer claimed that the anti-absorption reinvestigation is the investigation which led to the current duty and following Article 11(9) of the basic Regulation the Commission should use the same methodology as in the anti-absorption reinvestigation. This particularly related to (i) the calculation of a single cost of production for each type of the product concerned and the like product, irrespective of whether it was sold on the domestic market or on export markets and (ii) the adjustment in classifying different product types in groups with similar characteristics for the ordinary course of trade test and comparison purposes to account for a specific product type and the exclusion of certain company-specific product types groups.
- (54) The investigation that led to the imposition of the duty at its current level is the original investigation. The anti-absorption reinvestigation did not revise the duty rate for this exporting producer. Therefore the claim that the Commission should have used the same methodology as in the anti-absorption reinvestigation has to be rejected.
- (55) In the original investigation the cost of production of this exporting producer was based on the production costs of other cooperating exporting producers, without differentiating the products sold domestically from those sold on the export markets. The claim that the Commission deviated from the methodology applied in the original investigation by calculating a single cost of production for each product type, irrespective of whether it was sold on the domestic market or export markets, is therefore unfounded and the claim has to be rejected.
- (56) Regarding the adjustment in the product types groups used for the ordinary course of trade test and comparison purposes, the Commission decided to define more precisely the scope of one product type based on its physical characteristics. The exporting producer explained during the verification visit that this type was sold in a niche market and had comparable cost of production to other products in the same group of product types but materially higher prices. The Commission concluded that prices and price comparability were affected and an adjustment for physical characteristics according Article 2(10)(a) of the basic Regulation was justified. It is an issue of precise classification of the characteristics of the product concerned that allows precise classification within the product types and precise comparison. This adjustment therefore does not constitute a change in methodology and therefore this claim has to be rejected.
- (57) Following disclosure the exporting producer requested an upward allowance to the export price regarding credits related to the Duty Drawback Scheme and Focus Market Scheme and an allowance for credit costs when constructing normal value. However, according to Article 2(10)(b) of the basic Regulation, an adjustment, if warranted, can only be made regarding import charges to the normal value and not to the export price. As concerns the claim for a credit cost adjustment to the constructed normal value, it is noted that such adjustment is only provided under Article 2(10)(g) of the basic Regulation when the normal value is determined on the basis of prices charged and not when, absent such prices, the normal value is constructed. Consequently, both claims have to be rejected.
- (58) The Commission accepted the claims of this exporting producer concerning the exclusion of certain company-specific product type groups and some clerical errors regarding the double reporting of an allowance, a stock adjustment and the allocation key of processing costs. The acceptance of these claims led to a decrease in the dumping margin of this exporting producer.
- (59) After disclosure, Eurofer claimed to have too limited details in the non-confidential version of the file to provide any meaningful comments on the investigation, nevertheless it supported the conclusions of the Commission.
- (60) According to Article 19(1) of the basic Regulation, information which is by nature confidential or which is provided on a confidential basis by parties to an investigation shall be treated as such. Since the exporting producers have provided non-confidential summaries of any confidential information which permits a reasonable understanding of the substance of the information submitted in confidence, the Commission rejected this claim.
- (61) The revised dumping margin and duty rate were disclosed to the parties concerned. Following the additional final disclosure both exporting producers reiterated their previous comments.

- (62) Following the review investigation, the revised anti-dumping duty rates that would be applicable to imports of the product concerned manufactured by Venus amounts to 6,9 % (i.e. the dumping margin of 9,9 % minus 3 % countervailing duty).
- (63) The revised anti-dumping duty rate that would be applicable to imports of the product concerned manufactured by Garg amounts to 10,3 % (i.e. the dumping margin of 13,7 % minus 3,4 % countervailing duty).
- (64) Since the revised dumping margin for Garg following final disclosure is not anymore higher than the dumping margin for all other non-cooperating companies in the original investigation, the dumping margin and duty rate for all other non-cooperating companies in the original investigation should not be revised as set out in recital (47) above.
- (65) 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

The table in Article 1(2) of Implementing Regulation (EU) No 1106/2013, as amended by Implementing Regulation (EU) 2015/1483, shall be replaced by the following table:

Company	Duty (%)	TARIC additional code
Garg Inox, Bahadurgarh, Haryana and Pune, Maharashtra	10,3	B931
KEI Industries Ltd, New Delhi	7,7	B925
Macro Bars and Wires, Mumbai, Maharashtra	0,0	B932
Nevatia Steel & Alloys, Mumbai, Maharashtra	0,7	B933
Raajratna Metal Industries, Ahmedabad, Gujarat	12,5	B775
Venus Wire Industries Pvt. Ltd, Mumbai, Maharashtra	6,9	B776
Precision Metals, Mumbai, Maharashtra	6,9	B777
Hindustan Inox Ltd, Mumbai, Maharashtra	6,9	B778
Sieves Manufacturer India Pvt. Ltd, Mumbai, Maharashtra	6,9	B779
Viraj Profiles Limited, Palghar, Maharashtra and Mumbai, Maharashtra	6,8	B780
Companies listed in the Annex	8,4	See the Annex
All other companies, except the companies included in the sample of the initial investigation and cooperating non-sampled companies	16,2	B999

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, 8 February 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Indian cooperating exporting producers not sampled

Company name	City	TARIC additional code
Amar Precision Wire Products Pvt. Ltd	Satara, Maharashtra	B121
Bekaert Mukand Wire Industries	Lonand, Tal. Khandala, Satara District, Maharashtra	C189
Bhansali Bright Bars Pvt. Ltd	Mumbai, Maharashtra	C190
Bhansali Stainless Wire	Mumbai, Maharashtra	C191
Chandan Steel	Mumbai, Maharashtra	C192
Drawmet Wires	Bhiwadi, Rajasthan	C193
Jyoti Steel Industries Ltd	Mumbai, Maharashtra	C194
Mukand Ltd	Thane	C195
Panchmahal Steel Ltd	Dist. Panchmahals, Gujarat	C196
Superon Schweisstechnik India Ltd	Gurgaon, Haryana	B997

COMMISSION IMPLEMENTING REGULATION (EU) 2017/221**of 8 February 2017****amending for the 259th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations ⁽¹⁾, and in particular Article 7(1)(a) and Article 7a(5) thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.
- (2) On 3 February 2017, the Sanctions Committee of the United Nations Security Council decided to remove one natural person from its list of persons, groups and entities to whom the freezing of funds and economic resources should apply. Annex I to Regulation (EC) No 881/2002 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 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*.

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

Done at Brussels, 8 February 2017.

*For the Commission,
On behalf of the President,
Acting Head of the Service for Foreign Policy Instruments*

⁽¹⁾ OJ L 139, 29.5.2002, p. 9.

ANNEX

In Annex I to Regulation (EC) No 881/2002, the following entry under the heading 'Natural persons' is deleted:

'Gulbuddin Hekmatyar (alias (a) Gulabudin Hekmatyar, (b) Golboddin Hikmetyar, (c) Gulbuddin Khekmatiyar, (d) Gulbuddin Hekmatiar, (e) Gulbuddin Hekhmartyar, (f) Gulbudin Hekmetyar). Date of birth: 1.8.1949. Place of birth: Kunduz Province, Afghanistan. Nationality: Afghan. Other information: (a) Belongs to the Kharoti tribe; (b) Believed to be in the Afghanistan/Pakistan border area as at January 2011; (c) Father's name is Ghulam Qader. Date of designation referred to in Article 2a (4)(b): 20.2.2003.'

COMMISSION IMPLEMENTING REGULATION (EU) 2017/222**of 8 February 2017****establishing the standard import values for determining the entry price of certain fruit and vegetables**

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⁾,

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.
- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed 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*.

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

Done at Brussels, 8 February 2017.

*For the Commission,
On behalf of the President,*

Jerzy PLEWA

Director-General

Directorate-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MA	125,5
	TN	311,6
	TR	141,3
	ZZ	192,8
0707 00 05	MA	79,2
	TR	182,1
	ZZ	130,7
0709 91 00	EG	181,2
	ZZ	181,2
0709 93 10	MA	93,3
	TR	215,3
	ZZ	154,3
0805 10 22, 0805 10 24, 0805 10 28	EG	40,2
	IL	80,7
	MA	45,8
	TN	53,0
	TR	77,7
	ZZ	59,5
	EG	101,6
0805 21 10, 0805 21 90, 0805 29 00	IL	134,2
	MA	89,2
	TR	88,2
	ZZ	103,3
	IL	109,8
0805 22 00	MA	98,9
	ZZ	104,4
	EG	68,7
0805 50 10	TR	83,6
	ZZ	76,2
	CN	139,4
0808 10 80	US	205,0
	ZZ	172,2
	CL	181,7
0808 30 90	CN	80,7
	ZA	107,9
	ZZ	123,4

⁽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). Code 'ZZ' stands for 'of other origin'.

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2017/223

of 7 February 2017

authorising a laboratory in Brazil to carry out serological tests to monitor the effectiveness of rabies vaccines in dogs, cats and ferrets

(notified under document C(2017) 572)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2000/258/EC of 20 March 2000 designating a specific institute responsible for establishing the criteria necessary for standardising the serological tests to monitor the effectiveness of rabies vaccines ⁽¹⁾, and in particular Article 3(2) thereof,

Whereas:

- (1) Decision 2000/258/EC designates the *Agence française de sécurité sanitaire des aliments* (AFSSA) in Nancy, France, as the specific institute responsible for establishing the criteria necessary for standardising the serological tests to monitor the effectiveness of rabies vaccines. The AFSSA has now been integrated into the *Agence nationale de sécurité sanitaire de l'alimentation, de l'environnement et du travail* (ANSES) in France.
- (2) Decision 2000/258/EC provides, inter alia, that the ANSES is to appraise laboratories in third countries that have applied for approval to carry out serological tests to monitor the effectiveness of rabies vaccines.
- (3) The competent authority of Brazil has submitted an application for the approval of the laboratory 'LANAGRO/PE' in Recife, and the ANSES has established and submitted to the Commission a favourable appraisal report dated 19 October 2016 for this laboratory.
- (4) The laboratory 'LANAGRO/PE' in Recife should therefore be authorised to carry out serological tests to monitor the effectiveness of rabies vaccines in dogs, cats and ferrets.
- (5) The measures provided for in this Decision are in accordance with the opinion of Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

In accordance with Article 3(2) of Decision 2000/258/EC, the following laboratory is hereby authorised to perform serological tests to monitor the effectiveness of rabies vaccines in dogs, cats and ferrets:

LANAGRO/PE (Laboratório Nacional Agropecuário em Pernambuco)

Rua Manoel de Medeiros, s/nº

Dois Irmãos — CEP: 52171-030

Recife/PE

BRAZIL

⁽¹⁾ OJ L 79, 30.3.2000, p. 40.

Article 2

This Decision shall apply from 1 March 2017.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 7 February 2017.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU) 2017/224**of 8 February 2017****setting out the technical and operational specifications allowing the commercial service offered by the system established under the Galileo programme to fulfil the function referred to in Article 2(4)(c) of Regulation (EU) No 1285/2013 of the European Parliament and of the Council**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1285/2013 of the European Parliament and of the Council of 11 December 2013 on the implementation and exploitation of European satellite navigation systems and repealing Council Regulation (EC) No 876/2002 and Regulation (EC) No 683/2008 of the European Parliament and of the Council ⁽¹⁾, and in particular Article 12(3)(d) thereof,

Whereas:

- (1) Article 2 of Regulation (EU) No 1285/2013 provides that the commercial service offered by the system established under the Galileo programme must allow for the development of applications for professional or commercial use by means of improved performance and data with greater added value than those obtained through the open service.
- (2) The commercial service is one of the essential elements of the system established under the Galileo programme insofar as, on the one hand, the other Global Navigation Satellite Systems (GNSS) do not include such a service and, on the other hand, it should generate income in accordance with Article 10 of Regulation (EU) No 1285/2013. Access to this service should be subject to a fee. The pricing policy of the commercial service is not covered by this decision and should be defined at a later date.
- (3) The commercial service should be supplied in accordance with contracts, to be concluded with one or more service providers.
- (4) The technical and operational specifications of the commercial service should be established now, since once the specifications have been adopted, it will take several years for the service to become operational. The development of specifications has been the subject of a number of studies, experiments and consultations with stakeholders in recent years. It is also the result of a compromise between, on the one hand, the need to provide real value added for the benefit of users and the wish to minimise the modifications to be made to the system, as modifications involve risks, and respect the time schedule specified in Regulation (EU) No 1285/2013 on the other hand.
- (5) Consequently, in order to allow for the development of applications for professional or commercial purposes, it is essential, and technically feasible, for the commercial service to make two major improvements to the open service, namely greater precision in terms of geolocation and reinforced authentication capacity. Furthermore, in order to better meet the various needs of the different communities of users of the commercial service, it is vital for these two improvements to be offered to them independently of each other.
- (6) High precision in terms of geolocation should extend the scope of the applications of satellite navigation technology. It is therefore important to enhance the quality of the data provided by the system under the Galileo programme so that the positioning error is reduced to less than a decimetre, in nominal conditions of use. It should be noted that the signals issued by other global navigation satellite systems, such as the global positioning system (GPS) of the United States, could also contribute to meeting this objective.
- (7) The authentication capacity should increase the degree of safety and prevent risks of falsification and fraud in particular. Additional features must therefore be incorporated into satellite signals in order to assure users that the information which they receive does come from the system under the Galileo programme and not from an unrecognised source. For instance, the authentication capacity of the commercial service would on the one hand integrate the capacity to authenticate data linked to geolocation, which will be contained in the signals of the

⁽¹⁾ OJ L 347, 20.12.2013, p. 1.

open service, offered free of charge, and would on the other hand, with a view to improved protection, also comprise unique identification of the signals thanks to the reading of encrypted codes also contained in the signals, access to which would be subject to a fee.

- (8) Before embarking on the operational development of the commercial service, an exhaustive risk analysis should be carried out. This analysis should take place before the 'GNSS Service Centre Delta Critical Design Review', scheduled for 1 June 2017, is given the green light.
- (9) The commercial service should provide value added compared to the open service, in order to allow for the development of applications for commercial or professional purposes, and should thus be accessible to as many users as possible and include commercial encryption. With this in mind, use of EU classified information (EUCI) by the Commercial Service Provider or the end user is not planned for either the open service or the commercial service. However, if such use were required, it should be decided upon in accordance with the security rules set out in Article 17(a) of Regulation (EU) No 1285/2013, on the basis in particular of a security risk analysis, taking full account of the opinions of the experts of the Member States. This decision should also take into account a cost-benefit analysis.
- (10) The specifications subject to this decision are in line with the radionavigation rules set at international level, and in particular with the standards set by the International Telecommunications Union and the provisions of the agreement concluded on 26 June 2004 between the European Union and its Member States, on the one hand, and the United States on the other, on the promotion, provision and use of GALILEO and GPS satellite-based navigation systems and related applications.
- (11) Consequently, technical and operational specifications should be established to allow the commercial service offered by the system under the Galileo programme to fulfil the function referred to in Article 2(4)(c) of Regulation (EU) No 1285/2013, bearing in mind that Council Decision 2014/496/CFSP⁽¹⁾ is also still fully applicable.
- (12) The measures provided for in this Decision are in line with the opinion of the committee established pursuant to Article 36(1) of Regulation (EU) No 1285/2013,

HAS ADOPTED THIS DECISION:

Article 1

The technical and operational specifications allowing the commercial service offered by the system under the Galileo programme to fulfil the function referred to in Article 2(4)(c) of Regulation (EU) No 1285/2013 are set out in the Annex.

Article 2

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

Done at Brussels, 8 February 2017.

For the Commission
The President
Jean-Claude JUNCKER

⁽¹⁾ Council Decision 2014/496/CFSP of 22 July 2014 on aspects of the deployment, operation and use of the European Global Navigation Satellite System affecting the security of the European Union and repealing Joint Action 2004/552/CFSP (OJ L 219, 25.7.2014, p. 53).

ANNEX

Technical and operational specifications allowing the commercial service offered by the system established under the Galileo programme to fulfil the function referred to in Article 2(4)(c) of Regulation (EU) No 1285/2013

The commercial service (hereinafter 'CS') offers two major improvements compared to the open service (hereinafter 'OS'), namely higher precision in terms of geolocation (hereinafter 'CS high precision') and reinforced authentication capacity (hereinafter 'CS authentication'), which can be offered to users independently of each other. The corresponding technical and operational specifications are set out in the table below:

	CS high precision	CS authentication	
		Specifications common to the OS and the CS: authentication of geolocation information	Specifications specific to the CS: authentication using encrypted codes
General specifications	Supply of high precision data in order to obtain a positioning error of less than one decimetre in nominal conditions of use	Supply of authentication data for geolocation information from the OS, contained in the signals	Authentication of the signals through access to encrypted codes contained in the signals
Components of the signals used	E6, E6-B component for the supply of high precision data	E1, E1-B component for authentication data from the geolocation information	E6, E6-B component for the access data for encrypted codes and E6-C component (pilot)
Specifications of the user segment	High precision positioning obtained using precise positioning algorithms integrated into the receiver and using the data transmitted in the signals	Verification of the authenticity of the data using an asymmetrical cryptography protocol transmitted in the signals and a public cryptographic key	Verification of the authenticity of the signals by decrypting the codes of the encrypted signals using a private cryptographic key
Geographical coverage	Global	Global	Global
System architecture	High-precision data provided by one or more service providers, transmitted to users via the GNSS Service Centre (GSC), the ground segment and the satellites connected to the ground segment	Authentication data inserted into the available capacity of the EDBS field of the E1-B signal component, and disseminated by the satellites connected to the ground segment	Encryption of the E6 signal codes by the Galileo satellites, transmission of the private keys generated by the ground segment to one or more service providers via the GNSS Service Centre (GSC), and transmission of the OTAR information in the E6-B signal component
Provision of the service	High precision data provided by one or more service providers	Authentication data provided by the system established under the Galileo programme	Encrypted signals supplied by the system operating manager

	CS high precision	CS authentication	
		Specifications common to the OS and the CS: authentication of geolocation information	Specifications specific to the CS: authentication using encrypted codes
Access to the service	<ul style="list-style-type: none"> — Fee-paying access depending on the pricing policy in force — Inspected by one or more service providers 	<ul style="list-style-type: none"> — Fee-paying access to the encryption codes depending on the pricing policy in force — Access to the encryption codes monitored by one or more service providers with the assistance of the system operating manager 	
Deployment of the service	<ul style="list-style-type: none"> — Testing and validation phase to be concluded in 2018 — Initial commercial operating phase between 2018 and 2020 — Full commercial operating phase from 2020 	<ul style="list-style-type: none"> — Testing and validation phase to be concluded in 2018 — Initial signals supply phase between 2018 and 2020 — Full service supply phase from 2020 	<ul style="list-style-type: none"> — Testing and validation phase to be concluded in 2020 at the latest — Commercial operating phase to begin after that.
Use of EU classified information	<ul style="list-style-type: none"> — No use of EUCI by the Commercial Service Provider or the end user. However, if such authorisation is required it is decided in accordance with the rules on security set out in Article 17(a) of Regulation (EU) No 1285/2013. 	<ul style="list-style-type: none"> — No use of EUCI by the Commercial Service Provider or the end user. However, if such authorisation is required it is decided in accordance with the rules on security set out in Article 17(a) of Regulation (EU) No 1285/2013. 	<ul style="list-style-type: none"> — No use of EUCI by the Commercial Service Provider or the end user. However, if such authorisation is required it is decided in accordance with the rules on security set out in Article 17(a) of Regulation (EU) No 1285/2013.
Further specifications	<ul style="list-style-type: none"> — High-precision data provided for the Galileo satellites and possibly for the satellites of other constellations 	<ul style="list-style-type: none"> — The transmission of authentication data must not lead to any deterioration in the open service — The authentication data must be provided for the Galileo satellites and possibly for the satellites of other constellations — The users of the OS accept the risks linked to the use of authentication data 	n/a

Acronyms

E1-B Data channel for the signal in frequency E1 of the Galileo system, on 1 575,45 MHz

E6 Frequency E6 of the Galileo system, on 1 278,75 MHz

E6-B Component of the E6 signal, corresponding to the data channel

E6-C Component of the E6 signal, corresponding to the pilot channel

EDBS External Data Broadcast Service

GNSS Global Navigation Satellite System

n/a Not applicable.

OTAR Over-The-Air Rekeying

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



Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

EN