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I

(Legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) No 389/2012

of 2 May 2012

on administrative cooperation in the field of excise duties and repealing Regulation (EC) No 2073/2004

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 113 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Parliament ⁽¹⁾,Having regard to the opinion of the European Economic and Social Committee ⁽²⁾,

Acting in accordance with a special legislative procedure,

Whereas:

- (1) Council Regulation (EC) No 2073/2004 of 16 November 2004 on administrative cooperation in the field of excise duties ⁽³⁾ provides for a common system whereby, in order to ensure the correct application of legislation on excise duties and to combat the evasion of excise duties and the ensuing distortions in the internal market, Member States assist each other and cooperate with the Commission. A number of changes need to be made to that Regulation in view of experience gathered and in view of recent developments. Given the number of changes thus necessary, the Regulation should be replaced for reasons of clarity.
- (2) The completion of the internal market continues to require a system of administrative cooperation in the field of excise duties encompassing all aspects of legislation concerning the application of excise duties to the goods referred to in Article 1 of Council Directive 2008/118/EC of 16 December 2008 concerning the general arrangements for excise duty ⁽⁴⁾.
- (3) In the interests of effectiveness and speed and on grounds of cost, it is essential that the role of electronic means in the exchange of information be enhanced. In view of the repetitive nature of certain requests and the linguistic diversity within the Union, it is important to ensure that standard formats be more widely used in the exchange of information, so that information requests can be more rapidly processed. These requirements can best be met through the more systematic use of the computerised system established under Decision No 1152/2003/EC of the European Parliament and of the Council of 16 June 2003 on computerising the movement and surveillance of excisable products ⁽⁵⁾. That system now offers broader possibilities than at the time Regulation (EC) No 2073/2004 entered into force, and it will continue to be developed. Member States should thus be required to make use of it whenever possible.
- (4) Exchange of information in excise matters is necessary to a very wide extent in order to establish a true picture of the excise affairs of certain persons but, at the same time, Member States are not at liberty to engage in 'fishing expeditions' or to request information that is unlikely to be relevant to the excise affairs of a given person or ascertainable group or category of persons.
- (5) For the purposes of a proper coordination of information flows, it is necessary to maintain the provisions of Regulation (EC) No 2073/2004 as regards a single point of contact in each Member State. Since more direct contacts

⁽¹⁾ Opinion of 29 March 2012 (not yet published in the Official Journal).

⁽²⁾ OJ C 68, 6.3.2012, p. 45.

⁽³⁾ OJ L 359, 4.12.2004, p. 1.

⁽⁴⁾ OJ L 9, 14.1.2009, p. 12.

⁽⁵⁾ OJ L 162, 1.7.2003, p. 5.

between the authorities and officials of the Member States might be necessary for reasons of efficiency, the provisions on delegation and the designation of competent officials should also be maintained.

- (6) In order for the necessary information to be available in a timely manner, the provisions of Regulation (EC) No 2073/2004 requiring the requested authority to act as quickly as possible and at the latest within a given time limit should be maintained. However, the time limit for the provision of information already available to the requested Member State should be shorter than the standard time limit.
- (7) For the effective monitoring of excise procedures in cross-border movement, it is necessary to continue to provide for the possibility of simultaneous controls by Member States and for the presence of officials of one Member State in the territory of another Member State, within the framework of administrative cooperation.
- (8) Difficulties linked to the notification of administrative decisions and measures across borders should continue to be addressed by maintaining the provisions of Regulation (EC) No 2073/2004 in the matter.
- (9) In order to fight fraud effectively, the provisions on the exchange of information without prior request should be maintained. To facilitate such exchange, the categories of information to be exchanged on a mandatory basis should be specified.
- (10) Member States should continue to be able to exchange, on an optional basis, information necessary for the correct application of the legislation on excise duties, where that information falls outside the categories of information to be automatically exchanged.
- (11) Feedback is an appropriate means to ensure continual improvement of the quality of the information exchanged. A framework for the provision of feedback should therefore be put in place.
- (12) The electronic storage by Member States of certain specified data regarding the authorisation of economic operators and tax warehouses is indispensable for the proper functioning of the excise duties system and the fight against fraud. It allows for rapid exchange of those data between Member States and automated access to information. This can be achieved by making use of the information already contained in the national computerised systems for excise, through the development of risk analysis which enhances the information held nationally on excise economic operators and their movements of excise goods within the Union, and through the inclusion of a range of information regarding taxable persons and their transactions. Since the procedures for establishing or recovering excise duties, and the periods of limitation and other time limits, differ in the various Member States, it is necessary, in order to ensure effective mutual assistance for the application of the legislation on excise duties in cross-border situations, to provide for a minimum period during which each Member State should store that information.
- (13) In order for the information stored in the electronic databases to be reliable, provision should be made for them to be updated regularly.
- (14) Economic operators should be able to speedily operate the verifications necessary for movements of excise goods. They should be provided with the possibility to have the validity of excise numbers confirmed electronically through a central register operated by the Commission and fed by the information contained in national databases.
- (15) National rules on banking secrecy could hamper the efficiency of the mechanisms provided for in this Regulation. Member States should therefore not be entitled to refuse the provision of information solely on the basis of such rules.
- (16) This Regulation should not affect other measures adopted at the level of the Union, which contribute to combating excise irregularities and fraud, but should rather complement them.
- (17) For reasons of clarity, it is useful to confirm in this Regulation that where information or documents are obtained with the authorisation or on the request of a judicial authority, the communication of the information or documents to the competent authority of another Member State is subject to authorisation by the judicial authority if such authorisation is required under the law of the communicating Member State.
- (18) 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 ⁽¹⁾ governs the processing of personal data carried out by Member States within the framework of this Regulation. 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 ⁽²⁾ governs the processing of personal data carried out by the Commission pursuant to this Regulation.

⁽¹⁾ OJ L 281, 23.11.1995, p. 31.

⁽²⁾ OJ L 8, 12.1.2001, p. 1.

- (19) The exchange of information with third countries has proven beneficial for the correct application of legislation on excise duties and should therefore be maintained. Directive 95/46/EC sets out specific conditions for the communication of information to third countries, with which Member States must comply.
- (20) For the purposes of the effective application of this Regulation, it might be necessary to limit the scope of certain rights and obligations laid down by Directive 95/46/EC, specifically the rights defined in Article 10, Article 11(1) and Articles 12 and 21 thereof, in order to safeguard important economic and financial interests of the Member States, bearing in mind the potential loss of revenue for Member States and the crucial importance of information covered by this Regulation for the effectiveness of the fight against fraud. Given the need to preserve evidence in cases of suspected fiscal irregularities or fraud, and to prevent interference with the correct assessment of compliance with legislation on excise duties, it might be necessary to restrict the obligations of the data controller and the rights of the data subject relating to the provision of information, access to data and publicising of processing operations, in the course of the exchange of personal data under this Regulation. Member States should be obliged to apply such limitations, to the extent they are necessary and proportionate.
- (21) In order to ensure uniform conditions for the implementation of certain Articles of this Regulation, and to describe the main categories of data that can be exchanged by Member States under this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers⁽¹⁾.
- (22) The examination procedure should be used for the adoption of those implementing acts given that those acts are measures of general scope within the meaning of Article 2(2)(a) of Regulation (EU) No 182/2011.
- (23) It is necessary to monitor and evaluate the functioning of this Regulation. Provision should thus be made for the collection of statistics and other information by Member States and for the preparation of regular reports by the Commission.
- (24) Since the objective of this Regulation, namely the simplification and the strengthening of administrative cooperation between Member States, which requires a harmonised approach, cannot be sufficiently achieved by the Member States alone, and can, by reason of the uniformity and effectiveness required, be better achieved at the level of the Union, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve that objective.
- (25) This Regulation respects the fundamental rights and observes the principles which are recognised by the Charter of Fundamental Rights of the European Union, in particular the right to the protection of personal data (Article 8). In view of the limits set by the present Regulation, the processing of such data carried out within the framework of this Regulation does not go beyond what is necessary and proportionate for the purposes of protecting the legitimate fiscal interests of the Member States.
- (26) Regulation (EC) No 2073/2004 should be repealed.
- (27) The European Data Protection Supervisor was consulted and adopted an opinion⁽²⁾,

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter and scope

1. This Regulation lays down the conditions under which the competent authorities in the Member States for the application of the legislation on excise duties are to cooperate with each other, and with the Commission, in order to ensure compliance with that legislation. To that end, it lays down rules and procedures to enable the competent authorities of the Member States to cooperate and to exchange, by electronic means or otherwise, information that is necessary to ensure the correct application of legislation on excise duties.

2. This Regulation shall not affect the application in the Member States of the rules on mutual assistance in criminal matters.

3. It shall not affect the fulfilment of any wider obligation in relation to mutual assistance ensuing from other legal instruments, including bilateral or multilateral agreements.

Article 2

Definitions

For the purposes of this Regulation:

- (1) 'competent authority' means the authority designated in accordance with Article 3(1);

⁽¹⁾ OJ L 55, 28.2.2011, p. 13.

⁽²⁾ Opinion of 18 January 2012.

- (2) 'requesting authority' means the central excise liaison office or any liaison department or competent official of a Member State who makes a request for assistance on behalf of the competent authority;
- (3) 'requested authority' means the central excise liaison office or any liaison department or competent official of a Member State who receives a request for assistance on behalf of the competent authority;
- (4) 'excise office' means any office at which formalities laid down by excise rules may be completed;
- (5) 'event driven automatic exchange' means the systematic communication, without prior request, of information with a predefined structure concerning an event of interest as and when that information becomes available, other than the exchange of information provided for in Article 21 of Directive 2008/118/EC;
- (6) 'regular automatic exchange' means the systematic communication, without prior request, of information with a predefined structure at pre-established regular intervals;
- (7) 'spontaneous exchange' means the communication of information without prior request to another Member State, not covered by points (5) or (6) or by Article 21 of Directive 2008/118/EC;
- (8) 'computerised system' means the computerised system for the movement and surveillance of excise goods established by Decision No 1152/2003/EC of the European Parliament and of the Council of 16 June 2003 on computerising the movement and surveillance of excisable products ⁽¹⁾;
- (9) 'person' means a natural person, a legal person, any association of persons which is not a legal person but which is recognised under the law of the Union or national law as having the capacity to perform legal acts and any other legal arrangement of whatever nature and form, regardless of whether it has legal personality;
- (10) 'economic operator' means a person who, in the course of his business, is involved in activities covered by legislation on excise duties, whether authorised to do so or not;
- (11) 'by electronic means' means using electronic equipment of any kind capable of processing, including transmission and compression, and storage of data, and includes the computerised system defined in point (8);
- (12) 'excise number' means the identification number assigned by Member States for excise purposes to records of the economic operators and premises referred to in points (a) and (b) of Article 19(1);
- (13) 'a movement of excise goods within the Union' means the movement between two or more Member States of excise goods under suspension of excise duty within the meaning of Chapter IV of Directive 2008/118/EC or of excise goods after release for consumption within the meaning of Chapter V, Section 2, of Directive 2008/118/EC;
- (14) 'administrative enquiry' means any control, check or other action taken by the authorities competent for the application of the legislation on excise duties in the performance of their duties with a view to ensuring the correct application of that legislation;
- (15) 'CCN/CSI network' means the common platform based on the common communication network (CCN) and common system interface (CSI), developed by the Union to ensure all transmissions by electronic means between the competent authorities in the area of customs and taxation;
- (16) 'excise duties' mean the duties referred to in Article 1(1) of Directive 2008/118/EC;
- (17) 'mutual administrative assistance document' means a document established within the computerised system and used for the exchange of information under Article 8, 15 or 16 and used for follow-up under Article 8 or 16;
- (18) 'fall-back mutual administrative assistance document' means a document in a paper form used for the exchange of information under Article 8 or 15, in the event that the computerised system is not available;
- (19) 'simultaneous control' means coordinated checks in regard to legislation on excise duties on the situation of an economic operator or related persons, organised by two or more participating Member States with common or complementary interests.

Article 3

Competent authorities

1. Each Member State shall designate the competent authority in whose name this Regulation is to be applied. It shall inform the Commission about that designation and about any subsequent change thereof without delay.

2. The Commission shall make available a list of the competent authorities and publish this information in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 162, 1.7.2003, p. 5.

*Article 4***Central excise liaison offices and liaison departments**

1. The competent authority of each Member State shall designate a central excise liaison office to which principal responsibility shall be delegated for contacts with other Member States in the field of administrative cooperation with respect to legislation on excise duties. It shall inform the Commission and the competent authorities of the other Member States thereof.

The central excise liaison office may also be designated as responsible for contacts with the Commission for the purposes of this Regulation.

2. The competent authority of each Member State may designate liaison departments, other than the central excise liaison office, with the competence assigned according to its national legislation or policy to exchange directly information under this Regulation.

The central excise liaison office shall ensure that the list of these departments is kept up to date and made available to the central excise liaison offices of the other Member States concerned.

*Article 5***Competent officials**

1. The competent authority of each Member State may designate, under the conditions laid down by the Member State, competent officials who may exchange information directly under this Regulation.

The competent authority may limit the scope of such designation.

The central excise liaison office shall be responsible for keeping the list of competent officials up to date and making it available to the central excise liaison offices of the other Member States concerned.

2. The officials exchanging information under Articles 12 and 13 shall be deemed to be competent officials for the purpose of those Articles, in accordance with the conditions laid down by the competent authorities.

*Article 6***Obligations of the central excise liaison office, liaison departments and competent officials**

1. The central excise liaison office shall have principal responsibility for exchanges of information on movements of excise goods between Member States and in particular, it shall have principal responsibility for ensuring:

(a) the exchange of information under Article 8;

(b) the forwarding of notifications of administrative decisions and measures requested by Member States under Article 14;

(c) mandatory exchanges of information under Article 15;

(d) optional spontaneous exchanges of information under Article 16;

(e) provision of feedback on the follow-up actions under Article 8(5) and Article 16(2);

(f) the exchange of information stored in the electronic database provided for in Article 19;

(g) the provision of statistical and other information under Article 34.

2. Where liaison departments or competent officials send or receive requests for assistance, or responses to such requests for assistance, they shall inform the central excise liaison office of their Member State under the conditions laid down by the latter.

3. Where a liaison department or a competent official receives a request for assistance requiring action outside its territorial or operational area, it shall immediately forward it to the central excise liaison office of its Member State and to the competent official of the liaison department in charge and inform the requesting authority thereof. In such a case, the periods laid down in Article 11 shall begin on the day following that on which the request for assistance was forwarded to the central excise liaison office and to the competent official of the liaison department in charge, but no later than one week following the reception of the request as referred to in the first sentence of this paragraph.

*Article 7***Information or documents obtained with the authorisation or at the request of the judicial authority**

1. The communication to the competent authority of another Member State of information or documents obtained by a competent authority with the authorisation or on request of a judicial authority shall be subject to the prior authorisation of the judicial authority if such authorisation is requested under national law.

2. Where, in the case of a request for information, the judicial authority refuses such authorisation to the requested authority, the latter shall inform the requesting authority thereof in accordance with Article 25(5).

CHAPTER II

COOPERATION ON REQUEST

Article 8

General duties of the requested authority

1. At the request of the requesting authority, the requested authority shall communicate the information necessary to ensure the correct application of legislation on excise duties, including any information relating to a specific case or specific cases, in particular concerning movements of excise goods within the Union.

2. For the purposes of communicating the information referred to in paragraph 1, the requested authority shall arrange for the conduct of any administrative enquiries necessary to obtain such information.

3. The request referred to in paragraph 1 may include a reasoned request for a specific administrative enquiry. If the requested authority decides that no administrative enquiry is necessary, it shall immediately inform the requesting authority of the reasons for its decision.

4. In order to obtain the information requested or to conduct the administrative enquiry requested, the requested authority or any administrative authority to which it has recourse shall proceed as though acting on its own account or at the request of another authority in its own Member State.

5. The requested authority may request the requesting authority to provide feedback on the follow-up action taken by the requesting Member State on the basis of the provided information. Where such a request is made, the requesting authority shall, without prejudice to the rules on secrecy and data protection applicable in its Member State, send such feedback as soon as possible, provided that doing so does not impose a disproportionate burden on it.

Article 9

Form of the request and the reply

1. Requests for information and for administrative enquiries pursuant to Article 8 and replies to such requests shall be exchanged using a mutual administrative assistance document, subject to paragraph 4 of this Article.

Where the computerised system is unavailable, a fall-back mutual administrative assistance document shall be used instead of the mutual administrative assistance document.

2. The Commission shall adopt implementing acts to determine:

(a) the structure and content of the mutual administrative assistance documents;

(b) the rules and procedures relating to the exchanges of mutual administrative assistance documents;

(c) the model, form and content of the fall-back mutual administrative assistance document;

(d) the rules and procedures relating to the use of the fall-back mutual administrative assistance document.

The Commission may also adopt implementing acts to determine the structure and content of the feedback referred to in Article 8(5).

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 35(2).

3. Each Member State shall determine the situations in which the computerised system may be considered unavailable.

4. Where the use of the mutual administrative assistance document is impractical, the exchange of messages may, exceptionally, be carried out in whole or in part by other means. In such cases the message shall be accompanied by an explanation of why the use of the mutual administrative assistance document was impractical.

Article 10

Provision of documents

1. Documents, of whatever content, to be provided under Article 8 shall be attached to the mutual administrative assistance document referred to in Article 9(1).

However, in the event that this is impossible or impractical, the documents shall be provided by electronic means or otherwise.

2. The requested authority shall be obliged to provide original documents only where such documents are necessary for the purpose pursued by the requesting authority and where providing them is not contrary to the provisions applicable in the Member State of the requested authority.

Article 11

Time limits

1. The requested authority shall provide the information referred to in Article 8 as quickly as possible, and no later than three months following the date of receipt of the request.

However, where the requested authority is already in possession of that information, the time limit shall be one month.

2. In certain special categories of cases, time limits different from those provided for in paragraph 1 may be agreed between the requested and the requesting authorities.

3. Where the requested authority is unable to respond to the request within the time limit provided for in paragraph 1, it shall, within one month, inform the requesting authority using a mutual administrative assistance document of the reasons for its failure to do so and indicate when it expects to be able to respond.

Article 12

Participation of officials from other Member States in administrative enquiries

1. By agreement between the requesting authority and the requested authority and in accordance with the arrangements laid down by the latter, officials authorised by the requesting authority may be present in the offices of the administrative authorities of the requested Member State, or any other place where those authorities carry out their duties, with a view to exchanging the information necessary to ensure the correct application of legislation on excise duties.

Where the requested information is contained in documentation to which the officials of the requested authority have access, the officials of the requesting authority shall be given copies thereof.

2. By agreement between the requesting authority and the requested authority and in accordance with the arrangements laid down by the latter, officials designated by the requesting authority may be present during the administrative enquiries carried out in the territory of the requested Member State with a view to exchanging the information necessary to ensure the correct application of legislation on excise duties.

Where such agreement is reached, the officials of the requesting authority may have access to the same premises and documents as the officials of the requested authority, through the intermediary of those officials and for the sole purpose of carrying out the administrative enquiry. Officials of the requesting authority shall conduct enquiries or ask questions only with the agreement and under the supervision of officials of the requested authority. They shall not exercise the powers of inspection conferred on officials of the requested authority.

3. The officials of the requesting authority present in another Member State in accordance with paragraphs 1 and 2 shall at all times be able to produce a written authority indicating their identity and their official capacity.

Article 13

Simultaneous controls

1. With a view to exchanging the information necessary to ensure the correct application of legislation on excise duties, two or more Member States may agree, on the basis of a risk analysis, to conduct simultaneous controls, in their own

territory, of the excise duty situation of one or more economic operators or other persons, that are of common or complementary interest, whenever they consider that such controls would be more effective than controls carried out by one Member State only.

2. In order to initiate a simultaneous control in accordance with paragraph 1, the competent authority of a Member State shall submit a proposal to the competent authorities of the other Member States concerned.

The proposal shall:

- (a) specify the case or cases proposed for simultaneous controls;
- (b) individually identify each person with regard to whom such control is intended to be carried out;
- (c) give reasons justifying the necessity of a common control;
- (d) specify the period of time during which such controls are intended to be carried out.

3. The competent authorities which receive a proposal referred to in paragraph 2 shall confirm their agreement to participate in the simultaneous control or shall communicate their reasoned refusal to the proposing competent authority as soon as possible but no later than one month after receipt of the proposal.

4. Each competent authority which participates in a simultaneous control shall appoint a representative responsible for supervising and coordinating the simultaneous control operation.

5. After having carried out a simultaneous control, the competent authorities shall inform the central excise liaison offices of the other Member States without delay of any methods or practices discovered during the simultaneous control that were used or suspected of having been used to contravene legislation on excise duties, where such information may be of particular interest to other Member States.

Article 14

Request for notification of administrative decisions and measures

1. At the request of the requesting authority, the requested authority shall, in accordance with the rules governing similar notifications applicable in its Member State, notify the addressee of all decisions and measures taken by the administrative authorities of the requesting Member State concerning the application of legislation on excise duties.

2. The requests for notification referred to in paragraph 1 shall mention the subject of the decision or measure to be notified and shall indicate the name, address and any other relevant information for identifying the addressee.

3. The requested authority shall, without delay, inform the requesting authority of its action on the request for notification referred to in paragraph 1 and notify it of the date of transmission of the decision or measure to the addressee.

4. Where the requested authority is unable to act on the request for notification referred to in paragraph 1, it shall inform the requesting authority thereof in writing within one month of receipt of the request.

The requested authority shall not refuse to act on such request on account of the content of the decision or measure to be notified.

5. The requesting authority shall make a request for notification pursuant to this Article only when it is unable to notify the addressee in accordance with the rules governing the notification of the instruments concerned in the requesting Member State, or where such notification would give rise to disproportionate difficulties.

6. This Article shall not apply to the documents referred to in Article 8 of Council Directive 2010/24/EU of 16 March 2010 concerning mutual assistance for the recovery of claims relating to taxes, duties and other measures ⁽¹⁾.

CHAPTER III

EXCHANGE OF INFORMATION WITHOUT PRIOR REQUEST

Article 15

Mandatory exchange of information

1. The competent authority of each Member State shall forward to the competent authorities of all other Member States concerned, without prior request and by means of regular or event-driven automatic exchange, the information necessary to ensure the correct application of legislation on excise duties, in the following cases:

- (a) where an irregularity or an infringement of legislation on excise duties has occurred, or is suspected to have occurred, in another Member State;
- (b) where an irregularity or an infringement of legislation on excise duties which has occurred, or is suspected to have occurred, in the territory of one Member State may have repercussions in another Member State;

(c) where there is a risk of fraud or a loss of excise duty in another Member State;

(d) where the total destruction or irretrievable loss of excise goods under a duty suspension arrangement has occurred;

(e) where an exceptional event has occurred during a movement of excise goods within the Union, which is not provided for in Directive 2008/118/EC, and which may affect the calculation of liability to excise duty of an economic operator.

2. An authority which has forwarded information to another authority under paragraph 1 may request that other authority to provide feedback on the follow-up action taken by it on the basis of the information provided. If such a request is made, the other authority shall, without prejudice to rules on secrecy and data protection applicable in its Member State, send such feedback as soon as possible, unless that would impose a disproportionate administrative burden on it.

3. Where the information referred to in paragraph 1 relates to a movement of excise goods within the Union, the information shall be forwarded using a mutual administrative assistance document, subject to paragraph 4.

However, where the use of that document is impractical, the exchange of information may, exceptionally, be carried out in whole or in part by other means. In such cases, the message shall be accompanied by an explanation of why the use of the mutual administrative assistance document was impractical.

4. Where the computerised system is unavailable, the fall-back mutual administrative document shall be used instead of the document referred to in paragraph 3.

5. The Commission shall adopt implementing acts to determine:

- (a) the exact categories of information that shall be exchanged under paragraph 1, which shall, in respect of natural persons, include data such as their name, surname, street name, street number, postcode, city, member state, tax or other identifier number, product code or description and other connected personal data, when available;
- (b) the frequency of regular exchange and the time limits for event-driven exchange under paragraph 1 for each category of information;
- (c) the structure and content of the mutual administrative assistance documents;
- (d) the form and content of the fall-back mutual administrative assistance document;

⁽¹⁾ OJ L 84, 31.3.2010, p. 1.

- (e) the rules and procedures relating to the exchanges of the documents referred to in points (c) and (d).

The Commission may also adopt implementing acts to determine the situations where the competent authorities may consider the computerised system unavailable for the purposes of paragraph 4 of this Article.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 35(2).

Article 16

Optional exchange of information

1. The competent authorities of the Member States may forward to each other, without prior request, by means of spontaneous exchange, any information necessary to ensure the correct application of legislation on excise duties of which they are aware and which exchange is not covered by Article 15.

To that end, they may use the computerised system where the system is capable of processing such information.

2. An authority which has forwarded information to another authority under paragraph 1 may request that other authority to provide feedback on the follow-up action taken by it on the basis of the information provided. If such a request is made, the other authority shall, without prejudice to the rules on secrecy and data protection applicable in its Member State, send such feedback as soon as possible, unless doing so would impose a disproportionate administrative burden on it.

3. The Commission shall adopt implementing acts to determine:

- (a) the structure and content of the mutual administrative assistance documents to cover the most common types of information referred to in paragraph 1;
- (b) the rules and procedures relating to the exchanges of the mutual administrative document.

The Commission may also adopt implementing acts to determine the structure and content of the feedback referred to in paragraph 2.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 35(2).

Article 17

Obligation of Member States to facilitate exchanges of information without prior request

Member States shall take the necessary administrative and organisational measures to facilitate the exchanges provided for in this Chapter.

Article 18

Limitation of obligations

Member States shall neither be obliged to impose, for the purposes of implementing this Chapter, any new obligations on persons in respect of the collection of information, nor to bear any disproportionate administrative burden.

CHAPTER IV

STORAGE AND EXCHANGE OF ELECTRONIC INFORMATION ON ECONOMIC OPERATORS

Article 19

Storage and exchange of information on authorisations of economic operators and tax warehouses

1. Each Member State shall maintain an electronic database containing the following registers:

- (a) a register of economic operators belonging to one of the following categories:
 - (i) authorised warehousekeepers within the meaning of point (1) of Article 4 of Directive 2008/118/EC;
 - (ii) registered consignees within the meaning of point (9) of Article 4 of Directive 2008/118/EC;
 - (iii) registered consignors within the meaning of point (10) of Article 4 of Directive 2008/118/EC;
- (b) a register of premises authorised as tax warehouses within the meaning of point (11) of Article 4 of Directive 2008/118/EC.

2. The registers referred to in paragraph 1 shall contain the following information:

- (a) the unique excise number issued by the competent authority in respect of an economic operator or premises;
- (b) the name and address of the economic operator or premises;

- (c) the excise product category (CAT) and/or the excise product code (EPC) of the products covered by the authorisation referred to in Annex II, code list 11 of Commission Regulation (EC) No 684/2009 of 24 July 2009 implementing Council Directive 2008/118/EC as regards the computerised procedures for the movement of excise goods under suspension of excise duty ⁽¹⁾;
- (d) the identification of the central excise liaison office or the excise office from which further information may be obtained;
- (e) the date as of which the authorisation is valid, is amended and, where applicable, ceases to be valid;
- (f) for authorised warehousekeepers, the tax warehouse or the list of tax warehouses to which his authorisation applies and, if applicable under national legislation, an indication that he is authorised to omit the details of the consignee at the time of dispatch, that he is authorised to split a movement in accordance with Article 23 of Directive 2008/118/EC, or that he is authorised to have excise goods moved to a place of direct delivery in accordance with Article 17(2) of that Directive;
- (g) for registered consignees, if applicable under national legislation, an indication that he is authorised to have excise goods moved to a place of direct delivery in accordance with Article 17(2) of Directive 2008/118/EC;
- (h) for registered consignees referred to in Article 19(3) of Directive 2008/118/EC other than those referred to point (i) of this paragraph, the content of the authorisation regarding the quantity of excise goods, the identity of the consignor in the Member State of dispatch and the period of time for which the authorisation is valid;
- (i) for registered consignees referred to in Article 19(3) of Directive 2008/118/EC that have an authorisation to receive wine from consignors who benefit from the derogation provided in Article 40 of Directive 2008/118/EC, the content of the authorisation regarding the quantity of excise goods and the period of time for which the authorisation is valid. An indication of the derogation under Article 40 of 2008/118/EC shall be included in the record;
- (j) for tax warehouses, the authorised warehousekeeper or list of authorised warehousekeepers for whose use the tax warehouse is authorised.

3. The central excise liaison office or a liaison department of each Member State shall ensure that the information contained in the national registers is complete, accurate and up to date.

4. The information contained in the respective national registers as referred to in paragraph 2 concerning economic operators engaged in moving excise goods under duty suspension arrangements between Member States, shall be automatically exchanged via a central register.

The Commission shall operate the register as a part of the computerised system in a manner that ensures at all times a correct up-to-date view of all national registry data provided by all Member States.

The central excise liaison offices or liaison departments of Member States shall communicate the content of the national register as well as any modification thereto to the Commission in a timely manner.

Article 20

Access to and correction of information

1. The Commission shall ensure that persons involved in the movement of excise goods under duty suspension arrangements between the Member States can obtain confirmation by electronic means of the validity of excise numbers held in the central register referred to in Article 19(4). The Commission shall forward any requests from an economic operator for correction of that information to the central excise liaison office or liaison department that is responsible for the authorisation of that economic operator.

2. The central excise liaison offices or liaison departments of Member States shall ensure that economic operators can obtain confirmation of the information about them held under Article 19(2) and can obtain the correction of any inaccuracies therein.

3. The competent authority of a Member State may, under conditions fixed by that Member State, allow the Central Excise Liaison Office or designated Liaison Departments to communicate a confirmation of the information held under Article 19(2).

Article 21

Data retention

1. Each Member State shall keep the information concerning movements of excise goods within the Union and the records contained in the national registers referred to in Article 19 for at least five years from the end of the calendar year in which the movement began, in order that such information can be used for the procedures provided for in this Regulation. That period may be limited to three years with respect to information entered into the national registers before 1 July 2012.

2. Information collected through the computerised system shall be kept in that system in a way that makes it possible to retrieve and to further process that information within the system in response to a request for information referred to in Article 8.

⁽¹⁾ OJ L 197, 29.7.2009, p. 24.

*Article 22***Implementation**

The Commission shall adopt implementing acts:

- (a) to specify the technical details concerning the automated update of the databases referred to in Article 19(1) and of the central register referred to in Article 19(4);
- (b) to specify the rules and procedures concerning the access to and correction of information under Article 20(1).

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 35(2).

to obtain the information requested, without running the risk of jeopardising the achievement of the desired end; and

- (b) the number and the nature of the requests for information made by the requesting authority within a specific period do not impose a disproportionate administrative burden on that requested authority.

2. This Regulation shall impose no obligation on the competent authority of a Member State to carry out enquiries or to provide information if the laws or administrative practices of that Member State do not authorise its authorities to carry out such enquiries or to collect or use such information for that Member State's own purposes.

3. The competent authority of a Member State may refuse to provide information if the requesting Member State is unable, for legal reasons, to provide similar information.

4. The provision of information may be refused where it would lead to the disclosure of a commercial, industrial or professional secret or of a commercial process, or where its disclosure would be contrary to public policy.

5. The requested authority shall inform the requesting authority of the grounds for refusing a request for assistance. For statistical purposes, competent authorities shall, on an annual basis, inform the Commission of the categories of grounds for refusals.

6. In no case shall paragraphs 2, 3 or 4 be construed as permitting a requested authority to decline to supply information solely because that information is held by a bank, other financial institution, nominee or person acting in an agency or a fiduciary capacity or because it relates to ownership interests in a person.

CHAPTER V

COMMON CONDITIONS GOVERNING ASSISTANCE*Article 23***Language regime**

Requests for assistance, including requests for notifications, and attached documents may be made in any language agreed between the requested and requesting authority. An accompanying translation into the official language or one of the official languages of the Member State in which the requested authority is established, shall be required only if the requested authority provides a justification explaining the need for translation.

*Article 24***Quality of service**

1. The Commission and the Member States shall ensure that the parts of the computerised system necessary for the exchange of information described in this Regulation are operational, appropriately maintained and further developed.

2. The Commission and the Member States shall conclude a service level agreement and agree a security policy for the computerised system. The service level agreement shall define the technical quality and quantity of the services to be delivered by the Commission and the Member States in order to ensure the secure functioning of all parts of the computerised system and of the electronic communication and the allocation of responsibilities for the further development of that system.

*Article 25***General limits to the obligations of the requested authority**

1. The requested authority shall provide the requesting authority with the information requested in accordance with this Regulation, provided that:

- (a) the requesting authority has exhausted the usual sources of information which it could have used in the circumstances

*Article 26***Expenses**

Member States shall waive mutually all claims for the reimbursement of expenses incurred in applying this Regulation, with the exception of claims in respect of fees paid to experts.

*Article 27***Minimum amount**

1. A request for assistance may be subject to a minimum threshold based upon the excise duty that is potentially due.

2. The Commission may adopt implementing acts to specify the threshold referred to in paragraph 1 of this Article.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 35(2).

Article 28

Official secrecy, data protection and use of the information communicated under this Regulation

1. Information communicated or collected by Member States pursuant to this Regulation or any information to which an official or other employee, or a contractor has had access in the course of his duties shall be covered by the obligation of official secrecy and shall enjoy the protection granted to similar information under the law of the Member State receiving that information.

2. The information referred to in paragraph 1 may be used for the following purposes:

- (a) establishing the assessment base for excise duties;
- (b) the collection or administrative control of excise duties;
- (c) the monitoring of movements of excise goods;
- (d) risk analysis in the field of excise duties;
- (e) enquiries in the field of excise duties;
- (f) establishing other taxes, duties and charges covered by Article 2 of Directive 2010/24/EU.

However, the competent authority of the Member State providing the information shall permit its use for other purposes in the Member State of the requesting authority, if the legislation of the Member State of the requested authority allows the information to be used for similar purposes in that Member State.

To the extent allowed by national law, and without prejudice to Article 1(2), the information referred to in paragraph 1 of this Article may be used in connection with judicial or administrative proceedings that can involve penalties initiated as a result of infringements of tax law, without prejudice to the rules governing the rights of the defendants and witnesses in such proceedings.

3. Where the requesting authority considers that information it has received from the requested authority may be useful to the competent authority of another Member State, it may forward it to that authority. It shall inform the requested authority thereof.

The requested authority may make the communication of information to another Member State subject to its prior consent.

4. All processing of personal data by Member States referred to in this Regulation shall be subject to the national provisions implementing Directive 95/46/EC.

Member States shall, for the purpose of the correct application of this Regulation, restrict the scope of the obligations and rights provided for in Article 10, Article 11(1) and Articles 12 and 21 of Directive 95/46/EC to the extent necessary to safeguard the interests referred to in point (e) of Article 13(1) of that Directive. Such restrictions shall be proportionate to the interest in question.

Article 29

Access to information under Commission authorisation

Persons duly authorised by the Commission may be provided with access to the information referred to in Article 28(4) only to the extent necessary for the care, maintenance and development of the CCN/CSI network and the operation of the central register.

Such persons shall be subject to the obligation of official secrecy. The information accessed shall be protected as personal data under Regulation (EC) No 45/2001.

Article 30

Evidential value of information obtained

Reports, statements, and any other documents or certified true copies or extracts thereof communicated by the competent authority of a Member State to the competent authority of another Member State in accordance with this Regulation may be invoked as evidence by the competent bodies of the other Member State on the same basis as similar documents provided by another authority of that other Member State.

Article 31

Obligation to cooperate

1. For the purposes of applying this Regulation, a Member State shall take all necessary measures to:

- (a) ensure effective internal coordination between the authorities referred to in Articles 3 to 5;
- (b) establish direct cooperation between the authorities authorised for the purposes of coordination referred to in point (a) of this paragraph;
- (c) ensure the smooth operation of the information exchange system provided for in this Regulation.

2. The Commission shall communicate without delay to the competent authority of each Member State any information necessary to ensure the correct application of legislation on excise duties, which it receives and which it is able to provide.

Article 32

Relations with third countries

1. A competent authority of a Member State which receives information from a third country may pass that information on to the competent authorities of any Member State which might be interested in it and, in particular, to the competent authorities which request it, in so far as permitted by assistance arrangements with that particular third country. Such information may also be passed on to the Commission whenever it is in the interest of the Union for the purposes of this Regulation.

2. Where the third country concerned has given a legal undertaking to provide the assistance required to gather evidence of the irregular nature of transactions which appear to contravene legislation on excise duties, information obtained under this Regulation may be communicated by the competent authority of a Member State to that third country, in accordance with that Member State's national law regarding transfers of personal data to third countries, for the purposes of the correct application of excise duties or similar taxes, duties and charges applicable in the third country with the consent of the competent authorities which supplied the information, in accordance with their national law.

Article 33

Assistance to economic operators

1. The authorities of a Member State in which a consignor of excise goods is established may grant assistance to that consignor where the latter fails to receive a report of receipt referred to in Article 24(4) of Directive 2008/118/EC, a report of export referred to in Article 25(3) of that Directive or, in the situations referred to in Article 33(1) of that Directive, a copy of the accompanying document referred to in Article 34 thereof.

Granting of such assistance shall be without prejudice to the tax obligations of the assisted consignor.

2. Where a Member State grants assistance pursuant to paragraph 1 of this Article and considers it necessary to obtain information from another Member State, it shall request such information in accordance with Article 8. The other Member State may refuse to obtain the information requested if the consignor has not exhausted all the means available to him to obtain proof that the movement of excise goods between Member States has ended.

CHAPTER VI

EVALUATION AND FINAL PROVISIONS

Article 34

Evaluation of arrangements, collection of operational statistics and reporting

1. The Member States and the Commission shall examine and evaluate the application of this Regulation. To that end, the Commission shall summarise regularly the experience of the Member States with the aim of improving the operation of the system established by this Regulation.

2. The Member States shall communicate to the Commission the following:

- (a) any available information relevant to their experience with the application of this Regulation, including any statistical data needed for its evaluation;
- (b) any available information on actual or suspected methods or practices used to contravene legislation on excise duties where those methods or practices reveal shortcomings or gaps in the operation of procedures defined in this Regulation.

With a view to evaluating the effectiveness of this system of administrative cooperation in enforcing the application of the legislation on excise duties and combating evasion and fraud concerning excise duties, Member States may communicate to the Commission any available information other than the information referred to in the first subparagraph.

The Commission shall forward the information communicated by Member States to the other Member States concerned.

The obligation to communicate information and statistical data shall not involve any unjustified increase of the administrative burden.

3. The Commission may extract directly information from messages generated by the computerised system for diagnostic and statistical purposes, subject to Article 28.

4. The information communicated by the Member States or extracted by the Commission for the purposes of paragraphs 1 to 3 shall not contain individual or personal data.

5. The Commission shall adopt implementing acts to determine, for the purpose of implementing this Article, the relevant statistical data communicated by the Member States, the information to be extracted by the Commission and the statistical reports to be prepared by the Commission and by the Member States.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 35(2).

Article 35

Committee on Excise Duty

1. The Commission shall be assisted by the Committee on Excise Duty established by Article 43(1) of Directive 2008/118/EC. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 36

Repeal of Regulation (EC) No 2073/2004

Regulation (EC) No 2073/2004 is hereby repealed.

References to the repealed Regulation shall be construed as references to this Regulation in accordance with the correlation table set out in the Annex to this Regulation.

Article 37

Reporting to European Parliament and Council

Every five years from the date of entry into force of this Regulation and on the basis, in particular, of the information provided by the Member States, the Commission shall report to the European Parliament and to the Council on the application of this Regulation.

Article 38

Bilateral Arrangements

Where the competent authorities conclude arrangements on bilateral matters covered by this Regulation other than to deal with individual cases, they shall inform the Commission without delay. The Commission shall in turn inform the competent authorities of the other Member States.

Article 39

Entry into force

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

It shall apply from 1 July 2012.

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

Done at Brussels, 2 May 2012.

For the Council

The President

M. VESTAGER

ANNEX

Correlation of Regulation (EC) No 2073/2004 with Regulation (EU) No 389/2012			
Article number in Regulation (EC) No 2073/2004	Article number in Regulation (EU) No 389/2012	Article number in Regulation (EC) No 2073/2004	Article number in Regulation (EU) No 389/2012
1	1	20	17
2	2	21	18
3	3, 4, 5, 6	22	19, 20
4	7	23	—
5	8	24	33
6	9	25	21
7	7, 10	26	34
8	11	27	32
9	11	28	9, 15, 16, 22
10	11	29	23
11	12	30	25, 27, 28
12	13	31	28, 29, 32
13	13	32	30
14	14	33	31
15	14	34	35
16	14	35	37
17	15	36	38
18	15	37	39
19	16		

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 8 March 2012

on the conclusion of a Memorandum of Cooperation between the European Union and the International Civil Aviation Organization providing a framework for enhanced cooperation, and laying down procedural arrangements related thereto

(2012/243/EU)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

Article 1

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2), in conjunction with Article 218(6)(a), Article 218(7) and the first subparagraph of Article 218(8) thereof,

The Memorandum of Cooperation between the European Union and the International Civil Aviation Organization providing a framework for enhanced cooperation is hereby approved on behalf of the Union ⁽¹⁾.

Article 2

Having regard to the proposal from the European Commission,

The President of the Council is hereby authorised to designate the person(s) empowered to make the notification provided for in paragraph 9.2 of the Memorandum of Cooperation.

Article 3

Whereas:

The Council shall determine the position to be taken by the Union in the Joint Committee established under paragraph 7.1 of the Memorandum of Cooperation (the 'Joint Committee') as regards the adoption of new Annexes to the Memorandum and amendments thereto, as referred to in point (c) of paragraph 7.3 of the Memorandum.

Article 4

- (1) The Commission has negotiated a Memorandum of Cooperation between the European Union and the International Civil Aviation Organization providing a framework for enhanced cooperation (the 'Memorandum of Cooperation'), in accordance with the mandate adopted by the Council on 17 December 2009 authorising the Commission to open negotiations.
- (2) The Memorandum of Cooperation was signed on behalf of the Union on 4 May 2011 and has been provisionally applied from that date, subject to its possible conclusion at a later date.
- (3) The Memorandum of Cooperation should be concluded on behalf of the Union.
- (4) It is necessary to lay down procedural arrangements for the participation of the Union in the Joint Committee established by the Memorandum of Cooperation, the resolution of disputes, the adoption of additional Annexes, as well as the amendment of Annexes to the Memorandum,

1. The Commission, after consultation with a Special Committee appointed by the Council and taking full account of its opinion, shall determine the position to be taken by the Union in the Joint Committee with respect to the decisions referred to in points (a), (b) and (c) of paragraph 7.3 of the Memorandum of Cooperation with regard to working arrangements, and the decisions referred to in points (d) and (e) of paragraph 7.3 of the Memorandum of Cooperation.

2. The Commission, after consultation with the Special Committee referred to in paragraph 1, may take any appropriate action under Articles 4 and 5 of the Memorandum of Cooperation.

3. The Union shall be represented in the Joint Committee by the Commission, assisted by representatives of the Member States.

⁽¹⁾ The Memorandum of Cooperation has been published in OJ L 232, 9.9.2011, p. 2 together with the decision on signature.

4. The Commission shall represent the Union in consultations under Article 8 of the Memorandum of Cooperation.

Article 5

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

Done at Brussels, 8 March 2012.

For the Council
The President
M. BØDSKOV

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 390/2012

of 7 May 2012

amending Regulation (EC) No 318/2007 laying down animal health conditions for imports of certain birds into the Community and the quarantine conditions thereof

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I) to Directive 90/425/EEC ⁽¹⁾, and in particular Article 17(3)(a) thereof,

Whereas:

- (1) Commission Regulation (EC) No 318/2007 ⁽²⁾ lays down the animal health conditions for imports of certain birds into the Union, one of which is that the birds are to be imported into the Union only if they originate from third countries or parts thereof referred to in Annex I thereto.
- (2) The Philippines have requested the Commission to authorise imports into the Union of captive bred birds pursuant to Regulation (EC) No 318/2007 from part of its territory. Commission experts carried out an inspection mission in the Philippines to evaluate if the required animal health conditions for such birds and controls in place were met by that country.

- (3) The Philippines provided appropriate guarantees as regards compliance with Union rules laid down in Regulation (EC) No 318/2007 required for imports into the Union of captive bred birds from part of its territory, namely the National Capital Region of Manila. That part of the Philippines' territory should therefore be included in the list set out in Annex I to Regulation (EC) No 318/2007.
- (4) Regulation (EC) No 318/2007 should therefore be amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex I to Regulation (EC) No 318/2007, the following entry is added:

‘3. Philippines: National Capital Region of Manila.’

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, 7 May 2012.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 268, 14.9.1992, p. 54.

⁽²⁾ OJ L 84, 24.3.2007, p. 7.

COMMISSION IMPLEMENTING REGULATION (EU) No 391/2012**of 7 May 2012****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) ⁽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 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, 7 May 2012.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽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	64,4
	TN	124,7
	TR	93,0
	US	39,7
	ZZ	80,5
0707 00 05	JO	225,1
	TR	138,1
	ZZ	181,6
0709 93 10	JO	225,1
	TR	130,4
	ZZ	177,8
0805 10 20	EG	42,3
	IL	73,0
	MA	51,2
	ZZ	55,5
0805 50 10	TR	52,0
	ZA	91,9
	ZZ	72,0
0808 10 80	AR	93,3
	BR	81,4
	CA	148,4
	CL	93,9
	CN	90,2
	MA	85,1
	MK	31,8
	NZ	130,3
	US	155,8
	ZA	99,5
	ZZ	101,0

⁽¹⁾ 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'.

DECISIONS

DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES

of 25 April 2012

appointing Judges and Advocates-General to the Court of Justice

(2012/244/EU)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 19 thereof,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 253 and 255 thereof,

Whereas:

- (1) The terms of office of the following Judges of the Court of Justice are due to expire on 6 October 2012: Messrs Alexander ARABADJIEV, George ARESTIS, Ms Maria BERGER, Messrs Jean-Claude BONICHOT, Anthony BORG BARTHET, José Narciso CUNHA RODRIGUES, Carl Gustav FERNLUND, Egidijus JARAŠIŪNAS, Egils LEVITS, Jiří MALENOVSKÝ, Ms Alexandra PRECHAL, Messrs Konrad SCHIEMANN, Antonio TIZZANO and Thomas VON DANWITZ; and the terms of office of the following Advocates-General of the Court of Justice are due to expire on the same date: Messrs Yves BOT, Ján MAZÁK, Paolo MENGOLZI and Ms Verica TRSTENJAK.
- (2) The Governments of the Member States have proposed the reappointment as Judges of the Court of Justice of Messrs Alexander ARABADJIEV, George ARESTIS, Ms Maria BERGER, Messrs Jean-Claude BONICHOT, Carl Gustav FERNLUND, Egidijus JARAŠIŪNAS, Egils LEVITS, Jiří MALENOVSKÝ, Ms Alexandra PRECHAL and Mr Thomas VON DANWITZ and the reappointment as an Advocate-General of the Court of Justice of Yves BOT. In addition, the Governments of the Member States have proposed the appointment of Mr José Luís DA CRUZ VILAÇA as a Judge of the Court of Justice and the appointment of Messrs Nils WAHL and Melchior WATHELET as Advocates-General of the same Court. The panel set up by Article 255 of the Treaty on the Functioning of the European Union has given an opinion on the suitability of the aforementioned candidates to perform the duties of Judge or Advocate-General of the Court of Justice.
- (3) Eleven Judges and three Advocates-General of the Court of Justice should therefore be appointed for the period from 7 October 2012 to 6 October 2018. The remaining posts of three Judges and one Advocate-General of the Court of Justice will be filled at a later date,

HAVE ADOPTED THIS DECISION:

Article 1

1. The following are hereby appointed Judges to the Court of Justice for the period from 7 October 2012 to 6 October 2018:

Mr Alexander ARABADJIEV

Mr George ARESTIS

Ms Maria BERGER

Mr Jean-Claude BONICHOT

Mr José Luís DA CRUZ VILAÇA

Mr Carl Gustav FERNLUND

Mr Egidijus JARAŠIŪNAS

Mr Egils LEVITS

Mr Jiří MALENOVSKÝ

Ms Alexandra PRECHAL

Mr Thomas VON DANWITZ.

2. The following are hereby appointed Advocates-General to the Court of Justice for the period from 7 October 2012 to 6 October 2018:

Mr Yves BOT

Mr Nils WAHL

Mr Melchior WATHELET.

Article 2

This Decision shall take effect on the day following its publication in the *Official Journal of the European Union*.

Done at Brussels, 25 April 2012.

The President

J. TRANHOLM-MIKKELSEN

COUNCIL DECISION
of 26 April 2012
on a revision of the Statutes of the Economic and Financial Committee
(2012/245/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 242 thereof,

Having regard to the opinion of the European Commission,

Whereas:

- (1) In accordance with Article 114(2) of the Treaty establishing the European Community, an Economic and Financial Committee ('Committee') was set up on 1 January 1999.
- (2) On 21 December 1998, the Council adopted Decision 98/743/EC on the detailed provisions concerning the composition of the Economic and Financial Committee⁽¹⁾.
- (3) On 31 December 1998, the Council adopted Decision 1999/8/EC adopting the Statutes of the Economic and Financial Committee⁽²⁾; these Statutes were revised by Council Decision 2003/476/EC of 18 June 2003⁽³⁾ in order to ensure the continued effective functioning of the Committee after the accession of ten Member States on 1 May 2004.
- (4) The Heads of State or Government of the Member States whose currency is the euro stated on 26 October 2011 that the preparatory body referred to in Article 1 of Protocol (No 14) on the euro Group, composed of representatives of the Ministers with responsibility for finance of the Member States whose currency is the euro and of the Commission ('the Eurogroup Working Group'), would be chaired by a full-time President. As a consequence, the person nominated to this post will cease to be an official in a national administration and will be employed by the EU Institutions.

(5) On the same day, the Heads of State or Government of the Member States whose currency is the euro stated that the existing administrative structures providing assistance to the Council and to the Committee, namely, the General Secretariat of the Council and the Secretariat of the Economic and Financial Committee, would provide adequate support to the euro Summit President and the President of the Eurogroup, under the guidance of the President of the Committee/Eurogroup Working Group.

(6) The Committee should be able to choose its President from among the most qualified candidates, including the President of the Eurogroup Working Group.

(7) The Statutes of the Committee should therefore be revised,

HAS ADOPTED THIS DECISION:

Article 1

The Statutes of the Economic and Financial Committee, as set out in the Annex to Decision 1999/8/EC, as amended by Decision 2003/476/EC, shall be replaced by the text set out in the Annex hereto.

Article 2

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

Done at Luxembourg, 26 April 2012.

For the Council
The President
M. BØDSKOV

⁽¹⁾ OJ L 358, 31.12.1998, p. 109.

⁽²⁾ OJ L 5, 9.1.1999, p. 71.

⁽³⁾ OJ L 158, 27.6.2003, p. 58.

ANNEX

'STATUTES OF THE ECONOMIC AND FINANCIAL COMMITTEE*Article 1*

The Economic and Financial Committee ("Committee") shall carry out the tasks described in Article 134(2) and (4) of the Treaty on the Functioning of the European Union.

Article 2

The Committee may, inter alia:

- be consulted in the procedure leading to decisions relating to the exchange-rate mechanism of the third stage of economic and monetary union,
- without prejudice to Article 240 of the Treaty, prepare the Council's reviews of the development of the exchange rate of the euro,
- provide the framework within which the dialogue between the Council and the European Central Bank (ECB) may be prepared and continued at the level of senior officials from ministries, national central banks, the Commission and the ECB.

Article 3

Members of the Committee and alternates shall be guided, in the performance of their duties, by the general interests of the Union.

Article 4

The Committee shall meet under the chairmanship of the President in two configurations: either with the members selected from administrations, the national central banks, the Commission and the ECB, or with the members from administrations, the Commission and the ECB. The Committee in its full composition shall regularly review the list of the issues on which the national central bank members are expected to attend the meetings.

Article 5

Opinions, reports and communications shall be adopted by a majority of the members if a vote is requested. Each member of the Committee shall have one vote. However, when advice or an opinion is given on questions on which the Council may subsequently take a decision, members from central banks, when they are present, and the Commission may participate fully in the discussions but shall not participate in a vote. The Committee shall also report on minority or dissenting views expressed in the course of the discussion.

Article 6

The Committee shall elect, by a majority of its members, a President for a two-year term, which shall be renewable.

Those eligible for election as President shall be Committee members who are senior officials in national administrations and the President of the preparatory body referred to in Article 1 of Protocol No 14 on the euro Group, composed of representatives of the Ministers with responsibility for finance of the Member States whose currency is the euro and of the Commission ("the Eurogroup Working Group").

If the President of the Committee is a Committee member from a national administration, he shall delegate his voting right to his alternate.

Article 7

In the event of being prevented from fulfilling his duties, the President of the Committee shall be replaced by the Vice-President of the Committee. The Vice-President shall be elected for a term of two years, by a majority of Committee members. Those eligible for election as Vice-President shall be Committee members who are senior officials in national administrations and the President of the Eurogroup Working Group, unless the latter has been appointed as President of the Committee.

Article 8

If the President of the Eurogroup Working Group is not President of the Committee, he may attend meetings of the Committee and take part in the discussions, unless the Committee decides otherwise.

Unless the Committee decides otherwise, alternates may attend meetings of the Committee. The alternates shall not vote. Unless the Committee decides otherwise, they shall not take part in the discussions.

A member who is unable to attend a meeting of the Committee may delegate his functions to one of the alternates or to another member. The Chairman and the Secretary of the Committee should be informed in writing before the meeting. In exceptional circumstances the President may agree to alternative arrangements.

Article 9

The Committee may entrust the study of specific questions to its alternate members, to subcommittees or to working parties. In these cases, the Presidency shall be assumed by a member or an alternate member of the Committee, appointed by the Committee. The members of the Committee, its alternates, and its subcommittees or working parties may call upon experts to assist them.

Article 10

The Committee shall be convened by the President on his own initiative, or at the request of the Council, of the Commission or of at least four members of the Committee.

Article 11

As a rule, the President represents the Committee; in particular, the President may be authorised by the Committee to report on discussions and deliver oral comments on opinions and communications prepared by the Committee. The President shall have the responsibility of maintaining the Committee's relations with the European Parliament.

Article 12

The proceedings of the Committee shall be confidential. The same rule shall apply to the proceedings of its alternates, subcommittees or working parties.

Article 13

The Committee shall be assisted by a Secretariat under the direction of a Secretary. The Secretary and the Secretariat's staff shall be supplied by the Commission. The Secretary shall be appointed by the Commission after consultation of the Committee. The Secretary and his staff shall act on the instructions of the Committee when carrying out their responsibilities towards the Committee.

The expenses of the Committee shall be included in the estimates of the Commission.

Article 14

The Committee shall adopt its own procedural arrangements.'

COMMISSION IMPLEMENTING DECISION

of 2 May 2012

amending Decision 2011/207/EU establishing a specific control and inspection programme related to the recovery of bluefin tuna in the eastern Atlantic and the Mediterranean*(notified under document C(2012) 2800)*

(2012/246/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 95 thereof,

Whereas:

- (1) In 2006 the International Commission for the Conservation of Atlantic Tunas (ICCAT) adopted a multiannual recovery plan for bluefin tuna in the eastern Atlantic and Mediterranean. ICCAT amended that multiannual recovery plan during the 2008 Annual Meeting. The amended plan was transposed into Union law by way of Council Regulation (EC) No 302/2009 of 6 April 2009 concerning a multiannual recovery plan for bluefin tuna in the eastern Atlantic and Mediterranean ⁽²⁾. This plan was further amended and endorsed in the 2010 ICCAT Annual Meeting by way of ICCAT Recommendation 10-04 ⁽³⁾.
- (2) To ensure the successful implementation of the amended multiannual recovery plan, Commission Decision 2009/296/EC ⁽⁴⁾ established a specific control and inspection programme covering a period of two years, from 15 March 2009 to 15 March 2011.
- (3) The specific control and inspection programme related to the recovery of bluefin tuna in the eastern Atlantic and the Mediterranean, as established by Commission Decision 2011/207/EU ⁽⁵⁾, was adopted with a view of ensuring the continuity of the programme established by Decision 2009/296/EC and immediately implementing certain provisions of ICCAT Recommendation 10-04, in particular those on the early submission of required fishing and inspection plans. Decision 2011/207/EU covers the period from 15 March 2011 to 15 March 2014.
- (4) In light of the discussions in ICCAT at the 2011 Annual Meeting and with a view to fully implement the provisions required by ICCAT, it is appropriate to implement the requirements concerning sampling and pilot operations set out in paragraph 87 of ICCAT

Recommendation 10-04 establishing a multiannual recovery plan for bluefin tuna in the eastern Atlantic and Mediterranean.

- (5) It is also appropriate to update and correct certain obsolete or erroneous references that existed in Decision 2011/207/EU.
- (6) Decision 2011/207/EU should therefore be amended accordingly.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2011/207/EU is amended as follows:

1. the title is replaced by the following:

‘Commission Implementing Decision of 29 March 2011 establishing a specific control and inspection programme related to the recovery of bluefin tuna in the eastern Atlantic and the Mediterranean’;

2. in Article 3, point 2 is replaced by the following:

‘2. all catches, landings, transfers, transshipments and caging operations, including sampling programmes and pilot studies;’

3. in Article 4, the following points 9 and 10 are added:

‘9. the implementation of pilot studies on how to better estimate both the number and weight of bluefin tuna at the point of capture;

10. the implementation of sampling programmes and/or alternative programmes at the time of caging in order to improve the counting and the weight estimations of the caged fish.’;

4. in Article 9, paragraph 1 is replaced by the following:

‘1. Member State intending to conduct surveillance and inspect fishing vessels in the waters under the jurisdiction of another Member State in the framework of a Joint Deployment Plan shall notify its intentions to the contact point of the coastal Member State concerned, as referred to in Article 80, point 5 of Regulation (EC) No 1224/2009, and to the European Fisheries Control Agency (EFCA).’;

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ OJ L 96, 15.4.2009, p. 1.

⁽³⁾ Recommendation by ICCAT amending the Recommendation by ICCAT to establish a multiannual recovery plan for bluefin tuna in the eastern Atlantic and Mediterranean.

⁽⁴⁾ OJ L 80, 26.3.2009, p. 18.

⁽⁵⁾ OJ L 87, 2.4.2011, p. 9.

5. Article 10 is replaced by the following:

'Article 10

Information of infringements

Member States whose officials detect any infringement while carrying out an inspection on the activities listed in Article 3 shall inform without delay the Commission of the date of inspection and the details of the infringement.';

6. in Article 14, the words 'the Community Fisheries Control Agency (CFCA)' are replaced by the words 'the EFCA'.

7. Article 15 is amended as follows:

(a) in paragraph 1, the words 'the CFCA' are replaced by the words 'the EFCA';

(b) in paragraph 3, the introductory sentence is replaced by the following:

'3. This report shall contain the following information, in accordance with the table set out in Annex IV:';

8. Annexes I and II are replaced by the text in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 2 May 2012.

For the Commission

Maria DAMANAKI

Member of the Commission

ANNEX

‘ANNEX I

BENCHMARKS

The benchmarks set out in this Annex shall be implemented so as to ensure in particular:

- (a) the full monitoring of caging operations taking place in Union waters;
- (b) the full monitoring of transfer operations;
- (c) the full monitoring of joint fishing operations;
- (d) the control of all documents required by the legislation applicable to bluefin tuna, in particular verifying the reliability of the information recorded.

Place of inspection	Benchmark
Caging operations	<p>All caging operation into a farm must have been authorised by the flag Member State(s) of the catching vessel(s) and/or the trap where appropriate within 48 hours following the submission of the information required for the caging operation;</p> <p>All caging of bluefin tuna shall be accompanied by accurate, complete and validated documentation as required by ICCAT (including as provided for by ICCAT Recommendation 10-04);</p> <p>Each caging operation shall be inspected by the competent authorities of the farm Member State. The inspection should cover the entire caging operation;</p> <p>Sampling programmes on how to better estimate both the number and weight of bluefin tuna shall be implemented at the point of caging;</p> <p>All caging operations shall be monitored by video camera in the water (as provided for by paragraph 86 of ICCAT Recommendation 10-04);</p> <p>Fish shall be caged before the 31 July unless the farm Member State receiving the fish provides valid reasons including <i>force majeure</i>, which shall accompany the caging report when submitted.</p>
Harvest operations	<p>All harvest operations shall be accompanied by accurate, complete and validated documentation (including as provided for in the provisions of ICCAT Recommendation 10-04);</p> <p>During each harvest operation from a cage, an ICCAT regional observer shall be present.</p>
Inspection at sea	<p>Benchmark, to be set after a detailed analysis of the fishing activity in each area;</p> <p>Benchmarks at sea shall refer to the number of patrol days at sea and shall refer as well to the number of patrol days identifying the fishing season and the type of fishing activity targeted.</p>
Transfer operations	<p>Any transfer operations must have been authorised previously by the flag States on the basis of a prior transfer notification (as provided for by ICCAT Recommendation 10-04);</p> <p>An authorisation number shall be assigned to each transfer operation (as provided for by paragraph 76 of ICCAT Recommendation 10-04);</p> <p>A transfer shall be authorised within 48 hours following the submission of the prior transfer notification (as provided for by paragraph 76 of ICCAT Recommendation 10-04);</p>

Place of inspection	Benchmark
	<p>An ICCAT transfer declaration shall be sent to the flag State at the end of the transfer operation (as provided for by paragraph 77 of ICCAT Recommendation 10-04);</p> <p>All transfer operations must be monitored by video camera in the water (as provided for by paragraph 79 of ICCAT Recommendation 10-04);</p> <p>Pilot studies on how to better estimate both the number and weight of bluefin tuna shall be implemented at the point of capture including through the use of stereoscopic systems.</p>
Transshipments	<p>All vessels shall be inspected on arrival before the transshipment operations start, as well as before departure after the transshipment operations. Random checks shall be made in non-designated ports;</p> <p>A transshipment declaration shall be transmitted to the flag States no later than 48 hours after the date of transshipment in port (as provided for by paragraph 69 of ICCAT Recommendation 10-04).</p>
Joint fishing operations	<p>All joint fishing operations (JFO) must have been authorised by the flag Member States and by the Commission who shall forward authorised JFOs to ICCAT. A list of the authorised JFO will be published on the ICCAT website.</p>
Aerial surveillance	<p>Flexible benchmark, to be set after a detailed analysis of the fishing activity conducted in each area and taking into consideration the available resources at the Member State's disposal.</p>
Landings	<p>All vessels entering a designated port for the purpose of landing bluefin tuna shall be inspected; random checks shall be made in non-designated ports;</p> <p>The competent authority shall send a record of the landings to the flag Member State authority of the fishing vessel within 48 hours after the landing has ended (as provided for by paragraph 68 of ICCAT Recommendation 10-04).</p>
Marketing	<p>Flexible benchmark, to be set after a detailed analysis of the marketing activity conducted.</p>
Sport and recreational fisheries	<p>Flexible benchmark, to be set after a detailed analysis of the sport and recreational fisheries activities conducted.</p>
Traps	<p>All trap operations, including transfers and harvesting, shall be inspected and be covered by national observers.</p>

ANNEX II

PROCEDURES TO BE FOLLOWED BY OFFICIALS

1. **Inspection tasks**1.1. *General inspection tasks*

An inspection report shall be drawn up for each control and inspection, in the format set out in Part 2 of this Annex. Officials shall in any case verify and note in their report the following information:

- (1) the details of the identity of the responsible persons, as well as those of the vessel, farm personnel, etc. involved in the activities inspected;
- (2) the authorisations, licences and fishing authorisation;
- (3) relevant vessel documentation such as the logbooks, transfer and transhipment declarations, ICCAT bluefin tuna catch documents, re-export certificates and other documentation examined for the purpose of the control and inspection as provided for by ICCAT Recommendation 10-04;
- (4) detailed observation of the sizes of bluefin tuna caught, trapped, transferred, transhipped, landed, transported, caged, farmed, processed or traded in the context of compliance with the provisions of the recovery plan. In case of caging, this includes the cross check between the caging declaration, video records and the results of sampling programmes and pilot studies;
- (5) the by-catch percentage of bluefin tuna retained on board vessels not fishing actively for bluefin tuna.

The information referred to all relevant findings from the inspection done at sea, by aerial surveillance, in ports, traps, farms or in any other enterprise concerned shall be noted in the inspection reports. In case of an inspection in the framework of the ICCAT Scheme of Joint International Inspection, the official should register the inspections undertaken and any infringements detected in the vessel log.

Those findings shall be compared with the information made available to the officials by other competent authorities, including vessel monitoring system (VMS) information, lists of authorised vessels, observer's reports, video records and all documents related to fishing activities.

1.2. *Inspection tasks for aerial surveillance*

Officials shall report on surveillance data for cross-checking purposes and in particular verify sightings of fishing vessels against VMS and authorised lists.

Officials shall sight and report on illegal unidentified and unreported (IUU) fishing activities and on the use of spotting aircrafts or helicopters.

Particular attention shall be devoted to the closure areas, fishing season periods and to the activities of fleets for which derogations apply.

1.3. *Inspection tasks at sea*1.3.1. *General inspection tasks*

Where dead fish are taken onboard the catching vessel or are present onboard a processing or a transport vessel, officials shall always verify the quantities of fish retained on board and compare them with the quantities recorded in the relevant documentation.

Where live fish are being transferred, officials shall seek to identify the means used by the parties involved to estimate the quantities of live bluefin tuna transferred with regard to the results of pilot studies. Officials shall gain access to, and verify the quantities transferred, as observed by the video footage.

A series of "spot check" inspections inside the towing cages will be undertaken by Member State diving inspectors who will check that the number and estimated weight caught and transferred corresponds with that in the ICCAT transfer declaration on board of the tug boats. Officials shall systematically verify:

- (1) that the fishing vessels are authorised to operate (markings, identity, licence, fishing authorisation and ICCAT lists);

- (2) compliance with the vessel documentation requirements;
- (3) that the fishing vessels are equipped with an operational VMS and that requirements on VMS transmission are respected;
- (4) fishing vessels are not operating inside closed areas and are respecting the closure of fishing seasons;
- (5) compliance with the catch documentation requirements;
- (6) respect of quotas and/or by-catch limitations;
- (7) the size composition of catches on board for which minimum size is applied;
- (8) the physical quantities of all species on board and their presentation;
- (9) the fishing gear on board;
- (10) the presence of an observer where it is relevant.

Officials shall sight and report on IUU fishing activities and on the use of spotting aircrafts or helicopters.

1.3.2. Inspection tasks at transfer operations

Officials shall systematically verify:

- (1) compliance with the requirements regarding the prior transfer notification;
- (2) that the flag State has assigned and communicated to the master of the fishing vessel, or trap or farm as appropriate, an authorisation number for each transfer operation within 48 hours following the submission of the prior transfer notification;
- (3) compliance with the ICCAT transfer declaration requirements;
- (4) that the transfer declaration has been signed by the ICCAT regional observer on board and transmitted to the master of the tug vessel;
- (5) Compliance with the video requirements;
- (6) how the number and weight of bluefin tuna has been estimated at the time of capture through pilot studies including through the use of stereoscopic cameras.

1.3.3. Inspection tasks at joint fishing operations

Officials shall systematically verify:

- (1) compliance with the joint fishing operations' requirements regarding the information to be reported in the fishing logbook;
- (2) that a joint fishing operation authorisation has been delivered to the fishing vessels by their flag Member State authorities using the model set out in Annex V to Regulation (EC) No 302/2009;
- (3) the presence of an observer during the joint fishing operation.

1.4. Inspection tasks at landing

Officials shall systematically verify:

- (1) that the fishing vessels are authorised to operate (markings, identity, licence, fishing authorisation and ICCAT lists, if relevant);
- (2) that the pre-notification of arrival for landing was received by the competent authorities;

- (3) that the competent authority has sent a record of the landings to the flag State authority of the fishing vessel, within 48 hours after the landing has ended;
- (4) that the fishing vessels are equipped with an operational VMS and that requirements on VMS transmission are respected;
- (5) compliance with the vessel documentation requirements;
- (6) the physical quantities of caught fish on board, and presentation;
- (7) the total catches composition on board in order to verify by-catch rules;
- (8) the size composition on board in order to verify the minimum size rules;
- (9) the fishing gears on board;
- (10) in the case of landing of processed products, the use of the ICCAT conversion factors to calculate the equivalent round weight of the processed bluefin tuna;
- (11) that the bluefin tuna landed by the bait boats, longliners, handliners or trolling boats in the eastern Atlantic and the Mediterranean is correctly tail-tagged.

1.5. *Inspection tasks during transshipment*

Officials shall systematically verify:

- (1) that the fishing vessels are authorised to operate (markings, identity, licence, fishing authorisation and ICCAT lists);
- (2) that the pre-notification of arrival in port was sent and contained the correct information concerning the transshipment;
- (3) that transshipping fishing vessels wishing to tranship have received prior authorisation from their flag State;
- (4) that the quantities pre-notified to be transhipped are verified;
- (5) that a transshipment declaration has been transmitted to the flag States no later than 48 hours after the date of transshipment in port;
- (6) that the relevant documentation is on board is present and duly completed, including the transshipment declaration, the relevant and ICCAT bluefin tuna catch document and re-export certificate;
- (7) in the case of processed products, the use of the ICCAT conversion factors to calculate the equivalent round weight of the processed bluefin tuna.

1.6. *Inspection tasks on farm installations*

Officials shall systematically verify:

- (1) that the relevant documentation is present and duly completed and reported (bluefin tuna catch document and re-export certificate, transfer declaration, transshipment declaration);
- (2) that the caging operation has been authorised by the catching vessel and/or trap and the farm Member State authorities;
- (3) that an ICCAT regional observer was present during all caging and harvesting of bluefin tuna, and has validated the caging declarations;
- (4) that all the transfer activities from cages to the farm have been monitored by video camera in the water;

- (5) that the farming Member State will not accept caging of bluefin tuna where the quantity by number and/or weight is above that authorised to be caged by the flag Member State;
- (6) That each caging operation has been sampled including when fish are transferred from a trap chamber to a fattening cage.

A series of "spot check" inspections in the farm cages will be undertaken by Member State diving inspectors to confirm the quantities of caged fish. This would be conducted by divers which in one Member State would also use a stereoscopic camera.

1.7. *Inspection tasks concerning transports and marketing*

Officials shall systematically verify:

- (1) as regards transport, in particular the relevant accompanying documents and check them against the physical quantities transported;
- (2) as regards marketing, that the relevant documentation is present and duly completed, including the relevant bluefin tuna catch document and re-export certificate.

2. **Inspection reports**

- (1) For the inspections undertaken in the framework of the ICCAT Scheme of Joint International Inspection, officials shall use the template in Appendix 1 to this Annex.
- (2) For the other inspections, officials shall use their national reports template completed in accordance with Article 100 and Annex XXVII to 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 ⁽¹⁾.

⁽¹⁾ OJ L 112, 30.4.2011, p. 1.

Appendix 1

ICCAT REPORT OF INSPECTION No ...

1. Inspector(s)	2. Inspector's witness
1.1. Name	3. Name
1.2. Nationality	4. Nationality
1.3. Contracting Parties	5. Contracting Parties
1.4. ICCAT identity card No	6. ICCAT identity card No
7. Vessel carrying the inspector	
7.1. Name and registration	
7.2. Flag	
8. Vessel inspected	
8.1. Name and registration	
8.2. Flag	
8.3. Captain (name and address)	
8.4. Shipowner (name and address)	
8.5. ICCAT record number	
8.6. Type of vessel	
9. Position	
9.1. As determined by the inspector: Lat. Long.	
9.2. As determined by the captain of the fishing vessel: Lat. Long.	
9.3. Time (GMT) when position was recorded:	
10. Date (dd/mm/yyyy)	
11. Time	
11.1. On arrival on board	
11.2. Of departure from the vessel	
12. Fishing gear on board	
Purse seine <input type="checkbox"/>	Trolling lines <input type="checkbox"/>
Longline <input type="checkbox"/>	Pole and line (Baitboat) <input type="checkbox"/>
Other (specify)	Number of cages
Towing cage(s) Yes No	
13. Statement of photographs taken with description of subjects:	
.....	
.....	
.....	
.....	
14. List of documents inspected and comments:	
14.1. Log book	Yes No Infringement Yes No
14.2. BCD	Yes No Infringement Yes No
14.3. Transfer/transhipment declaration	Yes No Infringement Yes No
14.4. Other (specify)	
15. Results of the inspection of the fish on board:	
15.1. Species observed on board	
Species	
Total catch (kg)	
Information source	
Product type	
Sample inspected	
% Under min size	

15.2. Species declared to be in the cage/s

Transfer document No Date of first transfer

Farm of destination

Catching vessel name

ICCAT No

Cage No Species Individuals No Weight (kg)

16. Infringements of ICCAT conservation and management measures observed (description of infringement with mention of legal reference, and if serious violation(s) have been detected, please complete the attached sheet)

.....
.....
.....
.....
.....

17. Inspector's comments (if necessary use a complementary sheet specifying "attachment to ICCAT report number xxx")

.....
.....
.....
.....
.....

18. Inspector's signature Witness's signature

19. Observer's name, comments and signature

.....
.....
.....
.....
.....

20. Captain's comments and signature

.....
.....
.....
.....
.....

SERIOUS VIOLATIONS OBSERVED

Vessel name:

Vessel flag:

ICCAT number:

- ☐ fishing without a licence, permit or authorisation issued by the flag CPC;
- ☐ failure to maintain sufficient records of catch and catch-related data in accordance with the Commission's reporting requirements or significant misreporting of such catch and/or catch-related data;
- ☐ fishing in a closed area;
- ☐ fishing during a closed season;
- ☐ intentional taking or retention of species in contravention of any applicable conservation and management measure adopted by the ICCAT;
- ☐ significant violation of catch limits or quotas in force pursuant to the ICCAT rules;
- ☐ use of prohibited fishing gear;
- ☐ falsification or intentional concealment of the markings, identity or registration of a fishing vessel;
- ☐ concealment, tampering with or disposal of evidence relating to investigation of a violation;
- ☐ multiple violations which taken together constitute a serious disregard of measures in force pursuant to the ICCAT;
- ☐ such other violations as may be determined by the ICCAT, once these are included and circulated in a revised version of these procedures;
- ☐ assault, resistance, intimidation, sexual harassment, interference with, or undue obstruction or delay of an authorised inspector or observer;
- ☐ intentional tampering with or disabling of the vessel monitoring system;
- ☐ fishing with assistance of spotter planes;
- ☐ interference with the satellite monitoring system and/or operates without VMS system;
- ☐ transfer activity without transfer declaration;
- ☐ transshipment at sea.

Inspector's signature Witness's signature

Date'

COMMISSION DECISION

of 7 May 2012

terminating the anti-dumping proceeding concerning imports of certain seamless pipes and tubes of iron or steel, excluding seamless pipes and tubes of stainless steel, originating in Belarus

(2012/247/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ ('the basic Regulation'), and in particular Article 9 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

- (1) On 16 May 2011 the European Commission ('the Commission') received a complaint concerning the alleged injurious dumping of imports of certain seamless pipes and tubes of iron or steel, excluding seamless pipes and tubes of stainless steel, originating in Belarus ('the country concerned').
- (2) The complaint was lodged by the Defence Committee of the Seamless Steel Tubes Industry of the European Union ('the complainant') on behalf of producers representing a major proportion, in this case more than 50 %, of the total Union production of certain seamless pipes and tubes.
- (3) The complaint contained prima facie evidence of the existence of dumping and of material injury resulting therefrom, which was considered sufficient to justify the initiation of an anti-dumping proceeding.
- (4) The Commission, after consultation of the Advisory Committee, in a notice published in the *Official Journal of the European Union* ⁽²⁾, initiated an anti-dumping proceeding concerning imports into the Union of certain seamless pipes and tubes of iron or steel originating in Belarus.
- (5) The Commission sent questionnaires to the Union industry, to the exporting producer in Belarus, to the importers, and to the authorities of Belarus. Interested

parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set out in the notice of initiation.

- (6) All interested parties who so requested and showed that there were particular reasons why they should be heard were granted a hearing.

B. WITHDRAWAL OF THE COMPLAINT AND TERMINATION OF THE PROCEEDING

- (7) By letter of 26 January 2012 to the Commission, the complainant formally withdrew its complaint.
- (8) In accordance with Article 9(1) of the basic Regulation, the proceeding may be terminated where the complaint is withdrawn, unless such termination would not be in the Union interest.
- (9) The Commission considered that the present proceeding should be terminated since the investigation had not brought to light any considerations showing that such termination would not be in the Union interest. Interested parties were informed accordingly and were given the opportunity to comment. No comments were received indicating that such termination would not be in the Union interest.
- (10) The Commission therefore concludes that the anti-dumping proceeding concerning imports into the Union of certain seamless pipes and tubes of iron or steel originating in Belarus should be terminated,

HAS ADOPTED THIS DECISION:

Article 1

The anti-dumping proceeding concerning imports of certain seamless pipes and tubes of iron or steel, excluding seamless pipes and steel of stainless steel, of circular cross-section, of an external diameter not exceeding 406,4 mm with a Carbon Equivalent Value (CEV) not exceeding 0,86 according to the International Institute of Welding (IIW) formula and chemical analysis ⁽³⁾ originating in Belarus, currently falling within CN codes ex 7304 19 10, ex 7304 19 30, ex 7304 23 00, ex 7304 29 10, ex 7304 29 30, ex 7304 31 80, ex 7304 39 58, ex 7304 39 92, ex 7304 39 93, ex 7304 51 89, ex 7304 59 92 and ex 7304 59 93, is hereby terminated.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ C 187, 28.6.2011, p. 22.

⁽³⁾ The CEV shall be determined in accordance with Technical Report, 1967, IIW doc. IX-535-67, published by the International Institute of Welding (IIW).

Article 2

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

Done at Brussels, 7 May 2012.

For the Commission
The President
José Manuel BARROSO

CORRIGENDA

Corrigendum to Commission Implementing Decision 2012/234/EU of 27 April 2012 on the clearance of the accounts of the paying agencies of Member States concerning expenditure financed by the European Agricultural Fund for Rural Development (EAFRD) for the 2011 financial year*(Official Journal of the European Union L 117 of 1 May 2012)*

Implementing Decision 2012/234/EU should read as follows:

COMMISSION IMPLEMENTING DECISION**of 27 April 2012****on the clearance of the accounts of the paying agencies of Member States concerning expenditure financed by the European Agricultural Fund for Rural Development (EAFRD) for the 2011 financial year***(notified under document C(2012) 2883)**(2012/234/EU)*

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ⁽¹⁾, and in particular Articles 30 and 33 thereof,

After consulting the Committee on the Agricultural Funds,

Whereas:

(1) Under Article 30 of Regulation (EC) No 1290/2005, the Commission, on the basis of the annual accounts submitted by the Member States, accompanied by the information required for the clearance of accounts and a certificate regarding the integrality, accuracy and veracity of the accounts and the reports established by the certification bodies, clears the accounts of the paying agencies referred to in Article 6 of the said Regulation.

(2) Pursuant to Article 5 of Commission Regulation (EC) No 883/2006 of 21 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 1290/2005 as regards the keeping of accounts by the paying agencies, declarations of expenditure and revenue and the conditions for reimbursing expenditure under the EAGF and the EAFRD ⁽²⁾, the financial year for the EAGF accounts begins on 16 October of year N-1 and ends on

15 October of year N. In the framework of clearing the accounts, for the purpose of aligning the reference period for EAFRD expenditure with that of the EAGF, account should be taken for the 2011 financial year of expenditure incurred by the Member States between 16 October 2010 and 15 October 2011.

(3) The second subparagraph of Article 10(2) of Commission Regulation (EC) No 885/2006 of 21 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 1290/2005 as regards the accreditation of paying agencies and other bodies and the clearance of the accounts of the EAGF and of the EAFRD ⁽³⁾ lays down that the amounts that are recoverable from, or payable to, each Member State, in accordance with the accounts clearance decision referred to in the first subparagraph of Article 10(1) of the said Regulation, shall be established by deducting the intermediate payments in respect of the financial year concerned from the expenditure recognised for the same year in accordance with paragraph 1. The Commission shall deduct that amount from or add it to the following intermediate payment.

(4) The Commission has checked the information submitted by the Member States and it has communicated to the Member States before 31 March 2012 the results of its verifications, along with the necessary amendments.

(5) The annual accounts and the accompanying documents permit the Commission to take, for certain paying agencies, a decision on the completeness, accuracy and veracity of the annual accounts submitted. Annex I lists the amounts cleared by Member States and the amounts to be recovered from or paid to the Member States.

⁽¹⁾ OJ L 209, 11.8.2005, p. 1.

⁽²⁾ OJ L 171, 23.6.2006, p. 1.

⁽³⁾ OJ L 171, 23.6.2006, p. 90.

- (6) The information submitted by certain other paying agencies requires additional inquiries and their accounts cannot be cleared in this Decision. Annex II lists the paying agencies concerned.
- (7) Pursuant to Article 33(8) of Regulation (EC) No 1290/2005, 50 % of the financial consequences of non-recovery of irregularities shall be borne by the Member State concerned if the recovery of those irregularities has not taken place prior to the closure of a rural development programme within four years of the primary administrative or judicial finding, or within eight years if the recovery is taken to the national courts, or on the closure of the programme if those deadlines expire prior such closure. Article 33(4) of the said Regulation obliges Member States to submit to the Commission, together with the annual accounts, a summary report on the recovery procedures undertaken in response to irregularities. Detailed rules on the application of the Member States' reporting obligation of the amounts to be recovered are laid down in Regulation (EC) No 885/2006. Annex III to the said Regulation provides the table that had to be provided in 2012 by the Member States. On the basis of the tables completed by the Member States, the Commission should decide on the financial consequences of non-recovery of irregularities older than four or eight years respectively. This decision is without prejudice to future conformity decisions pursuant to Article 33(5) of Regulation (EC) No 1290/2005.
- (8) Pursuant to Article 33(7) of Regulation (EC) No 1290/2005, after closure of a rural development programme Member States may decide not to pursue recovery. Such a decision may only be taken if the costs already and likely to be incurred total more than the amount to be recovered or if the recovery proves impossible owing to the insolvency, recorded and recognised under national law, of the debtor or the persons legally responsible for the irregularity. If that decision has been taken within four years of the primary administrative or judicial finding, or within eight years if the recovery is taken to the national courts, 100 % of the financial consequences of the non-recovery should be borne by the EU budget. In the summary report referred to in Article 33(4) of Regulation (EC) No 1290/2005 the amounts for which the Member State decided not to pursue recovery and the grounds for the decision are shown. These amounts are

not charged to the Member States concerned and are consequently to be borne by the EU budget. This decision is without prejudice to future conformity decisions pursuant to Article 33(5) of the said Regulation.

- (9) In accordance with Article 30(2) of Regulation (EC) No 1290/2005, this Decision, does not prejudice decisions taken subsequently by the Commission excluding from European Union financing expenditure not effected in accordance with European Union rules,

HAS ADOPTED THIS DECISION:

Article 1

With the exception of the paying agencies referred to in Article 2, the accounts of the paying agencies of the Member States concerning expenditure financed by the European Agricultural Fund for Rural Development (EAFRD) in respect of the 2011 financial year, are hereby cleared.

The amounts which are recoverable from, or payable to, each Member State under each rural development programme pursuant to this Decision, including those resulting from the application of Article 33(8) of Regulation (EC) No 1290/2005, are set out in Annex I.

Article 2

For the 2011 financial year, the accounts of the Member States' paying agencies in respect of expenditure per rural development programme financed by the EAFRD, set out in Annex II, are disjoined from this Decision and shall be the subject of a future clearance of accounts Decision.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 27 April 2012.

For the Commission

Dacian CIOLOȘ

Member of the Commission

ANNEX I

CLEARED EAFRD EXPENDITURE BY RURAL DEVELOPMENT PROGRAMME FOR FINANCIAL YEAR 2011
AMOUNT TO BE RECOVERED FROM OR PAID TO THE MEMBER STATE PER PROGRAMME

Approved programmes with declared expenditure for EAFRD

(EUR)

MS	CCI	Expenditure 2011	Correc- tions	Total	Non- reusable amounts	Accepted amount cleared for FY 2011	Interim payments reimbursed to the Member State for the financial year	Amount to be recovered from (-) of paid to (+) the Member State
		i	ii	iii = i + ii	iv	v = iii - iv	vi	vii = v - vi
AT	2007AT06RPO001	568 371 065,48	0,00	568 371 065,48	0,00	568 371 065,48	568 492 590,50	- 121 525,02
BE	2007BE06RPO001	49 043 187,74	0,00	49 043 187,74	0,00	49 043 187,74	49 043 146,73	41,01
BE	2007BE06RPO002	38 975 523,72	0,00	38 975 523,72	0,00	38 975 523,72	39 042 852,34	- 67 328,62
BG	2007BG06RPO001	125 583 073,85	0,00	125 583 073,85	0,00	125 583 073,85	125 583 081,14	- 7,29
CY	2007CY06RPO001	18 105 143,82	0,00	18 105 143,82	0,00	18 105 143,82	18 105 210,45	- 66,63
CZ	2007CZ06RPO001	452 176 814,39	0,00	452 176 814,39	0,00	452 176 814,39	452 175 852,96	961,43
DE	2007DE06RAT001	380 706,28	0,00	380 706,28	0,00	380 706,28	380 706,27	0,01
DE	2007DE06RPO007	154 596 719,36	0,00	154 596 719,36	0,00	154 596 719,36	154 596 764,57	- 45,21
DE	2007DE06RPO009	2 057 706,04	0,00	2 057 706,04	0,00	2 057 706,04	2 057 710,98	- 4,94
DE	2007DE06RPO010	33 497 396,62	0,00	33 497 396,62	0,00	33 497 396,62	33 497 396,62	0,00
DE	2007DE06RPO011	120 313 256,91	0,00	120 313 256,91	0,00	120 313 256,91	120 313 256,89	0,02
DE	2007DE06RPO012	131 923 617,77	0,00	131 923 617,77	0,00	131 923 617,77	131 923 617,60	0,17
DE	2007DE06RPO015	49 400 293,24	0,00	49 400 293,24	0,00	49 400 293,24	49 400 293,25	- 0,01
DE	2007DE06RPO018	4 064 779,94	0,00	4 064 779,94	0,00	4 064 779,94	4 064 779,92	0,02
DE	2007DE06RPO019	136 381 853,86	0,00	136 381 853,86	0,00	136 381 853,86	135 820 306,62	561 547,24
DE	2007DE06RPO020	107 723 750,25	0,00	107 723 750,25	0,00	107 723 750,25	107 723 753,01	- 2,76
DE	2007DE06RPO021	31 719 478,31	0,00	31 719 478,31	0,00	31 719 478,31	31 719 501,89	- 23,58
DK	2007DK06RPO001	59 322 213,45	0,00	59 322 213,45	0,00	59 322 213,45	59 322 213,89	- 0,44
EE	2007EE06RPO001	107 537 615,49	0,00	107 537 615,49	0,00	107 537 615,49	107 535 994,46	1 621,03
ES	2007ES06RAT001	16 910 618,80	0,00	16 910 618,80	0,00	16 910 618,80	16 910 618,81	- 0,01
ES	2007ES06RPO002	58 382 626,14	0,00	58 382 626,14	0,00	58 382 626,14	58 383 411,39	- 785,25
ES	2007ES06RPO003	76 150 420,29	0,00	76 150 420,29	0,00	76 150 420,29	76 150 387,33	32,96
ES	2007ES06RPO004	1 063 443,02	0,00	1 063 443,02	0,00	1 063 443,02	1 063 442,51	0,51
ES	2007ES06RPO005	32 793 048,88	0,00	32 793 048,88	0,00	32 793 048,88	32 793 048,80	0,08
ES	2007ES06RPO006	10 025 608,32	0,00	10 025 608,32	0,00	10 025 608,32	10 025 608,32	0,00
ES	2007ES06RPO007	132 357 134,50	0,00	132 357 134,50	0,00	132 357 134,50	132 357 126,53	7,97
ES	2007ES06RPO008	113 252 298,05	0,00	113 252 298,05	0,00	113 252 298,05	113 252 326,87	- 28,82
ES	2007ES06RPO009	38 148 161,06	0,00	38 148 161,06	0,00	38 148 161,06	38 148 154,95	6,11
ES	2007ES06RPO010	90 743 626,89	0,00	90 743 626,89	0,00	90 743 626,89	90 743 660,79	- 33,90

(EUR)

MS	CCI	Expenditure 2011	Correc- tions	Total	Non- reusable amounts	Accepted amount cleared for FY 2011	Interim payments reimbursed to the Member State for the financial year	Amount to be recovered from (-) of paid to (+) the Member State
		i	ii	iii = i + ii	iv	v = iii - iv	vi	vii = v - vi
ES	2007ES06RPO011	108 161 508,68	0,00	108 161 508,68	0,00	108 161 508,68	108 080 354,50	81 154,18
ES	2007ES06RPO012	4 019 848,16	0,00	4 019 848,16	0,00	4 019 848,16	4 019 847,79	0,37
ES	2007ES06RPO013	19 303 528,68	0,00	19 303 528,68	0,00	19 303 528,68	19 303 528,65	0,03
ES	2007ES06RPO014	17 046 503,13	0,00	17 046 503,13	0,00	17 046 503,13	17 046 504,87	- 1,74
ES	2007ES06RPO015	6 208 400,60	0,00	6 208 400,60	0,00	6 208 400,60	6 208 503,74	- 103,14
ES	2007ES06RPO016	6 873 121,78	0,00	6 873 121,78	0,00	6 873 121,78	6 873 120,69	1,09
ES	2007ES06RPO017	27 945 806,53	0,00	27 945 806,53	0,00	27 945 806,53	27 947 627,17	- 1 820,64
FI	2007FI06RPO001	285 038 558,56	0,00	285 038 558,56	0,00	285 038 558,56	285 219 710,66	- 181 152,10
FI	2007FI06RPO002	2 520 084,17	0,00	2 520 084,17	0,00	2 520 084,17	2 520 084,15	0,02
GR	2007GR06RPO001	428 256 734,13	0,00	428 256 734,13	0,00	428 256 734,13	428 256 734,10	0,03
HU	2007HU06RPO001	436 616 823,23	0,00	436 616 823,23	0,00	436 616 823,23	436 452 585,86	164 237,37
IE	2007IE06RPO001	330 182 561,16	0,00	330 182 561,16	0,00	330 182 561,16	330 192 438,00	- 9 876,84
IT	2007IT06RAT001	4 997 724,80	0,00	4 997 724,80	0,00	4 997 724,80	4 997 724,80	0,00
IT	2007IT06RPO001	26 181 740,58	0,00	26 181 740,58	0,00	26 181 740,58	26 090 496,57	91 244,01
IT	2007IT06RPO002	20 451 641,41	0,00	20 451 641,41	0,00	20 451 641,41	20 451 641,20	0,21
IT	2007IT06RPO003	76 453 681,64	0,00	76 453 681,64	0,00	76 453 681,64	76 453 681,32	0,32
IT	2007IT06RPO004	8 988 817,77	0,00	8 988 817,77	0,00	8 988 817,77	8 986 383,77	2 434,00
IT	2007IT06RPO005	39 681 394,71	0,00	39 681 394,71	0,00	39 681 394,71	39 682 215,54	- 820,83
IT	2007IT06RPO006	12 183 753,95	0,00	12 183 753,95	0,00	12 183 753,95	12 193 729,46	- 9 975,51
IT	2007IT06RPO007	55 225 786,83	0,00	55 225 786,83	0,00	55 225 786,83	55 225 774,08	12,75
IT	2007IT06RPO008	14 875 831,63	0,00	14 875 831,63	0,00	14 875 831,63	14 892 251,54	- 16 419,91
IT	2007IT06RPO009	60 723 392,33	0,00	60 723 392,33	0,00	60 723 392,33	60 723 392,32	0,01
IT	2007IT06RPO010	40 016 993,06	0,00	40 016 993,06	0,00	40 016 993,06	40 035 720,94	- 18 727,88
IT	2007IT06RPO011	19 222 234,61	0,00	19 222 234,61	0,00	19 222 234,61	19 222 234,62	- 0,01
IT	2007IT06RPO012	32 613 536,84	0,00	32 613 536,84	0,00	32 613 536,84	32 602 739,92	10 796,92
IT	2007IT06RPO013	11 109 497,71	0,00	11 109 497,71	0,00	11 109 497,71	11 119 712,94	- 10 215,23
IT	2007IT06RPO014	75 991 925,10	0,00	75 991 925,10	0,00	75 991 925,10	75 991 929,04	- 3,94
IT	2007IT06RPO015	5 204 470,01	0,00	5 204 470,01	0,00	5 204 470,01	5 204 785,07	- 315,06
IT	2007IT06RPO016	45 743 305,76	0,00	45 743 305,76	0,00	45 743 305,76	45 716 691,21	26 614,55
IT	2007IT06RPO017	36 465 237,59	0,00	36 465 237,59	0,00	36 465 237,59	36 471 789,20	- 6 551,61
IT	2007IT06RPO018	108 454 120,77	0,00	108 454 120,77	0,00	108 454 120,77	108 454 118,88	1,89
IT	2007IT06RPO019	148 593 605,92	0,00	148 593 605,92	0,00	148 593 605,92	148 590 812,57	2 793,35
IT	2007IT06RPO020	182 492 616,15	0,00	182 492 616,15	0,00	182 492 616,15	182 474 322,38	18 293,77

(EUR)

MS	CCI	Expenditure 2011	Correc- tions	Total	Non- reusable amounts	Accepted amount cleared for FY 2011	Interim payments reimbursed to the Member State for the financial year	Amount to be recovered from (-) of paid to (+) the Member State
		i	ii	iii = i + ii	iv	v = iii - iv	vi	vii = v - vi
IT	2007IT06RPO021	125 338 229,03	0,00	125 338 229,03	0,00	125 338 229,03	125 351 008,26	- 12 779,23
LT	2007LT06RPO001	250 331 958,10	0,00	250 331 958,10	0,00	250 331 958,10	250 331 089,15	868,95
LU	2007LU06RPO001	14 372 057,06	0,00	14 372 057,06	0,00	14 372 057,06	14 370 260,82	1 796,24
LV	2007LV06RPO001	160 773 606,11	0,00	160 773 606,11	0,00	160 773 606,11	160 773 606,12	- 0,01
MT	2007MT06RPO001	7 443 399,97	0,00	7 443 399,97	0,00	7 443 399,97	7 443 399,98	- 0,01
NL	2007NL06RPO001	71 431 715,51	0,00	71 431 715,51	0,00	71 431 715,51	66 459 914,92	4 971 800,59
PL	2007PL06RPO001	1 767 669 474,27	0,00	1 767 669 474,27	0,00	1 767 669 474,27	1 767 674 596,24	- 5 121,97
PT	2007PT06RAT001	482 463,98	0,00	482 463,98	0,00	482 463,98	482 463,79	0,19
PT	2007PT06RPO001	49 350 365,35	0,00	49 350 365,35	0,00	49 350 365,35	49 345 365,05	5 000,30
PT	2007PT06RPO002	415 832 265,62	0,00	415 832 265,62	0,00	415 832 265,62	415 470 614,22	361 651,40
PT	2007PT06RPO003	32 360 632,63	0,00	32 360 632,63	0,00	32 360 632,63	32 357 795,70	2 836,93
SE	2007SE06RPO001	285 178 854,27	0,00	285 178 854,27	0,00	285 178 854,27	285 178 869,38	- 15,11
SI	2007SI06RPO001	110 663 629,82	0,00	110 663 629,82	0,00	110 663 629,82	110 663 644,28	- 14,46
SK	2007SK06RPO001	347 822 075,60	0,00	347 822 075,60	0,00	347 822 075,60	347 822 127,98	- 52,38
UK	2007UK06RPO001	446 707 437,91	0,00	446 707 437,91	0,00	446 707 437,91	448 240 156,90	- 1 532 718,99
UK	2007UK06RPO002	37 210 456,03	0,00	37 210 456,03	0,00	37 210 456,03	37 139 112,17	71 343,86
UK	2007UK06RPO004	44 893 681,07	0,00	44 893 681,07	0,00	44 893 681,07	44 935 618,27	- 41 937,20

ANNEX II

CLEARANCE OF THE PAYING AGENCIES' ACCOUNTS
FINANCIAL YEAR 2011 — EAFRD

List of the Paying Agencies and programmes for which the accounts are disjoined and are subject of a later clearance decision

Member State	Paying Agency	Programme
Germany	Baden-Württemberg	2007DE06RPO003
	Bayern	2007DE06RPO004
	Rheinland-Pfalz	2007DE06RPO017
	Thüringen	2007DE06RPO023
France	ODARC	2007FR06RPO002
	ASP	2007FR06RPO001
	ASP	2007FR06RPO003
	ASP	2007FR06RPO004
	ASP	2007FR06RPO005
	ASP	2007FR06RPO006
Romania	PARDF	2007RO06RPO001
Spain	Andalucia	2007ES06RPO001
United Kingdom	SGRPID	2007UK06RPO003

Corrigendum to Commission Regulation (EU) No 351/2012 of 23 April 2012 implementing Regulation (EC) No 661/2009 of the European Parliament and of the Council as regards type-approval requirements for the installation of lane departure warning systems in motor vehicles

(Official Journal of the European Union L 110 of 24 April 2012)

On page 27, the Appendix to Annex II should be replaced by the following:

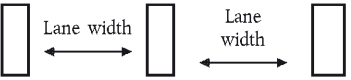
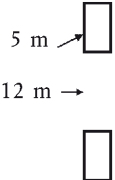
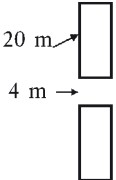



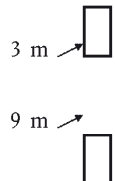



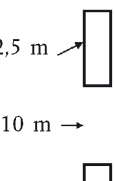



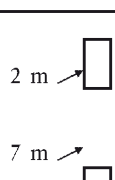



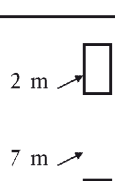
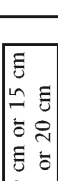


Appendix



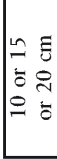

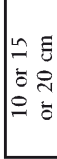




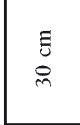

























Visible lane marking identification




















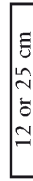












1. For the purpose of the test procedures referred to in points 2.2. and 2.5. of Annex II, the test lane width shall be greater than 3,5 m.
2. The visible lane markings identified in Table 1 are assumed to be white, unless otherwise indicated in this Appendix.
3. Table 1 shall be used for approval in accordance with points 2.2. and 2.5. of Annex II to this Regulation.


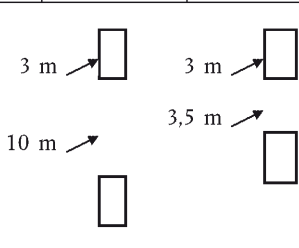
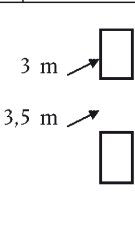
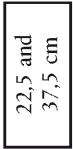


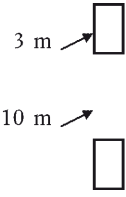
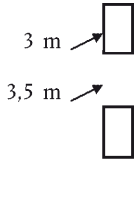


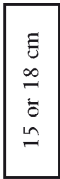
Table 1

Identified visible lane markings

PATTERN			COUNTRY	WIDTH		
Left edge lane marking	Centre line	Right edge lane marking		Left edge lane marking	Centre line	Right edge lane marking
			Definition of lane width for the purpose of this Regulation			
			SPAIN			
			SWEDEN			
			BELGIUM			
			UNITED KINGDOM Motorway (*)			
			UNITED KINGDOM Dual Carriageway			

PATTERN			COUNTRY	WIDTH		
Left edge lane marking	Centre line	Right edge lane marking		Left edge lane marking	Centre line	Right edge lane marking
	3 m  6 m 		UNITED KINGDOM Single Carriageway (speed limit > 40 mph)			
	5 m  10 m 		DENMARK			
	3 m  9 m 		NETHERLANDS			
	3 m  4,5 m 		ITALY Secondary and Local			
	4,5 m  7,5 m 		ITALY Motorway			
	3 m  4,5 m 		ITALY Main			
	4 m  8 m 		IRELAND			

PATTERN			COUNTRY	WIDTH		
Left edge lane marking	Centre line	Right edge lane marking		Left edge lane marking	Centre line	Right edge lane marking
	3 m  9 m 		GREECE			
	4 m  10 m 		PORTUGAL			
	3 m  9 m 		FINLAND			
	4 m  8 m 		GERMANY secondary			
	6 m  12 m 		GERMANY Motorway			
	3 m  10 m 	39 m  13 m 	FRANCE Motorway (*)			

PATTERN			COUNTRY	WIDTH		
Left edge lane marking	Centre line	Right edge lane marking		Left edge lane marking	Centre line	Right edge lane marking
			FRANCE Highways (4 lanes or 2 × 2 lanes)			
			FRANCE (other roads)			

(*) Excepted certain zones (e.g. slip road, lane for slow vehicles, etc.).'

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