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Contents

II *Non-legislative acts*

## REGULATIONS

- ★ **Commission Implementing Regulation (EU) No 1203/2012 of 14 December 2012 on the separate sale of regulated retail roaming services within the Union <sup>(1)</sup> .....** 1
- ★ **Commission Implementing Regulation (EU) No 1204/2012 of 14 December 2012 approving amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Castelmagno (PDO)) .....** 8
- ★ **Commission Implementing Regulation (EU) No 1205/2012 of 14 December 2012 amending Regulation (EU) No 802/2010 as regards the company performance <sup>(1)</sup> .....** 10
- ★ **Commission Implementing Regulation (EU) No 1206/2012 of 14 December 2012 concerning the authorisation of a preparation of endo-1,4-beta-xylanase produced by *Aspergillus oryzae* (DSM 10287) as a feed additive for poultry for fattening, weaned piglets and pigs for fattening and amending Regulations (EC) No 1332/2004 and (EC) No 2036/2005 (holder of the authorisation DSM Nutritional Products) <sup>(1)</sup> .....** 12
- Commission Implementing Regulation (EU) No 1207/2012 of 14 December 2012 establishing the standard import values for determining the entry price of certain fruit and vegetables .....
- Commission Implementing Regulation (EU) No 1208/2012 of 14 December 2012 fixing the import duties in the cereals sector applicable from 16 December 2012 .....

Price: EUR 3

(Continued overleaf)

<sup>(1)</sup> Text with EEA relevance

EN

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

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

DECISIONS

2012/782/EU:

- ★ **Commission Implementing Decision of 11 December 2012 determining quantitative limits and allocating quotas for substances controlled under Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer, for the period 1 January to 31 December 2013** (notified under document C(2012) 8899)..... 20

2012/783/EU:

- ★ **Commission Implementing Decision of 13 December 2012 on the recognition of the Hashemite Kingdom of Jordan pursuant to Directive 2008/106/EC of the European Parliament and of the Council as regards the systems for the training and certification of seafarers** (notified under document C(2012) 9253) <sup>(1)</sup>..... 28

2012/784/EU:

- ★ **Commission Decision of 13 December 2012 concerning national provisions notified by Austria on certain industrial greenhouse gases** (notified under document C(2012) 9256) ..... 29

2012/785/EU:

- ★ **Commission Implementing Decision of 13 December 2012 approving certain amended programmes for the eradication and monitoring of animal diseases and zoonoses for the year 2012 and amending Implementing Decision 2011/807/EU as regards the financial contribution by the Union for certain programmes approved by that Decision** (notified under document C(2012) 9264) ..... 31

2012/786/EU:

- ★ **Commission Implementing Decision of 13 December 2012 amending Decision 2010/221/EU as regards national measures for preventing the introduction of certain aquatic animal diseases into parts of Ireland, Finland and the United Kingdom** (notified under document C(2012) 9295) <sup>(1)</sup> 36

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

2012/787/EU:

- ★ **Decision No 1/2012 of the ESA-EU Customs Cooperation Committee of 29 November 2012 on a derogation from the rules of origin laid down in Protocol 1 to the Interim Agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa States, on the one part, and the European Community and its Member States, on the other part, to take account of the special situation of the Eastern and Southern Africa States with regard to preserved tuna and tuna loins** ..... 38



<sup>(1)</sup> Text with EEA relevance

## II

(Non-legislative acts)

## REGULATIONS

**COMMISSION IMPLEMENTING REGULATION (EU) No 1203/2012****of 14 December 2012****on the separate sale of regulated retail roaming services within the Union****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 531/2012 of the European Parliament and of the Council of 13 June 2012 on roaming on public mobile communications networks within the Union <sup>(1)</sup>, and in particular Article 5(2) thereof,

After consulting the Body of European Regulators for Electronic Communications,

Whereas:

(1) Regulation (EU) No 531/2012 introduces the concept of separate sale of regulated retail roaming services. Firstly, Article 4(1) of Regulation (EU) No 531/2012 imposes an obligation on domestic providers to enable their customers to access regulated voice, SMS and data roaming services, provided as a bundle, by any alternative roaming provider. Furthermore, the provisions on separate sale of regulated retail roaming services as laid down in Article 4(1) include the requirement for domestic providers and roaming providers not to prevent roaming customers from accessing regulated data roaming services provided directly on a visited network by an alternative roaming provider.

(2) In order to ensure consistent and simultaneous implementation across the Union of the separate sale of regulated retail roaming services, Regulation (EU) No 531/2012 requires the Commission to adopt, by means

of implementing acts, detailed rules on the information obligations about the possibility for roaming customers to opt for an alternative roaming provider and on a technical solution for the implementation of the separate sale of regulated retail roaming services.

(3) In accordance with Article 5(4) of Regulation (EU) No 531/2012, the technical solution to implement the separate sale of regulated retail roaming services may combine one or more technical modalities for the purposes of meeting all the criteria set out in Article 5(3) of Regulation (EU) No 531/2012. Several technical modalities should therefore need to be implemented, if not all of these criteria can be met by only one technical modality. This Regulation should lay down detailed rules on this technical solution comprising the requirements for domestic providers to deploy network elements and to provide related services concerning each technical modality, in order to ensure access to these facilities necessary to allow alternative roaming providers to offer separate roaming services and to provide for the switching process between donor and recipient roaming providers.

(4) At the same time, the technical solution should make it possible to give effect to the obligations referred to in Article 4(1) of Regulation (EU) No 531/2012. Therefore the technical solution should ensure both the possibility for customers to access regulated voice, SMS and data roaming services, provided as a bundle by any alternative roaming provider and that domestic providers and roaming providers comply with the obligation not to prevent customers from accessing regulated data roaming services provided directly on a visited network by an alternative roaming provider.

(5) Currently all retail roaming services are provided together with domestic mobile communication services by the domestic provider. Regulation (EU) No 531/2012 enables the roaming customer to select an alternative roaming provider for regulated roaming services

<sup>(1)</sup> OJ L 172, 30.6.2012, p. 10.

provided as a bundle and to acquire those roaming services separately from the domestic mobile services. In this regard, the roaming customer concludes a contract with an alternative roaming provider for the provision of those services.

- (6) There are several technical modalities to implement the separate sale of roaming services as a bundle, including dual International Mobile Subscriber Identity (dual-IMSI) (two separate IMSI on the same SIM card) and single IMSI (the sharing of one IMSI between the domestic and roaming providers). The dual IMSI technical modality is based on a second profile on the roaming customer's SIM card that can be used by the alternative roaming provider for the sale of regulated roaming services, while the first profile is still used by the domestic provider for the sale of domestic services and possibly non-regulated roaming services. Under the single IMSI technical modality the separate roaming services are technically still provided by the domestic provider, which serves as the host mobile network operator to the alternative roaming provider. The separate roaming services are provided on a wholesale basis to the alternative roaming provider, which resells the services to the roaming customer at retail level. The most basic version is a pure resale option. Furthermore, there are a number of potential enhancements to the pure resale technical modality that enable the alternative roaming provider to control which visited networks are to be used preferably and to recover discounts on the wholesale roaming services purchased from the host mobile network operator (MNO) based on wholesale agreements with visited network operators or wholesale aggregators.
- (7) In accordance with Article 5(1) of Regulation (EU) No 531/2012, access to the network elements and services necessary for the separate sale of regulated retail roaming services should be provided free of charge. Consequently, pricing of any additional services which go beyond what is necessary for the separate sale of regulated retail roaming services is not covered by Article 5(1). Access to facilities and support services for the separate sale of regulated retail roaming services includes the facilities and services needed in the process of switching a customer.
- (8) The Body of European Regulators for Electronic Communications ('BEREC') has carried out its expert assessment on the solutions to implement separate roaming services<sup>(1)</sup>. BEREC considers that the implementation of dual-IMSI requires significant development and standardisation activity and estimates that the implementation costs would impose a significant overhead on retail prices. Given that this technical modality would also require upgrading of the currently used SIM cards

to include dual-IMSI functionality, the dual-IMSI technical modality fails to provide a cost-effective and consumer-friendly option for the separate sale of regulated retail roaming services.

- (9) In contrast, the single IMSI technical modality appears more appropriate in the light of the criteria set out in Article 5(3) of Regulation (EU) No 531/2012. Firstly, in relation to criteria (h), (i), (j), (k) of Article 5(3) all identified technical modalities including the single IMSI technical modality can be implemented in a way that meets these criteria. Secondly, the single IMSI is consumer and user-friendly given that the roaming service is technically provided in the same way as it has been so far and therefore the same seamless user experience can be expected. Thirdly, the implementation costs of single IMSI are lower than for dual IMSI and no major standardisation activities are needed to enable it. BEREC also considers that there are no implementation bottlenecks for implementing single IMSI.
- (10) The efficiency of the single IMSI technical modality in terms of competition effects could be enhanced if the alternative roaming providers could steer the roaming traffic to a visited network of their preference. However, the implementation of traffic steering arrangements for an enhanced single IMSI technical modality would be justified only if the implementation costs were proportionate to the expected competition benefits. So far, there is no evidence that the necessary traffic steering arrangements for an enhanced single IMSI technical modality could be implemented at reasonable cost by 1 July 2014. Therefore, at this stage, the single-IMSI technical modality in the form of roaming resale is considered as being sufficient to meet all criteria provided in Article 5(3) except criteria (b) and (e), which are only partly met.
- (11) Neither the dual IMSI technical modality nor the single IMSI technical modality nor its enhancements meet all the criteria as provided of Article 5(3) of Regulation (EU) No 531/2012. In particular, none of them make it possible to give effect to the obligation imposed on domestic providers and roaming providers not to prevent customers from accessing regulated data roaming services provided directly on a visited network by an alternative roaming provider. However, at least one of the technical modalities of the technical solution needs to provide for the ability to give effect to this obligation as one of the obligations imposed in Article 4(1) of that Regulation.
- (12) In the current implementation and configuration of home networks such local data roaming services are prevented. A second technical modality is therefore needed to respond to the requirement of Regulation

<sup>(1)</sup> BoR (12) 68 and BoR (12) 109.

(EU) No 531/2012. In order to separate local data roaming services from the domestic bundle, visited network operators should not be prevented not only from technically processing the roaming customer's data traffic, but also from providing the service at retail level.

- (13) On the other hand, the single IMSI technical modality does not make it possible to serve all categories of consumer demand on competitive terms, such as the intensive usage of data services. Since wholesale caps for data roaming services are not strictly cost-oriented and will not decrease after 2014 despite an expected decrease in wholesale cost, it seems unrealistic that alternative roaming providers that have to rely on wholesale data roaming services would be able to offer retail data roaming services for heavy data users at attractive prices compared to price levels for domestic mobile data services. However, a technical modality that gives effect to the obligation on domestic providers and roaming providers not to prevent customers from accessing regulated data roaming services provided directly on a visited network by an alternative roaming provider puts alternative data roaming providers in a position to provide local data roaming services, i.e. data roaming services without relying on a wholesale data roaming service.
- (14) Retail data roaming services are currently provided by domestic providers based on wholesale agreements with the visited network operators. Data roaming traffic is sent and received over the radio access network of the visited network operator, and routed between visited network and home network. The home network operator provides the connection to the internet service and charges the roaming customer for the data roaming service. The current GSM/GPRS, EDGE and UMTS standards already enable the visited network operator to technically handle data roaming traffic and to provide the connection to the internet service without the necessity of routing between home and visited network. However, according to the current industry practice, the home network operator still charges the customer for the data roaming service and the visited network operator provides the processing of the traffic as a wholesale service for the home operator.
- (15) There are several ways to implement the requirement not to prevent local data roaming services. Basic requirements are the implementation and activation of the processing of data roaming traffic in the visited network and the requirement not to prevent the manual or automatic selection of a visited network. Possible enhancements include the modification of traffic steering elements in order not to interrupt an ongoing local data roaming session and the implementation of specific facilities to assist roaming customers in selecting a visited network or to support automatic selection of visited networks. Such basic requirements

should allow the development of different business models for providing local data roaming services, either on temporary or permanent basis.

- (16) In the case of temporary local data roaming services, the roaming customer can choose a local mobile network operator in that country for the provision of retail data roaming services directly if the service is offered in the visited country and if there is a roaming agreement between the visited network operator and the domestic network operator. The temporary nature of this service means that there is no permanent configuration of the network or the terminal equipment, therefore the original roaming behaviour is restored once local data roaming service is not used anymore. This kind of service would provide a similar customer experience to that of wireless local area networks such as WiFi currently used by many laptop, smart phone or tablet users abroad. Voice, SMS and other associated roaming services would be provided by the home network operator as usual, except where the roaming provider in the visited network offers these services as well.
- (17) In the case of permanent local data roaming services the roaming customer concludes a contract with a provider of local data roaming services instead of the roaming provider using a home network. In this case, an alternative roaming provider, e.g. a mobile network operator or reseller, would provide local data roaming services and the necessary technical support (in the form of specific applications or similar) in one or more countries to roaming customers on a permanent basis based on its own network footprint and/or the network footprints operated by MNOs to which it concluded resale agreements in each country.
- (18) Whereas the most simplistic commercial offers may not best meet the requirement for user-friendliness by requiring, e.g. the roaming customer to change terminal settings or to send a code by SMS to allow for the service and to select the visited network, it can be expected that depending on the popularity of the service, local data roaming services providers, terminals and applications suppliers or other actors will develop market-based solutions for enhanced user-friendliness. Consumer-friendliness of local data roaming services is considered good due to the flexibility to opt for and disconnect from local data roaming services providers instantaneously. Local data roaming services allow alternative roaming providers to exploit own infrastructure assets and commercial agreements for data roaming, e.g. through resale arrangements or permanent multi-country local data roaming services. According to BEREC, local data roaming services can be implemented rather quickly and are cost-effective as most of the costs are incurred by the alternative providers in proportion to the actual roll-out of local data roaming services. There is a high degree of interoperability as standards for the



- implementation of traffic processing in the visited network already exist. Therefore, the technical modality allowing for access to local data roaming services meets all the criteria provided in Article 5(3) of Regulation (EU) No 531/2012, except criteria (b) and (e), which are only partly met.
- (19) The technical modality allowing for access to local data roaming services only ensures access to data roaming services. Therefore, it does not fully meet criterion (e) of Article 5(3) of Regulation (EU) No 531/2012. Furthermore, this technical modality does not fully meet criterion (b), because only data users are expected to be attracted by access to local data roaming services.
- (20) The technical solution combining the two technical modalities, namely the single IMSI technical modality, implemented as a roaming resale service, and the technical modality allowing access to local data roaming services on a visited network, meets all the criteria of Article 5(3) of Regulation (EU) No 531/2012. Whereas neither the single IMSI technical modality nor the technical modality allowing access to local data roaming services alone fully meet criteria (b) and (e), they are complementary and meet criteria (b) and (e) only in combination.
- (21) In accordance with Article 4(2) of Regulation (EU) No 531/2012, the switch between roaming providers is to be carried out without undue delay, and in any case within the shortest possible period of time depending on the technical solution chosen for the implementation of the separate sale of regulated retail roaming services. In the case of the single IMSI technical modality, like the change of provider for domestic services, no further interaction with the user is necessary after the conclusion of the contract with the alternative roaming provider. This technical modality allow for the switching to be implemented within a similar period of time as the one for switching for domestic services, which is of one working day. Therefore, in the case of the single IMSI technical modality, any switching time period to and from an alternative roaming provider that exceeds the time period established for switching in case of domestic services should be considered as an undue delay as there are no underlying technical reasons to delay such switch any further than for a comparable switch between domestic services. In the case of the technical modality allowing for access to local data roaming services, the roaming customers are expected to select the alternative roaming provider for local data roaming services just before their intention to use the local data roaming service. The technical modality allows for the switch to or between providers of local data roaming services to be carried out instantaneously after the conclusion of the contract with the recipient roaming provider.
- (22) Cooperation and coordination among market players, BEREC and the Commission are necessary to enable a coordinated technical implementation of separate roaming services. In particular, a coordinated approach should be developed in order to identify relevant technical interfaces and to ensure sound implementation of those interfaces, to allow consistent and simultaneous implementation across the Union of the separate sale of regulated retail roaming services. An industry platform, open to all market participants, should provide a useful forum for such coordination.
- (23) In order to allow timely implementation of the separate sale of regulated retail roaming services, undertakings should not refuse testing of technical interfaces before the commercial roll-out of retail roaming services provided by alternative roaming providers prior to 1 July 2014.
- (24) In accordance with recital 38 of Regulation (EU) No 531/2012 BEREC, in collaboration with the relevant stakeholders, should develop guidance on technical elements necessary to enable the separate sale of roaming services.
- (25) Article 4(4) of Regulation (EU) No 531/2012 includes general provisions as to how and when customers are to be informed about the possibility to choose an alternative roaming provider. The content of the information and the possible ways of communicating it to a consumer need further specification in order to make it easier for the consumer to make an informed choice. Improving consumer awareness of the roaming market requires a combination of all available means to help consumers benefit from open markets.
- (26) In order to ensure that all customers could benefit from alternative offers, domestic providers should ensure that contracts concluded or renewed after 1 July 2014, allow the customer to switch the roaming provider at any time and free of any charges applied by the donor roaming provider.
- (27) Roaming providers, including alternative roaming providers offering local data roaming services, should implement transparency and safeguard mechanisms for the data services provided by them, in accordance with Article 15 of Regulation (EU) No 531/2012. In order to ensure transparency, roaming providers should also provide to their roaming customers information on the

services that may not be available when using local data roaming services, such as proprietary services supported by the domestic network.

- (28) The measures provided for in this Regulation are in accordance with the opinion of the Communications Committee,

HAS ADOPTED THIS REGULATION:

#### Article 1

##### Subject matter and scope

This Regulation lays down detailed rules for the separate sale of regulated retail roaming services across the Union.

It lays down detailed rules on a technical solution for the implementation of the separate sale of regulated retail roaming services. It also lays down detailed rules on the information obligations of domestic providers towards their roaming customers concerning the possibility to opt for roaming services provided by any alternative roaming provider.

#### Article 2

##### Definitions

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

- (a) 'resale of retail roaming services' means a provision of regulated roaming services, provided as a bundle, and associated services, such as voice mailbox services, that are usually available to roaming customers, without the need for roaming customers to change their SIM card or mobile device, in accordance with a wholesale agreement concluded between an alternative roaming provider and a domestic provider;
- (b) 'local data roaming service' means a regulated data roaming service provided, temporarily or permanently, to roaming customers directly on a visited network, by an alternative roaming provider without the need for roaming customers to change their SIM card or mobile device;
- (c) 'EU-Internet access point name (APN)' means a common identifier set, manually or automatically, in the roaming customer's mobile device and recognised by the home network and visited network to indicate the roaming customer's choice to use local data roaming services;
- (d) 'traffic steering' means a control function used by the home network operator aimed at the selection of visited networks for its roaming customers based on a priority list of preferred visited networks;
- (e) 'network barring' means a control function used by the home network operator aimed at avoiding the selection of certain visited networks for its roaming customers;

- (f) 'durable medium' means any instrument which enables the customer to store information addressed personally to him in a way which ensures accessibility for future use for an appropriate period of time, taking into account the purposes in which that information can be used and which allows the unchanged reproduction of the information stored;

- (g) 'recipient roaming provider' means a roaming provider, that will provide roaming services instead of roaming services currently provided by the donor roaming provider after the change of roaming provider;

- (h) 'donor roaming provider' means the roaming provider, that is currently providing roaming services to a customer.

#### Article 3

##### Technical modality for the implementation of the separate sale of regulated retail roaming services provided as a bundle

1. For the purpose of enabling roaming customers to access regulated voice, SMS and data roaming services, provided as a bundle by any alternative roaming provider, domestic providers operating a terrestrial public mobile communication network shall provide the necessary network elements and the relevant services that allow for the resale of retail roaming services, to the domestic provider's customers by the alternative roaming provider in parallel to domestic mobile communication services without the need for the roaming customers to change their SIM card or mobile device.

2. The network elements and relevant services provided in paragraph 1 shall cover inter alia:

- (a) facilities necessary for the procedure to change the roaming provider in accordance with paragraph 5;
- (b) facilities related to customer information, such as location data of the customer and customer data records for billing support, that are necessary for the provision of retail roaming services;
- (c) facilities necessary to support the implementation of the financial limits for the specified period of use of data roaming services in accordance with Article 15 of Regulation (EU) No 531/2012.

3. Domestic providers operating a terrestrial public mobile communication network shall meet all reasonable requests for access to network elements and services in accordance with paragraphs 1 and 2.

4. Domestic providers shall ensure that the roaming customers of the alternative roaming providers may continue to use their existing voice mailbox services.

5. The donor roaming provider shall collaborate with the recipient roaming provider in order to ensure that roaming customers who have concluded a contract with a recipient roaming provider are able to use the services provided by this provider within one working day.

#### Article 4

##### **Technical modality for the implementation of accessing local data roaming services on a visited network**

1. For the purpose of not preventing roaming customers from accessing regulated data roaming services provided directly on a visited network by an alternative roaming provider, domestic providers operating a terrestrial public mobile communication network shall meet reasonable requests for access to the necessary network elements and the relevant services that allow for the processing of data roaming traffic in the visited network and for the retail provisioning of local data roaming services by alternative roaming providers.

2. The network elements and relevant services provided in paragraph 1 shall cover inter alia:

- (a) facilities necessary for the roaming customer to switch between a roaming provider using a home network and an alternative roaming provider of local data roaming services for the purpose of using data roaming services in accordance with paragraph 4;
- (b) facilities allowing for the establishment of user access profiles for the EU-internet APN in the home network and for a mechanism in the home network that enables the processing of data roaming traffic in the visited network, routing of data roaming traffic to the selected alternative roaming provider and the retail provision of the data roaming service by the visited network operator for these user's access profiles;
- (c) facilities ensuring that traffic steering, network barring, or other mechanisms applied in the home network do not prevent the users from selecting the visited network for local data roaming services of their choice;
- (d) facilities ensuring that the user is not disconnected from the visited network for local data roaming services of its choice due to traffic steering or other mechanisms applied in the home network.

3. If an alternative roaming provider intends to offer local data roaming services, domestic providers operating a terrestrial public mobile communication network shall, for this purpose, meet reasonable requests for wholesale roaming access from an alternative roaming provider and allow the provision of local data roaming services by the alternative roaming provider and the provision of the remaining roaming services (voice and SMS) by the roaming provider using a home network to the roaming customers concerned during the usage of local data roaming services.

4. The donor roaming provider shall collaborate with the recipient roaming provider in order to ensure that roaming customers who have concluded a contract with a recipient roaming provider for the provision of local data roaming services are able to use the services provided by this provider instantaneously from the moment a recipient roaming provider sends a request to a donor roaming provider.

The donor provider and the alternative roaming provider have to ensure that, when implementing the technical modality, any roaming customer using local data roaming services has the possibility to cease using local data roaming services and to return to the default roaming services provided by the donor roaming provider at any time. The alternative roaming provider providing local data roaming services shall not prevent the automatic restoration of these default roaming services instantaneously from the moment a donor roaming provider sends a request to the alternative roaming provider.

#### Article 5

##### **Technical solution to implement the separate sale of regulated retail roaming services**

The domestic providers operating a terrestrial public mobile communication network shall implement cumulatively the technical modality for the implementation of the separate sale of regulated retail roaming services provided as a bundle and the technical modality for implementing access to local data roaming services on a visited network.

Roaming providers shall cooperate in order to ensure the interoperability of interfaces for the technical solution to implement the separate sale of regulated retail roaming services, on the basis of common agreed standards. Reference documents and database procedures applied by network operators for roaming purposes may be applied, provided that they are publicly available and are in conformity with Regulation (EU) No 531/2012 and the present Regulation.

#### Article 6

##### **Customer information on separate sale of regulated retail roaming services**

1. From 1 July 2014, domestic providers shall inform their existing roaming customers and shall provide information to new customers before the conclusion of the contract about the possibility to opt for separate roaming services provided by alternative roaming providers. In particular, they shall provide the following information:

- (a) details on the necessary steps to be taken by roaming customers to switch to or between alternative roaming providers;
- (b) the possibility to switch to or between alternative roaming providers at any moment and free of charge;



- (c) the changes which will be brought to the existing contractual conditions, which have to ensure that no charges are applied to the customer by the donor roaming provider in relation to the switch;
- (d) the period in which the switch to or between alternative roaming providers will be effected;
- (e) a reminder, that in case of the change of the domestic provider, the new domestic provider does not have the obligation to support the roaming services provided by a specific alternative roaming provider;
- (f) At the time of concluding a new contract or renewing an existing contract, customers shall confirm explicitly that they have been informed about the possibility to opt for an alternative roaming provider.

2. Information referred to by paragraph 1 shall be provided on a durable medium in a clear and comprehensible manner and in an easily accessible form. In case of pre-paid customers, whose contact information is not known to domestic providers, domestic providers should inform them via SMS or any other suitable mean.

Roaming customers shall have the right to request and receive, free of charge, more detailed information on the possibility to switch roaming providers at any time.

#### *Article 7*

##### **Review**

The Commission, when carrying out the review in accordance with Article 19 of Regulation (EU) No 531/2012, shall also assess, in consultation with BEREC, the effectiveness of the chosen technical solution to implement the separate sale of regulated retail roaming services and whether it requires to be updated in the light of technological or market developments. The review shall in particular evaluate whether the technical solution still meets the criteria set in Article 5(3) of Regulation (EU) No 531/2012 in the most efficient manner.

#### *Article 8*

##### **Entry into force**

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

It shall apply from 1 July 2014 to 30 June 2022.

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

Done at Brussels, 14 December 2012.

*For the Commission*  
*The President*  
José Manuel BARROSO

**COMMISSION IMPLEMENTING REGULATION (EU) No 1204/2012****of 14 December 2012****approving amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Castelmagno (PDO))**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs <sup>(1)</sup>, and in particular Article 9(2) thereof,

Whereas:

- (1) Pursuant to Article 6(2) of Regulation (EC) No 510/2006, and having regard to Article 17(2) thereof, Italy's application for approval of amendments to the specification for the name 'Castelmagno' was published in the *Official Journal of the European Union* <sup>(2)</sup>.
- (2) A statement of objection substantiated under Article 7(3)(a) of Regulation (EC) No 510/2006 was notified to the Commission by Luxembourg.

- (3) By letter of 23 September 2010, the Commission invited the interested parties to hold appropriate consultations. No agreement was reached between the parties within six months of that date. However, Luxembourg withdrew its objection by letter of 2 August 2012,

HAS ADOPTED THIS REGULATION:

*Article 1*

The amendments to the specification published in the *Official Journal of the European Union* on 24 December 2009 regarding the name contained in the Annex to this Regulation are hereby approved.

*Article 2*

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

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

Done at Brussels, 14 December 2012.

*For the Commission*  
*The President*  
José Manuel BARROSO

<sup>(1)</sup> OJ L 93, 31.3.2006, p. 12.

<sup>(2)</sup> OJ C 320, 24.12.2009, p. 27.

## ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

**Class 1.3. Cheeses**

ITALY

Castelmagno (PDO)

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**COMMISSION IMPLEMENTING REGULATION (EU) No 1205/2012**  
**of 14 December 2012**  
**amending Regulation (EU) No 802/2010 as regards the company performance**  
**(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control <sup>(1)</sup>, and in particular Article 27 thereof,

Whereas:

- (1) Company performance is one of the generic parameters determining the risk profile of a ship.
- (2) In order to assess company performance, the deficiency and detention rates of all ships in a company's fleet, which have been subject to an inspection within the Union and within the region covered by the Paris Memorandum of Understanding on port State control (Paris MoU), should be taken into account.
- (3) The implementing rules to calculate the company performance criteria for the ship risk profile as well as the methodology for drawing up the lists for publication are set out in Commission Regulation (EU) No 802/2010 of 13 September 2010 implementing Article 10(3) and Article 27 of Directive 2009/16/EC of the European Parliament and of the Council as regards company performance <sup>(2)</sup>.
- (4) Simulations of the publication of the lists based on the information recorded in the inspection database demonstrate that the methodology for publication set out in Regulation (EU) No 802/2010 should be more targeted.
- (5) Therefore in order to make the lists of companies with a low or very low performance relevant it is necessary to amend the criteria used for drawing these lists to focus publication on the poorest performing companies. This should not change the computation of the company performance calculation for the ship risk profile.
- (6) To be listed on the lists of low and very low performing companies the company should have demonstrated a level of poor performance for a continuous period of 36 months directly preceding the publication. A consistently poor performance for such an extended period demonstrates an unwillingness or inability on the part of the company to improve performance. As publication on the lists is based on the processing of the data corresponding to the performance of the companies for 36 months, sufficient time should be

provided before the first publication in order to gather in the THETIS database sufficient data reported by the Member States in accordance with Directive 2009/16/EC.

- (7) The companies to be listed are exclusively determined on the basis of the information transferred and validated by the Member States in the inspection database, in conformity with Article 24(3) of Directive 2009/16/EC. This information includes inspections of the ships, deficiencies identified during the inspections and detentions. It also includes the ship information (name, IMO identification number, call sign and flag) as well as the name of the owner or person such as the manager or bareboat charterer, who has assumed the responsibility for the operation of the ship as well as the duties and responsibilities imposed by the International Safety Management (ISM) Code. In this way the performance of a company and of the vessels for which it is responsible can be automatically monitored in the inspection database and the lists can be updated on a daily basis.
- (8) The Commission should be able to retrieve from the inspection database, using its automatic functionalities, the relevant data in order to determine the companies to be included on the list of companies with a low and very low performance.
- (9) The methodology for determining the company performance matrix is based on the processing of the detention index and the deficiency index of the company as provided for in the Annex to Regulation (EU) No 802/2010.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Safe Seas and the Prevention of Pollution from Ships,

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 3(2) of Regulation (EU) No 802/2010 is replaced by the following:

‘2. EMSA shall publish, from 1 January 2014, and update on a daily basis on its public website the following information:

- (a) the list of companies whose performance has been very low for a continuous period of 36 months;
- (b) the list of companies whose performance has been low or very low for a continuous period of 36 months;
- (c) the list of companies whose performance has been low for a continuous period of 36 months.’

<sup>(1)</sup> OJ L 131, 28.5.2009, p. 57.

<sup>(2)</sup> OJ L 241, 14.9.2010, p. 4.

*Article 2*

This Regulation shall enter into force on the 20th day following 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, 14 December 2012.

*For the Commission*  
*The President*  
José Manuel BARROSO

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**COMMISSION IMPLEMENTING REGULATION (EU) No 1206/2012  
of 14 December 2012**

**concerning the authorisation of a preparation of endo-1,4-beta-xylanase produced by *Aspergillus oryzae* (DSM 10287) as a feed additive for poultry for fattening, weaned piglets and pigs for fattening and amending Regulations (EC) No 1332/2004 and (EC) No 2036/2005 (holder of the authorisation DSM Nutritional Products)**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation. Article 10 of that Regulation provides for the re-evaluation of additives authorised pursuant to Council Directive 70/524/EEC<sup>(2)</sup>.
- (2) A preparation of endo-1,4-beta-xylanase (EC 3.2.1.8) produced by *Aspergillus oryzae* (DSM 10287) was authorised without a time limit in accordance with Directive 70/524/EEC as a feed additive for use on chickens for fattening, turkeys for fattening and piglets by Commission Regulation (EC) No 1332/2004<sup>(3)</sup> and authorised for four years for pigs for fattening and ducks by Commission Regulation (EC) No 2036/2005<sup>(4)</sup>. That preparation was subsequently entered in the Register of feed additives as an existing product, in accordance with Article 10(1) of Regulation (EC) No 1831/2003.
- (3) In accordance with Article 10(2) of Regulation (EC) No 1831/2003 in conjunction with Article 7 of that Regulation, an application was submitted for the re-evaluation of that preparation of endo-1,4-beta-xylanase (EC 3.2.1.8) produced by *Aspergillus oryzae* (DSM 10287), as a feed additive for chickens and turkeys for fattening, weaned piglets, pigs for fattening and ducks and, in accordance with Article 7 of that Regulation, for a new use for all poultry species for fattening, requesting that additive to be classified in the additive category 'zootechnical additives'. That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.

- (4) The European Food Safety Authority ('the Authority') concluded in its opinion of 12 June 2012<sup>(5)</sup> that, under the proposed conditions of use, the preparation of endo-1,4-beta-xylanase (EC 3.2.1.8) produced by *Aspergillus oryzae* (DSM 10287), does not have an adverse effect on animal health, human health or the environment, and that it has a potential to favourably affect animal performance in chickens for fattening, turkeys for fattening and ducks for fattening. This conclusion can be extrapolated to all minor poultry species for fattening. It is also concluded that the additive has the potential to favourably affect animal performance in piglets and pigs for fattening. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (5) The assessment of the preparation of endo-1,4-beta-xylanase (EC 3.2.1.8) produced by *Aspergillus oryzae* (DSM 10287) shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised as specified in the Annex to this Regulation.
- (6) As a consequence of the granting of a new authorisation under Regulation (EC) No 1831/2003, Regulations (EC) No 1332/2004 and (EC) No 2036/2005 should therefore be amended accordingly.
- (7) Since safety reasons do not require the immediate application of the modifications to the conditions of authorisation, it is appropriate to allow a transitional period for interested parties to prepare themselves to meet the new requirements resulting from the authorisation.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

*Article 1*

**Authorisation**

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

<sup>(1)</sup> OJ L 268, 18.10.2003, p. 29.

<sup>(2)</sup> OJ L 270, 14.12.1970, p. 1.

<sup>(3)</sup> OJ L 247, 21.7.2004, p. 8.

<sup>(4)</sup> OJ L 328, 15.12.2005, p. 13.

<sup>(5)</sup> EFSA Journal 2012; 10(7):2790.

*Article 2***Amendments to Regulation (EC) No 1332/2004**

Regulation (EC) No 1332/2004 is amended as follows:

(1) Article 1 is replaced by the following:

*'Article 1*

The preparation belonging to the group 'Enzymes', as set out in Annex II, is authorised for use without a time limit as additive in animal nutrition under the conditions laid down in that Annex.';

(2) Annex I is deleted.

*Article 3***Amendment to Regulation (EC) No 2036/2005**

In Annex III to Regulation (EC) No 2036/2005, the entry for No 5, Endo-1,4-beta-xylanase EC 3.2.1.8, is deleted.

*Article 4***Transitional measures**

The preparation specified in the Annex and feed containing that preparation, which are produced and labelled before 4 July 2013 in accordance with the rules applicable before 4 January 2013 may continue to be placed on the market and used until the existing stocks are exhausted.

*Article 5*

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

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

Done at Brussels, 14 December 2012.

*For the Commission*

*The President*

José Manuel BARROSO

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## ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						Units of activity/kg of complete feedingstuff with a moisture content of 12 %			
<b>Category of zootechnical additives. Functional group: digestibility enhancers</b>									
4a1607	DSM Nutritional Products	Endo-1,4-beta-xylanase EC 3.2.1.8	<p><i>Additive composition</i></p> <p>Preparation of endo-1,4-beta-xylanase produced by <i>Aspergillus oryzae</i> (DSM 10287) having a minimum activity of:</p> <p>Solid form: 1 000 FXU <sup>(1)</sup>/g</p> <p>Liquid form: 650 FXU/ml</p> <p><i>Characterisation of the active substance</i></p> <p>endo-1,4-beta-xylanase produced by <i>Aspergillus oryzae</i> (DSM 10287)</p> <p><i>Analytical method</i> <sup>(2)</sup></p> <p>For quantification of endo-1,4-beta-xylanase produced by <i>Aspergillus oryzae</i> (DSM 10287) in a feed additive:</p> <p>Colorimetric method measuring water soluble dyed fragments released by endo-1,4-beta-xylanase from azo-wheat-arabinoxylan substrate dyed with remazol-brilliant blue.</p> <p>For quantification of endo-1,4-beta-xylanase produced by <i>Aspergillus oryzae</i> (DSM 10827) in premixtures and feedingstuffs:</p> <p>Colorimetric method measuring water soluble dyed fragments released by endo-1,4-beta-xylanase from azurin-cross linked wheat arabinoxylan substrate.</p>	Poultry for fattening	—	100 FXU	—	<p>1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting.</p> <p>2. Recommended maximum dose per kilogram of complete feedingstuff for:</p> <p>— poultry for fattening: 200 FXU</p> <p>— piglets (weaned): 400 FXU</p> <p>— pigs for fattening: 200 FXU.</p> <p>3. For use in feed rich in non-starch polysaccharides (mainly arabinoxylans)</p> <p>4. For use in weaned piglets up to approximately 35 kg.</p> <p>5. For safety: breathing protection and gloves shall be used during handling.</p>	4 January 2023
				Piglets (weaned) Pigs for fattening	—	200 FXU	—		

<sup>(1)</sup> 1 FXU is the amount of enzyme which liberates 7,8 micromole of reducing sugars (xylose equivalents) from azo-wheat arabinoxylan per minute at pH 6,0 and 50 °C.

<sup>(2)</sup> Details of the analytical methods are available at the following address of the Reference Laboratory:  
[http://irmm.jrc.ec.europa.eu/EURLs/EURL\\_feed\\_additives/Pages/index.aspx](http://irmm.jrc.ec.europa.eu/EURLs/EURL_feed_additives/Pages/index.aspx)

**COMMISSION IMPLEMENTING REGULATION (EU) No 1207/2012****of 14 December 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) <sup>(1)</sup>,

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

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multi-lateral trade negotiations, the criteria whereby the

Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.

- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

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

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

Done at Brussels, 14 December 2012.

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

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

<sup>(2)</sup> OJ L 157, 15.6.2011, p. 1.

## ANNEX

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

(EUR/100 kg)		
CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	AL	48,7
	MA	82,6
	TN	99,6
	TR	81,9
	ZZ	78,2
0707 00 05	AL	88,1
	JO	174,9
	TR	104,4
	ZZ	122,5
0709 93 10	MA	141,3
	TR	108,9
	ZZ	125,1
0805 10 20	MA	64,0
	TR	49,9
	ZA	51,3
	ZW	43,2
	ZZ	52,1
0805 20 10	MA	70,6
	ZZ	70,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL	100,7
	JM	129,1
	MA	106,4
	TR	84,6
	ZZ	105,2
0805 50 10	TR	81,0
	ZZ	81,0
0808 10 80	MK	32,3
	NZ	165,3
	US	150,2
	ZA	138,0
	ZZ	121,5
0808 30 90	CN	65,3
	TR	135,1
	US	200,5
	ZZ	133,6

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



**COMMISSION IMPLEMENTING REGULATION (EU) No 1208/2012****of 14 December 2012****fixing the import duties in the cereals sector applicable from 16 December 2012**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) <sup>(1)</sup>,Having regard to Commission Regulation (EU) No 642/2010 of 20 July 2010 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of import duties in the cereals sector <sup>(2)</sup>, and in particular Article 2(1) thereof,

Whereas:

(1) Article 136(1) of Regulation (EC) No 1234/2007 states that the import duty on products covered by CN codes 1001 19 00, 1001 11 00, ex 1001 91 20 (common wheat seed), ex 1001 99 00 (high quality common wheat other than for sowing), 1002 10 00, 1002 90 00, 1005 10 90, 1005 90 00, 1007 10 90 and 1007 90 00 is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.

(2) Article 136(2) of Regulation (EC) No 1234/2007 lays down that, in order to calculate the import duty

referred to in paragraph 1 of that Article, representative cif import prices are to be established on a regular basis for the products in question.

(3) Under Article 2(2) of Regulation (EU) No 642/2010, the price to be used for the calculation of the import duty on products covered by CN codes 1001 19 00, 1001 11 00, ex 1001 91 20 (common wheat seed), ex 1001 99 00 (high quality common wheat other than for sowing), 1002 10 00, 1002 90 00, 1005 10 90, 1005 90 00, 1007 10 90 and 1007 90 00 is the daily cif representative import price determined as specified in Article 5 of that Regulation.

(4) Import duties should be fixed for the period from 16 December 2012 and should apply until new import duties are fixed and enter into force.

(5) 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*

From 16 December 2012, the import duties in the cereals sector referred to in Article 136(1) of Regulation (EC) No 1234/2007 shall be those fixed in Annex I to this Regulation on the basis of the information contained in Annex II.

*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, 14 December 2012.

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

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

<sup>(2)</sup> OJ L 187, 21.7.2010, p. 5.

## ANNEX I

**Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 16 December 2012**

CN code	Description	Import duties <sup>(1)</sup> (EUR/t)
1001 19 00 1001 11 00	Durum wheat, high quality	0,00
	medium quality	0,00
	low quality	0,00
ex 1001 91 20	Common wheat seed	0,00
ex 1001 99 00	High quality common wheat other than for sowing	0,00
1002 10 00 1002 90 00	Rye	0,00
1005 10 90	Maize seed other than hybrid	0,00
1005 90 00	Maize other than seed <sup>(2)</sup>	0,00
1007 10 90 1007 90 00	Grain sorghum other than hybrids for sowing	0,00

<sup>(1)</sup> The importer may benefit, under Article 2(4) of Regulation (EU) No 642/2010, from a reduction in the duty of:

- EUR 3/t, where the port of unloading is located on the Mediterranean Sea (beyond the Strait of Gibraltar) or on the Black Sea, for goods arriving in the Union via the Atlantic Ocean or the Suez Canal,
- EUR 2/t, where the port of unloading is located in Denmark, Estonia, Ireland, Latvia, Lithuania, Poland, Finland, Sweden, the United Kingdom or on the Atlantic coast of the Iberian Peninsula, for goods arriving in the Union via the Atlantic Ocean.

<sup>(2)</sup> The importer may benefit from a flat-rate reduction of EUR 24/t where the conditions laid down in Article 3 of Regulation (EU) No 642/2010 are met.

## ANNEX II

## Factors for calculating the duties laid down in Annex I

30.11.2012-13.12.2012

## 1. Averages over the reference period referred to in Article 2(2) of Regulation (EU) No 642/2010:

(EUR/t)

	Common wheat <sup>(1)</sup>	Maize	Durum wheat, high quality	Durum wheat, medium quality <sup>(2)</sup>	Durum wheat, low quality <sup>(3)</sup>
Exchange	Minneapolis	Chicago	—	—	—
Quotation	274,78	224,02	—	—	—
Fob price USA	—	—	264,60	254,60	234,60
Gulf of Mexico premium	—	23,20	—	—	—
Great Lakes premium	26,11	—	—	—	—

<sup>(1)</sup> Premium of EUR 14/t incorporated (Article 5(3) of Regulation (EU) No 642/2010).<sup>(2)</sup> Discount of EUR 10/t (Article 5(3) of Regulation (EU) No 642/2010).<sup>(3)</sup> Discount of EUR 30/t (Article 5(3) of Regulation (EU) No 642/2010).

## 2. Averages over the reference period referred to in Article 2(2) of Regulation (EU) No 642/2010:

Freight costs: Gulf of Mexico-Rotterdam: 14,78 EUR/t

Freight costs: Great Lakes-Rotterdam: 46,98 EUR/t

## DECISIONS

## COMMISSION IMPLEMENTING DECISION

of 11 December 2012

**determining quantitative limits and allocating quotas for substances controlled under Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer, for the period 1 January to 31 December 2013**

(notified under document C(2012) 8899)

(Only the Dutch, English, French, German, Hungarian, Italian, Maltese, Polish, Portuguese, and Spanish texts are authentic)

(2012/782/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer<sup>(1)</sup>, and in particular to Articles 10(2) and 16(1) thereof,

Whereas:

- (1) The release for free circulation in the Union of imported controlled substances is subject to quantitative limits.
- (2) The Commission is required to determine those limits and allocate quotas to undertakings.
- (3) Furthermore, the Commission is required to determine the quantities of controlled substances other than hydrochlorofluorocarbons that may be used for essential laboratory and analytical uses, and the companies that may use them.
- (4) The determination of the allocated quotas for essential laboratory and analytical uses has to ensure that the quantitative limits set out in Article 10(6) are respected, applying Commission Regulation (EU) No 537/2011 of 1 June 2011 on the mechanism for the allocation of quantities of controlled substances allowed for laboratory and analytical uses in the Union under Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer<sup>(2)</sup>. As

those quantitative limits include quantities of hydrochlorofluorocarbons licensed for laboratory and analytical uses, the production and import of hydrochlorofluorocarbons for those uses should also be covered by that allocation.

- (5) The Commission has published a notice to undertakings intending to import or export controlled substances that deplete the ozone layer to or from the European Union in 2013 and to undertakings intending to request for 2013 a quota for these substances intended for laboratory and analytical uses (2012/C 53/09)<sup>(3)</sup>, and has thereby received declarations on intended imports in 2013.
- (6) The quantitative limits and quotas should be determined for the period 1 January to 31 December 2013, in line with the annual reporting cycle under the Montreal Protocol on Substances that Deplete the Ozone Layer.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 25(1) of Regulation (EC) No 1005/2009,

HAS ADOPTED THIS DECISION:

*Article 1***Quantitative limits for release for free circulation**

The quantities of controlled substances subject to Regulation (EC) No 1005/2009 which may be released for free circulation in the Union in 2013 from sources outside the Union shall be the followings:

Controlled substances	Quantity (in ozone depleting potential (ODP) kilograms)
Group I (chlorofluorocarbons 11, 12, 113, 114 and 115) and group II (other fully halogenated chlorofluorocarbons)	22 033 000,00
Group III (halons)	18 222 010,00

<sup>(1)</sup> OJ L 286, 31.10.2009, p. 1.

<sup>(2)</sup> OJ L 147, 2.6.2011, p. 4.

<sup>(3)</sup> OJ C 53, 23.2.2012, p. 18.

Controlled substances	Quantity (in ozone depleting potential (ODP) kilograms)
Group IV (carbon tetrachloride)	9 295 220,00
Group V (1,1,1-trichloroethane)	1 500 001,50
Group VI (methyl bromide)	870 120,00
Group VII (hydrobromofluorocarbons)	1 869,00
Group VIII (hydrochlorofluorocarbons)	5 314 106,00
Group IX (bromochloromethane)	294 012,00

#### Article 2

##### Allocation of quotas for release for free circulation

1. The allocation of quotas for chlorofluorocarbons 11, 12, 113, 114 and 115 and other fully halogenated chlorofluorocarbons during the period 1 January to 31 December 2013 shall be for the purposes and to the undertakings indicated in Annex I.

2. The allocation of quotas for halons during the period 1 January to 31 December 2013 shall be for the purposes and to the undertakings indicated in Annex II.

3. The allocation of quotas for carbon tetrachloride during the period 1 January to 31 December 2013 shall be for the purposes and to the undertakings indicated in Annex III.

4. The allocation of quotas for 1,1,1-trichloroethane during the period 1 January to 31 December 2013 shall be for the purposes and to the undertakings indicated in Annex IV.

5. The allocation of quotas for methyl bromide during the period 1 January to 31 December 2013 shall be for the purposes and to the undertakings indicated in Annex V.

6. The allocation of quotas for hydrobromofluorocarbons during the period 1 January to 31 December 2013 shall be for the purposes and to the undertakings indicated in Annex VI.

7. The allocation of quotas for hydrochlorofluorocarbons during the period 1 January to 31 December 2013 shall be for the purposes and to the undertakings indicated in Annex VII.

8. The allocation of quotas for bromochloromethane during the period 1 January to 31 December 2013 shall be for the purposes and to the undertakings indicated in Annex VIII.

9. The individual quotas for undertakings shall be as set out in Annex IX.

#### Article 3

##### Quotas for laboratory and analytical uses

The quotas for importing and producing controlled substances for laboratory and analytical uses in the year 2013 shall be allocated to the undertakings listed in Annex X.

The maximum quantities that may be produced or imported in 2013 for laboratory and analytical uses allocated to these undertakings are set out in Annex XI.

#### Article 4

##### Period of validity

This Decision shall apply from 1 January 2013 and shall expire on 31 December 2013.

#### Article 5

##### Addressees

This Decision is addressed to the following undertakings:

1 ABCR Dr Braunagel GmbH & Co. (DE) Im Schleht 10 76187 Karlsruhe Germany	2 Aesica Queenborough Ltd North Street Queenborough Kent, ME11 5EL United Kingdom
3 AGC Chemicals Europe, Ltd PO Box 4, Hillhouse Site Thornton Cleveleys, Lancs, FY5 4QD United Kingdom	4 Airbus Operations SAS Route de Bayonne 316 31300 Toulouse France
5 Albany Molecular Research (UK) Ltd Mostyn Road Holywell Flintshire, CH8 9DN United Kingdom	6 Albemarle Europe SPRL Parc Scientifique Einstein Rue du Bosquet 9 1348 Louvain-la-Neuve Belgium
7 Arkema France SA 420, rue d'Estienne D'Orves 92705 Colombes Cedex France	8 Arkema Quimica SA Avenida de Burgos 12 28036 Madrid Spain



9 Ateliers Bigata SAS 10, rue Jean Baptiste Perrin, 33320 Eysines Cedex France	10 BASF Agri Production SAS 32 rue de Verdun 76410 Saint-Aubin lès Elbeuf France
11 Bayer Crop Science AG Gebäude A729 41538 Dormagen Germany	12 Diverchim SA 100, rue Louis Blanc 60765 Montataire Cedex France
13 Dow Deutschland Anlagengesellschaft mbH Bützflether Sand 21683 Stade Germany	14 DuPont de Nemours (Nederland) BV Baanhoekweg 22 3313 LA Dordrecht Netherlands
15 Dyneon GmbH Industrieparkstrasse 1 84508 Burgkirchen Germany	16 Eras Labo 222 D1090 38330 Saint Nazaire les Eymes France
17 Eusebi Impianti SRL Via Mario Natalucci 6 60131 Ancona Italy	18 Eusebi Service SRL Via Vincenzo Pirani 4 60131 Ancona Italy
19 Fire Fighting Enterprises Ltd 9 Hunting Gate, Hitchin SG4 0TJ United Kingdom	20 Fujifilm Electronic Materials (Europe) NV Keetberglaan 1A Haven 1061 2070 Zwijndrecht Belgium
21 Gedeon Richter Plc. Gyomroi ut 19-21 1103, Budapest Hungary	22 Gielle di Luigi Galantucci Via Ferri Rocco, 32 70022 Altamura (BA) Italy
23 Halon & Refrigerants Services Ltd J. Reid Trading Estate Factory Road, Sandycroft Deeside, Flintshire CH5 2QJ United Kingdom	24 Harp International Ltd Gellihirion Industrial Estate Rhondda, Cynon Taff Pontypridd CF37 5SX United Kingdom
25 Honeywell Fluorine Products Europe BV Laarderhoogtweg 18 1101 EA Amsterdam Netherlands	26 Honeywell Specialty Chemicals GmbH Wunstorfer Strasse 40 Postfach 100262 30918 Seelze Germany
27 Hovione Farmaciencia SA Sete Casas 2674-506 Loures Portugal	28 Hydraulik-liftsysteme/Walter Mayer GmbH Heinrich-Hertz-Str. 3 76646 Bruchsal Germany
29 ICL-IP Europe BV Fosfaatweeg 48 1013 BM Amsterdam Netherlands	30 Laboratorios Miret SA Geminis 4, 08228 Terrassa, Barcelona Spain
31 LGC Standards GmbH Mercatorstr. 51 46485 Wesel Germany	32 LPG Tecnicas en Extincion de Incendios SL C/Mestre Joan Corrales 107-109 08950 Esplugas de Llobregat, Barcelona Spain
33 Ludwig-Maximilians-Universität Department Chemie Butenandstr. 5-13 (Haus D) 81377 München Germany	34 Mebrom NV Assenedestraat 4 9940 Rieme Ertvelde Belgium
35 Merck KgaA Frankfurter Strasse 250 64271 Darmstadt Germany	36 Meridian Technical Services Ltd PO Box 16919 SE3 9WE London United Kingdom

37 Mexichem UK Ltd PO Box 13 The Heath Runcorn Cheshire WA7 4QX United Kingdom	38 Ministry of Defence Defence Fuel Lubricants and Chemicals PO Box 10.000 1780 CA Den Helder Netherlands
39 Panreac Quimica SLU Pol. Ind. Pla de la Bruguera, C/Garraf 2 08211 Castellar del Vallès-Barcelona Spain	40 Poż-Pliszka Sp. z o.o. ul.Szczecińska 45 80-392 Gdańsk Poland
41 R.P. Chem SRL Via San Michele 47 31062 Casale sul Sile (TV) Italy	42 Safety Hi-Tech SRL Via Cavour 96 67051 Avezzano (AQ) Italy
43 Savi Technologie Sp. z o.o. Ul. Wolnosci 20 Psary 51-180 Wrocław Poland	44 Sigma Aldrich Chemie GmbH Riedstrasse 2 89555 Steinheim Germany
45 Sigma Aldrich Chimie SARL 80, rue de Luzais L'isle d'abeau Chesnes 38297 St Quentin Fallavier France	46 Sigma Aldrich Company Ltd The Old Brickyard, New Road Gillingham SP8 4XT United Kingdom
47 Solvay Fluor GmbH Hans-Böckler-Allee 20 30173 Hannover Germany	48 Solvay Fluores France 25 rue de Clichy 75442 Paris France
49 Solvay Specialty Polymers France SAS Avenue de la République 39501 Tavaux Cedex France	50 Solvay Specialty Polymers Italy SpA Viale Lombardia 20 20021 Bollate (MI) Italy
51 Sterling Chemical Malta Ltd 48 Squad Nru 2, Triqix, Xatt, Pta 9044 Pieta Malta	52 Sterling SpA Via della Carboneria 30 06073 Solomeo di Corciano (PG) Italy
53 Syngenta Crop Protection Surrey Research Park 30 Priestly Road Guildford Surrey GU2 7YH United Kingdom	54 Tazzetti SpA Corso Europa n. 600/a 10070 Volpiano (TO) Italy
55 TEGA Technische Gase und Gastechnik GmbH Werner-von-Siemens-Strasse 18 97076 Würzburg Germany	56 Thomas Swan & Co. Ltd Rotary Way Consett County Durham DH8 7ND United Kingdom

Done at Brussels, 11 December 2012.

*For the Commission*  
Connie HEDEGAARD  
*Member of the Commission*

## ANNEX I

**GROUPS I AND II**

Import quotas for chlorofluorocarbons 11, 12, 113, 114 and 115 and other fully halogenated chlorofluorocarbons allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses and process agent uses during the period 1 January to 31 December 2013.

**Company**

Honeywell Fluorine Products Europe BV (NL)  
Mexichem UK Limited (UK)  
Solvay Specialty Polymers Italy SpA (IT)  
Syngenta Crop Protection (UK)  
Tazzetti SpA (IT)  
TEGA Technische Gase und Gastechnik GmbH (DE)

## ANNEX II

**GROUP III**

Import quotas for halons allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses and critical uses during the period 1 January to 31 December 2013.

**Company**

ABCR Dr Braunagel GmbH & Co. (DE)  
Ateliers Bigata (FR)  
BASF Agri Production SAS (FR)  
ERAS Labo (FR)  
Eusebi Impianti SRL (IT)  
Eusebi Service SRL (IT)  
Fire Fighting Enterprises Ltd (UK)  
Gielle di Luigi Galantucci (IT)  
Halon & Refrigerant Services Ltd (UK)  
Hydraulik-liftsysteme/Walter Mayer GmbH (DE)  
LPG Tecnicas en Extincion de Incendios SL (ES)  
Meridian Technical Services Ltd (UK)  
Poz Pliszka (PL)  
Safety Hi-Tech SRL (IT)  
Savi Technologie Sp. z o.o. (PL)

## ANNEX III

**GROUP IV**

Import quotas for carbon tetrachloride allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses and process agent uses for the period 1 January to 31 December 2013.

**Company**

Arkema France SA (FR)  
Dow Deutschland Anlagengesellschaft mbH (DE)  
Mexichem UK Limited (UK)  
Solvay Fluores France (FR)

## ANNEX IV

**GROUP V**

Import quotas for 1,1,1-trichloroethane allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses for the period 1 January to 31 December 2013.

**Company**

Arkema France SA (FR)  
Fujifilm Electronic Materials Europe (BE)

## ANNEX V

**GROUP VI**

Import quotas for methyl bromide allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses for the period 1 January to 31 December 2013.

**Company**

Albemarle Europe SPRL (BE)  
ICL-IP Europe BV (NL)  
Mebrom NV (BE)  
Sigma Aldrich Chemie GmbH (DE)

## ANNEX VI

**GROUP VII**

Import quotas for hydrobromofluorocarbons allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses for the period 1 January to 31 December 2013.

**Company**

ABCR Dr Braunagel GmbH & Co. (DE)  
Albany Molecular Research (UK)  
Hovione Farmaciencia SA (PT)  
R.P. Chem SRL (IT)  
Sterling Chemical Malta Ltd (MT)  
Sterling SpA (IT)

## ANNEX VII

**GROUP VIII**

Import quotas for hydrochlorofluorocarbons allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses for the period 1 January to 31 December 2013.

<b>Company</b>
ABCR Dr Braunagel GmbH & Co. (DE)
AGC Chemicals Europe, Ltd (UK)
Aesica Queenborough Ltd (UK)
Arkema France SA (FR)
Arkema Quimica SA (ES)
Bayer CropScience AG (DE)
DuPont de Nemours (Nederland) BV (NL)
Dyneon GmbH (DE)
Honeywell Fluorine Products Europe BV (NL)
Mexichem UK Limited (UK)
Solvay Fluor GmbH (DE)
Solvay Specialty Polymers France SAS (FR)
Solvay Specialty Polymers Italy SpA (IT)
Tazzetti SpA (IT)

## ANNEX VIII

**GROUP IX**

Import quotas for bromochloromethane allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses for the period 1 January to 31 December 2013.

<b>Company</b>
Albemarle Europe SPRL (BE)
ICL-IP Europe BV (NL)
Laboratorios Miret SA (ES)
Sigma Aldrich Chemie GmbH (DE)
Thomas Swan & Co. Ltd (UK)

## ANNEX IX

(Commercially sensitive — in confidence — not to be published)

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## ANNEX X

**Undertakings entitled to produce or import for laboratory and analytical uses**

The quota of controlled substances which may be used for laboratory and analytical uses, are allocated to:

<b>Company</b>
ABCR Dr Braunagel GmbH & Co. (DE)
Airbus Operations SAS (FR)
Arkema France SA (FR)
Diverchim SA (FR)
Gedeon Richter Plc. (HU)
Harp International Ltd (UK)
Honeywell Fluorine Products Europe BV (NL)
Honeywell Specialty Chemicals GmbH (DE)
LGC Standards GmbH (DE)
Ludwig-Maximilians-Universität (DE)
Merck KGaA (DE)
Mexichem UK Limited (UK)
Ministry of Defense (NL)
Panreac Quimica SLU (ES)
Sigma Aldrich Chemie GmbH (DE)
Sigma Aldrich Chimie SARL (FR)
Sigma Aldrich Company Ltd (UK)
Solvay Fluor GmbH (DE)
Tazzetti SpA (IT)

## ANNEX XI

(Commercially sensitive — in confidence — not to be published)

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## COMMISSION IMPLEMENTING DECISION

of 13 December 2012

**on the recognition of the Hashemite Kingdom of Jordan pursuant to Directive 2008/106/EC of the European Parliament and of the Council as regards the systems for the training and certification of seafarers**

(notified under document C(2012) 9253)

(Text with EEA relevance)

(2012/783/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2008/106/EC of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers<sup>(1)</sup>, and in particular the first subparagraph of Article 19(3) thereof,

Whereas:

- (1) According to Directive 2008/106/EC Member States may decide to endorse seafarers' appropriate certificates issued by third countries, provided that the third country concerned is recognised by the Commission. Those third countries have to meet all the requirements of the International Maritime Organisation (IMO) Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW Convention), as revised in 1995.
- (2) The request for the recognition of the Hashemite Kingdom of Jordan was submitted by the Hellenic Republic by letter of 21 July 2008. Following this request, the Commission assessed the training and certification system in the Hashemite Kingdom of Jordan in order to verify whether the Hashemite Kingdom of Jordan meets all the requirements of the STCW Convention and whether the appropriate measures have been taken to prevent fraud involving certificates. That assessment was based on the results of an inspection carried out by experts of the European Maritime Safety Agency in November 2009. During that inspection certain deficiencies in the training and certification systems were identified.
- (3) The Commission provided the Member States with a report on the results of the assessment.
- (4) By letters of 21 September 2010 and 13 February 2012 the Commission informed Jordanian authorities that deficiencies had been detected and requested the Hashemite Kingdom of Jordan to provide evidence demonstrating that the deficiencies identified had been corrected.
- (5) The main deficiencies related to the implementation in the Jordanian legislation of certain STCW provisions on officers' certification, namely the absence of a requirement for an assessment of competence in certain

cases and the duration of seagoing service. Moreover, the Quality Standards System did not cover all the relevant activities of the Administration, and the procedures did not always ensure the achievement of the prescribed standards of competence. Finally, certain training facilities were missing in the training institution.

- (6) By letters of 21 November 2010, 18 April 2011 and 12 March 2012, the Hashemite Kingdom of Jordan informed the Commission that actions had been undertaken to address the mentioned shortcomings. In particular, the Jordanian authorities indicated that the national provisions on certification requirements had been brought in line with the Convention. They also provided evidence of the full implementation of the Quality Standards System by the Administration and of the new procedures for course approval. Finally, evidence that the missing training facilities had been procured and put in place was also forwarded to the Commission.
- (7) The final outcome of the assessment demonstrates that the Hashemite Kingdom of Jordan complies with the requirements of the STCW Convention, while this country has taken appropriate measures to prevent fraud involving certificates.
- (8) The measure provided for in this Decision is in accordance with the opinion of the Committee on Safe Seas and the Prevention of Pollution from Ships,

HAS ADOPTED THIS DECISION:

*Article 1*

For the purposes of Article 19 of Directive 2008/106/EC, the Hashemite Kingdom of Jordan is recognised as regards the systems for the training and certification of seafarers.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 13 December 2012.

*For the Commission*

Siim KALLAS

*Vice-President*

<sup>(1)</sup> OJ L 323, 3.12.2008, p. 33.



## COMMISSION DECISION

of 13 December 2012

## concerning national provisions notified by Austria on certain industrial greenhouse gases

(notified under document C(2012) 9256)

(Only the German text is authentic)

(2012/784/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114(6) thereof,

Whereas:

(1) By letter of 27 June 2012 and pursuant to Article 114(4) of the Treaty on the Functioning of the European Union (TFEU) Austria notified the Commission that Austria intends to maintain its national provisions on certain industrial greenhouse gases which are more stringent than Regulation (EC) No 842/2006 of the European Parliament and of the Council of 17 May 2006 on certain fluorinated greenhouse gases<sup>(1)</sup> beyond 31 December 2012, the end date of the authorisation by Commission Decision 2008/80/EC of 21 December 2007 concerning national provisions notified by the Republic of Austria on certain fluorinated greenhouse gases<sup>(2)</sup>, adopted in accordance with Article 95(6) of the Treaty establishing the European Community (TEC) (now Article 114(6) TFEU).

(2) Regulation (EC) No 842/2006 on certain fluorinated greenhouse gases (F-gases) aims at preventing and containing the emissions of certain F-gases (HFCs, PFCs and SF<sub>6</sub>) covered by the Kyoto Protocol. It also contains a limited number of use bans and placing on the market prohibitions when alternatives were considered available and cost effective at Community level and where improvement of containment and recovery were regarded as not feasible.

(3) The Regulation has a double legal base, Article 175(1) TEC (now Article 192(1) TFEU) with respect to all provisions but Articles 7, 8 and 9, which are based on Article 95 TEC (now Article 114 TFEU) due to their implications in terms of free circulation of goods within the Union's single market.

(4) Austria has had national provisions on certain fluorinated greenhouse gases since 2002. On 29 June 2007, the Republic of Austria informed the Commission, pursuant to Article 9(3)(b) of Regulation (EC) No 842/2006 on certain fluorinated greenhouse gases, about these national measures (BGBl. II No 447/2002 — Ordinance of the Federal Minister for Agriculture, Forestry, Environment and Water Management on bans and restrictions for partly fluorinated and fully fluorinated hydrocarbons and sulphur hexafluoride, published in the Federal Law Gazette on 10 December 2002) as subsequently amended by Ordinance BGBl. II No 139/2007, 21.6.2007 (hereinafter 'the Ordinance').

(5) The Ordinance concerns greenhouse gases classified under the Kyoto Protocol, most of which have high global warming potentials: hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride (SF<sub>6</sub>), with a view of meeting Austria's emission reduction targets. On 21 December 2007 the Commission decided with reference to Article 95(6) TEC (now Article 114(6) TFEU) to authorise Austria to maintain the provisions until 31 December 2012.

(6) Since the adoption of Decision 2008/80/EC the circumstances justifying maintaining more stringent provisions, as laid out in that decision, persist. The national rules remain part of a broader strategy put in place by Austria in order to meet its emission reduction target under the Kyoto Protocol and the subsequent burden sharing agreement adopted at Union level. Under this arrangement, Austria has undertaken to reduce its greenhouse gas emissions by 13 % over the 2008-12 period compared to the base years, 1990 and 1985.

(7) In the decisions adopted jointly by the European Parliament and the Council on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020<sup>(3)</sup>, Austria has undertaken to further reduce emissions by 16 % in 2020 compared to 2005 levels.

<sup>(1)</sup> OJ L 161, 14.6.2006, p. 1.

<sup>(2)</sup> OJ L 24, 29.1.2008, p. 45.

<sup>(3)</sup> Decision No 406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020 (OJ L 140, 5.6.2009, p. 136).

- (8) The notified measures are reported to have significantly contributed to the reduction of greenhouse gas emissions in Austria and avoided that an expected raise of those emissions have not materialised. The derogations provided for in the Ordinance, as well as the possibility to grant individual exemptions from the general ban, ensure the proportionality of the measure. Furthermore, it concerns only new equipment and allows the use of fluorinated greenhouse gases for the servicing and maintenance of existing equipment so that unnecessary abandonment of equipment is avoided.
- (9) While noting that the Ordinance has implications on the free circulation of goods within the Union, the provisions are general and apply to national and imported products alike. There is no evidence that the notified national provisions have been or will be used as a means of arbitrary discrimination between economic operators in the Union. In view of the risks for the environment resulting from the use of fluorinated greenhouse gases, the Commission confirms its assessment that the notified national provisions do not constitute a disproportionate obstacle to the functioning of the internal market in relation to the pursued objectives, in particular considering the conclusions of the recent assessment of the application, effects and adequacy of Regulation (EC) No 842/2006 <sup>(1)</sup> that further measures for the reduction of fluorinated greenhouse gas emissions are necessary to reach the agreed Union wide greenhouse gas emission targets.
- (10) The Commission is of the opinion that the request by Austria, submitted on 27 June 2012, for maintaining its national legislation more stringent than Regulation (EC) No 842/2006 with respect to the placing on the market of products and equipment containing or relying on fluorinated greenhouse gases and to the use of such substances is admissible.
- (11) Moreover, the Commission confirms its Decision 2008/80/EC that the national provisions in the Ordinance:
- meet needs on grounds of the protection of the environment,
  - take into account the existence and technical and economic availability of alternatives to the banned applications in Austria,
  - are likely to result in limited economic impact,
  - are not a means of arbitrary discrimination,
  - do not constitute a disguised restriction on trade between Member States, and
  - are thus compatible with the Treaty.
- The Commission therefore considers that they can be approved.
- (12) The Commission may at any moment reassess whether the conditions for the approval continue to be fulfilled. This may, in particular, become relevant in the case of substantial changes to Regulation (EC) No 842/2006 or to Decision No 406/2009/EC. Considering this possibility and the long-term commitments of the EU and its Member States to reduce greenhouse gas emissions, a limitation of the duration of the approval to a specific date is not deemed necessary,

HAS ADOPTED THIS DECISION:

*Article 1*

The national provisions on certain fluorinated greenhouse gases, which Austria notified to the Commission by letter, dated 27 June 2012, and which are more stringent than Regulation (EC) No 842/2006 with respect to the placing on the market of products and equipment containing or relying on fluorinated greenhouse gases and to the use of such substances are hereby approved.

*Article 2*

This Decision is addressed to the Republic of Austria.

Done at Brussels, 13 December 2012.

*For the Commission*  
Connie HEDEGAARD  
*Member of the Commission*

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<sup>(1)</sup> Report from the Commission on the application, effects and adequacy of Regulation on certain fluorinated greenhouse gases (Regulation (EC) No 842/2006), COM(2011) 581 final.

## COMMISSION IMPLEMENTING DECISION

of 13 December 2012

**approving certain amended programmes for the eradication and monitoring of animal diseases and zoonoses for the year 2012 and amending Implementing Decision 2011/807/EU as regards the financial contribution by the Union for certain programmes approved by that Decision**

(notified under document C(2012) 9264)

(2012/785/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field <sup>(1)</sup>, and in particular Article 27(5) and (6) thereof,

Whereas:

- (1) Decision 2009/470/EC lays down the procedures governing the financial contribution by the Union for programmes for the eradication, control and monitoring of animal diseases and zoonoses.
- (2) Commission Decision 2008/341/EC of 25 April 2008 laying down Community criteria for national programmes for the eradication, control and monitoring of certain animal diseases and zoonoses <sup>(2)</sup> provides that in order to be approved under the measures provided for in Article 27(1) of Decision 2009/470/EC, programmes submitted by the Member States to the Commission for the eradication, control and monitoring of the animal diseases and zoonoses listed in Annex I to that Decision must meet at least the criteria set out in the Annex to Decision 2008/341/EC.
- (3) Commission Implementing Decision 2011/807/EU of 30 November 2011 approving annual and multiannual programmes and the financial contribution from the Union for the eradication, control and monitoring of certain animal diseases and zoonoses presented by the Member States for 2012 and following years <sup>(3)</sup> approves certain national programmes and sets out the rate and maximum amount of the financial contribution by the Union for each programme submitted by the Member States.
- (4) An important recrudescence of African swine fever in Italy (Sardinia) has occurred in 2012: several outbreaks have occurred in seven out of the eight Sardinian provinces, not only in backyard farms but also in large commercial farms. African swine fever is a highly contagious viral disease that affects domestic pigs and wild-boar. If the disease is not properly tackled in Sardinia, the whole EU can be affected with important consequence on the health and economic situation of all Member States.

- (5) As a consequence, a revised 2012 control and monitoring African swine fever programme has been submitted by Italy in order to properly tackle the disease. Italy has informed the Commission that, due the exceptional epidemiological situation and the high risk of spread of the disease out of Sardinia, additional support for contractual staff is required to ensure the implementation of the planned measures.
- (6) Portugal has submitted an amended programme for the eradication of bovine brucellosis, bovine tuberculosis and bluetongue. The United Kingdom submitted an amended programme for the eradication of bovine tuberculosis. Spain has submitted an amended programme for the eradication of ovine and caprine brucellosis and bluetongue. Slovenia has submitted an amended programme for the control and monitoring of classical swine fever. Italy and Greece have submitted amended programmes for transmissible spongiform encephalopathies, bovine spongiform encephalopathy and scrapie, and Bulgaria submitted an amended programme for the eradication of rabies.
- (7) The Commission has assessed those amended programmes from both the veterinary and the financial point of view. They were found to comply with relevant Union veterinary legislation and in particular with the criteria set out in the Annex to Decision 2008/341/EC. The amended programmes should therefore be approved.
- (8) Furthermore, the Commission has assessed the intermediate reports submitted by the Member States, according to Article 27(7) of Decision 2009/470/EC on the expenditures they incurred for those programmes. The results of that assessment show that certain Member States will not utilise their full allocation for the year 2012 while others will spend in excess of the allocated amount.
- (9) The financial contribution by the Union for a number of national programmes therefore needs to be adjusted. In order to optimise the use of the earmarked credit it is appropriate to reallocate funding from national programmes which will not use their full allocation to those that are expected to exceed it due to unforeseen animal health situations in those Member States. The reallocation should be based on the most recent information on expenditure actually incurred by the Member States concerned.

<sup>(1)</sup> OJ L 155, 18.6.2009, p. 30.

<sup>(2)</sup> OJ L 115, 29.4.2008, p. 44.

<sup>(3)</sup> OJ L 322, 6.12.2011, p. 11.

(10) Implementing Decision 2011/807/EU should therefore be amended accordingly.

(11) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

*Article 1*

**Approval of the amended programme for the eradication of bovine brucellosis submitted by Portugal**

The amended programme for bovine brucellosis submitted by Portugal on 30 April 2012 is hereby approved for the period from 1 January 2012 to 31 December 2012.

*Article 2*

**Approval of the amended programmes for the eradication of bovine tuberculosis submitted by Portugal and the United Kingdom**

The amended programme for bovine tuberculosis submitted by Portugal on 30 April 2012 is hereby approved for the period from 1 January 2012 to 31 December 2012.

The amended programme for bovine tuberculosis submitted by the United Kingdom on 3 August 2012 is hereby approved for the period from 1 January 2012 to 31 December 2012.

*Article 3*

**Approval of the amended programme for the eradication of ovine and caprine brucellosis submitted by Spain**

The amended programme for ovine and caprine brucellosis submitted by Spain on 30 March 2012 is hereby approved for the period from 1 January 2012 to 31 December 2012.

*Article 4*

**Approval of the amended programmes for the eradication and monitoring of bluetongue submitted by Spain and Portugal**

The amended programme for bluetongue submitted by Spain on 14 September 2012 is hereby approved for the period from 1 January 2012 to 31 December 2012.

The amended programme for bluetongue submitted by Portugal on 31 December 2011 is hereby approved for the period from 1 January 2012 to 31 December 2012.

*Article 5*

**Approval of the amended programme for classical swine fever submitted by Slovenia**

The amended programme for the control and monitoring of classical swine fever submitted by Slovenia on 19 June 2012

is hereby approved for the period from 1 January 2012 to 31 December 2012.

*Article 6*

**Approval of the amended programme for African swine fever submitted by Italy**

The amended programme for the control and monitoring of African swine fever submitted by Italy on 2 October 2012 is hereby approved for the period from 1 January 2012 to 31 December 2012.

*Article 7*

**Approval of the amended programmes for transmissible spongiform encephalopathies, bovine spongiform encephalopathy and scrapie submitted by Greece and Italy**

The amended programme for the monitoring of transmissible spongiform encephalopathies, and for the eradication of bovine spongiform encephalopathy and of scrapie, submitted by Greece on 9 January 2012 is hereby approved for the period from 1 January 2012 to 31 December 2012.

The amended programme for the monitoring of transmissible spongiform encephalopathies, and for the eradication of bovine spongiform encephalopathy and of scrapie, submitted by Italy on 26 September 2012 is hereby approved for the period from 1 January 2012 to 31 December 2012.

*Article 8*

**Approval of the amended programme for rabies submitted by Bulgaria**

The amended programme for rabies submitted by Bulgaria on the 27 December 2011 is hereby approved for the period from 1 January 2012 to 31 December 2012.

*Article 9*

**Amendments to Implementing Decision 2011/807/EU**

Implementing Decision 2011/807/EU is amended as follows:

(1) in Article 1(2), point (c) is replaced by the following:

'(c) shall not exceed the following:

(i) EUR 3 600 000 for Spain;

(ii) EUR 2 300 000 for Italy;

(iii) EUR 1 050 000 for Portugal;

(iv) EUR 1 050 000 for the United Kingdom.'

- (2) in Article 2(2), point (a) is replaced by the following:
- '(a) shall consist of a lump sum compensating for all costs incurred to perform the following activities and/or tests:
- (i) EUR 0,5 per domestic animal sampled for gamma interferon test and suspected positive in the slaughterhouse;
  - (ii) EUR 1,5 per tuberculin test;
  - (iii) EUR 5 per gamma interferon test;
  - (iv) EUR 20 per bacteriological test.;
- (3) in Article 2(2), point (c) is replaced by the following:
- '(c) shall not exceed the following:
- (i) EUR 19 000 000 for Ireland;
  - (ii) EUR 14 000 000 for Spain;
  - (iii) EUR 4 000 000 for Italy;
  - (iv) EUR 2 650 000 for Portugal;
  - (v) EUR 31 000 000 for the United Kingdom.;
- (4) in Article 3(2), point (c) is replaced by the following:
- '(c) shall not exceed the following:
- (i) EUR 800 000 for Greece;
  - (ii) EUR 8 900 000 for Spain;
  - (iii) EUR 3 700 000 for Italy;
  - (iv) EUR 180 000 for Cyprus;
  - (v) EUR 1 800 000 for Portugal.;
- (5) in Article 4(2), point (c) is replaced by the following:
- '(c) shall not exceed the following:
- (i) EUR 150 000 for Belgium;
  - (ii) EUR 15 000 for Bulgaria;
  - (iii) EUR 40 000 for the Czech Republic;
  - (iv) EUR 80 000 for Germany;
  - (v) EUR 10 000 for Estonia;
  - (vi) EUR 25 000 for Ireland;
  - (vii) EUR 60 000 for Greece;
  - (viii) EUR 700 000 for Spain;
  - (ix) EUR 1 200 000 for France;
- (x) EUR 650 000 for Italy;
- (xi) EUR 20 000 for Latvia;
- (xii) EUR 10 000 for Lithuania;
- (xiii) EUR 10 000 for Luxembourg;
- (xiv) EUR 30 000 for Hungary;
- (xv) EUR 10 000 for Malta;
- (xvi) EUR 20 000 for the Netherlands;
- (xvii) EUR 10 000 for Austria;
- (xviii) EUR 50 000 for Poland;
- (xix) EUR 300 000 for Portugal;
- (xx) EUR 150 000 for Romania;
- (xxi) EUR 40 000 for Slovenia;
- (xxii) EUR 50 000 for Slovakia;
- (xxiii) EUR 10 000 for Finland;
- (xxiv) EUR 10 000 for Sweden.;
- (6) in Article 5(3), point (c) is replaced by the following:
- '(c) shall not exceed the following:
- (i) EUR 1 200 000 for Belgium;
  - (ii) EUR 20 000 for Bulgaria;
  - (iii) EUR 1 200 000 for the Czech Republic;
  - (iv) EUR 250 000 for Denmark;
  - (v) EUR 900 000 for Germany;
  - (vi) EUR 30 000 for Estonia;
  - (vii) EUR 200 000 for Ireland;
  - (viii) EUR 1 000 000 for Greece;
  - (ix) EUR 1 100 000 for Spain;
  - (x) EUR 1 550 000 for France;
  - (xi) EUR 1 200 000 for Italy;
  - (xii) EUR 100 000 for Cyprus;
  - (xiii) EUR 350 000 for Latvia;
  - (xiv) EUR 10 000 for Luxembourg;
  - (xv) EUR 2 000 000 for Hungary;



- (xvi) EUR 150 000 for Malta;
- (xvii) EUR 2 700 000 for the Netherlands;
- (xviii) EUR 1 100 000 for Austria;
- (xix) EUR 500 000 for Poland;
- (xx) EUR 50 000 for Portugal;
- (xxi) EUR 350 000 for Romania;
- (xxii) EUR 70 000 for Slovenia;
- (xxiii) EUR 600 000 for Slovakia;
- (xxiv) EUR 75 000 for the United Kingdom.;
- (7) Article 6 is amended as follows:
- (a) paragraph 2 is amended as follows:
- (i) the introductory phrase is replaced by the following:
- ‘The financial contribution by the Union for the programmes submitted by the Member States referred to in point (a) of paragraph 1.;
- (ii) point (b) is replaced by the following:
- ‘(b) shall not exceed the following:
- (i) EUR 210 000 for Bulgaria;
- (ii) EUR 1 200 000 for Germany;
- (iii) EUR 200 000 for France;
- (iv) EUR 10 000 for Luxembourg;
- (v) EUR 340 000 for Hungary;
- (vi) EUR 900 000 for Romania;
- (vii) EUR 30 000 for Slovenia;
- (viii) EUR 500 000 for Slovakia.;
- (b) the following paragraph 3 is added:
- ‘3. The financial contribution by the Union for the programme submitted by Italy as referred to in point (b) of paragraph 1:
- (a) shall be at the rate of 50 % of the costs to be incurred by Italy for:
- (i) carrying out laboratory tests with a maximum not exceeding:
- EUR 2 per ELISA test
- EUR 10 per PCR test and
- EUR 10 per virological test;
- (ii) the salaries of contractual staff specially recruited for the implementation of the measures of that programme, other than to carry out laboratory tests;
- (b) shall not exceed EUR 850 000.;
- (8) in Article 8(2), point (c) is amended as follows:
- (a) point (ix) is replaced by the following:
- ‘(ix) EUR 140 000 for Spain.;
- (b) point (xi) is replaced by the following:
- ‘(xi) EUR 1 000 000 for Italy.;
- (c) point (xxii) is replaced by the following:
- ‘(xxii) EUR 350 000 for Romania.;
- (d) point (xxvii) is replaced by the following:
- ‘(xxvii) EUR 110 000 for the United Kingdom.;
- (9) in Article 9(2), point (c) is amended as follows:
- (a) point (ii) is replaced by the following:
- ‘(ii) EUR 340 000 for Bulgaria.;
- (b) point (iv) is replaced by the following:
- ‘(iv) EUR 750 000 for Denmark.;
- (c) point (v) is replaced by the following:
- ‘(v) EUR 6 300 000 for Germany.;
- (d) point (viii) is replaced by the following:
- ‘(viii) EUR 1 800 000 for Greece.;
- (e) point (xi) is replaced by the following:
- ‘(xi) EUR 4 800 000 for Italy.;
- (f) point (xvi) is replaced by the following:
- ‘(xvi) EUR 1 300 000 for Hungary.;
- (g) point (xviii) is replaced by the following:
- ‘(xviii) EUR 2 200 000 for the Netherlands.;
- (h) point (xxi) is replaced by the following:
- ‘(xxi) EUR 1 100 000 for Portugal.;
- (i) point (xxvii) is replaced by the following:
- ‘(xxvii) EUR 5 100 000 for the United Kingdom.;
- (10) in Article 10(2), point (c) is replaced by the following:
- ‘(c) shall not exceed the following:
- (i) EUR 1 650 000 for Bulgaria;
- (ii) EUR 620 000 for Estonia;
- (iii) EUR 1 400 000 for Hungary;
- (iv) EUR 9 850 000 for Poland;
- (v) EUR 2 200 000 for Romania;
- (vi) EUR 400 000 for Slovakia.;

(11) in Article 11(5), point (c) is replaced by the following:

'(c) shall not exceed the following:

- (i) EUR 1 200 000 for Italy;
- (ii) EUR 1 700 000 for Latvia;
- (iii) EUR 2 950 000 for Lithuania;
- (iv) EUR 190 000 for Austria;
- (v) EUR 840 000 for Slovenia;
- (vi) EUR 360 000 for Finland.'

*Article 10*

**Addressees**

This Decision is addressed to the Member States.

Done at Brussels, 13 December 2012.

*For the Commission*

Tonio BORG

*Member of the Commission*

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## COMMISSION IMPLEMENTING DECISION

of 13 December 2012

## amending Decision 2010/221/EU as regards national measures for preventing the introduction of certain aquatic animal diseases into parts of Ireland, Finland and the United Kingdom

(notified under document C(2012) 9295)

(Text with EEA relevance)

(2012/786/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals<sup>(1)</sup>, and in particular Article 43(2) thereof,

Whereas:

- (1) Commission Decision 2010/221/EU of 15 April 2010 approving national measures for limiting the impact of certain diseases in aquaculture animals and wild aquatic animals in accordance with Article 43 of Council Directive 2006/88/EC<sup>(2)</sup> allows certain Member States to apply restrictions on consignments of those animals in order to prevent the introduction of certain diseases into their territory, provided that they have either demonstrated that their territory, or certain demarcated areas of their territory, are free of such diseases or that they have established an eradication or surveillance programme to obtain such freedom.
- (2) The continental parts of the territories of Finland are listed in Annex II to Decision 2010/221/EU as territories with an approved eradication programme as regards bacterial kidney disease (BKD).
- (3) Accordingly, Decision 2010/221/EU approves certain national measures by Finland on consignments of aquaculture animals of susceptible species into those areas.
- (4) Finland has reported to the Commission that, while progress has been made in several areas, some areas still remain infected with BKD. Finland has therefore requested that the water catchment area of Vesijärvi be excluded from the eradication programme. Annex II should be amended accordingly.
- (5) Annex III to Decision 2010/221/EU currently lists nine compartments in the territory of Ireland with an

approved surveillance programme as regards ostreid herpesvirus 1  $\mu$ var (OsHV-1  $\mu$ var).

- (6) Ireland has notified to the Commission the detection of OsHV-1  $\mu$ var in Drumcliff within compartment 3, Shannon Estuary within compartment 6 and Oysterhaven Bay within compartment 9. Consequently, the geographical demarcation of those compartments in Annex III to Decision 2010/221/EU should be amended.
- (7) Annex III to Decision 2010/221/EU lists the territories of Great Britain, Northern Ireland and Guernsey with an approved surveillance programme as regards OsHV-1  $\mu$ var.
- (8) The United Kingdom has notified the Commission the detection of OsHV-1  $\mu$ var in England and Northern Ireland. Consequently, the geographical demarcation of those territories in Annex III to Decision 2010/221/EU should be amended.
- (9) Decision 2010/221/EU should therefore be amended accordingly.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

*Article 1*

Annexes II and III to Decision 2010/221/EU are replaced by the text set out in the Annex to this Decision.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 13 December 2012.

For the Commission

Tonio BORG

Member of the Commission

<sup>(1)</sup> OJ L 328, 24.11.2006, p. 14.

<sup>(2)</sup> OJ L 98, 20.4.2010, p. 7.

## ANNEX

## ANNEX II

**Member States and parts thereof with eradication programmes as regards certain diseases in aquaculture animals, and approved to take national measures to control those diseases in accordance with Article 43(2) of Directive 2006/88/EC**

Disease	Member State	Code	Geographical demarcation of the area with approved national measures
Bacterial kidney disease (BKD)	Finland	FI	The following water catchment areas: Kymijoki (except the water catchment area of Vesijärvi), Juustilanjoki, Hounijoki, Tervajoki, Vilajoki, Urpalanjoki, Vaalimaanjoki, Virojoki, Vehkajoki, Summajoki, Vuoksi, Jänisjoki, Kiteenjoki-Tohmajoki, Hiitolanjoki, Tenojoki, Näätänojoki, Uutuanjoki, Paatsjoki, Tuulomajoki
	Sweden	SE	The continental parts of the territory
Infectious pancreatic necrosis virus (IPN)	Sweden	SE	The coastal parts of the territory

## ANNEX III

**Member States and areas with surveillance programmes regarding ostreid herpesvirus 1  $\mu$ var (OsHV-1  $\mu$ var), and approved to take national measures to control that disease in accordance with Article 43(2) of Directive 2006/88/EC**

Disease	Member State	Code	Geographical demarcation of the areas with approved national measures (Member States, zones and compartments)
Ostreid herpesvirus 1 $\mu$ var (OsHV-1 $\mu$ var)	Ireland	IE	Compartment 1: Sheephaven Bay Compartment 2: Gweebarra Bay Compartment 3: Killala, Broadhaven and Blacksod Bays Compartment 4: Streamstown Bay Compartment 5: Bertraghboy and Galway Bays Compartment 6: Poulnisharry, Askeaton and Ballylongford Bays Compartment 7: Kenmare Bay Compartment 8: Dunmanus Bay Compartment 9: Kinsale Bay
	United Kingdom	UK	The territory of Great Britain except Whitstable Bay, Kent The territory of Northern Ireland, except Killough Bay, Lough Foyle, Carlingford Lough and Strangford Lough The territory of Guernsey'

## ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

### DECISION No 1/2012 OF THE ESA-EU CUSTOMS COOPERATION COMMITTEE

of 29 November 2012

**on a derogation from the rules of origin laid down in Protocol 1 to the Interim Agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa States, on the one part, and the European Community and its Member States, on the other part, to take account of the special situation of the Eastern and Southern Africa States with regard to preserved tuna and tuna loins**

(2012/787/EU)

THE CUSTOMS COOPERATION COMMITTEE,

Having regard to the Interim Agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa States, on the one part, and the European Community and its Member States, on the other part, and in particular Article 41(4) of Protocol I thereto,

Whereas:

- (1) The Interim Agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa States, on the one part, and the European Community and its Member States, on the other part <sup>(1)</sup> ('the interim EPA') applies provisionally as from 14 May 2012 between the Union and the Republic of Madagascar, the Republic of Mauritius, the Republic of Seychelles and the Republic of Zimbabwe.
- (2) Protocol 1 to the interim EPA concerning the definition of the concept of 'originating products' and methods of administrative cooperation contains the rules of origin for the importation of products originating in the ESA States into the Union.
- (3) In accordance with Article 42(8) of Protocol 1 to the interim EPA, derogations from those rules of origin are granted automatically within an annual quota of 8 000 tonnes for canned tuna and of 2 000 tonnes for tuna loins.
- (4) In order to permit the effective and full utilisation of the quota available, Mauritius, Seychelles and Madagascar requested a derogation covering the annual quantities of 8 000 tonnes of canned tuna and of 2 000 tonnes of tuna loins imported into the Union from 1 January 2013 to 31 December 2022.

(5) Since the requested quantities fall within the limits of the annual quota which is granted automatically upon request of the ESA States, the Customs Cooperation Committee should allocate the global quota to the ESA States. Therefore, a derogation should be granted to the ESA States in respect of canned tuna and of tuna loins for the quantities requested.

(6) The reference in Article 42(8) of Protocol 1 to the interim EPA to 'canned tuna' is to be understood as to cover tuna preserved in vegetable oil or in other ways. For those types of tuna, Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff <sup>(2)</sup> ('the Combined Nomenclature') refers to the term 'preserved'. The term 'preserved tuna' comprises canned tuna, but also tuna vacuum-packed in plastic bags or other containers. It is therefore appropriate to use the term 'preserved tuna'.

(7) In the interest of clarity, it is appropriate to set out explicitly that the only non-originating materials to be used for the manufacture of preserved tuna and tuna loins of CN code 1604 14 16 should be tuna of HS Headings 0302 or 0303, in order for the preserved tuna and tuna loins to benefit from the derogation.

(8) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code <sup>(3)</sup> lays down rules relating to the management of tariff quotas. In order to ensure efficient management carried out in close cooperation between the authorities of the ESA States, the customs authorities of the Union and the Commission, those rules should apply mutatis mutandis to the quantities imported under the derogation granted by this Decision.

<sup>(1)</sup> OJ L 111, 24.4.2012, p. 2.

<sup>(2)</sup> OJ L 256, 7.9.1987, p. 1.

<sup>(3)</sup> OJ L 253, 11.10.1993, p. 1.

- (9) The derogation should be granted for a period of five years as foreseen in Article 42(10) point (a) of Protocol 1 to the interim EPA.
- (10) In order to allow efficient monitoring of the operation of the derogation, the authorities of the ESA States should communicate regularly to the Commission details of the EUR.1 movement certificates issued,

HAS DECIDED AS FOLLOWS:

*Article 1*

By way of derogation from Protocol 1 to the interim EPA and in accordance with Article 42(8) of that Protocol, preserved tuna and tuna loins of HS Heading 1604 manufactured from non-originating tuna of HS Headings 0302 or 0303 shall be regarded as originating in the ESA States in accordance with the terms set out in Articles 2 to 5 of this Decision.

*Article 2*

The derogation provided for in Article 1 shall apply on an annual basis to the products and the quantities set out in the Annex to this Decision which are declared for release for free circulation into the Union from the ESA States during the period of 1 January 2013 to 31 December 2017.

*Article 3*

The quantities set out in the Annex shall be managed in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

*Article 4*

The customs authorities of the ESA States shall carry out quantitative checks on exports of the products referred to in Article 1.

All the EUR.1 movement certificates they issue in relation to the products referred to in Article 1 shall bear a reference to this Decision.

Before the end of the month following each quarter, the customs authorities of those countries shall forward to the Commission, via the Secretariat of the Customs Cooperation Committee, a statement of the quantities in respect of which

movement certificates EUR.1 have been issued pursuant to this Decision and the serial numbers of those certificates.

*Article 5*

Box 7 of movement certificates EUR.1 issued under this Decision shall contain one of the following indications:

'Derogation — Decision No 1/2012 of the ESA-EU Customs Cooperation Committee of [...]'; 'Dérégation — Décision n° 1/2012 du Comité de Coopération Douanière AFOA-UE du [...]';

*Article 6*

1. The ESA States and the Union shall take the measures necessary on their part to implement this Decision.

2. Where the Union has made a finding, on the basis of objective information, of irregularities or fraud or of a repeated failure to respect the obligations laid down in Article 4, the Union may seek temporary suspension of the derogation referred to in Article 1 in accordance with the procedure provided for in Article 22(5) and (6) of the interim EPA.

*Article 7*

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

This Decision shall apply from 1 January 2013.

Done at Brussels, 29 November 2012.

*For the ESA-EU Customs Cooperation  
Committee*

*The Joint Chairmen*

Péter KOVÁCS, Vivianne FOCK TAVE

## ANNEX

Order No	CN Code	Description of goods	Period	Quantities (in tonnes)
09.1618	ex 1604 14 11, ex 1604 14 18, ex 1604 20 70	Preserved tuna <sup>(1)</sup>	1.1.2013 – 31.12.2013	8 000
			1.1.2014 – 31.12.2014	8 000
			1.1.2015 – 31.12.2015	8 000
			1.1.2016 – 31.12.2016	8 000
			1.1.2017 – 31.12.2017	8 000
09.1619	1604 14 16	Tuna loins	1.1.2013 – 31.12.2013	2 000
			1.1.2014 – 31.12.2014	2 000
			1.1.2015 – 31.12.2015	2 000
			1.1.2016 – 31.12.2016	2 000
			1.1.2017 – 31.12.2017	2 000

<sup>(1)</sup> In any form of packaging whereby the product is considered as preserved within the meaning of HS heading 1604.

## CORRIGENDA

**Corrigendum to Council Regulation (EU) No 692/2012 of 24 July 2012 amending Regulations (EU) No 43/2012 and (EU) No 44/2012 as regards the protection of the giant manta ray and certain fishing opportunities***(Official Journal of the European Union L 203 of 31 July 2012)*

On page 11, Annex II, point 2, point (f):

*for:* '(f) the entry for mackerel in IIIa and IV; EU waters of IIa, IIIb, IIIc and Subdivisions 22-32 is replaced by the following: ...';

*read:* '(f) the entry for mackerel in IIIa and IV; EU waters of IIa, IIIb, IIIc and IIId is replaced by the following: ...';

on page 18, Annex II, point 4, point (a), entry for Union:

*for:* '5 330,5';

*read:* '5 292';

on page 18, Annex II, point 4, point (b):

point (b) is deleted;

on page 21, Annex II, point 4, point (g):

new point is added after point (g) as follows:

'(h) the entry for white hake in NAFO 3NO is replaced by the following:

<b>"Species:</b> White hake <i>Urophycis tenuis</i>	<b>Zone:</b> NAFO 3NO (HKW/N3NO.)
Spain	1 273
Portugal	1 667
Union	2 940
TAC	5 000";

Analytical TAC  
Article 3 of Regulation (EC) No 847/96 does not apply.  
Article 4 of Regulation (EC) No 847/96 does not apply.'

on page 21, Annex II, point 6:

*for:* '6. In Annex VI, point 2 is replaced by the following:

"2. Maximum number of EU vessels authorised to fish for swordfish and albacore in the IOTC Convention Area:

## ANNEX VI

**IOTC CONVENTION AREA**

1. Maximum number of EU vessels authorised to fish for tropical tunas in the IOTC Convention Area

Member State	Maximum number of vessels	Capacity (gross tonnage)
Spain	22	61 364
France	22	33 604
Portugal	5	1 627
Union	49	96 595

2. Maximum number of EU vessels authorised to fish for swordfish and albacore in the IOTC Convention Area

Member State	Maximum number of vessels	Capacity (gross tonnage)
Spain	27	11 590
France	41	5 382
Portugal	15	6 925
United Kingdom	4	1 400
Union	87	25 297

3. The vessels referred to in point 1 shall also be authorised to fish for swordfish and albacore in the IOTC Convention Area.

4. The vessels referred to in point 2 shall also be authorised to fish for tropical tunas in the IOTC Convention Area.”.

*read:* ‘6. In Annex VI, point 2 is replaced by the following:

“2. Maximum number of EU vessels authorised to fish for swordfish and albacore in the IOTC Convention Area

Member State	Maximum number of vessels	Capacity (gross tonnage)
Spain	27	11 590
France	41	5 382
Portugal	15	6 925
United Kingdom	4	1 400
Union	87	25 297”’



**Corrigendum to Commission Implementing Regulation (EU) No 1155/2012 of 5 December 2012 amending for the 183rd time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al Qaida network**

*(Official Journal of the European Union L 335 of 7 December 2012)*

On page 41, Annex, entry (b):

- for:* 'Benevolence International Foundation (alias (a) Al-Bir Al-Dawalia, (b) BIF, (c) BIF-USA, (d) Mezhdunarodnyj Blagotvoritel'nyj Fond). Address: (a) 8820, Mobile Avenue, 1A, Oak Lawn, Illinois, 60453, United States of America, (b) P.O. box 548, Worth, Illinois, 60482, United States of America, (c) (former location) 9838, S. Roberts Road, Suite 1W, Palos Hills, Illinois, 60465, United States of America, (d) (former location) 20- 24, Branford Place, Suite 705, Newark, New Jersey, 07102, United States of America, (e) PO box 1937, Khartoum, Republic of the Sudan, (f) People's Republic of Bangladesh, (g) Gaza Strip, (h) Republic of Yemen. Other information: (a) Employer Identification Number: 36-3823186 (United States of America), (b) Name of the Foundation in the Netherlands is: Stichting Benevolence International Nederland (BIN).';
- read:* 'Benevolence International Fund (alias (a) Benevolent International Fund, (b) BIF-Canada). Address: (a) 2465, Cawthra Road, Unit 203, Mississauga, Ontario, L5A 3P2 Canada; (b) PO box 1508, Station B, Mississauga, Ontario, L4Y 4G2 Canada; (c) PO box 40015, 75, King Street South, Waterloo, Ontario, N2J 4V1 Canada; (d) 92, King Street, 201, Waterloo, Ontario, N2J 1P5 Canada. Other information: Associated with Benevolence International Foundation. Date of designation referred to in Article 2a(4)(b): 21.11.2002.'

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**Corrigendum to Commission Regulation (EU) No 601/2012 of 21 June 2012 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council**

*(Official Journal of the European Union L 181 of 12 July 2012)*

On page 41, in Article 25(1), on the sixth line:

- for:* '3 664 t CO<sub>2</sub>/t C,'  
*read:* '3,664 t CO<sub>2</sub>/t C,';

on page 45, in Article 36(3), on the third line:

- for:* '3 664 t CO<sub>2</sub>/t C,'  
*read:* '3,664 t CO<sub>2</sub>/t C,'.
-



**Corrigenda**

- ★ **Corrigendum to Council Regulation (EU) No 692/2012 of 24 July 2012 amending Regulations (EU) No 43/2012 and (EU) No 44/2012 as regards the protection of the giant manta ray and certain fishing opportunities (OJ L 203, 31.7.2012) ..... 41**
  
- ★ **Corrigendum to Commission Implementing Regulation (EU) No 1155/2012 of 5 December 2012 amending for the 183rd time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al Qaida network (OJ L 335, 7.12.2012) 43**
  
- ★ **Corrigendum to Commission Regulation (EU) No 601/2012 of 21 June 2012 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council (OJ L 181, 12.7.2012) ..... 43**



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