

# Official Journal

## of the European Union

L 16



English edition

Legislation

Volume 56

19 January 2013

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## II

*(Non-legislative acts)*

## INTERNATIONAL AGREEMENTS

## COUNCIL DECISION

of 29 October 2012

**on the signing, on behalf of the Union, and provisional application of the Agreement providing a general framework for enhanced cooperation between the European Union and the European Organisation for the Safety of Air Navigation**

*(2013/36/EU)*

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2), in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The European Commission has negotiated, on behalf of the Union, an Agreement providing a general framework for enhanced cooperation ('the Agreement') between the European Union and the European Organisation for the Safety of Air Navigation, in accordance with Council Decision of 6 October 2011 authorising the Commission to open negotiations.
- (2) The Agreement was initialled on 24 April 2012.
- (3) The Agreement should be signed and applied provisionally, pending completion of the procedures for its conclusion.
- (4) It is necessary to lay down procedural arrangements for the participation of the Union in the Joint Committee established under the Agreement,

HAS ADOPTED THIS DECISION:

*Article 1*

The signing on behalf of the Union of the Agreement providing a general framework for enhanced cooperation between the European Union and the European Organisation for the Safety of Air Navigation is hereby authorised, subject to the conclusion of the Agreement.

The text of the Agreement is attached to this Decision.

*Article 2*

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union, subject to its conclusion.

*Article 3*

The Agreement shall be applied provisionally, in accordance with Article 13.1 of the Agreement, as from the date of its signature, pending the completion of the procedures for its conclusion.

*Article 4*

1. The Union shall be represented by the Commission in the Joint Committee established under Article 7 of the Agreement.
2. The Commission, after consulting a Special Committee appointed by the Council, shall determine the position to be taken by the Union in the Joint Committee, including with respect to the adoption of Annexes to the Agreement, and the adoption of amendments to those Annexes to the Agreement.

*Article 5*

The Commission may take any appropriate action under Articles 5, 6, 8, 9, 10 and 11 of the Agreement.

*Article 6*

The Commission shall regularly inform the Council of the implementation of the Agreement.

*Article 7*

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

Done at Luxembourg, 29 October 2012.

*For the Council*  
*The President*

E. FLOURENTZOU

**AGREEMENT****between the European Union and the European Organisation for the Safety of Air Navigation  
providing a general framework for enhanced cooperation**

THE EUROPEAN UNION (EU)

and

THE EUROPEAN ORGANISATION FOR THE SAFETY OF AIR NAVIGATION (EUROCONTROL)

Hereinafter referred to as “the Parties”

HAVING REGARD to the Treaty on the Functioning of the European Union (hereinafter “TFEU”), and in particular Articles 218 and 220 thereof;

HAVING REGARD to the EUROCONTROL International Convention relating to Cooperation for the Safety of Air Navigation of 13 December 1960 as amended by the Protocol signed at Brussels on 12 February 1981 (hereinafter “EUROCONTROL Convention”), and in particular Articles 7.2 and 11.3 thereof;

HAVING REGARD to Measure No 11/174 of 12 May 2011 taken by the Permanent Commission of EUROCONTROL delegating authority to the Agency to open negotiations for the conclusion of a High Level Agreement with the EU and Measure No 12/181 of 10 May 2012 taken by the Permanent Commission of EUROCONTROL approving the negotiated Agreement;

HAVING REGARD to the respective present legal and institutional contexts of the Parties and their contributions to the implementation of the Single European Sky (SES) within and beyond the EU;

HAVING REGARD to the competence conferred upon the EU in matters related to the SES;

HAVING REGARD to the role of EUROCONTROL as the intergovernmental pan-European civil-military organisation specialised in the field of air traffic management (ATM);

WHEREAS the Parties share the vision of achieving an optimal and integrated European ATM network, offering, through all phases of air transport, and in conjunction with other means of transport, a high degree of safety, cost-efficiency, capacity and environmental protection, for the benefit of passengers and citizens;

WHEREAS EU legislation entrusts the European Commission with a number of tasks related to the implementation of the SES, for which expert support is needed;

WHEREAS EUROCONTROL has evolved, since 1960, into a unique centre of expertise in the domain of ATM, bringing as added value pan-European and military dimensions and assistance to States in the performance of public domain services and functions, and should continue to assist its Member States, including in the implementation of SES and other related EU policies, and to provide a pan-European platform to facilitate the enhancement of military cooperation on ATM;

WHEREAS EU legislation establishes that the European Commission may issue mandates to EUROCONTROL in order to develop implementing rules related to the establishment of the SES;

WHEREAS the EU recognises the essential contribution of EUROCONTROL to support the EU in its role as regulator in order to implement the SES and other related EU policies;

WHEREAS the North Atlantic Treaty Organisation (NATO) and EUROCONTROL concluded, on 8 May 2003, a Memorandum of Cooperation;

WHEREAS the European Commission and EUROCONTROL concluded, on 22 December 2003, a Memorandum concerning a framework for cooperation;

WHEREAS EUROCONTROL was designated by a decision of the European Commission of 29 July 2010 as the Performance Review Body of the SES, in accordance with Regulation (EU) No 691/2010, and EUROCONTROL accepted this designation by Directive No 10/74 of the Permanent Commission of 15 September 2010;

WHEREAS EUROCONTROL was nominated by a decision of the European Commission of 7 July 2011 as the Network Manager for the ATM Network Functions, in accordance with Regulation (EU) No 677/2011, and EUROCONTROL accepted this nomination by Directive No 11/77 of the Permanent Commission of 1 September 2011;

WHEREAS the Parties have a long-standing relationship and history of cooperation in ATM and in the implementation of SES and other related policies, and wish to consolidate this relationship and fully coordinate further actions;

WHEREAS the Parties should ensure synergies and avoid duplication in safety-related ATM matters and environmental issues;

WHEREAS the long-term application of existing arrangements between the European Commission and EUROCONTROL should be assessed in the light of this Agreement and, where appropriate, confirmed and strengthened through this Agreement;

WHEREAS the implementation of this Agreement should not lead to a duplication of funding of the cooperative activities referred to in this Agreement and therefore should not result in a nominal contribution of the EU to the budget of EUROCONTROL;

CONSIDERING that the EU objective is to extend the geographical coverage of the SES beyond the EU;

CONSIDERING that, without prejudice to the relationships between the Parties and their respective membership and to the rights and obligations of the Member States under the EUROCONTROL Convention and the TFEU respectively, it is desirable to establish complementary mutually reinforcing cooperation and coordination mechanisms between the EU and EUROCONTROL in the implementation of SES and other related policies, in particular in the fields of environment, including climate change, and research and development with a view to making better use of the expertise and support of EUROCONTROL;

CONSIDERING that the support provided by EUROCONTROL to the EU should comply with the principles of transparency, impartiality and independence;

CONSIDERING that the evolution of the EUROCONTROL organisation whereby, in particular, it progressively aligns itself to support the EU in the implementation of the SES with a view to improving the overall performance of the European ATM network should be facilitated;

AGREE ON THE FOLLOWING:

## 1. GENERAL SCOPE

1.1 The Parties agree to strengthen and consolidate cooperation between the EU and EUROCONTROL in order to enable EUROCONTROL to support the EU in the implementation of SES and related EU policies within the EU, and beyond the EU in those States that agree to be bound thereby.

1.2 The Agreement shall be without prejudice to the rights and obligations of Member States as members of EUROCONTROL or of the EU.

## 2. OBJECTIVES

The objectives of this Agreement are:

— to establish the main elements for enhanced cooperation between the Parties in order to contribute to timely and consistent implementation of the SES within the EU, and beyond the EU in those States that agree to be bound by the SES, and the establishment of an efficient air transport system through activities reflecting the respective tasks and responsibilities of the Parties;

— to facilitate the necessary civil-military cooperation on ATM in the SES;

— the recognition and utilisation of EUROCONTROL expertise including civil-military cooperation to support the EU in the implementation of SES and other related policies in particular in the fields of environment, including climate change, and research and development, in order to improve the performance of the European ATM network;

- to acknowledge the value of EUROCONTROL continuing to perform, as appropriate, support activities and functions for the implementation of the SES;
- to establish the necessary cooperation to support and facilitate the involvement of non-EU Member States in the SES, with a view to extending the implementation of the SES beyond the EU and to progressively achieving the application of the SES legislative framework by EUROCONTROL's entire membership;
- to ensure synergies and avoid duplication of EASA's work in safety-related ATM matters and environmental issues, including, where appropriate, through the development of robust cooperation mechanisms between EASA and EUROCONTROL, taking into account EUROCONTROL's pan-European responsibilities.

### 3. AREAS OF COOPERATION

3.1 The areas of cooperation under this Agreement are those necessary for the implementation of the SES, including SESAR, and other related EU policies, in particular environment, including climate change, and ATM research and development policies.

3.2 The cooperation shall address the following subjects:

- a) Functional Airspace Blocks;
- b) National Supervisory Authorities;
- c) Support in the field of Air Traffic Management and Air Navigation Services (ATM/ANS) safety, including to EASA, as set out in Article 2;
- d) Civil-military cooperation and coordination;
- e) International coordination, in particular towards ICAO and States other than Member States of the Parties;
- f) Air Traffic Management and Communication/Navigation/Surveillance Services (ATM/CNS), including space;
- g) Air transport-related data and statistics;
- h) Aviation environmental issues;
- i) Airport policy.

3.3 Further subjects of cooperation may address in particular:

- a) ATM security;
- b) Spectrum policy;

c) Unmanned Aircraft Systems (UAS).

3.4 The subjects and modalities of cooperation shall be defined further in separate Annexes to this Agreement.

### 4. FORMS OF COOPERATION

4.1 The Agreement shall be executed through the following forms of cooperation:

- a) provision of mutual support;
- b) mechanisms for enhanced cooperation, liaison mechanisms and offices, and the coordination of studies and programmes and joint activities;
- c) mechanisms for the collection and mutual exchange of information, data, and statistics, as appropriate;
- d) coordination of cooperation on technical matters at working level in the context of ICAO.

4.2 With regard to military aspects of the SES, the Parties shall ensure the best use of the relevant stakeholder consultation processes.

4.3 The coordination and facilitation of cooperative activities under this Agreement shall be accomplished on behalf of EUROCONTROL by its Agency and on behalf of the EU by the European Commission. EUROCONTROL may also support other EU bodies, as appropriate, through specific instruments, with a view to optimising and integrating existing expertise and resources.

### 5. CONSULTATION AND INFORMATION

5.1 The Parties shall consult each other regularly in order to coordinate to the fullest extent their activities related to this Agreement. Each Party shall inform the other of any initiative pertinent to this Agreement without prejudice to their respective decision-making processes, in the areas of cooperation under Article 3, which may be of interest to the other Party.

5.2 The Parties shall exchange information that may be required for the implementation of this Agreement, subject to their respective rules. Except when otherwise provided, the Parties shall not disclose any information exchanged in connection with this Agreement to any persons other than those employed by them or officially entitled to handle such information nor shall they use it for commercial purposes. Such disclosure shall extend only so far as may be necessary for the purpose of this Agreement and shall be in strict confidence.

5.3 The relevant bodies of the Parties shall convene if necessary to exchange views.

## 6. CONFIDENTIALITY

- 6.1 Each Party shall take all reasonable precautions necessary to protect information received under this Agreement and its Annexes from unauthorised disclosure. A Party may, upon providing information to the other Party, designate the portions of the information that it considers to be exempt from disclosure.
- 6.2 The Parties agree to safeguard, to the extent required under their respective rules, the protection of classified information, if any, received from the other Party in application of this Agreement.
- 6.3 In particular, subject to their respective rules the Parties shall not disclose information received from each other under this Agreement that is considered proprietary. Such information shall be appropriately marked as such in accordance with their respective rules.
- 6.4 The Parties shall agree on working arrangements on further procedures for the protection of classified information provided pursuant to this Agreement as required. Such procedures shall include the possibility for each Party to verify which protection measures have been put in place by the other Party.

## 7. MANAGEMENT OF THE AGREEMENT

- 7.1 A Joint Committee is established, composed of one representative of each Party, who may be accompanied by observers from Member States of the Parties and experts. The Joint Committee shall be responsible for the effective functioning of this Agreement.
- 7.2 A meeting of the Joint Committee shall be convened at least once a year to evaluate and review the implementation of this Agreement and shall be organised cost-effectively. Either Party may request a meeting of the Joint Committee at any time.
- 7.3 The Joint Committee may consider any matter related to the functioning and implementation of this Agreement. In particular, it shall be responsible for:
- a) resolving any question relating to the application and implementation of this Agreement;
  - b) considering ways to enhance the implementation of this Agreement and make, as appropriate, recommendations to the Parties for its amendment;
  - c) identifying new subjects for cooperation;
  - d) adopting and amending Annexes and working arrangements within the scope of this Agreement;
  - e) resolving any difference or dispute concerning the interpretation or application of this Agreement.

- 7.4 The Joint Committee shall operate on the basis of agreement between the representatives of the Parties.

- 7.5 The Joint Committee shall adopt its rules of procedure.

## 8. FINANCING

- 8.1 A Party requesting support activities to be performed under this Agreement by the other Party shall ensure the funding of such activities.
- 8.2 Financial aspects related to the cooperation under this Agreement shall be defined in accordance with the rules applicable to the Parties' respective budgets. The Parties shall conclude separate arrangements, where appropriate.

## 9. EXTERNAL RELATIONS AND COOPERATION

- 9.1 Each Party shall inform the other of its activities of an international dimension pertinent to this Agreement which may be of interest to the other Party.
- 9.2 Whenever appropriate a Party may, in relation to any matters relevant to its international activities, consult the other Party.

## 10. DISPUTE RESOLUTION

- 10.1 The Parties shall make every effort to resolve any differences between them arising from their cooperation under this Agreement.
- 10.2 In the event that any difference is not resolved, either Party may refer the dispute to the Joint Committee, which shall consult on the matter with a view to resolving it by negotiation.

## 11. EXCHANGE OF PERSONNEL

Subject to their respective rules and procedures, the Parties may exchange and second personnel as required to pursue the activities described in this Agreement or in Annexes thereto. All such exchanges shall be in accordance with the terms and conditions as agreed between the Parties.

## 12. ANNEXES

The Annexes to this Agreement shall form an integral part of this Agreement.

## 13. ENTRY INTO FORCE AND TERMINATION

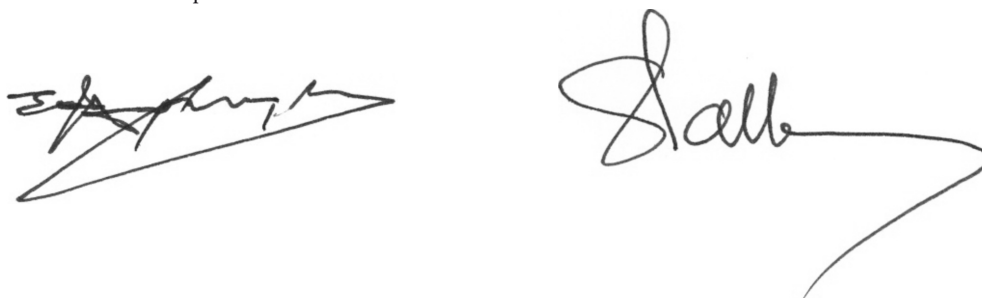
- 13.1 Pending its entry into force, this Agreement shall be applied provisionally from the date of signature.
- 13.2 This Agreement shall enter into force when the Parties have notified each other in writing that their respective internal procedures necessary for its entry into force have been completed and shall remain in force until terminated.

13.3 This Agreement may be terminated at any time by either Party. Such termination shall be effected by six months' written notification from one Party to the other Party unless the said notice of termination has been withdrawn by mutual consent of the Parties before the expiry of this period.

Done at Brussels on the twentieth day of December in the year two thousand and twelve.  
Fait à Bruxelles, le vingt décembre deux mille douze.

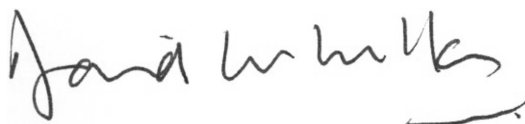
For the European Union

Pour l'Union européenne

Two handwritten signatures in black ink. The signature on the left is a stylized, cursive signature. The signature on the right is a more formal, cursive signature.

For the European Organisation for the Safety of Air Navigation

Pour l'Organisation européenne pour la sécurité de la navigation aérienne

A handwritten signature in black ink, appearing to be 'Jana Willems', with a horizontal line underneath.

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# REGULATIONS

## COMMISSION IMPLEMENTING REGULATION (EU) No 36/2013

of 18 January 2013

**opening a standing invitation to tender for the 2012/2013 marketing year for imports of sugar of CN codes 1701 14 10 and 1701 99 10 at a reduced customs duty**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) <sup>(1)</sup> and in particular Articles 186, in conjunction with Article 4 thereof,

Whereas:

- (1) During the 2011/2012 sugar marketing year, the Union average bulk white sugar ex-factory price reached a level of 175 % of the reference price of EUR 404/tonne and was approximately EUR 275/tonne higher than the world market price. The Union price is now stable at a level of around EUR 700/tonne, which is the highest level reached since the reform of the sugar market organisation and disturbs the optimal fluidity of the sugar supply on the Union market. The expected increase of this already high price level during the 2012/2013 marketing year substantiates the risk of serious market disturbances which should be prevented by the necessary measures.
- (2) Pursuant to Regulation (EC) No 1234/2007 measures may be taken with a view to tackle the risk of market disturbances, in particular due to continued high prices, provided that this objective cannot be reached by means of other measures available under that Regulation. However, given the current market circumstances, Regulation (EC) No 1234/2007 does not provide for any specific measures aimed at reducing the tightness on the sugar market and allowing sugar supply at reasonable prices other than those based on Article 186 of that Regulation.
- (3) Based on the estimated supply and demand for 2012/2013, the ending stocks for the sugar market are expected to be lower by at least 0.5 million tonne than in 2011/2012. This figure already takes into account the imports from third countries benefiting from certain preferential agreements.
- (4) In order to improve the supply situation on the Union sugar market, it is necessary to make imports easier

through the reduction of the import duty for certain quantities of sugar of CN codes 1701 14 10 and 1701 99 10 at a reduced customs duty. The quantity and the reduction of the duty should be assessed in the light of the current state and foreseeable development of the Union sugar market. The quantity and reduction should therefore be based on a tendering system.

- (5) The minimum eligibility requirements to tender should be specified.
- (6) A security should be lodged for each tender. That security should become the security for the import licence application in the case of a successful tender and be released when a tender is unsuccessful.
- (7) The competent authorities of the Member States should notify the Commission of the admissible tenders. In order to simplify and standardise those notifications, models should be made available.
- (8) For each partial invitation to tender, provision should be made for the Commission to fix a minimum customs duty and, if appropriate, an allocation coefficient in order to reduce the quantities accepted, or to decide not to fix a minimum customs duty.
- (9) Member States should inform the tenderers of the result of their participation in the partial invitation to tender within a short period.
- (10) The competent authorities should notify the Commission of the quantities for which import licenses have been issued. For this purpose, models should be made available by the Commission.
- (11) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chair,

HAS ADOPTED THIS REGULATION:

### Article 1

A tendering procedure is opened for the 2012/2013 marketing year for imports of sugar of CN codes 1701 14 10 and 1701 99 10 at a reduced customs duty, bearing reference number 09.4312.

<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

That customs duty shall replace the common customs tariff duty and the additional duties referred to in Article 141 of Regulation (EC) No 1234/2007 and Article 36 of Commission Regulation (EC) No 951/2006 <sup>(1)</sup>.

Commission Regulation (EC) No 376/2008 <sup>(2)</sup> shall apply save as otherwise provided for in this Regulation.

#### Article 2

1. The period during which tenders may be submitted in response to the first partial invitation to tender shall end on 23 January 2013 at 12 noon, Brussels time.

2. The periods during which tenders may be submitted in response to the second and subsequent partial invitations shall begin on the first working day following the end of the preceding period. They shall end at 12 noon, Brussels time, on 27 February 2013, 15 May 2013 and 12 June 2013.

3. The Commission may suspend the submission of tenders for one or several partial invitations to tender.

#### Article 3

1. Tenders shall be lodged by operators established in the Union. They shall be lodged to the competent authority in the Member State in which an operator is registered for VAT purposes.

2. Tenders shall be lodged by means of the application form for an import licence that is provided in Annex I to Regulation (EC) No 376/2008.

3. The application form may be lodged by electronic means, using the method made available to the operators by the Member State concerned. The competent authorities of the Member States may require that electronic tenders be accompanied by an advance electronic signature within the meaning of Directive 1999/93/EC of the European Parliament and of the Council <sup>(3)</sup>.

4. Tenders shall be admissible only if the following conditions are met:

(a) tenders shall indicate:

(i) in box 4, the name, address and VAT number of the tenderer;

(ii) in box 17 and 18, the quantity of sugar tendered, which shall be at least 20 tonnes and shall not exceed 45 000 tonnes, rounded with no decimal places;

(iii) in box 20, the proposed amount of the customs duty, in euro per tonne of sugar, rounded to no more than two decimal places;

(iv) in box 16, the eight digit CN code of the sugar;

(b) proof is furnished, before the expiry of the time-limit for the submission of tenders, that the tenderer has lodged the security referred to in Article 4(1);

(c) the tender is presented in the official language or one of the official languages of the Member State in which the tender is lodged;

(d) the tender indicates a reference to this Regulation and the expiry date for the submission of the tenders;

(e) the tender does not include any additional conditions introduced by the tenderer other than those laid down in this Regulation.

5. A tender which is not submitted in accordance with paragraphs 1 and 2 shall not be admissible.

6. Applicants shall not submit more than one tender per eight digit CN code for the same partial invitation to tender.

7. A tender may not be withdrawn or amended after its submission.

#### Article 4

1. In accordance with the provisions of Chapter III of Commission Implementing Regulation (EU) No 282/2012 <sup>(4)</sup> each tenderer shall lodge a security of EUR 150 per tonne of sugar to be imported under this Regulation.

2. Where a tender is successful, that security shall become the security for the import licence.

3. The security referred to in paragraph 1 shall be released in case of unsuccessful tenderers.

#### Article 5

1. The competent authorities of the Member States shall decide on the validity of tenders on the basis of the conditions set out in Article 3.

2. Persons authorised to receive and examine the tenders shall be under an obligation not to disclose any particulars relating thereto to any unauthorised person.

3. Where the competent authorities of the Member States decide that a tender is invalid they shall inform the tenderer.

4. The competent authority concerned shall notify the Commission, by fax, of the admissible tenders submitted within two hours after the expiry of the time-limit for the submissions laid down in Article 2(1) and (2). That notification shall not contain the data referred to in Article 3(4)(a)(i).

5. The form and content of the notifications shall be defined on the basis of models made available by the Commission to the Member States. When no tenders are submitted, the competent authority shall notify the Commission thereof by fax within the same time-limit.

#### Article 6

In the light of the current state and foreseeable development of the Union sugar market, the Commission shall, for each partial

<sup>(1)</sup> OJ L 178, 1.7.2006, p. 24.

<sup>(2)</sup> OJ L 114, 26.4.2008, p. 3.

<sup>(3)</sup> OJ L 13, 19.1.2000, p. 12.

<sup>(4)</sup> OJ L 92, 30.3.2012, p. 4.

invitation to tender and for each eight digit CN code, either fix a minimum customs duty or decide not to fix a minimum customs duty by adopting an Implementing Regulation in accordance with the procedure referred to in Article 195(2) of Regulation (EC) No 1234/2007.

With that Implementing Regulation, the Commission shall also fix, where necessary, an allocation coefficient applicable to the tenders which have been introduced at the level of the minimum customs duty. In this case, the security referred to in Article 4 shall be released in proportion to the quantities allocated.

#### Article 7

1. Where no minimum customs duty has been fixed all tenders shall be rejected.

2. The competent authority concerned shall notify applicants within three working days after the day of publication of the Implementing Regulation referred in Article 6 of the result of their participation in the partial invitation to tender.

#### Article 8

1. No later than the last working day of the week following the week during which the Implementing Regulation referred in Article 6 was published, the competent authority shall issue an import licence to any tenderer whose tender quotes a customs duty for the eight digit CN code equal to or exceeding the minimum customs duty fixed for that eight digit CN code by the Commission. The quantities awarded shall take account of the allocation coefficient fixed by the Commission in accordance with Article 6.

The competent authorities of the Member States shall not issue licences for tenders that have not been notified as provided for in Article 5(4).

2. Import licences shall contain the following entries:

(a) in box 16, the eight digit CN code of the sugar;

(b) in boxes 17 and 18, the quantity of sugar awarded;

(c) in box 20 at least one of the entries listed in Part A of the Annex;

(d) in box 24 the customs duty applicable using one of the entries listed in Part B of the Annex.

3. By way of derogation from Article 8(1) of Regulation (EC) No 376/2008, the rights deriving from the import licence shall not be transferable.

4. The first sentence of the first subparagraph and the second subparagraph of Article 153(3) of Regulation (EC) No 1234/2007 shall apply.

#### Article 9

Import licences issued in connection with a partial invitation to tender shall be valid from the day of issue until the end of the third month following the month in which the Implementing Regulation on partial invitation referred in Article 6 is published.

#### Article 10

No later than the last working day of the second week following the week during which the Implementing Regulation referred in Article 6 is published the competent authorities shall notify the Commission of the quantities for which import licences have been issued under this Regulation. The notification shall be transmitted electronically in accordance with models and methods made available to the Member States by the Commission.

#### Article 11

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

It shall expire on 30 September 2013.

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

Done at Brussels, 18 January 2013.

*For the Commission*

*The President*

José Manuel BARROSO

## ANNEX

## A. Entries referred to in Article 8(2)(c)

- in Bulgarian:* Внесена при намалена ставка на митото съгласно Регламент за изпълнение (ЕС) № 36/2013; Референтен номер 09.4312
- in Spanish:* Importado con derecho de aduana reducido en virtud del Reglamento de Ejecución (UE) n° 36/2013; Número de referencia 09.4312
- in Czech:* Dovezeno se sníženou celní sazbou v souladu s prováděcím nařízením (EU) č. 36/2013; Referenční číslo 09.4312
- in Danish:* Importeret til en nedsat toldsats i henhold til gennemførelsesforordning (EU) nr. 36/2013; Referencenummer 09.4312
- in German:* Eingeführt zum ermäßigten Zollsatz gemäß der Durchführungsverordnung (EU) Nr. 36/2013; Referenznummer 09.4312
- in Estonian:* Imporditud vähendatud tollimaksuga vastavalt rakendusmäärusele (EL) nr 36/2013; viitenumber 09.4312
- in Greek:* Εισαγωγή με μειωμένο δασμό δυνάμει του εκτελεστικού κανονισμού (ΕΕ) αριθ. 36/2013 αριθμός αναφοράς 09.4312
- in English:* Imported at reduced customs duty pursuant to Implementing Regulation (EU) No 36/2013; reference number 09.4312
- in French:* Importés à des taux de droits réduits conformément au règlement d'exécution (UE) n° 36/2013; numéro de référence 09.4312
- in Italian:* Importato applicando un'aliquota ridotta del dazio doganale, a norma del regolamento di esecuzione (UE) n. 36/2013; Numero di riferimento 09.4312
- in Latvian:* Importēts ar samazinātu muitas nodokli saskaņā ar Īstenošanas regulu (ES) Nr. 36/2013; Atsauces numurs 09.4312
- in Lithuanian:* Importuota taikant sumažintą muitą pagal Įgyvendinimo reglamentą (ES) Nr. 36/2013; Nuorodos numeris 09.4312
- in Hungarian:* Behozatal csökkentett vámtétel mellett a(z) 36/2013/EU végrehajtási rendelet alapján; Hivatkozási szám 09.4312
- in Maltese:* Impurtat b'dazju doganali mnaqqas skont ir-Regolament ta' Implimentazzjoni (UE) Nru 36/2013; Numru ta' referenza 09.4312
- in Dutch:* Ingevoerd tegen verlaagd douanerecht overeenkomstig Uitvoeringsverordening (EU) nr. 36/2013; Referentienummer 09.4312
- in Polish:* Przywóz z zastosowaniem obniżonych stawek celnych zgodnie z rozporządzeniem wykonawczym (UE) nr 36/2013; Numer referencyjny 09.4312
- in Portuguese:* Importado a taxa reduzida de direito aduaneiro ao abrigo do Regulamento de Execução (UE) n.º 36/2013; Número de referência 09.4312
- in Romanian:* Importat cu taxă vamală redusă conform Regulamentului de punere în aplicare (UE) nr. 36/2013; Număr de referință 09.4312
- in Slovak:* Dovož so zníženým clom podľa vykonávacieho nariadenia (EÚ) č. 36/2013; referenčné číslo 09.4312
- in Slovenian:* Uvoz po znižani carini v skladu z Izvedbeno uredbo (ES) št. 36/2013; Referenčna številka 09.4312
- in Finnish:* Tuonti alennettuina tullein täytäntöönpanoasetuksen (EU) N:o 36/2013 mukaisesti; Viitenumero 09.4312
- in Swedish:* Importerad till nedsatt tullsats enligt genomförandeförordning (EU) nr 36/2013; Referensnummer 09.4312

## B. Entries referred to in Article 8(2)(d)

- in Bulgarian:* Мито (мито върху приетата оферта)
- in Spanish:* Derecho de aduana (derecho de aduana de la oferta seleccionada)
- in Czech:* Clo: (clo platné pro vybranou nabídku)

<i>in Danish:</i>	Toldsats: (toldsats for det antagne bud)
<i>in German:</i>	Zollsatz: (Zollsatz für das erfolgreiche Angebot)
<i>in Estonian:</i>	Tollimaks: (hankelepingu suhtes kohaldatav tollimaks)
<i>in Greek:</i>	Δασμός: (δασμός της κατακυρωθείσας προσφοράς)
<i>in English:</i>	Customs duty: (customs duty of the awarded tender)
<i>in French:</i>	Droit de douane: (droit de douane du marché attribué)
<i>in Italian:</i>	Dazio doganale: (dazio doganale dell'aggiudicazione)
<i>in Latvian:</i>	Muitas nodoklis: (konkursā uzvarējušā piedāvājuma muitas nodoklis)
<i>in Lithuanian:</i>	Muitas (konkursą laimėjusiam pasiūlymui taikomas muitas)
<i>in Hungarian:</i>	Vámtétel: (a nyertes ajánlat szerinti vámtétel)
<i>in Maltese:</i>	Dazju doganali:(dazju doganali tal-offerta magħżula)
<i>in Dutch:</i>	Douanerecht: (douanerecht voor de gegunde inschrijving)
<i>in Polish:</i>	Cło: (cło zatwierdzonej oferty)
<i>in Portuguese:</i>	Direito aduaneiro: (direito aduaneiro aplicável à proposta adjudicada)
<i>in Romanian:</i>	Taxă vamală: (taxa vamală aplicabilă ofertei selecționată)
<i>in Slovak:</i>	Clo: (clo vybranej ponuky)
<i>in Slovenian:</i>	Carina: (carina dodeljene ponudbe)
<i>in Finnish:</i>	Tulli: (voittaneeseen tarjoukseen sovellettava tulli)
<i>in Swedish:</i>	Tullsats: (tullsats för det antagna anbudet)

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**COMMISSION IMPLEMENTING REGULATION (EU) No 37/2013****of 18 January 2013****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 Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) <sup>(1)</sup>,

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 <sup>(2)</sup>, 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 multi-lateral 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, 18 January 2013.

*For the Commission,  
On behalf of the President,  
José Manuel SILVA RODRÍGUEZ  
Director-General for Agriculture and  
Rural Development*

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<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> 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 <sup>(1)</sup>	Standard import value
0702 00 00	MA	70,6
	TN	83,9
	TR	121,1
	ZZ	91,9
0707 00 05	EG	200,0
	JO	182,1
	MA	158,2
	TR	161,3
	ZZ	175,4
0709 91 00	EG	119,3
	ZZ	119,3
0709 93 10	EG	105,4
	MA	95,9
	TR	139,5
	ZZ	113,6
0805 10 20	EG	53,3
	MA	63,2
	TN	69,9
	TR	64,6
	ZZ	62,8
0805 20 10	IL	162,4
	MA	90,9
	ZZ	126,7
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL	115,4
	KR	139,7
	TR	82,7
	ZZ	112,6
0805 50 10	EG	87,0
	TR	80,3
	ZZ	83,7
0808 10 80	CN	86,0
	MK	35,9
	US	172,9
	ZZ	98,3
0808 30 90	CN	56,2
	US	132,9
	ZZ	94,6

<sup>(1)</sup> Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.



**COMMISSION IMPLEMENTING REGULATION (EU) No 38/2013****of 18 January 2013****on the issue of licences for the import of garlic in the subperiod from 1 March 2013 to 31 May 2013**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) <sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences <sup>(2)</sup>, and in particular Article 7(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 341/2007 <sup>(3)</sup> opens and provides for the administration of tariff quotas and introduces a system of import licences and certificates of origin for garlic and other agricultural products imported from third countries.
- (2) The quantities for which 'A' licence applications have been lodged by traditional importers and by new importers during the first seven working days of January 2013, pursuant to Article 10(1) of Regulation

(EC) No 341/2007 exceed the quantities available for products originating in China.

- (3) Therefore, in accordance with Article 7(2) of Regulation (EC) No 1301/2006, it is now necessary to establish the extent to which the 'A' licence applications sent to the Commission by 14 January 2013 can be met in accordance with Article 12 of Regulation (EC) No 341/2007.
- (4) In order to ensure sound management of the procedure of issuing import licences, the present Regulation should enter into force immediately after its publication,

HAS ADOPTED THIS REGULATION:

*Article 1*

Applications for 'A' import licences lodged pursuant to Article 10(1) of Regulation (EC) No 341/2007 during the first seven working days of January 2013 and sent to the Commission by 14 January 2013 shall be met at a percentage rate of the quantities applied for as set out in the Annex to this Regulation.

*Article 2*

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

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

Done at Brussels, 18 January 2013.

*For the Commission,  
On behalf of the President,  
José Manuel SILVA RODRÍGUEZ  
Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> OJ L 238, 1.9.2006, p. 13.

<sup>(3)</sup> OJ L 90, 30.3.2007, p. 12.



## ANNEX

Origin	Order number	Allocation coefficient
Argentina		
— Traditional importers	09.4104	100 %
— New importers	09.4099	100 %
China		
— Traditional importers	09.4105	31,840168 %
— New importers	09.4100	0,402717 %
Other third countries		
— Traditional importers	09.4106	100 %
— New importers	09.4102	100 %

# DECISIONS

## COUNCIL DECISION

of 14 January 2013

### amending the Council's Rules of Procedure

(2013/37/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union,

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

Having regard to Article 2(2) of Annex III to the Council's Rules of Procedure <sup>(1)</sup>,

Whereas:

- (1) Article 3(3), first and fourth subparagraphs, of the Protocol (No 36) on transitional provisions annexed to the Treaties provide that, until 31 October 2014, when an act is to be adopted by the Council by a qualified majority, and if a member of the Council so requests, it must be verified that the Member States constituting the qualified majority represent at least 62 % of the total population of the Union.
- (2) That percentage is calculated according to the population figures set out in Article 1 of Annex III to the Council's Rules of Procedure (hereinafter 'Rules of Procedure').
- (3) Article 2(2) of Annex III to the Rules of Procedure provides that, with effect from 1 January each year, the Council, in accordance with the data available to the Statistical Office of the European Union on 30 September of the preceding year, must amend the figures set out in Article 1 of that Annex.
- (4) The Rules of Procedure should therefore be amended accordingly for 2013,

HAS ADOPTED THIS DECISION:

#### Article 1

Article 1 of Annex III to the Rules of Procedure shall be replaced by the following:

#### 'Article 1

For the purposes of implementing Article 16(5) of the TEU and Article 3(3) and (4) of the Protocol (No 36) on

transitional provisions annexed to the Treaties, the total population of each Member State for the period from 1 January 2013 to 31 December 2013 shall be as follows:

Member State	Population (× 1 000)
Germany	81 843,7
France	65 397,9
United Kingdom	62 989,6
Italy	60 820,8
Spain	46 196,3
Poland	38 538,4
Romania	21 355,8
Netherlands	16 730,3
Greece	11 290,9
Belgium	11 041,3
Portugal	10 541,8
Czech Republic	10 505,4
Hungary	9 957,7
Sweden	9 482,9
Austria	8 443,0
Bulgaria	7 327,2
Denmark	5 580,5
Slovakia	5 404,3
Finland	5 401,3
Ireland	4 582,8
Lithuania	3 007,8

<sup>(1)</sup> Council Decision 2009/937/EU of 1 December 2009 adopting the Council's Rules of Procedure (OJ L 325, 11.12.2009, p. 35).

Member State	Population (× 1 000)
Slovenia	2 055,5
Latvia	2 041,8
Estonia	1 339,7
Cyprus	862,0
Luxembourg	524,9
Malta	416,1
Total	503 679,7
Threshold (62 %)	312 281,4'

*Article 2*

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

It shall apply from 1 January 2013.

Done at Brussels, 14 January 2013.

*For the Council*  
*The President*  
E. GILMORE









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