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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 24 July 2012

on the position to be taken by the European Union in the EEA Joint Committee concerning an amendment to Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement

(2012/442/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) and Article 168(4)(b), in conjunction with Article 218(9) thereof,

Having regard to Council Regulation (EC) No 2894/94 of 28 November 1994 concerning arrangements for implementing the Agreement on the European Economic Area ⁽¹⁾, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Agreement on the European Economic Area ⁽²⁾ ('the EEA Agreement') entered into force on 1 January 1994.

(2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee may decide to amend, among others, Annex II to the EEA Agreement.

(3) Annex II to the EEA Agreement contains provisions and arrangements concerning technical regulations, standards, testing and certification.

(4) Commission Implementing Regulation (EU) No 1274/2011 of 7 December 2011 concerning a coordinated multiannual control programme of the Union for 2012, 2013 and 2014 to ensure compliance with maximum residue levels of pesticides and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin ⁽³⁾ is to be incorporated into the EEA Agreement.

(5) Commission Regulation (EC) No 1213/2008 of 5 December 2008 concerning a coordinated multiannual Community control programme for 2009, 2010 and 2011 to ensure compliance with maximum levels of and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin ⁽⁴⁾ was incorporated into the EEA Agreement with certain adaptations for the EEA EFTA States.

(6) Since the Regulation (EC) No 1213/2008 has been repealed and should consequently be repealed under the EEA Agreement, those adaptations should be carried over to Implementing Regulation (EU) No 1274/2011. They concern the number of pesticides to be monitored by Iceland and the number of samples of each product to be taken and analysed by Iceland and Norway and take into account, in particular, the limited capacity of Icelandic laboratories.

(7) Annex II to the EEA Agreement should therefore be amended accordingly.

(8) The position of the Union in the EEA Joint Committee should be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken by the European Union in the EEA Joint Committee on amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement shall be based on the draft Decision of the EEA Joint Committee attached to this Decision.

⁽¹⁾ OJ L 305, 30.11.1994, p. 6.

⁽²⁾ OJ L 1, 3.1.1994, p. 3.

⁽³⁾ OJ L 325, 8.12.2011, p. 24.

⁽⁴⁾ OJ L 328, 6.12.2008, p. 9.

Article 2

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

Done at Brussels, 24 July 2012.

For the Council
The President
A. D. MAVROYIANNIS

DRAFT

DECISION OF THE EEA JOINT COMMITTEE

No .../...

of

amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, (‘the EEA Agreement’), and in particular Article 98 thereof,

Whereas:

- (1) Annex II to the EEA Agreement was amended by Decision of the EEA Joint Committee No .../... of ...⁽¹⁾.
- (2) Commission Implementing Regulation (EU) No 1274/2011 of 7 December 2011 concerning a coordinated multiannual control programme of the Union for 2012, 2013 and 2014 to ensure compliance with maximum residue levels of pesticides and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin⁽²⁾ is to be incorporated into the EEA Agreement.
- (3) Commission Regulation (EC) No 1213/2008 of 5 December 2008 concerning a coordinated multiannual Community control programme for 2009, 2010 and 2011 to ensure compliance with maximum levels of and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin⁽³⁾, which is incorporated into the EEA Agreement, has been repealed in the European Union and should consequently be repealed under the EEA Agreement.
- (4) This Decision concerns legislation regarding foodstuffs. Legislation regarding foodstuffs shall not apply to Liechtenstein as long as the application of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products is extended to Liechtenstein, as specified in the introduction to Chapter XII of Annex II to the EEA Agreement. This Decision is therefore not to apply to Liechtenstein,

HAS ADOPTED THIS DECISION:

Article 1

Chapter XII of Annex II to the EEA Agreement shall be amended as follows:

⁽¹⁾ OJ L ...

⁽²⁾ OJ L 325, 8.12.2011, p. 24.

⁽³⁾ OJ L 328, 6.12.2008, p. 9.

1. The text of point 54zzzzb (Commission Regulation (EC) No 1213/2008) shall be deleted.

2. The following shall be inserted after point 65 (Commission Regulation (EU) No 1171/2011):

‘66. **32011 R 1274**: Commission Implementing Regulation (EU) No 1274/2011 of 7 December 2011 concerning a coordinated multiannual control programme of the Union for 2012, 2013 and 2014 to ensure compliance with maximum residue levels of pesticides and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin (OJ L 325, 8.12.2011, p. 24).

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

1. The following shall be added in Article 1:

“Iceland may for the years 2012, 2013 and 2014 continue to sample and analyse for the same 61 pesticides as monitored in foodstuffs on its market in 2011.”

2. The following shall be added in point 5 of Annex II:

“IS	12 (*) 15 (**)
NO	12 (*) 15 (**):’

Article 2

The text of Regulation (EU) No 1274/2011 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on ..., provided that all the notifications under Article 103(1) of the EEA Agreement have been made to the EEA Joint Committee (*).

(*) [No constitutional requirements indicated.] [Constitutional requirements indicated.]

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels,

For the EEA Joint Committee

The President

*The Secretaries
to the EEA Joint Committee*

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 689/2012

of 27 July 2012

amending Regulation (EC) No 415/2007 concerning the technical specifications for vessel tracking and tracing systems referred to in Article 5 of Directive 2005/44/EC of the European Parliament and of the Council on harmonised river information services (RIS) on inland waterways in the Community

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2005/44/EC of the European Parliament and of the Council of 7 September 2005 on harmonised river information services (RIS) on inland waterways in the Community⁽¹⁾, and in particular Article 1, paragraph 2, and Article 5, paragraph 2, thereof,

Having regard to Commission Regulation (EC) No 415/2007 of 13 March 2007 concerning the technical specifications for vessel tracking and tracing systems referred to in Article 5 of Directive 2005/44/EC of the European Parliament and of the Council on harmonised river information services (RIS) on inland waterways in the Community⁽²⁾,

Whereas:

- (1) In order to remain interoperable with maritime vessel traffic management and information services, and therefore with the maritime Automatic Identification System (AIS), it is necessary to amend Regulation (EC) No 415/2007 accordingly.

- (2) The measures provided for in this Regulation are in accordance with the opinion of the Committee established pursuant to Article 7 of Council Directive 91/672/EEC of 16 December 1991 on the reciprocal recognition of national boatmasters' certificates for the carriage of goods and passengers by inland waterway⁽³⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 415/2007 is amended in accordance with the Annex to this Regulation.

Article 2

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

Article 3

Member States shall take the necessary measures to comply with this Regulation 12 months after its entry into force at the latest.

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

Done at Brussels, 27 July 2012.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 255, 30.9.2005, p. 152.

⁽²⁾ OJ L 105, 23.4.2007, p. 35.

⁽³⁾ OJ L 373, 31.12.1991, p. 29.

ANNEX

The Annex to Regulation (EC) No 415/2007 is amended as follows:

(1) in the table of contents a chapter is inserted:

'2.3.9. Type approval';

(2) the 'REFERENCES' are amended as follows:

(a) the 10th and 11th row are replaced by:

Document title	Organisation	Publication date
'Recommendation ITU-R M.1371 "Technical characteristics for a universal shipborne automatic identification system using time division multiple access in the VHF maritime mobile band"	ITU	2001
International Standard IEC 61993, "Maritime navigation and radio communication equipment and systems — Automatic Identification System, Part 2: Class A shipborne equipment of the universal automatic identification system (AIS)"	IEC	2002'

(b) the following row is added:

Document title	Organisation	Publication date
'Technical guidelines on Inland AIS	Expert group on vessel tracking and tracing'	

(3) in Chapter 2.2 the penultimate paragraph is replaced by the following:

'For moving vessels an update rate for the dynamic information on tactical level can be switched between SOLAS mode and inland waterway mode. In inland waterway mode it can be increased up to 2 seconds. For vessels at anchor it is recommended to have an update rate of several minutes, or if information is amended.;

(4) in Chapter 2.3.1 the following sentence is added:

The Inland AIS design shall take into account the technical guidelines on Inland AIS as prepared and maintained by the expert group on vessel tracking and tracing (*).

(*) VTT-secretariat@risexpertgroups.org;

(5) in the table in Chapter 2.3.2.1 the last row is deleted;

(6) Chapter 2.3.2.3 is amended as follows:

(a) the third row in the table is deleted;

(b) the following row is added:

'Loaded/unloaded vessel	(Inland AIS extension)'
-------------------------	-------------------------

(7) in Chapter 2.3.2.4 the fourth row in the first table titled 'ETA at lock/bridge/terminal' is amended as follows:

'Maximum present static air draught	(Inland AIS extension)'
-------------------------------------	-------------------------

(8) Chapter 2.3.3 is amended as follows:

(a) the second paragraph is replaced by the following:

'For moving vessels in inland waterway areas the reporting rate for the dynamic information can be switched between SOLAS mode and inland waterway mode. In inland waterway mode it can be increased up to 2 seconds. In mixed traffic areas like seaports it shall be possible to decrease the reporting rate for dynamic information by the competent authority to ensure a balance in reporting behaviour between inland vessels and SOLAS vessels. The reporting behaviour shall be switchable by TDMA commands from a base station (automatic switching by TDMA telecommand via message 23) and by commands from ship borne systems, e.g. MKD, ECDIS or on board computer, via interface, e.g. IEC 61162 (automatic switching by ship borne system command). For static and voyage related information it is recommended to have a reporting rate of several minutes, on request, or if information is amended.';

(b) in Table 2.1 the ninth row is replaced by the following:

Ship dynamic conditions	Nominal reporting interval
'Ship operating in inland waterway mode, moving ⁽²⁾	assigned between 2 seconds and 10 seconds'

(c) the following sentence is added:

'Note: An Inland AIS mobile station operates either in inland waterway mode (group assignment by message 23) or in SOLAS mode (autonomous mode, no group assignment active).';

(9) in Chapter 2.3.4 the first paragraph is replaced by the following:

'The technical solution of Inland AIS is based on the same technical standards as IMO SOLAS AIS (Rec. ITU-R M.1371, IEC 61993).';

(10) Chapter 2.3.5 is replaced by the following:

2.3.5. Compatibility to IMO Class A transponders

Inland AIS transponders must be compliant to IMO Class A transponders and must therefore be capable of receiving and processing all IMO AIS messages (according to ITU-R M.1371 and IALA technical clarifications on ITU-R M.1371) and in addition the messages defined in Chapter 2.4 of these technical specifications.

The DSC transmitting (tx) capability and the provision of an MKD are not required for Inland AIS transponders, but the MKD functionality as well as the DSC channel management functionality are required. The manufacturers may remove the respective hard- and software from the Class A transponders.';

(11) the following chapter is inserted:

2.3.9. Type-approval

Inland AIS equipment shall be type-approved for compliance with these technical specifications.';

(12) Chapter 2.4.1 is amended as follows:

(a) the title of Chapter 2.4.1 is replaced by:

'2.4.1. Message 1, 2, 3: position reports (ITU-R 1371)';

(b) in Table 2.2 the penultimate row is replaced by:

Parameter	Number of bits	Description
'Communication State	19	See ITU-R M.1371'

(13) the title of Chapter 2.4.2 is replaced by the following:

'2.4.2. Message 5: ship static and voyage related data (ITU-R 1371)';

(14) Chapter 2.4.3 is amended as follows:

(a) the title of Chapter 2.4.3 is replaced by the following:

'2.4.3. Message 23, group assignment command (ITU-R M.1371)';

- (b) the following paragraph is inserted before Table 2.4:

'The Group Assignment Command is transmitted by a base station when operating as a controlling entity. The message shall be applied to a mobile station within the defined region and as selected by "Ship and Cargo Type" or by "Station Type". The receiving station shall consider all sector fields concurrently. It shall control the following operating parameters of a mobile station: transmit/receive mode; reporting interval; and the duration of a quiet time.'

- (c) In Table 2.4 the ninth and 10th rows are replaced by the following:

Parameter	Number of bits	Description
'Station type	4	0 = all types of mobiles (default); 1 = Class A mobile station only; 2 = all types of Class B mobile stations; 3 = SAR airborne mobile station; 4 = Class B "SO" mobile stations only; 5 = Class B "CS" shipborne mobile station (IEC62287 only); 6 = inland waterways; 7 to 9 = regional use and 10 to 15 = for future use
Type of ship and cargo type	8	0 = all types (default) 1...99 see Table 50, Annex 8 of ITU-R M.1371-3 100...199 reserved for regional use 200...255 reserved for future use'

- (d) in Table 2.5 the 10th, 11th and 12th rows are replaced by the following:

Reporting Interval field setting	Reporting interval for msg18
'9	Next shorter reporting interval
10	Next longer reporting interval
11	2 seconds (not applicable to the Class B "CS")'

- (e) the last sentence is replaced by the following:

'Note: When the dual channel transmission is suspended by Tx/Rx mode command 1 or 2, the required reporting interval shall be maintained using the remaining transmission channel.'

- (15) the title of Chapter 2.4.4 is replaced by the following:

'2.4.4. Application of specific messages (ITU-R 1371)';

- (16) in Chapter 2.4.4.1 the first sentence is replaced by the following:

'The Fls within the Inland AIS branch shall be allocated and used as described in ITU-R M.1371.';

- (17) Chapter 2.4.4.2 is amended as follows:

- (a) in Table 2.7 the 7th, 8th, 9th and 11th rows are replaced by the following:

	Parameter	Number of bits	Description
Binary data	'Length/convoy	13	1 — 8 000 (rest not to be used) length of ship/convoy in 1/10 m 0 = default
	Beam/convoy	10	1 — 1 000 (rest not to be used) beam of ship/convoy in 1/10 m; 0 = default
	Vessel and convoy type	14	Numeric ERI Classification (CODES): Vessel and convoy type as described in Appendix E
	Maximum present static draught	11	1 — 2 000 (rest not used) draught in 1/100 m, 0 = default = unknown'

(b) in Table 2.8 the 16th row is replaced by:

	Parameter	Bit	Description
Binary data	'Maximum present static air draught	12	0 — 4 000 (rest not used), in 1/100 m, 0 = default = not used'

(c) in Table 2.15 the 8th, 10th, 12th and 14th rows are replaced by the following:

	Parameter	Bit	Description
Binary data	'Water level	14	Bit 0: 0 = negative value, 1 = positive value Bits 1-13: 0-8191, in 1/100 m, Bits 0-13: 0 = unknown = default (²)
	Water level	14	Bit 0: 0 = negative value, 1 = positive value Bits 1-13: 0-8191, in 1/100 m, Bits 0-13: 0 = unknown = default (²)
	Water level	14	Bit 0: 0 = negative value, 1 = positive value Bits 1-13: 0-8191, in 1/100 m, Bits 0-13: 0 = unknown = default (²)
	Water level	14	Bit 0: 0 = negative value, 1 = positive value Bits 1-13: 0-8191, in 1/100 m, Bits 0-13: 0 = unknown = default (²)

(18) in Appendix A the definitions are amended as follows:

(a) the definition of River Information Services is replaced by the following:

'River Information Services (RIS)

A European concept for harmonised information services to support traffic and transport management in inland navigation, including the interfaces to other transport modes.;

(b) the definition of VTS area is replaced by the following:

'VTS area

VTS area is the delineated, formally declared service area of a VTS. A VTS area may be subdivided in sub-areas or sectors. (Source: IALA VTS guidelines).;

(c) the definition of Navigational information is replaced by the following:

'Navigational information

Navigational information is information provided to the skipper on board to support in on-board decision-making. (Source: IALA VTS guidelines).;

(d) the definition of Tactical traffic information is replaced by the following:

'Tactical traffic information (TTI)

Tactical traffic information is the information affecting the skipper's or the VTS operator's immediate decisions with respect to navigation in the actual traffic situation and the close geographic surroundings. A tactical traffic image contains position information and specific vessel information of all targets detected by a radar presented on an electronic navigational chart and — if available — enhanced by external traffic information, such as the information delivered by an AIS. TTI may be provided on board of a vessel or on shore, e.g. in a VTS Centre. (Source: RIS guidelines).;

(e) the definition of Strategic traffic information is replaced by the following:

'Strategic traffic information (STI)

Strategic traffic information is the information affecting the medium and long-term decisions of RIS users. A strategic traffic image contributes to the planning decision capabilities regarding a safe and efficient voyage. A

strategic traffic image is produced in a RIS centre and delivered to the users on demand. A strategic traffic image contains all relevant vessels in the RIS area with their characteristics, cargoes and positions, reported by VHF voice reporting or electronic ship reporting, stored in a database and presented in a table or on an electronic map. Strategic Traffic Information may be provided by a RIS/VTIS centre or by an office. (Source: RIS guidelines);

- (f) the definition of Vessel traffic monitoring is replaced by the following:

'Vessel traffic monitoring

Vessel traffic monitoring is providing important information relating to the movements of relevant ships in a RIS area. This includes information about ships identity, position, (type of cargo) and port of destination.';

- (g) the definition of RIS operator is replaced by the following:

'RIS operator

A person performing one or more tasks contributing to the services of RIS.';

- (h) the definition of Fleet manager is replaced by the following:

'Fleet manager

A person planning and observing the actual (navigational) status of a number of vessels moving or working under one command or ownership.';

- (i) the definition of Operator in calamity centres of emergency services is replaced by the following:

'Operator in calamity centres of emergency services

The person who monitors, controls and organises the safe and smooth fighting of accidents, incidents and calamities.';

- (19) Appendix D is amended as follows:

- (a) point D.1 is replaced by the following:

'D.1 Input sentences

The serial digital interface of the AIS is supported by existing IEC 61162 sentences and new IEC 61162 like sentences. The detailed descriptions for the digital interface sentences are found in IEC 61162.

This appendix contains information used during the development of Inland AIS in order to input the inland specific data (see protocol amendments for Inland AIS) into the Inland AIS shipboard unit.';

- (b) in the second sentence in point D.2 the word 'proposed' is replaced by 'used';

- (c) in the second sentence in point D.3 the word 'proposed' is replaced by 'used';

- (20) Appendix E is replaced by the following:

'Appendix E

ERI SHIP TYPES

This table shall be used to convert the UN ship types, which are used in Inland message 10 to the IMO types which are used in IMO message 5.

USEV/C	M	Code Subdiv		Name
No	8	00	0	Vessel, type unknown
V	8	01	0	Motor freighter
V	8	02	0	Motor tanker
V	8	02	1	Motor tanker, liquid cargo, type N
V	8	02	2	Motor tanker, liquid cargo, type C

USEV/C	M	Code Subdiv		Name
V	8	02	3	Motor tanker, dry cargo
V	8	03	0	Container vessel
V	8	04	0	Gas tanker
C	8	05	0	Motor freighter, tug
C	8	06	0	Motor tanker, tug
C	8	07	0	Motor freighter with one or more ships alongside
C	8	08	0	Motor freighter with tanker
C	8	09	0	Motor freighter pushing one or more freighters
C	8	10	0	Motor freighter pushing at least one tank-ship
No	8	11	0	Tug, freighter
No	8	12	0	Tug, tanker
C	8	13	0	Tug, freighter, coupled
C	8	14	0	Tug, freighter/tanker, coupled
V	8	15	0	Freightbarge
V	8	16	0	Tankbarge
V	8	16	1	Tankbarge, liquid cargo, type N
V	8	16	2	Tankbarge, liquid cargo, type C
V	8	16	3	Tankbarge, dry cargo
V	8	17	0	Freightbarge with containers
V	8	18	0	Tankbarge, gas
C	8	21	0	Pushtow, one cargo barge
C	8	22	0	Pushtow, two cargo barges
C	8	23	0	Pushtow, three cargo barges
C	8	24	0	Pushtow, four cargo barges
C	8	25	0	Pushtow, five cargo barges
C	8	26	0	Pushtow, six cargo barges
C	8	27	0	Pushtow, seven cargo barges
C	8	28	0	Pushtow, eight cargo barges
C	8	29	0	Pushtow, nine cargo barges
C	8	31	0	Pushtow, one gas/tank barge
C	8	32	0	Pushtow, two barges at least one tanker or gas barge
C	8	33	0	Pushtow, three barges at least one tanker or gasbarge
C	8	34	0	Pushtow, four barges at least one tanker or gasbarge

USEV/C	M	Code Subdiv		Name
C	8	35	0	Pushtow, five barges at least one tanker or gasbarge
C	8	36	0	Pushtow, six barges at least one tanker or gasbarge
C	8	37	0	Pushtow, seven barges at least one tanker or gasbarge
C	8	38	0	Pushtow, eight barges at least one tanker or gasbarge
C	8	39	0	Pushtow, nine or more barges at least one tanker or gasbarge
V	8	40	0	Tug, single
No	8	41	0	Tug, one or more tows
C	8	42	0	Tug, assisting a vessel or linked combination
V	8	43	0	Pushboat, single
V	8	44	0	Passenger ship, ferry, red cross ship, cruise ship
V	8	44	1	Ferry
V	8	44	2	Red Cross ship
V	8	44	3	Cruise ship
V	8	44	4	Passenger ship without accommodation
V	8	45	0	Service vessel, police patrol, port services
V	8	46	0	Vessel, work maintenance craft, floating derrick, cable-ship, buoy-ship, dredge.
C	8	47	0	Object, towed, not otherwise specified.
V	8	48	0	Fishing boat
V	8	49	0	Bunkership
V	8	50	0	Barge, tanker, chemical
C	8	51	0	Object, not otherwise specified.
				Extra codes for maritime means of transport
V	1	50	0	General Cargo Vessel Maritime
V	1	51	0	Unit Carrier Maritime
V	1	52	0	Bulk Carrier Maritime
V	1	53	0	Tanker
V	1	54	0	Liquefied gas tanker
V	1	85	0	Craft, pleasure longer than 20 meters
V	1	90	0	Fast ship
V	1	91	0	Hydrofoil
V	1	92	0	Catamaran Fast'

COMMISSION IMPLEMENTING REGULATION (EU) No 690/2012**of 27 July 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, 27 July 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

<i>(EUR/100 kg)</i>		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MK	58,9
	XS	38,5
	ZZ	48,7
0707 00 05	MK	53,8
	TR	95,4
	ZZ	74,6
0709 93 10	TR	102,0
	ZZ	102,0
0805 50 10	AR	91,6
	TR	89,0
	UY	96,7
	ZA	100,7
	ZZ	94,5
0806 10 10	EG	187,3
	IL	187,9
	MA	254,8
	TR	162,6
	ZZ	198,2
0808 10 80	AR	197,0
	BR	95,0
	CL	104,3
	NZ	121,9
	US	123,1
	UY	52,1
	ZA	111,1
	ZZ	114,9
0808 30 90	AR	138,5
	CL	122,1
	NZ	175,8
	ZA	110,9
	ZZ	136,8
0809 10 00	AR	124,4
	TR	168,7
	ZZ	146,6
0809 29 00	TR	333,9
	ZZ	333,9
0809 30	TR	172,6
	ZZ	172,6
0809 40 05	BA	70,9
	IL	84,6
	ZZ	77,8

⁽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'.

COMMISSION IMPLEMENTING REGULATION (EU) No 691/2012

of 27 July 2012

amending the representative prices and additional import duties for certain products in the sugar sector fixed by Implementing Regulation (EU) No 971/2011 for the 2011/12 marketing year

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 Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾, and in particular Article 36(2), second subparagraph, second sentence thereof,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups for the 2011/12 marketing year are fixed by Commission Implementing Regulation (EU) No 971/2011 ⁽³⁾. Those prices and duties were last amended by Commission Implementing Regulation (EU) No 677/2012 ⁽⁴⁾.

- (2) The data currently available to the Commission indicate that those amounts should be amended in accordance with Article 36 of Regulation (EC) No 951/2006.

- (3) Given the need to ensure that this measure applies as soon as possible after the updated data have been made available, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Implementing Regulation (EU) No 971/2011 for the 2011/12 marketing year, are hereby amended as set out in the Annex hereto.

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, 27 July 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 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 254, 30.9.2011, p. 12.

⁽⁴⁾ OJ L 196, 24.7.2012, p. 57.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 28 July 2012

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 12 10 ⁽¹⁾	42,50	0,00
1701 12 90 ⁽¹⁾	42,50	1,86
1701 13 10 ⁽¹⁾	42,50	0,00
1701 13 90 ⁽¹⁾	42,50	2,15
1701 14 10 ⁽¹⁾	42,50	0,00
1701 14 90 ⁽¹⁾	42,50	2,15
1701 91 00 ⁽²⁾	50,30	2,38
1701 99 10 ⁽²⁾	50,30	0,00
1701 99 90 ⁽²⁾	50,30	0,00
1702 90 95 ⁽³⁾	0,50	0,22

⁽¹⁾ For the standard quality defined in point III of Annex IV to Regulation (EC) No 1234/2007.

⁽²⁾ For the standard quality defined in point II of Annex IV to Regulation (EC) No 1234/2007.

⁽³⁾ Per 1 % sucrose content.

DECISIONS

COUNCIL DECISION

of 23 July 2012

addressed to Spain on specific measures to reinforce financial stability

(2012/443/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 136(1)(b), in conjunction with Article 126(6) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Article 136(1)(b) of the Treaty on the Functioning of the European Union (TFEU) foresees the possibility of setting out economic policy guidelines specific to the Member States whose currency is the euro.
- (2) In the Recommendation on the National Reform Programme 2012 of Spain and delivering an opinion on the Stability Programme for Spain, 2012-2015 ⁽¹⁾, the Council recommended that Spain take action to 'implement the reform of the financial sector, in particular complement the on-going restructuring of the banking sector by addressing the situation of remaining weak institutions, put forward a comprehensive strategy to deal effectively with the legacy assets on the banks' balance sheets, and define a clear stance on the funding and use of backstop facilities'.
- (3) Abundant availability of external financing at low cost in the 2000s fuelled a credit-driven domestic demand and asset boom in Spain, concentrated in particular in the real estate sector. The burst of the real estate and construction bubble and the economic recession that followed have adversely affected the Spanish banking sector. As a result, with the exception of a few large and internationally diversified credit institutions, Spanish banks have largely lost access to wholesale

funding markets on affordable terms and, thus, have become highly dependent on Eurosystem refinancing. In addition, their borrowing capacity has been severely limited by the impact of rating downgrades on collateral availability.

- (4) The sizeable contraction of the economy in recent years, which is affecting employment and unemployment in a very negative way, has deteriorated substantially the budgetary position in Spain. According to a Commission services update of the 2012 spring forecast, the general government deficit is projected at 6,3 % of GDP in 2012, which compares to an expected deficit of 5,3 % of GDP in the 2012 stability programme and the draft 2012 budget law. Gross public debt rose to 68,5 % of GDP in 2011, and according to the Commission services update of the 2012 spring forecast it is expected to surge to 80,9 % of GDP in 2012 and to 86,8 % in 2013, based on a no-policy-change scenario, thus exceeding the Treaty reference value in all years. Risks related to the macroeconomic scenario and the budgetary targets, as well as to additional financial rescue measures, may contribute to a further increase in public debt. In view of these developments, on 10 July 2012 the Council issued a recommendation to Spain under the excessive deficit procedure (EDP) to put an end to the present excessive deficit situation by 2014.
- (5) The Spanish authorities have taken a number of important measures to address the problems in the banking sector. These measures include the clean-up of banks' balance sheets, increasing minimum capital requirements, restructuring of the savings bank sector, and significantly increasing the provisioning requirements for loans related to Real Estate Development (RED) and foreclosed assets. These measures, however, have not been sufficient to alleviate market pressure.
- (6) In February 2011, the Spanish authorities raised the minimum capital ratio requirement ('capital principal') to 8 % of banks' risk weighted assets and gave banks until September 2011 to comply with this new regulation. For banks more dependent on wholesale funding and characterised by a limited market access the

⁽¹⁾ OJ C 219, 24.7.2012, p. 81.

minimum capital ratio was increased to 10 %. In February and May 2012, new legislation required banks to build higher provisions and capital buffers against possible losses on both performing and non-performing loans on the legacy stock of construction and real estate assets. The expected overall volume of these new provisioning requirements amounted to approximately EUR 84 billion.

- (7) As of April 2012, the total gross financial contribution by the Spanish State (excluding bond issuance guarantees) amounted to about EUR 15 billion. The capital support was provided via the Fund for Orderly Bank Restructuring (FROB) endowed with a capital of EUR 15 billion, of which EUR 9 billion was already paid in. The State has also provided guarantees to bank senior bond issues by banks amounting to about EUR 86 billion (out of this total, about EUR 58 billion in guarantees was outstanding). Although the FROB still had a remaining capacity of three times its capital allocation, public sector support will not be sufficient to provide a sufficiently large backstop for conducting the required system-wide clean-up of the banking sector.
- (8) Concerns about the need for further banking sector recapitalisation have contributed to increasing market pressures on Spanish government bonds. Sovereign bond yields have reached levels of well over 500 basis points in late June 2012 and early July 2012, increasing the funding costs for the Spanish sovereign. The rising interest burden adds to the challenge of consolidating public finances in Spain and correcting the excessive deficit. Therefore, comprehensive banking sector restructuring and recapitalisation is an important element in reducing pressure on public finances.
- (9) On 25 June 2012, the Spanish authorities officially requested financial assistance in the context of the ongoing restructuring and recapitalisation of the Spanish banking sector. The assistance is sought under the terms of the Financial Assistance for the Recapitalisation of Financial Institutions by the European Financial Stability Facility. The assistance provided is subject to specific financial sector conditionality, as foreseen in the Memorandum of Understanding (MoU) negotiated between the Spanish Government and the Commission, in liaison with the European Central Bank (ECB) and the European Banking Authority (EBA), with the technical assistance of the International Monetary Fund (IMF). It will include both bank-specific conditionality in line with State aid rules and horizontal conditionality. In parallel, Spain will have to comply fully with its commitments and obligations under the EDP and the recommendations to address macroeconomic imbalances within the framework of the European Semester.
- (10) Increasing the long-term resilience of the Spanish banking sector is critical to preserving financial stability in Spain and limiting the contagion of financial stress to other euro-area economies and, thus to avert adverse effects on the proper functioning of the economy and of economic and monetary union. Significant measures taken so far to address these problems have not been fully sufficient. Further measures are therefore necessary. In particular, Spain should implement additional specific measures to effectively deal with legacy assets, restore market-based funding, reduce banks' reliance on central bank liquidity support, and to enhance the risk identification and crisis management mechanisms.
- (11) As part of the overall strategy, it is key to effectively deal with the legacy assets by requiring a clear segregation of problematic assets of aided banks from the banks' balance sheets. This should apply, in particular, for loans related to RED and foreclosed assets. Such segregation would remove any remaining doubts about the quality of the banks' balance sheets, allowing them to better carry out their financial intermediation function.
- (12) In addition, improving the transparency of banks' balance sheets in this manner can facilitate an orderly downsizing of bank exposures to the real estate sector, restore market-based funding, and reduce banks' reliance on central bank liquidity support.
- (13) Ensuring a sound framework for the Spanish banking sector requires that the risk identification and crisis management mechanisms are enhanced. An effective strategy should comprise changes aimed at strengthening the regulatory and supervisory framework, taking into account the experiences of the financial crisis. In addition, corporate governance shall be enhanced in line with international best practices,

HAS ADOPTED THIS DECISION:

Article 1

1. The Commission, in consultation with the ECB, the EBA and the IMF, has agreed with the Spanish authorities the specific financial-sector policy conditions attached to the financial assistance. Those conditions are laid down in the MoU to be

signed by the Commission and the Spanish authorities. The detailed financial terms shall be laid down in a Financial Assistance Facility Agreement.

Spain shall adequately recapitalise and thoroughly restructure its banking system. In that regard, Spain shall develop in coordination with the Commission and in consultation with the ECB a strategy for the future structure, functioning and viability of the Spanish banks which will identify how to ensure that they are able to operate without further state support. This strategy will be further specified in the MoU, developing further the policy conditions embedded in this Decision.

2. The key components of this strategy shall be an overhaul of the weak segments of the Spanish banking sector and a strengthening of the regulatory and supervisory frameworks for the banking sector.

3. The overhaul of the weak segments of the Spanish banking sector shall be comprised of the following three elements:

- (a) identification of individual bank capital needs through a comprehensive asset quality review of the banking sector and a bank-by-bank stress test, based on that asset quality review. On the basis of the stress test results, banks in need of capital injection will be divided in three different groups. Each group will be subject to the obligation to present restructuring and resolution plans, and all the complementary and subsequent measures, as provided in the MoU;
- (b) recapitalisation, restructuring and/or resolution in an orderly way of weak banks, based on plans to address any capital shortfalls identified in the stress test. These plans will be based in the principles of viability, minimising the cost for taxpayers (burden sharing) and limiting distortions of competition. To that effect, Spain will adopt legislation to:
 - (i) allow the implementation of Subordinated Liability Exercises, including mandatory forms of burden sharing, and
 - (ii) upgrade the bank resolution framework in order to incorporate relevant resolution powers for FROB and the Deposit Guarantee Fund (DGF), and taking into account the EU regulatory proposal on crisis management and bank resolution, including special tools to resolve unviable banks;
- (c) segregation of assets in those banks receiving public support in their recapitalisation effort and their transfer of the impaired assets to an external Asset Management Company (AMC), to realise their long-term value. Spain, in close consultation with the Commission, the ECB and the EBA and with the technical assistance of the IMF, will prepare a comprehensive legislative framework for the establishment and functioning of the AMC, in order to make it fully operational by November 2012.

4. In order to ensure a sound framework for the banking sector, Spain shall also strengthen the regulatory and supervisory frameworks as well as reinforce governance. The strategy and conditionality, which is comprehensively specified in the MoU, shall, inter alia, include the following measures:

- (a) requiring Spanish credit institutions to increase their Common Equity Tier (CET) 1 ratio to at least 9% according to the definition of capital established in the EBA recapitalisation exercise;
- (b) requiring, from 1 January 2013, Spanish credit institutions to apply the definition of capital established in the Capital Requirements Regulation (CRR);
- (c) re-assessing the legal framework for loan-loss provisioning. In particular, on the back of the experiences of the financial crisis, the Spanish authorities shall make proposals to revamp the permanent framework for loan loss provisioning, taking into account the temporary measures introduced during the past months, as well as the EU accounting framework;
- (d) further strengthening, the operational independence of the *Banco de España*; in line with the international recommendations and standards, transferring the sanctioning and licensing powers of the Ministry of Economy with respect to the banking sector to the *Banco de España*;
- (e) further enhancing the supervisory procedures of *Banco de España* based on an internal audit;
- (f) reviewing the governance arrangements of the financial safety net agencies (FROB and DGF) to avoid potential conflicts of interest;
- (g) strengthening the rules on the governance of the savings bank sector and of the banks owned by savings banks;
- (h) amending consumer protection and securities legislation to limit the sale by banks of subordinate debt instruments (or instruments not covered by the DGF) to non-qualified retail clients, and strengthening compliance monitoring by the authorities;
- (i) taking steps to minimise the cost to taxpayers of bank restructuring. After allocating losses to equity holders, the Spanish authorities will require burden sharing measures from hybrid capital holders and subordinated debt holders in banks receiving public capital;

(j) committing to capping pay levels of executive and supervisory board members of all State-aided banks;

(k) enhancing the public credit register.

5. The authorities will provide to the Commission, the ECB, EBA and the IMF, under strict conditions of confidentiality, the data needed for monitoring of the banking sector.

6. The Commission, in liaison with the ECB and EBA, will verify at regular intervals that the policy conditions attached to the financial assistance are fulfilled, through missions and regular reporting by the Spanish authorities, on a quarterly

basis. Monitoring of the FROB activities in the context of the programme will take place regularly.

Article 2

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 23 July 2012.

For the Council
The President
C. ASHTON

COUNCIL DECISION**of 24 July 2012****amending Decision 1999/70/EC concerning the external auditors of the national central banks, as regards the external auditors of Banka Slovenije**

(2012/444/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Protocol (No 4) on the Statute of the European System of Central Banks and of the European Central Bank annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and in particular to Article 27.1 thereof,

Having regard to Recommendation ECB/2012/9 of the European Central Bank of 1 June 2012 to the Council of the European Union on the external auditors of Banka Slovenije ⁽¹⁾,

Whereas:

- (1) The accounts of the European Central Bank (ECB) and of the national central banks of the Eurosystem are to be audited by independent external auditors recommended by the Governing Council of the ECB and approved by the Council of the European Union.
- (2) The mandate of the current external auditors of Banka Slovenije ends after the audit for the financial year of 2011. It is therefore necessary to appoint external auditors from the financial year 2012.
- (3) Banka Slovenije has selected Deloitte revizija d.o.o. as its external auditor for the financial years 2012 to 2014.
- (4) The Governing Council of the ECB recommended that Deloitte revizija d.o.o. be appointed as the external auditor of Banka Slovenije for the financial years 2012 to 2014.

- (5) It is appropriate to follow the recommendation of the Governing Council of the ECB and to amend Decision 1999/70/EC ⁽²⁾ accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Article 1(13) of Decision 1999/70/EC shall be replaced by the following:

'13. Deloitte revizija d.o.o is hereby approved as the external auditor of Banka Slovenije for the financial years 2012 to 2014.'

Article 2

This Decision shall take effect on the day of its notification.

Article 3

This Decision is addressed to the European Central Bank.

Done at Brussels, 24 July 2012.

For the Council

The President

A. D. MAVROYIANNIS

⁽¹⁾ OJ C 161, 7.6.2012, p. 1.

⁽²⁾ OJ L 22, 29.1.1999, p. 69.

COUNCIL DECISION**of 24 July 2012****on the launch of automated data exchange with regard to DNA data in Hungary**

(2012/445/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime⁽¹⁾, in particular Article 2(3) and Article 25 thereof,

Having regard to Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA⁽²⁾, in particular Article 20 and Chapter 4 of the Annex thereto,

Whereas:

- (1) According to the Protocol on Transitional Provisions annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community, the legal effects of the acts of the institutions, bodies, offices and agencies of the Union adopted prior to the entry into force of the Treaty of Lisbon are preserved until those acts are repealed, annulled or amended in implementation of the Treaties.
- (2) Accordingly, Article 25 of Decision 2008/615/JHA is applicable and the Council must unanimously decide whether the Member States have implemented the provisions of Chapter 6 of that Decision.
- (3) Article 20 of Decision 2008/616/JHA provides that decisions referred to in Article 25(2) of Decision 2008/615/JHA are to be taken on the basis of an evaluation report based on a questionnaire. With respect to automated data exchange in accordance with Chapter 2 of Decision 2008/615/JHA, the evaluation report is to be based on an evaluation visit and a pilot run.
- (4) Hungary has informed the General Secretariat of the Council of the national DNA analysis files to which Articles 2 to 6 of Decision 2008/615/JHA apply and the conditions for automated searching as referred to in Article 3(1) of that Decision in accordance with Article 36(2) of that Decision.
- (5) According to Chapter 4, point 1.1, of the Annex to Decision 2008/616/JHA, the questionnaire drawn up by

the relevant Council Working Group concerns each of the automated data exchanges and has to be answered by a Member State as soon as it believes it fulfils the prerequisites for sharing data in the relevant data category.

- (6) Hungary has completed the questionnaire on data protection and the questionnaire on DNA data exchange.
- (7) A successful pilot run has been carried out by Hungary with Austria.
- (8) An evaluation visit has taken place in Hungary and a report on the evaluation visit has been produced by the Austrian evaluation team and forwarded to the relevant Council Working Group.
- (9) An overall evaluation report, summarising the results of the questionnaire, the evaluation visit and the pilot run concerning DNA data exchange has been presented to the Council,

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of automated searching and comparison of DNA data, Hungary has fully implemented the general provisions on data protection of Chapter 6 of Decision 2008/615/JHA and is entitled to receive and supply personal data pursuant to Articles 3 and 4 of that Decision as from the date of the entry into force of this Decision.

Article 2

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

Done at Brussels, 24 July 2012.

*For the Council**The President*

A. D. MAVROYIANNIS

(¹) OJ L 210, 6.8.2008, p. 1.

(²) OJ L 210, 6.8.2008, p. 12.

COUNCIL DECISION

of 24 July 2012

on the launch of automated data exchange with regard to dactyloscopic data in Hungary

(2012/446/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime ⁽¹⁾, in particular Article 25 thereof,

Having regard to Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA ⁽²⁾, in particular Article 20 and Chapter 4 of the Annex thereto,

Whereas:

- (1) According to the Protocol on Transitional Provisions annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community, the legal effects of the acts of the institutions, bodies, offices and agencies of the Union adopted prior to the entry into force of the Treaty of Lisbon are preserved until those acts are repealed, annulled or amended in implementation of the Treaties.
- (2) Accordingly, Article 25 of Decision 2008/615/JHA is applicable and the Council must unanimously decide whether the Member States have implemented the provisions of Chapter 6 of that Decision.
- (3) Article 20 of Decision 2008/616/JHA provides that decisions referred to in Article 25(2) of Decision 2008/615/JHA are to be taken on the basis of an evaluation report based on a questionnaire. With respect to automated data exchange in accordance with Chapter 2 of Decision 2008/615/JHA, the evaluation report is to be based on an evaluation visit and a pilot run.
- (4) According to Chapter 4, point 1.1, of the Annex to Decision 2008/616/JHA, the questionnaire drawn up by the relevant Council Working Group concerns each of the automated data exchanges and has to be answered by

a Member State as soon as it believes it fulfils the prerequisites for sharing data in the relevant data category.

- (5) Hungary has completed the questionnaire on data protection and the questionnaire on dactyloscopic data exchange.
- (6) A successful pilot run has been carried out by Hungary with Austria.
- (7) An evaluation visit has taken place in Hungary and a report on the evaluation visit has been produced by the Austrian evaluation team and forwarded to the relevant Council Working Group.
- (8) An overall evaluation report, summarising the results of the questionnaire, the evaluation visit and the pilot run concerning dactyloscopic data exchange has been presented to the Council,

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of automated searching of dactyloscopic data, Hungary has fully implemented the general provisions on data protection of Chapter 6 of Decision 2008/615/JHA and is entitled to receive and supply personal data pursuant to Article 9 of that Decision as from the date of the entry into force of this Decision.

Article 2

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

Done at Brussels, 24 July 2012.

For the Council
The President

A. D. MAVROYIANNIS

⁽¹⁾ OJ L 210, 6.8.2008, p. 1.
⁽²⁾ OJ L 210, 6.8.2008, p. 12.

COUNCIL IMPLEMENTING DECISION**of 24 July 2012****authorising Denmark to introduce a special measure derogating from Article 75 of Directive 2006/112/EC on the common system of value added tax**

(2012/447/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax ⁽¹⁾, and in particular Article 395(1) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By letter registered with the Commission on 5 September 2011, Denmark requested authorisation to apply a measure derogating from the provisions of Directive 2006/112/EC governing the right to deduct input tax.
- (2) The Commission informed the other Member States of the request made by Denmark by letter dated 14 March 2012. By letter dated 15 March 2012, the Commission notified Denmark that it had all the information that it considered necessary to consider the request.
- (3) Currently, pursuant to Directive 2006/112/EC, if a light goods vehicle with a maximum authorised weight of up to three tonnes is registered with the Danish authorities as being used for business purposes only, the taxable person is authorised to deduct, in full, the input tax on the purchase and running costs of the vehicle. If such a vehicle is subsequently used for private purposes, the taxable person loses the right to deduct the VAT incurred on the purchase cost of the vehicle.
- (4) Given that that system places a heavy burden on both the taxable person and the tax administration, the Danish authorities have requested authorisation to apply a special measure derogating from Article 75 of Directive 2006/112/EC. That measure would allow a taxable person, who has registered a vehicle as being for business purposes only, to use the vehicle for non-business purposes, and to calculate the taxable amount of the deemed supply pursuant to Article 75 of Directive 2006/112/EC on a daily flat rate basis, rather than lose their right to deduct the VAT incurred on the purchase cost of the vehicle.
- (5) That simplified calculation method would, however, be limited to 20 days of non-business use for each calendar year, and the flat rate amount of VAT to be paid is fixed at DKK 40 for each day of non-business use. This amount has been determined by the Danish Government following an analysis of national statistics.

(6) The measure, which is to apply to light goods vehicles with a maximum authorised weight of up to three tonnes, would simplify the VAT obligations of taxable persons who make occasional non-business use of a vehicle registered for business purposes. However, it would remain possible for a taxable person to choose to register a light goods vehicle as being for both business and personal use. In so doing, the taxable person would lose the right to deduct the VAT on the purchase of the vehicle but would not be required to pay a daily charge for any private use.

(7) Putting in place a measure ensuring that taxable person who makes occasional non-business use of a vehicle registered for business purposes is not deprived in full of the right to deduct the input tax on that vehicle would be consistent with the general rules on deduction as laid down by Directive 2006/112/EC.

(8) The authorisation should be valid for a limited period and should therefore expire on 31 December 2014. In light of the experience gained up to that date an assessment should be made whether or not the derogation remains justified.

(9) The measure will affect the overall amount of the tax revenue of the Member State concerned collected at the stage of final consumption only to a negligible extent, and has no negative impact on the Union's own resources accruing from value added tax,

HAS ADOPTED THIS DECISION:

Article 1

By derogation from Article 75 of Directive 2006/112/EC, where a taxable person uses for private purposes, or those of his staff, or more generally for purposes other than those of his business, a light goods vehicle which has been registered as being solely for business use, Denmark is authorised to determine the taxable amount by reference to a flat-rate for each day of such use.

The flat rate per day referred to in the first paragraph shall be DKK 40.

Article 2

The measure referred to in Article 1 shall only be applied to light goods vehicles with a maximum authorised total weight of three tonnes.

This measure shall not apply where the non-business use exceeds 20 days per calendar year.

⁽¹⁾ OJ L 347, 11.12.2006, p. 1.

Article 3

This Decision shall expire on 31 December 2014.

Article 4

This Decision is addressed to the Kingdom of Denmark.

Done at Brussels, 24 July 2012.

For the Council
The President
A. D. MAVROYIANNIS

COMMISSION DECISION

of 12 July 2012

establishing the ecological criteria for the award of the EU Ecolabel for newsprint paper

(notified under document C(2012) 4693)

(Text with EEA relevance)

(2012/448/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel⁽¹⁾, and in particular Article 8(2) thereof,

After consulting the European Union Eco-labelling Board,

Whereas:

- (1) Under Regulation (EC) No 66/2010, the EU Ecolabel may be awarded to those products with a reduced environmental impact during their entire life cycle.
- (2) Regulation (EC) No 66/2010 provides that specific EU Ecolabel criteria are to be established according to product groups.
- (3) Since the production of newsprint paper consumes significant amounts of energy, wood and chemicals, and may lead to environmental damage or risks related to the use of the natural resources, it is appropriate to establish EU Ecolabel criteria for the product group 'newsprint paper'.
- (4) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 16 of Regulation (EC) No 66/2010,

HAS ADOPTED THIS DECISION:

Article 1

1. The product group 'newsprint paper' shall comprise paper made from pulp and used for printing newspapers and other printed products.
2. The product group 'Newsprint paper' shall not include copying and graphic paper, thermally sensitive paper, photographic and carbonless paper, packaging and wrapping paper as well as fragranced paper.

Article 2

For the purpose of this Decision, the following definitions shall apply:

- (1) 'newsprint paper' means paper mainly used for printing newspapers and made from pulp and/or recovered paper the weight of which ranges between 40 and 65 g/m²;
- (2) 'recovered fibres' means fibres diverted from the waste stream during a manufacturing process or generated by households or by commercial, industrial and institutional facilities in their role as end-users of the product which can no longer be used for their intended purpose.

Article 3

In order to be awarded the EU Ecolabel under Regulation (EC) No 66/2010, an item of newsprint paper shall fall within the product group 'Newsprint paper' as defined in Article 1 of this Decision and shall comply with the criteria as well as the related assessment and verification requirements set out in the Annex to this Decision.

Article 4

The criteria for the product group 'Newsprint paper', as well as the related assessment and verification requirements, shall be valid for three years from the date of adoption of this Decision.

Article 5

For administrative purposes the code number assigned to 'Newsprint paper' shall be '037'.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 12 July 2012.

For the Commission
Janez POTOČNIK
Member of the Commission

⁽¹⁾ OJ L 27, 30.1.2010, p. 1.

ANNEX

FRAMEWORK**The aims of the criteria**

The criteria aim, in particular, at promoting resource efficiency by fostering recycling of paper, by reducing discharges of toxic or eutrophic substances into waters, by reducing environmental damage or risks related to the use of energy (global warming, acidification, ozone depletion, depletion of non-renewable resources) through the reduction of energy consumption and related emissions to air and at reducing environmental damage or risks related to the use of hazardous chemicals and applying sustainable management principles in order to safeguard forests.

CRITERIA

These criteria are set for each of the following aspects:

1. Emissions to water and air
2. Energy use
3. Fibres: sustainable forest management
4. Hazardous chemical substances
5. Waste management
6. Fitness for use
7. Information appearing on the Ecolabel

The ecological criteria cover the production of pulp including all constituent sub-processes from the point at which the virgin fibre/recovered raw-material enters the production site, to the point at which the pulp leaves the pulp mill. For the paper production processes, the ecological criteria cover all sub-processes from the beating of the pulp (disintegration of the recovered paper) to winding the paper onto rolls.

The following activities are not covered by these criteria:

1. Transport and packaging of the pulp, paper or raw materials
2. Conversion of paper

Assessment and verification requirements

The specific assessment and verification requirements are indicated within each criterion.

Where the applicant is required to provide declarations, documentation, analyses, test reports, or other evidence to show compliance with the criteria, it is understood that those may originate from the applicant and/or his supplier(s) and/or their supplier(s), as appropriate.

Where appropriate, test methods other than those indicated for each criterion may be used if their equivalence is accepted by the competent body assessing the application.

Where possible, the testing shall be performed by laboratories that meet the general requirements of EN ISO 17025 or equivalent.

Where appropriate, competent bodies may require supporting documentation and may carry out independent verifications.

EU ECOLABEL CRITERIA**Criterion 1 — Emissions to water and air**

- (a) COD, Sulphur (S), NO_x, Phosphorous (P)

For each of these parameters, the emissions to air and/or water from the pulp and the paper production shall be expressed in terms of points (P_{COD} , P_{S} , P_{NO_x} , P_{P}) as detailed below.

None of the individual points P_{COD} , P_{S} , P_{NO_x} , P_{P} shall exceed 1,5.

The total number of points ($P_{\text{total}} = P_{\text{COD}} + P_{\text{S}} + P_{\text{NO}_x} + P_{\text{P}}$) shall not exceed 4,0.

The calculation of P_{COD} shall be made as follows (the calculations of P_S , P_{NO_x} , P_P shall be made in exactly the same manner).

For each pulp 'i' used, the related measured COD emissions ($\text{COD}_{\text{pulp},i}$ expressed in kg/air dried tonne — ADT), shall be weighted according to the proportion of each pulp used (pulp 'i' with respect to air dried tonne of pulp), and summed together. The weighted COD emission for the pulps is then added to the measured COD emission from the paper production to give a total COD emission, $\text{COD}_{\text{total}}$.

The weighted COD reference value for the pulp production shall be calculated in the same manner, as the sum of the weighted reference values for each pulp used and added to the reference value for the paper production to give a total COD reference value $\text{COD}_{\text{ref},\text{total}}$. The reference values for each pulp type used and for the paper production are indicated in Table 1.

Finally, the total COD emission shall be divided by the total COD reference value as follows:

$$P_{\text{COD}} = \frac{\text{COD}_{\text{total}}}{\text{COD}_{\text{ref},\text{total}}} = \frac{\sum_{i=1}^n [\text{pulp},i \times (\text{COD}_{\text{pulp},i})] + \text{COD}_{\text{papermachine}}}{\sum_{i=1}^n [\text{pulp},i \times (\text{COD}_{\text{ref},\text{pulp},i})] + \text{COD}_{\text{ref},\text{papermachine}}}$$

Table 1

Reference values for emissions from different pulp types and from paper production

Pulp Grade/Paper	Emissions (kg/ADT)			
	$\text{COD}_{\text{reference}}$	$S_{\text{reference}}$	$\text{NO}_{x,\text{reference}}$	$P_{\text{reference}}$
Bleached Chemical pulp (others than sulphite)	18,0	0,6	1,6	0,045
Bleached Chemical pulp (sulphite)	25,0	0,6	1,6	0,045
Unbleached chemical pulp	10,0	0,6	1,6	0,04
CTMP	15,0	0,2	0,3	0,01
TMP/groundwood pulp	3,0	0,2	0,3	0,01
Recovered fibre pulp	2,0	0,2	0,3	0,01
Paper (non-integrated mills where all pulps used are purchased market pulps)	1	0,3	0,8	0,01
Paper (Other mills)	1	0,3	0,7	0,01

An exemption for the $P_{\text{reference}}$ -value of bleached chemical pulp (others than sulphite) indicated in Table 1, up to a level of 0,1 shall be granted where it is demonstrated that the higher level of P is due to P naturally occurring in the wood pulp.

In case of co-generation of heat and electricity at the same plant, the emissions of S and NO_x resulting from electricity generation can be subtracted from the total amount. The following equation can be used to calculate the proportion of the emissions resulting from electricity generation:

$$2 \times (\text{MWh}(\text{electricity})) / [2 \times \text{MWh}(\text{electricity}) + \text{MWh}(\text{heat})]$$

The electricity in this calculation is the electricity produced at the co-generation plant.

The heat in this calculation is the net heat delivered from the power plant to the pulp/paper production.

Assessment and verification: the applicant shall provide detailed calculations showing compliance with this criterion, together with related supporting documentation which shall include test reports using the following test methods: COD: ISO 6060; NO_x : ISO 11564; S(oxid.): EPA No 8; S(red.): EPA No 16A; S content in oil: ISO 8754; S content in coal: ISO 351; P: EN ISO 6878, APAT IRSA CNR 4110 or Dr Lange LCK 349.

The supporting documentation shall include an indication of the measurement frequency and the calculation of the points for COD, S and NO_x. It shall include all emissions of S and NO_x which occur during the production of pulp and paper, including steam generated outside the production site, except those emissions related to the production of electricity. Measurements shall include recovery boilers, lime kilns, steam boilers and destructor furnaces for strong smelling gases. Diffuse emissions shall be taken into account. Reported emission values for S to air shall include both oxidised and reduced S emissions (dimethyl sulphide, methyl mercaptan, hydrogen sulphide and similar emissions). The S emissions related to the heat energy generation from oil, coal and other external fuels with known S content may be calculated instead of measured, and shall be taken into account.

Measurements of emissions to water shall be taken on unfiltered and unsettled samples either after treatment at the plant or after treatment by a public treatment plant. The period for the measurements shall be based on the production during 12 months. In case of a new or a rebuilt production plant, the measurements shall be based on at least 45 subsequent days of stable running of the plant. The measurement shall be representative of the respective campaign.

In case of integrated mills, due to the difficulties in getting separate emission figures for pulp and paper, if only a combined figure for pulp and paper production is available, the emission values for pulp(s) shall be set to zero and the figure for the paper mill shall include both pulp and paper production.

(b) AOX (Adsorbable Organic Halogen)

- Until 31 March 2013, the AOX emissions from the production of each pulp used shall not exceed 0,20 kg/ADT.
- From 1 April 2013 until the expiry of the period of validity of the criteria set out in this Decision, the AOX emissions from the production of each pulp used shall not exceed 0,17 kg/ADT.

Assessment and verification: the applicant shall provide test reports using the following test method: AOX ISO 9562 accompanied by detailed calculations showing compliance with this criterion, together with related supporting documentation.

The supporting documentation shall include an indication of the measurement frequency. AOX shall only be measured in processes where chlorine compounds are used for the bleaching of the pulp. AOX need not be measured in the effluent from non-integrated paper production or in the effluents from pulp production without bleaching or where the bleaching is performed with chlorine-free substances.

Measurements shall be taken on unfiltered and unsettled samples either after treatment at the plant or after treatment by a public treatment plant. The period for the measurements shall be based on the production during 12 months. In case of a new or a re-built production plant, the measurements shall be based on at least 45 subsequent days of stable running of the plant. The measurement shall be representative of the respective campaign.

(c) CO₂

The emissions of carbon dioxide from non-renewable sources shall not exceed 1 000 kg per tonne of paper produced, including emissions from the production of electricity (whether on-site or off-site). For non-integrated mills (where all pulps used are purchased market pulps) the emissions shall not exceed 1 100 kg per tonne. The emissions shall be calculated as the sum of the emissions from the pulp and paper production.

Assessment and verification: the applicant shall provide detailed calculations showing compliance with this criterion, together with related supporting documentation.

The applicant shall provide data on the air emissions of carbon dioxide. This shall include all sources of non-renewable fuels during the production of pulp and paper, including the emissions from the production of electricity (whether on-site or off-site).

The following emission factors shall be used in the calculation of the CO₂ emissions from fuels:

Table 2

Fuel	CO ₂ fossil emission	Unit
Coal	96	g CO ₂ fossil/MJ
Crude oil	73	g CO ₂ fossil/MJ
Fuel oil 1	74	g CO ₂ fossil/MJ
Fuel oil 2-5	81	g CO ₂ fossil/MJ
LPG	66	g CO ₂ fossil/MJ
Natural Gas	56	g CO ₂ fossil/MJ
Grid Electricity	400	g CO ₂ fossil/kWh

The period for the calculations or mass balances shall be based on the production during 12 months. In case of a new or a rebuilt production plant, the calculations shall be based on at least 45 subsequent days of stable running of the plant. The calculations shall be representative of the respective campaign.

For grid electricity, the value quoted in the table above (the European average) shall be used unless the applicant presents documentation establishing the average value for their suppliers of electricity (contracting supplier or national average), in which case the applicant may use this value instead of the value quoted in the table.

The amount of energy from renewable sources⁽¹⁾ purchased and used for the production processes will not be considered in the calculation of the CO₂ emissions. Appropriate documentation that this kind of energy is actually used at the mill or is externally purchased shall be provided by the applicant.

Criterion 2 — Energy use

(a) Electricity

The electricity consumption related to the pulp and the paper production shall be expressed in terms of points (P_E) as detailed below.

The number of points, P_E , shall be less than or equal to 1,5.

The calculation of P_E shall be made as follows.

Calculation for pulp production: For each pulp i used, the related electricity consumption ($E_{pulp,i}$ expressed in kWh/ADT) shall be calculated as follows:

$$E_{pulp,i} = \text{Internally produced electricity} + \text{purchased electricity} - \text{sold electricity}$$

Calculation for paper production: Similarly, the electricity consumption related to the paper production (E_{paper}) shall be calculated as follows:

$$E_{paper} = \text{Internally produced electricity} + \text{purchased electricity} - \text{sold electricity}$$

Finally, the points for pulp and paper production shall be combined to give the overall number of points (P_E) as follows:

$$P_E = \frac{\sum_{i=1}^n [pulp,i \times E_{pulp,i}] + E_{paper}}{\sum_{i=1}^n [pulp,i \times E_{ref\ pulp,i}] + E_{ref\ paper}}$$

In case of integrated mills, due to the difficulties in getting separate electricity figures for pulp and paper, if only a combined figure for pulp and paper production is available, the electricity values for pulp(s) shall be set to zero and the figure for the paper mill shall include both pulp and paper production.

(b) Fuel (heat)

The fuel consumption related to the pulp and the paper production shall be expressed in terms of points (P_F) as detailed below.

⁽¹⁾ As defined in Directive 2009/28/EC of the European Parliament and of the Council (OJ L 140, 5.6.2009, p. 16).

The number of points, P_F , shall be less than or equal to 1,5.

The calculation of P_F shall be made as follows.

Calculation for pulp production: For each pulp i used, the related fuel consumption ($F_{pulp,i}$ expressed in kWh/ADT) shall be calculated as follows:

$$F_{pulp,i} = \text{Internally produced fuel} + \text{purchased fuel} - \text{sold fuel} - 1,25 \times \text{internally produced electricity}$$

Note:

1. $F_{pulp,i}$ (and its contribution to $P_{F, pulp}$) need not be calculated for mechanical pulp unless it is market air dried mechanical pulp containing at least 90 % dry matter.
2. The amount of fuel used to produce the sold heat shall be added to the term sold fuel in the equation above.

Calculation for paper production: similarly, the fuel consumption related to the paper production (F_{paper} , expressed in kWh/ADT), shall be calculated as follows:

$$F_{paper} = \text{Internally produced fuel} + \text{purchased fuel} - \text{sold fuel} - 1,25 \times \text{internally produced electricity}$$

Finally, the points for pulp and paper production shall be combined to give the overall number of points (P_F) as follows:

$$P_F = \frac{\sum_{i=1}^n [pulp,i \times F_{pulp,i}] + F_{paper}}{\sum_{i=1}^n [pulp,i \times F_{ref pulp,i}] + F_{ref paper}}$$

Table 3

Reference values for electricity and fuel

Pulp grade	Fuel kWh/ADT		Electricity kWh/ADT	
	$F_{reference}$		$E_{reference}$	
	Non-admp	admp	Non-admp	admp
Chemical pulp	4 000	5 000	800	800
Thermomechanical pulp (TMP)	0	900	2 200	2 200
Groundwood pulp (including Pressurised Groundwood)	0	900	2 000	2 000
Chemithermomechanical pulp (CTMP)	0	1 000	2 000	2 000
Recovered fibre pulp	300	1 300	450	550
Paper grade	Fuel	kWh/tonne		Electricity kWh/tonne
Newsprint paper grade		1 800		700

Admp = air dried market pulp.

Assessment and verification (for both (a) and (b)): the applicant shall provide detailed calculations showing compliance with this criterion, together with all related supporting documentation. Reported details shall therefore include the total electricity and fuel consumption.

The applicant shall calculate all energy inputs, divided into heat/fuels and electricity used during the production of pulp and paper, including the energy used in the de-inking of waste papers for the production of recovered paper. Energy used in the transport of raw materials, as well as conversion and packaging, is not included in the energy consumption calculations.

Total heat energy includes all purchased fuels. It also includes heat energy recovered by incinerating liquors and wastes from on-site processes (e.g. wood waste, sawdust, liquors, waste paper, paper broke), as well as heat recovered from the internal generation of electricity — however, the applicant need only count 80 % of the heat energy from such sources when calculating the total heat energy.

Electric energy means net imported electricity coming from the grid and internal generation of electricity measured as electric power. Electricity used for wastewater treatment need not be included.

Where steam is generated using electricity as the heat source, the heat value of the steam shall be calculated, then divided by 0, 8 and added to the total fuel consumption.

In case of integrated mills, due to the difficulties in getting separate fuel (heat) figures for pulp and paper, if only a combined figure for pulp and paper production is available, the fuel (heat) values for pulp(s) shall be set to zero and the figure for the paper mill shall include both pulp and paper production.

Criterion 3 — Fibres

At least the 70 % (w/w) on the total amount of fibres used for newsprint paper shall be recovered fibres.

All fibres used that are not recovered shall be virgin fibres covered by valid sustainable forest management and chain of custody certificates issued by an independent third party certification scheme such as FSC, PEFC or equivalent.

However, where certification schemes allow mixing certified material and uncertified material in a product or product line, the proportion of uncertified material shall not exceed 50 % of the overall amount of virgin fibres used. Such uncertified material shall be covered by a verification system which ensures that it is legally sourced and meets any other requirement of the certification scheme with respect to uncertified material.

The certification bodies issuing forest and/or chain of custody certificates shall be accredited/recognised by that certification scheme.

Excluded from the calculation of recovered fibres content is the reutilisation of materials generated in a process and capable of being reclaimed within the same process that generated it (mill broke — own produced or purchased).

Assessment and verification: the applicant shall provide appropriate documentation indicating the types, quantities and origins of fibres used in the pulp and the paper production.

Where virgin fibres are used, the product shall be covered by valid forest management and chain of custody certificates issued by an independent third party certification scheme, such as PEFC, FSC or equivalent. If the product or product line includes uncertified material, proof should be provided that the uncertified material is less than 50 per cent and is covered by a verification system which ensures that it is legally sourced and meets any other requirement of the certification scheme with respect to uncertified material.

The percentage of recovered fibres shall be calculated as ratio between the inputs of recovered fibres compared to the final paper production. Where recovered fibres are used, the applicant shall provide a declaration stating the average amount of grades of recovered paper used for the product in accordance with the standard EN 643 ⁽¹⁾ or an equivalent standard. The applicant shall also provide a declaration that no mill broke (own or purchased) was used for the calculation of the recovered percentage.

Criterion 4 — Excluded or limited substances and mixtures

Assessment and verification: the applicant shall supply a list of the chemical products used in the pulp and paper production, together with appropriate documentation (such as Safety Data Sheets). This list shall include the quantity, function and suppliers of all the substances used in the production process.

(a) Hazardous substances and mixtures

In accordance with Article 6(6) of Regulation (EC) No 66/2010, the product shall not contain substances referred to in Article 57 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council ⁽²⁾ nor substances or mixtures meeting the criteria for classification with the hazard statements or risk phrases in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council ⁽³⁾ or Council Directive 67/548/EEC ⁽⁴⁾ specified in the table below.

⁽¹⁾ European List of Standard Grades of Recovered Paper and Board, June 2002.

⁽²⁾ OJ L 396, 30.12.2006, p. 1.

⁽³⁾ OJ L 353, 31.12.2008, p. 1.

⁽⁴⁾ OJ 196, 16.8.1967, p. 1.

List of hazard statements and risk phrases:

Hazard statement ⁽¹⁾	Risk phrase ⁽²⁾
H300 Fatal if swallowed	R28
H301 Toxic if swallowed	R25
H304 May be fatal if swallowed and enters airways	R65
H310 Fatal in contact with skin	R27
H311 Toxic in contact with skin	R24
H330 Fatal if inhaled	R23/26
H331 Toxic if inhaled	R23
H340 May cause genetic defects	R46
H341 Suspected of causing genetic defects	R68
H350 May cause cancer	R45
H350i May cause cancer by inhalation	R49
H351 Suspected of causing cancer	R40
H360F May damage fertility	R60
H360D May damage the unborn child	R61
H360FD May damage fertility. May damage the unborn child	R60/61/60-61
H360Fd May damage fertility. Suspected of damaging the unborn child	R60/63
H360Df May damage the unborn child. Suspected of damaging fertility	R61/62
H361f Suspected of damaging fertility	R62
H361d Suspected of damaging the unborn child	R63
H361fd Suspected of damaging fertility. Suspected of damaging the unborn child.	R62-63
H362 May cause harm to breast fed children	R64
H370 Causes damage to organs	R39/23/24/25/26/27/28
H371 May cause damage to organs	R68/20/21/22
H372 Causes damage to organs through prolonged or repeated exposure	R48/25/24/23
H373 May cause damage to organs through prolonged or repeated exposure	R48/20/21/22
H400 Very toxic to aquatic life	R50
H410 Very toxic to aquatic life with long-lasting effects	R50-53
H411 Toxic to aquatic life with long-lasting effects	R51-53
H412 Harmful to aquatic life with long-lasting effects	R52-53
H413 May cause long-lasting harmful effects to aquatic life	R53
EUH059 Hazardous to the ozone layer	R59
EUH029 Contact with water liberates toxic gas	R29

Hazard statement ⁽¹⁾	Risk phrase ⁽²⁾
EUH031 Contact with acids liberates toxic gas	R31
EUH032 Contact with acids liberates very toxic gas	R32
EUH070 Toxic by eye contact	R39-41
No commercial dye formulation, colourants, surface-finishing agents, auxiliaries and coating materials shall be used on either pulp or paper that has been assigned or may be assigned at the time of application the hazard statement H317: May cause allergic skin reaction.	R43

⁽¹⁾ As provided for in Regulation (EC) No 1272/2008.

⁽²⁾ As provided for in Directive 67/548/EEC.

Substances or mixtures which change their properties upon processing (e.g., become no longer bioavailable, undergo chemical modification) so that the identified hazard no longer applies are exempted from the above requirement.

Concentration limits for substances or mixtures which may be or have been assigned the hazard statements or risk phrase listed above, or which meet the criteria for classification in the hazard classes or categories listed in the table above, and concentration limits for substances meeting the criteria set out in Article 57(a), (b) or (c) of Regulation (EC) No 1907/2006, shall not exceed the generic or specific concentration limits determined in accordance with the Article 10 of Regulation (EC) No 1272/2008. Where specific concentration limits are determined, they shall prevail over the generic ones.

Concentration limits for substances meeting the criteria set out in Article 57(d), (e) or (f) of Regulation (EC) No 1907/2006 shall not exceed 0,1 % weight by weight.

Assessment and verification: the applicant shall prove compliance with these criteria by providing data on the amount (kg/ADT paper produced) of substances used in the process and by demonstrating that the substances referred to in these criteria are not retained in the final product above the concentration limits specified. The concentration for substances and mixtures shall be specified in the Safety Data Sheets in accordance with Article 31 of Regulation (EC) No 1907/2006.

(b) Substances listed in accordance with Article 59(1) of Regulation (EC) No 1907/2006

No derogation from the prohibition set out in Article 6(6) of Regulation (EC) No 66/2010 shall be granted concerning substances identified as substances of very high concern and included in the list provided in Article 59 of Regulation (EC) No 1907/2006, present in mixtures, in an article or in any homogenous part of a complex article in concentrations higher than 0,1 %. Specific concentration limits determined in accordance with Article 10 of Regulation (EC) No 1272/2008 shall apply where the concentration is lower than 0,1 %.

Assessment and verification: the list of substances identified as substances of very high concern and included in the candidate list in accordance with Article 59 of Regulation (EC) No 1907/2006 can be found here:

http://echa.europa.eu/chem_data/authorisation_process/candidate_list_table_en.asp

Reference to the list shall be made on the date of application.

The applicant shall prove compliance with this criterion by providing data on the amount (kg/ADT paper produced) of substances used in the process and by demonstrating that the substances referred to in this criterion are not retained in the final product above the concentration limits specified. The concentration shall be specified in the safety data sheets in accordance with Article 31 of Regulation (EC) No 1907/2006.

(c) Chlorine

Chlorine gas or other chlorinated compounds shall not be used as a bleaching agent. This requirement does not apply to chlorine gas related to the production and use of chlorine dioxide.

Assessment and verification: the applicant shall provide a declaration from the pulp producer(s) that chlorine gas or other chlorinated compounds have not been used as a bleaching agent. *Note:* while this requirement also applies to the bleaching of recovered fibres, it is accepted that the fibres in their previous life-cycle may have been bleached with chlorine gas or other chlorinated compounds.

(d) APEOs

Alkylphenol ethoxylates or other alkylphenol derivatives shall not be added to cleaning substances, de-inking substances, foam inhibitors, or dispersants. Alkylphenol derivatives are defined as substances that upon degradation produce alkyl phenols.

Assessment and verification: the applicant shall provide a declaration(s) from their chemical supplier(s) that alkylphenol ethoxylates or other alkylphenol derivatives have not been added to those products.

(e) Residual monomers

The total quantity of residual monomers (excluding acrylamide) that may be or have been assigned any of the following risk phrases (or combinations thereof) and are present in coatings, retention aids, strengtheners, water repellents or chemicals used in internal and external water treatment shall not exceed 100 ppm (calculated on the basis of their solid content).

Hazard statement ⁽¹⁾	Risk phrase ⁽²⁾
H340 May cause genetic defects	R46
H350 May cause cancer	R45
H350i May cause cancer by inhalation	R49
H351 Suspected of causing cancer	R40
H360F May damage fertility	R60
H360D May damage the unborn child	R61
H360FD May damage fertility. May damage the unborn child	R60/61/60-61
H360Fd May damage fertility. Suspected of damaging the unborn child	R60/63
H360Df May damage the unborn child. Suspected of damaging fertility	R61/62
H400 Very toxic to aquatic life	R50/50-53
H410 Very toxic to aquatic life with long-lasting effects	R50-53
H411 Toxic to aquatic life with long-lasting effects	R51-53
H412 Harmful to aquatic life with long-lasting effects	R52-53
H413 May cause long-lasting effects to aquatic life	R53

⁽¹⁾ As provided for in Regulation (EC) No 1272/2008.

⁽²⁾ As provided for in Directive 67/548/EEC.

Acrylamide shall not be present in coatings, retention aids, strengtheners, water repellents or chemicals used in internal and external water treatment in concentrations higher than 700 ppm (calculated on the basis of their solid content).

The competent body may exempt the applicant from those requirements in relation to chemicals used in external water treatment.

Assessment and verification: the applicant shall provide a declaration of compliance with this criterion, together with appropriate documentation (such as Safety Data Sheets).

(f) Surfactants in de-inking

All surfactants used in de-inking shall be ultimately biodegradable (see test methods and pass levels below).

Assessment and verification: the applicant shall provide a declaration of compliance with this criterion together with the relevant safety data sheets or test reports for each surfactant which shall indicate the test method, threshold and conclusion stated, using one of the following test method and pass levels: OECD 302 A-C (or equivalent ISO standards), with a percentage degradation (including adsorption) within 28 days of at least 70 % for 302 A and B, and of at least 60 % for 302 C.

(g) Biocides

The active components in biocides or biostatic agents used to counter slime-forming organisms in circulation water systems containing fibres shall not be potentially bio-accumulative. Biocides' bioaccumulation potentials are characterised by log Pow (log octanol/water partition coefficient) < 3,0 or an experimentally determined bioconcentration factor (BCF) \leq 100.

Assessment and verification: the applicant shall provide a declaration of compliance with this criterion together with the relevant material safety data sheet or test report which shall indicate the test method, threshold and conclusion stated, using the following test methods: OECD 107, 117 or 305 A-E.

(h) Azo dyes

Azo dyes that may cleave to any of the following aromatic amines shall not be used, in accordance with Annex XVII to Regulation (EC) No 1907/2006:

1. 4-aminobiphenyl	(92-67-1),
2. benzidine	(92-87-5),
3. 4-chloro-o-toluidine	(95-69-2),
4. 2-naphthylamine	(91-59-8),
5. o-aminoazotoluene	(97-56-3),
6. 2-amino-4-nitrotoluene	(99-55-8),
7. p-chloroaniline	(106-47-8),
8. 2,4-diaminoanisole	(615-05-4),
9. 4,4'-diaminodiphenylmethane	(101-77-9),
10. 3,3'-dichlorobenzidine	(91-94-1),
11. 3,3'-dimethoxybenzidine	(119-90-4),
12. 3,3'-dimethylbenzidine	(119-93-7),
13. 3,3'-dimethyl-4,4'-diaminodiphenylmethane	(838-88-0),
14. p-cresidine	(120-71-8),
15. 4,4'-methylene-bis-(2-chloroaniline)	(101-14-4),
16. 4,4'-oxydianiline	(101-80-4),
17. 4,4'-thiodianiline	(139-65-1),
18. o-toluidine	(95-53-4),
19. 2,4-diaminotoluene	(95-80-7),
20. 2,4,5-trimethylaniline	(137-17-7),
21. 4-aminoazobenzene	(60-09-3),
22. o-anisidine	(90-04-0).

Assessment and verification: the applicant shall provide a declaration of compliance with this criterion.

(i) Metal complex dye stuffs or pigments

Dyes or pigments based on lead, copper, chromium, nickel or aluminium shall not be used. Copper phthalocyanine dyes or pigments may, however, be used.

Assessment and verification: the applicant shall provide a declaration of compliance.

(j) Ionic impurities in dye stuffs

The levels of ionic impurities in the dye stuffs used shall not exceed the following: Ag 100 ppm; As 50 ppm; Ba 100 ppm; Cd 20 ppm; Co 500 ppm; Cr 100 ppm; Cu 250 ppm; Fe 2 500 ppm; Hg 4 ppm; Mn 1 000 ppm; Ni 200 ppm; Pb 100 ppm; Se 20 ppm; Sb 50 ppm; Sn 250 ppm; Zn 1 500 ppm.

Assessment and verification: the applicant shall provide a declaration of compliance.

Criterion 5 — Waste management

All pulp and paper production sites shall have a system for handling waste (as defined by the relevant regulatory authorities of the pulp and paper production sites in question) and residual products arising from the production of the ecolabelled product. The system shall be documented or explained in the application and include information on at least the following points:

- procedures for separating and using recyclable materials from the waste stream,
- procedures for recovering materials for other uses, such as incineration for raising process steam or heating, or agricultural use,
- procedures for handling hazardous waste (as defined by the relevant regulatory authorities of the pulp and paper production sites in question).

Assessment and verification: the applicant shall provide a detailed description of the procedures adopted for the waste management of each of the sites concerned and a declaration of compliance with the criterion.

Criterion 6 — Fitness for use

The product shall be suitable for its purpose.

Assessment and verification: the applicant shall provide appropriate documentation demonstrating compliance with the scope of the criteria. The product shall fulfil the requirements for permanence in accordance with applicable standards. The user manual will provide the list of norms and standards which shall be used for the permanence assessment.

As alternative to the use of the above methods, the producers shall guarantee the fitness for use of their products providing appropriate documentation demonstrating the paper quality, in accordance with the standard EN ISO/IEC 17050-1:2004, which provides general criteria for suppliers' declaration of conformity with normative documents.

Criterion 7 — Information appearing on the EU Ecolabel

The optional label with text box shall contain the following text:

- '— low air and water pollution
- use of certified fibres AND/OR use of recovered fibres [case-by-case]
- hazardous substances restricted'

The guidelines for the use of the optional label with the text box can be found in the 'Guidelines for the use of the EU Ecolabel logo' on the website:

<http://ec.europa.eu/environment/ecolabel/promo/pdf/logo%20guidelines.pdf>

Assessment and verification: the applicant shall provide a sample of the product packaging showing the label, together with a declaration of compliance with this criterion.

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