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⁽¹⁾ Text with relevance for the EEA and for Switzerland

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Notice concerning the provisional application of the Agreement in the form of an Exchange of Letters between the European Union and the Government of the Russian Federation relating to the preservation of commitments on trade in services contained in the current EU-Russia Partnership and Cooperation Agreement

The Agreement in the form of an Exchange of Letters between the European Union and the Government of the Russian Federation relating to the preservation of commitments on trade in services contained in the current EU-Russia Partnership and Cooperation Agreement ⁽¹⁾, signed in Geneva on 16 December 2011, is provisionally applied as from 22 August 2012, by virtue of the accession of the Russian Federation to the WTO on that date.

⁽¹⁾ OJ L 57, 29.2.2012, p. 44.

Notice concerning the provisional application of the Agreement in the form of an Exchange of Letters between the European Union and the Russian Federation relating to the introduction or increase of export duties on raw materials

The Agreement in the form of an Exchange of Letters between the European Union and the Russian Federation relating to the introduction or increase of export duties on raw materials ⁽¹⁾, signed in Geneva on 16 December 2011, is provisionally applied as from 22 August 2012, by virtue of the accession of the Russian Federation to the WTO on that date.

⁽¹⁾ OJ L 57, 29.2.2012, p. 53.

Notice concerning the provisional application of the Agreement in the form of an Exchange of Letters between the European Union and the Russian Federation relating to the administration of tariff-rate quotas applying to exports of wood from the Russian Federation to the European Union and the Protocol between the European Union and the Government of the Russian Federation on technical modalities pursuant to that Agreement

The Agreement in the form of an Exchange of Letters between the European Union and the Russian Federation relating to the administration of tariff-rate quotas applying to exports of wood from the Russian Federation to the European Union and the Protocol between the European Union and the Government of the Russian Federation on technical modalities pursuant to that Agreement ⁽¹⁾, signed in Geneva on 16 December 2011, is provisionally applied as from 22 August 2012, by virtue of the accession of the Russian Federation to the WTO on that date.

⁽¹⁾ OJ L 57, 29.2.2012, p. 3.

Notice concerning the provisional application of the Agreement between the European Union and the Government of the Russian Federation on trade in parts and components of motor vehicles between the European Union and the Russian Federation

The Agreement between the European Union and the Government of the Russian Federation on trade in parts and components of motor vehicles between the European Union and the Russian Federation ⁽¹⁾, signed in Geneva on 16 December 2011, is provisionally applied as from 22 August 2012, by virtue of the accession of the Russian Federation to the WTO on that date.

⁽¹⁾ OJ L 57, 29.2.2012, p. 15.

COUNCIL DECISION

of 11 December 2012

on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the Russian Federation relating to the administration of tariff-rate quotas applying to exports of wood from the Russian Federation to the European Union and the Protocol between the European Union and the Government of the Russian Federation on technical modalities pursuant to that Agreement

(2012/793/EU)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

Article 1

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4) in conjunction with Article 218(6)(a) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

(1) In accordance with Council Decision 2012/105/EU ⁽¹⁾, the Agreement in the form of an Exchange of Letters between the European Union and the Russian Federation relating to the administration of tariff-rate quotas applying to exports of wood from the Russian Federation to the European Union ('the Agreement') and the Protocol between the European Union and the Government of the Russian Federation on technical modalities pursuant to that Agreement ('the Protocol'), were signed on 16 December 2011, subject to their conclusion.

(2) The Agreement and the Protocol should be approved,

The Agreement in the form of an Exchange of Letters between the European Union and the Russian Federation relating to the administration of tariff-rate quotas applying to exports of wood from the Russian Federation to the European Union, and the Protocol between the European Union and the Government of the Russian Federation on technical modalities pursuant to that Agreement are hereby approved on behalf of the Union ⁽²⁾.

Article 2

The President of the Council shall designate the person(s) empowered to proceed, on behalf of the Union, to make the notification provided for in the Agreement and in paragraph 2 of Article 26 of the Protocol, in order to express the consent of the Union to be bound by the Agreement and the Protocol ⁽³⁾.

Article 3

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

Done at Brussels, 11 December 2012.

For the Council

The President

A. D. MAVROYIANNIS

⁽¹⁾ OJ L 57, 29.2.2012, p. 1.

⁽²⁾ The Agreement and the Protocol have been published in OJ L 57 of 29.2.2012, together with the decision on signing.

⁽³⁾ The date of entry into force of the Agreement and the Protocol will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

REGULATIONS

COUNCIL REGULATION (EU) No 1220/2012

of 3 December 2012

on trade related measures to guarantee the supply of certain fishery products to Union processors from 2013 to 2015, amending Regulations (EC) No 104/2000 and (EU) No 1344/2011

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 31 thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) Union supplies of certain fishery products currently depend on imports from third countries. In the last 15 years, the Union has become more dependent on imports to meet its consumption of fishery products. The Union self-sufficiency rate for fishery products has decreased from 57 % to 38 %. In order not to jeopardise the Union production of fishery products and to ensure an adequate supply to the Union processing industry, customs duties should be partially or totally suspended for a number of products within tariff quotas of an appropriate volume. To guarantee a level playing field for the Union producers, the sensitivity of individual fishery products on the Union market should also be taken into consideration.

(2) By Regulation (EC) No 1062/2009 ⁽¹⁾, the Council opened and provided for the management of autonomous Community tariff quotas for certain fishery products for the period from 2010 to 2012. Given that the period of application of that Regulation expires on 31 December 2012, it is important that relevant rules contained therein be reflected in the period from 2013 to 2015.

(3) Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products ⁽²⁾ is being reviewed in the context of the reform of the Common Fisheries Policy. That Regulation establishes suspensions of tariff duties for certain fishery products. In order to render the

system more coherent and streamline the procedures of the Union's autonomous preferences for fishery products, a number of autonomous tariff quotas replacing those suspensions should be established, and Regulation (EC) No 104/2000 should be amended accordingly. The new autonomous tariff quotas should be of sufficient volume so as to ensure an adequate supply of raw fishery materials to the Union and to guarantee the predictability and the continuity of imports.

(4) Council Regulation (EU) No 1344/2011 of 19 December 2011 suspending the autonomous Common Customs Tariff duties on certain agricultural, fishery and industrial products ⁽³⁾ contains a limited number of suspensions for fishery products. In order to render the system more coherent and streamline the procedures of the Union's autonomous preferences for fishery products, a number of autonomous tariff quotas replacing those suspensions should be established. Consequently, Regulation (EU) No 1344/2011 should be amended accordingly. The new autonomous tariff quotas should be of sufficient volume so as to ensure an adequate supply of raw fishery materials to the Union and to guarantee the predictability and the continuity of imports.

(5) It is important to provide the fishery processing industry with security of supply of raw fishery materials to permit continued growth and investment, and, most importantly, enable it to adapt to the replacement of suspensions by quotas without any disruption of supply. It is therefore appropriate to provide, in respect of certain fishery products to which suspensions have applied, for a system which triggers an automatic increase of the applicable tariff quotas under certain conditions.

(6) Equal and uninterrupted access to the tariff quotas provided for in this Regulation should be ensured for all Union importers and the rates laid down for the quotas should be applied without interruption to all imports of the products concerned into all Member States until the tariff quotas have been used up.

⁽¹⁾ OJ L 291, 7.11.2009, p. 8.

⁽²⁾ OJ L 17, 21.1.2000, p. 22.

⁽³⁾ OJ L 349, 31.12.2011, p. 1.

- (7) To ensure the efficient common management of the tariff quotas, Member States should be permitted to draw from the quota amount the necessary quantities corresponding to their actual imports. Since that method of management requires close cooperation between the Member States and the Commission, the Commission should be able to monitor the rate at which the quotas are used up and should inform the Member States accordingly.
- (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 ⁽¹⁾ provides for a system of tariff quota management which follows the chronological order of the dates of acceptance of the declarations of release for free circulation. The tariff quotas opened by this Regulation should be managed by the Commission and the Member States in accordance with that system,

HAS ADOPTED THIS REGULATION:

Article 1

Import duties on the products listed in the Annex shall be suspended within the tariff quotas, at the rates, for the periods and up to the amounts indicated therein.

Article 2

The tariff quotas referred to in Article 1 shall be managed in accordance with Articles 308a, 308b and 308c (1) of Regulation (EEC) No 2454/93.

Article 3

1. Without undue delay, the Commission shall ascertain whether, as at 30 September of the relevant calendar year, 80 % of the annual tariff quota in respect of a fishery product to which this Article applies in accordance with the Annex has been used. If that is the case, the annual tariff quota set in the Annex shall be deemed to be automatically increased by 20 %.

The increased annual tariff quota shall be the applicable tariff quota in respect of that fishery product for the relevant calendar year.

2. At a request of at least one Member State and without prejudice to paragraph 1, the Commission shall ascertain whether 80 % of the annual tariff quota, in respect of a fishery product to which this Article applies in accordance with the Annex, has been used prior to 30 September of the relevant calendar year. If that is the case, paragraph 1 shall apply.

3. The Commission shall without undue delay inform Member States that the conditions established in paragraphs 1 or 2 have been fulfilled and shall publish information on the newly applicable tariff quota in the C series of the *Official Journal of the European Union*.

4. No further increase may apply for the relevant calendar year to a tariff quota increased according to paragraph 1.

Article 4

The Commission and customs authorities of Member States shall cooperate closely to ensure the proper management and control of the application of this Regulation.

Article 5

1. In Regulation (EC) No 104/2000, Article 28 and Annex VI are deleted.

2. In the Annex to Regulation (EU) No 1344/2011, the entries concerning fishery products with TARIC codes 0302 89 90 30, 0302 90 00 95, 0303 90 90 91, 0305 20 00 11, 0305 20 00 30, 1604 11 00 20, 1604 32 00 10, 1605 10 00 11 and 1605 10 00 19 are deleted.

Article 6

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

It shall apply from 1 January 2013 to 31 December 2015.

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

Done at Brussels, 3 December 2012.

For the Council
The President
N. SYLIKOTIS

⁽¹⁾ OJ L 253, 11.10.1993, p. 1.

ANNEX

Order No	CN code	TARIC code	Description	Annual amount of quota (tons) (*)	Quota duty	Quota period
09.2759	ex 0302 51 10	20	Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) and fish of the species <i>Boreogadus saida</i> , excluding livers and roes, fresh, chilled or frozen, for processing ⁽¹⁾ ⁽²⁾	70 000 ⁽⁷⁾	0 %	1.1.2013-31.12.2015
	ex 0302 51 90	10				
	ex 0302 59 10	10				
	ex 0303 63 10	10				
	ex 0303 63 30	10				
	ex 0303 63 90	10				
	ex 0303 69 10	10				
09.2765	ex 0305 62 00	20	Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) and fish of the species <i>Boreogadus saida</i> , salted or in brine, but not dried or smoked, for processing ⁽¹⁾ ⁽²⁾	2 600	0 %	1.1.2013-31.12.2015
		25				
		29				
09.2776	ex 0305 69 10	10				
		10	Cod, (<i>Gadus morhua</i> , <i>Gadus macrocephalus</i>), frozen fillets and frozen meat, for processing ⁽¹⁾ ⁽²⁾	30 000	0 %	1.1.2013-31.12.2015
		10				
		10				
09.2761	ex 0304 71 10	10				
		10	Blue grenadier (<i>Macruronus</i> spp.), frozen fillets and other frozen meat, for processing ⁽¹⁾ ⁽²⁾	25 000 ⁽⁷⁾	0 %	1.1.2013-31.12.2015
		11				
		17				
09.2798	ex 0304 79 50	11				
		17	Shrimps and prawns of the species <i>Pandalus borealis</i> , in shells, fresh, chilled or frozen for processing ⁽¹⁾ ⁽²⁾ ⁽⁴⁾	9 000	0 %	1.1.2013-31.12.2015
		17				
09.2794	ex 0306 16 99	20				
		12	Shrimps and prawns of the species <i>Pandalus borealis</i> cooked and peeled, for processing ⁽¹⁾ ⁽²⁾ ⁽⁴⁾	30 000	0 %	1.1.2013-31.12.2015
09.2800	ex 0306 26 90	92				
		50	Shrimps and prawns of the species <i>Pandalus borealis</i> cooked and peeled, for processing ⁽¹⁾ ⁽²⁾ ⁽⁴⁾	2 000	0 %	1.1.2013-31.12.2015
09.2802	ex 1605 21 90	55				
		60	Shrimps and prawns of the species <i>Pandalus jordani</i> , cooked and peeled, for processing ⁽¹⁾ ⁽²⁾ ⁽⁴⁾	20 000	0 %	1.1.2013-31.12.2015
09.2760	ex 1605 29 00	10				
		10	Shrimps and prawns of the species <i>Penaeus Vannamei</i> , whether in shell or not, fresh, chilled or frozen, for processing ⁽¹⁾ ⁽²⁾	12 500	0 %	1.1.2013-31.12.2015
		10				
		10				
		11				
		91				
		10				

Order No	CN code	TARIC code	Description	Annual amount of quota (tons) (*)	Quota duty	Quota period
09.2774	ex 0304 74 19	10	North Pacific hake (<i>Merluccius productus</i>), frozen fillets and other meat for processing ⁽¹⁾ ⁽²⁾	12 000	0 %	1.1.2013-31.12.2015
	ex 0304 95 50	10				
09.2770	ex 0305 63 00	10	Anchovies (<i>Engraulis anchoita</i>), salted or in brine, but not dried or smoked, for processing ⁽¹⁾ ⁽²⁾	2 500	0 %	1.1.2013-31.12.2015
09.2788	ex 0302 41 00	10	Herrings (<i>Clupea harengus</i> , <i>Clupea pallasii</i>), of a weight exceeding 100 g per piece or flaps of a weight exceeding 80 g per piece, excluding livers and roes, for processing ⁽¹⁾ ⁽²⁾	17 500	0 %	1.10.2013-31.12.2013
	ex 0303 51 00	10				1.10.2014-31.12.2014
	ex 0304 59 50	10				1.10.2015-31.12.2015
	ex 0304 86 00	10				
	ex 0304 99 23	10				
09.2792	ex 1604 12 99	1111	Herrings, spiced and/or vinegared, in brine, preserved in barrels of at least 70 kg net drained weight, for processing ⁽¹⁾ ⁽²⁾	15 000 ⁽⁶⁾	6 %	1.1.2013-31.12.2015
09.2790	ex 1604 14 16	21 23 31 33 41 43 91 93	Filets known as 'loins' of tunas and skipjack, for processing ⁽¹⁾ ⁽²⁾	22 000	0 %	1.1.2013-31.12.2015
09.2762	ex 0306 11 90	10	Rock lobster and other sea crawfish (<i>Palinurus</i> spp., <i>Panulirus</i> spp., <i>Jasus</i> spp.), live, chilled, frozen, for processing ⁽¹⁾ ⁽²⁾ ⁽³⁾	200	6 %	1.1.2013-31.12.2015
	ex 0306 21 90	10				
09.2785	ex 0307 49 59	10	Pod ⁽⁵⁾ of squid (<i>Ommastrephes</i> spp. - excluding <i>Ommastrephes sagittatus</i> -, <i>Nototodarus</i> spp., <i>Sepioteuthis</i> spp.) and <i>Illex</i> spp., frozen, with skin and fins, for processing ⁽¹⁾ ⁽²⁾	45 000	0 %	1.1.2013-31.12.2015
	ex 0307 99 11	10				
09.2786	ex 0307 49 59	20	Squid (<i>Ommastrephes</i> spp. - excluding <i>Ommastrephes sagittatus</i> -, <i>Nototodarus</i> spp., <i>Sepioteuthis</i> spp.) and <i>Illex</i> spp., frozen, whole or tentacles and fins, for processing ⁽¹⁾ ⁽²⁾	3 000	0 %	1.1.2013-31.12.2015
	ex 0307 99 11	20				
09.2777	ex 0303 67 00	10	Alaska pollack (<i>Theragra chalcogramma</i>), frozen, frozen fillets and other frozen meat, for processing ⁽¹⁾ ⁽²⁾	350 000 ⁽⁷⁾	0 %	1.1.2013-31.12.2015
	ex 0304 75 00	10				
	ex 0304 94 90	10				
09.2772	ex 0304 93 10	10	Surimi, frozen, for processing ⁽¹⁾ ⁽²⁾	66 000 ⁽⁷⁾	0 %	1.1.2013-31.12.2015
	ex 0304 94 10	10				
	ex 0304 95 10	10				
	ex 0304 99 10	10				
09.2746	ex 0302 89 90	30	Southern red snapper (<i>Lutjanus purpureus</i>), fresh, chilled, for processing ⁽¹⁾ ⁽²⁾	1 650 ⁽⁷⁾	0 %	1.1.2013-31.12.2015

Order No	CN code	TARIC code	Description	Annual amount of quota (tons) (*)	Quota duty	Quota period
09.2748	ex 0302 90 00	95	Hard fish roes, fresh, chilled or frozen, salted or in brine	11 000 (7)	0 %	1.1.2013-31.12.2015
	ex 0303 90 90	91				
	ex 0305 20 00	30				
09.2750	ex 1604 32 00	10	Hard fish roes, washed, cleaned of adherent organs and simply salted or in brine, for processing (1)	6 600 (7)	0 %	1.1.2013-31.12.2015
09.2764	ex 1604 11 00	20	Pacific salmon (<i>Oncorhynchus</i> spp.), for the processing industry for manufacture into pastes or spreads (1)	1 300 (7)	0 %	1.1.2013-31.12.2015
09.2784	ex 1605 10 00	11 19	Crabs of the species 'King' (<i>Paralithodes camchaticus</i>), 'Hanasaki' (<i>Paralithodes brevipes</i>), 'Kegani' (<i>Erimacrus isenbecki</i>), 'Queen' and 'Snow' (<i>Chionoecetes</i> spp.), 'Red' (<i>Geryon quinque-dens</i>), 'Rough stone' (<i>Neolithodes asperimus</i>), <i>Lithodes santolla</i> , 'Mud' (<i>Scylla serrata</i>), 'Blue' (<i>Portunus</i> spp.), simply boiled in water and shelled, whether or not frozen, in immediate packings of a net content of 2 kg or more	2 750 (7)	0 %	1.1.2013-31.12.2015
09.2778	ex 0304 83 90	21	Flatfish, frozen fillets and other fish meat (<i>Limanda aspera</i> , <i>Lepidopsetta bilineata</i> , <i>Pleuronectes quadrituberculatus</i> , <i>Limanda ferruginea</i> , <i>Lepidopsetta polyxystra</i>), for processing (1) (2)	5 000	0 %	1.1.2013-31.12.2015
	ex 0304 99 99	65				

(*) Expressed in net weight, unless otherwise stated.

(1) The quota is subject to the conditions laid down in the Articles 291 to 300 of Regulation (EEC) No 2454/93.

(2) The quota is not available for products intended solely for one or more of the following operations:

- cleaning, gutting, tailing, heading,
- cutting (excluding dicing, filleting, production of flaps or cutting of frozen blocks or splitting of frozen interleaved fillet blocks),
- repacking of frozen IQF fillets,
- sampling, sorting,
- labelling,
- packing,
- chilling,
- freezing,
- deep freezing,
- thawing, separation.

The quota is not available for products intended to undergo treatment or operations which give quota entitlement, where such treatment or operations are carried out at retail or catering level. The quota is only available for products intended for human consumption.

(3) Products under CN codes 0306 11 90 (TARIC code 10) and 0306 21 90 (TARIC code 10) shall, notwithstanding footnote (2), qualify for the quota if they undergo one or both of the following operations: dividing the frozen product, subjecting the frozen product to heat treatment to enable the removal of internal waste material.

(4) Products under CN codes 1605 21 90 (TARIC codes 45 and 55) and 1605 29 00 (TARIC codes 50 and 60) shall, notwithstanding footnote (2), qualify for the quota if they undergo the operation of subjecting the shrimps and prawns to processing treatment by packaging gases as defined in Annex I to Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives. (1)

(1) OJ L 354, 31.12.2008, p. 16.

(5) Body of cephalopod or the squid headless and without tentacle.

(6) Expressed in net drained weight.

(7) Article 3 applies.

COMMISSION IMPLEMENTING REGULATION (EU) No 1221/2012**of 12 December 2012****amending Regulation (EC) No 684/2009 as regards the data to be submitted under the computerised procedure for the movement of excise goods under suspension of excise duty**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2008/118/EC of 16 December 2008 concerning the general arrangements for excise duty and repealing Council Directive 92/12/EEC ⁽¹⁾, and in particular Article 29(1) thereof,

Whereas:

- (1) Where in accordance with Annex I to Commission Regulation (EC) No 684/2009 ⁽²⁾, a field in the draft electronic administrative document can only be completed by a VAT number, the maximum field length should correspond to the maximum field length of the VAT numbers issued by Member States.
- (2) Fixed transport installations do not always have a unique identification and therefore the requirement laid down in Annex I to identify the transport unit employed using the unique identification, should only apply where that means of identification exists.
- (3) The structures of Table 1, Table 2 and Table 5 of Annex I to Regulation (EC) No 684/2009 should be changed to take into account that some of the data groups they contain may require more than one entry.
- (4) Third Country codes applied to the data element Third Country of Origin in the Data Subgroup WINE PRODUCT in Table 1 of Annex I should exclude codes set out in the list of Member State Codes in Annex II and should also exclude 'GR', which is the code for Greece used in ISO 3166. Therefore Annex I should be amended to reflect this.
- (5) The list of transport mode codes in Annex II to Regulation (EC) No 684/2009 includes a code for modes of transport other than those specified in the rest of the list. Where the code for other modes of transport is used, it is necessary to add a textual description of the transport mode in question. Annex I should be amended accordingly.
- (6) In order to identify the changes of destination or splitting operations that have occurred during a movement of excise goods under duty suspension within the meaning of Article 5 and 6 of Regulation (EC) No 684/2009 the sequence number of each of those operations should be added to the electronic administrative document. Table 4 of Annex I should be amended accordingly.
- (7) The Splitting Operation message set out in Table 5 of Annex I to Regulation (EC) No 684/2009 should show in which Member State the splitting operation takes place. Therefore that table should be restructured to contain an extra data group giving this information
- (8) The list of codes for unsatisfactory reasons in Table 6 of Annex I to Regulation (EC) No 684/2009 includes code number 6 'one or more body records with incorrect values', but this code does not provide a specific reason for the incorrect values and therefore does not give any information not otherwise provided. It should therefore be deleted.
- (9) Article 19(3) of Directive 2008/118/EC permits Member States to grant a temporary authorisation to a person to act as a registered consignee. The authorisation may specify a maximum authorised quantity for each excise product category that may be received. It should be possible to indicate where the maximum quantity has been exceeded in a consignment. Therefore the list of codes for unsatisfactory reasons in Table 6 of Annex I to Regulation (EC) No 684/2009 should be amended in order to add a new code for that purpose.
- (10) For the purposes of the Customs Office Reference to be indicated in the electronic administrative document, the two-letter country codes laid down in ISO Standard 3166 should be used. Annex II should be amended accordingly.
- (11) It should be possible to include a record of the use of a fixed transport installation as a transport unit for excise goods in the draft electronic administrative document. Therefore the list of codes for transport units in Annex II to Regulation (EC) No 684/2009 should be amended in order to add a new element.
- (12) Pursuant to Commission Implementing Decision 2012/209/EU of 20 April 2012 concerning the application of the control and movement provisions of Council Directive 2008/118/EC to certain additives, in accordance with Article 20(2) of Council Directive

⁽¹⁾ OJ L 9, 14.1.2009, p. 12.

⁽²⁾ OJ L 192, 24.7.2009, p. 13.

2003/96/EC⁽¹⁾, certain products intended for use as additives to motor fuels are to be subject to the control and movement provisions of Directive 2008/118/EC. The list of codes for excise products in Annex II to Regulation (EC) No 684/2009 should therefore be amended to include a new excise product code for those products.

- (13) Regulation (EC) No 684/2009 should therefore be amended accordingly.
- (14) The amendment to the list of codes for excise products in Annex II to Regulation (EC) No 684/2009 should apply from the date when, in accordance with Implementing Decision 2012/209/EU, certain products intended for use as additives to motor fuels become subject to the control and movement provisions of Directive 2008/118/EC. Furthermore, it is necessary to provide sufficient time for the Member States and the economic operators to adjust to the new requirements before this Regulation applies.

- (15) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Excise Duty,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 684/2009 is amended as follows:

- (1) Annex I is amended as set out in Annex I to this Regulation.
- (2) Annex II is amended as set out in Annex II to this Regulation.

Article 2

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

It shall apply from 1 January 2013.

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

Done at Brussels, 12 December 2012.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 110, 24.4.2012, p. 41.

Annex I is amended as follows:

(1) Table 1 is replaced by the following:

Table 1

Draft electronic administrative document and electronic administrative document

(referred to in Article 3(1) and Article 8(1))

A	B	C	D	E	F	G
		ATTRIBUTE	R			
	<i>a</i>	Message Type	R		<p>The possible values are:</p> <p>1 = Standard submission (to be used in all cases except where submission concerns export with local clearance)</p> <p>2 = Submission for export with local clearance (Application of Article 283 of Commission Regulation (EEC) No 2454/93 (1))</p> <p>The message type must not occur in the e-AD to which an ARC has been assigned, nor in the paper document referred to in Article 8(1) of this Regulation</p>	n1
	<i>b</i>	Deferred submission flag	D	<p>“R” for submission of an e-AD for a movement that has begun under cover of the paper document referred to in Article 8(1)</p>	<p>Possible values:</p> <p>0 = false</p> <p>1 = true</p> <p>The value is “false” by default</p> <p>This data element must not occur in the e-AD to which an ARC has been assigned, nor in the paper document referred to in Article 8(1)</p>	n1
1		EXCISE MOVEMENT e-AD	R			
	<i>a</i>	Destination Type Code	R		<p>Provide the destination of the movement using one of the following values:</p> <p>1 = Tax warehouse (point (i) of Article 17(1)(a) of Directive 2008/118/EC)</p> <p>2 = Registered consignee (point (ii) of Article 17(1)(a) of Directive 2008/118/EC)</p> <p>3 = Temporary registered consignee (point (ii) of Article 17(1)(a) and Article 19(3) of Directive 2008/118/EC)</p> <p>4 = Direct delivery (Article 17(2) of Directive 2008/118/EC)</p> <p>5 = Exempted consignee (point (iv) of Article 17(1)(a) of Directive 2008/118/EC)</p>	n1

A	B	C	D	E	F	G
					6 = Export (point (iii) of Article 17(1)(a) of Directive 2008/118/EC) 8 = Unknown destination (consignee unknown; Article 22 of Directive 2008/118/EC)	
	<i>b</i>	Journey Time	R		Provide the normal period of time necessary for the journey taking into account the means of transport and the distance involved, expressed in hours (H) or days (D) followed by a two digits number. (Examples: H12, or D04). Indication for "H" should be less or equal to 24. Indication for "D" should be less or equal to 92	an3
	<i>c</i>	Transport Arrangement	R		Identify the person responsible for arranging the first transport using one of the following values: 1 = Consignor 2 = Consignee 3 = Owner of goods 4 = Other	n1
	<i>d</i>	ARC	R	To be provided by the competent authorities of the Member State of dispatch upon validation of the draft e-AD	See Annex II, Code list 2	an21
	<i>e</i>	Date and Time of Validation of e-AD	R	To be provided by the competent authorities of the Member State of dispatch upon validation of the draft e-AD	The addressed time is local time	dateTime
	<i>f</i>	Sequence Number	R	To be provided by the competent authorities of the Member State of dispatch upon validation of the draft e-AD and for each change of destination	Set to 1 at initial validation and then incremented by 1 in each e-AD generated by the competent authorities of the Member State of dispatch upon each change of destination	n..2
	<i>g</i>	Date and Time of Validation of Update	C	Date and Time of validation of the Change of destination message in Table 3, to be provided by the competent authorities of the Member State of dispatch in case of change of destination	The addressed time is local time	dateTime
2		TRADER Consignor	R			
	<i>a</i>	Trader Excise Number	R		Provide a valid SEED registration number of the authorised warehousekeeper or registered consignor	an13
	<i>b</i>	Trader Name	R			an..182
	<i>c</i>	Street Name	R			an..65
	<i>d</i>	Street Number	O			an..11

A	B	C	D	E	F	G
	e	Postcode	R			an..10
	f	City	R			an..50
	g	NAD_LNG	R		Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
3	TRADER Place of Dispatch		C	"R" if Origin Type Code in Box 9d is "1"		
	a	Tax Warehouse Reference	R		Provide a valid SEED registration number of the tax warehouse of dispatch	an13
	b	Trader Name	O			an..182
	c	Street Name	O			an..65
	d	Street Number	O			an..11
	e	Postcode	O			an..10
	f	City	O			an..50
	g	NAD_LNG	C	"R" if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
4	OFFICE of Dispatch — Import		C	"R" if Origin Type Code in Box 9d is "2"		
	a	Office Reference Number	R		Provide the Code of the Customs office of import. See Annex II Code list 5	an8
5	TRADER Consignee		C	"R", except for message type "2 — Submission for export with local clearance" or for Destination Type Code 8 (See Destination Type Codes in Box 1a)		
	a	Trader Identification	C	— "R" for Destination Type Code 1, 2, 3 and 4 — "O" for Destination Type Code 6	For Destination Type Code: — 1, 2, 3 and 4: provide a valid SEED registration number of the authorised warehousekeeper or registered consignee	an..16

A	B	C	D	E	F	G
				— This data element does not apply for Destination Type Code 5 (See Destination Type Codes in Box 1a)	— 6: provide the VAT identification number of the person representing the consignor at the office of export	
	b	Trader Name	R			an..182
	c	Street Name	R			an..65
	d	Street Number	O			an..11
	e	Postcode	R			an..10
	f	City	R			an..50
	g	NAD_LNG	R		Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
6		TRADER COMPLEMENT Consignee	C	“R” for Destination Type Code 5 (See Destination Type Codes in Box 1a)		
	a	Member State Code	R		Provide the Member State of destination using the Member State Code in Annex II, Code list 3	a2
	b	Serial Number of Certificate of Exemption	D	“R” if a Serial Number is mentioned on the excise duty exemption certificate established in Commission Regulation (EC) No 31/96 of 10 January 1996 on the excise duty exemption certificate (2)		an..255
7		TRADER Place of Delivery	C	— “R” for Destination Type Code 1 and 4 — “O” for Destination Type Code 2, 3 and 5 (See Destination Type Codes in Box 1a)	Provide the actual place of delivery of the excise goods	
	a	Trader Identification	C	— “R” for Destination Type Code 1	For Destination Type Code: — 1: provide a valid SEED registration number of the tax warehouse of destination	an..16

A	B	C	D	E	F	G
				— “O” for Destination Type Code 2, 3, and 5 (See Destination Type Code in Box 1a)	— 2, 3 and 5: provide the VAT identification number or any other identifier	
	b	Trader Name	C	— “R” for Destination Type Code 1, 2, 3 and 5 — “O” for Destination Type Code 4 (See Destination Type Codes in Box 1a)		an..182
	c	Street Name	C	For Box 7c, 7e and 7f: — “R” for Destination Type Code 2, 3, 4 and 5 — “O” for Destination Type Code 1 (See Destination Type Codes in Box 1a)		an..65
	d	Street Number	O			an..11
	e	Postcode	C			an..10
	f	City	C			an..50
	g	NAD_LNG	C	“R” if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
8		OFFICE Place of Delivery — Customs	C	“R” in case of export (Destination Type Code 6) (See Destination Type Codes in Box 1a)		
	a	Office Reference Number	R		Provide the code of the office of export at which the export declaration will be lodged in accordance with Article 161(5) of Council Regulation (EEC) No 2913/92 (3). See Annex II, Code list 5	an8
9		e-AD	R			
	a	Local Reference Number	R		A unique serial number assigned to the e-AD by the consignor which identifies the consignment in the records of the consignor	an..22
	b	Invoice Number	R		Provide the number of the invoice relating to the goods. If the invoice has not yet been prepared, the number of the delivery note or any other transport document should be given	an..35
	c	Invoice Date	O	The Member State of dispatch may decide to make this data “R”	The date of the document shown in Box 9b	Date

A	B	C	D	E	F	G
	d	Origin Type Code	R		The possible values for the origin of the movement are: 1 = Origin — Tax warehouse (in the situations referred to in Article 17(1)(a) of Directive 2008/118/EC) 2 = Origin — Import (in the situation referred to in Article 17(1)(b) of Directive 2008/118/EC)	n1
	e	Date of Dispatch	R		The date at which the movement begins in accordance with Article 20(1) of Directive 2008/118/EC. This date cannot be later than 7 days after the date of submission of the draft e-AD. The Date of Dispatch can be a date in the past in the case referred to of Article 26 of Directive 2008/118/EC	Date
	f	Time of Dispatch	O	The Member State of dispatch may decide to make this data "R"	The time at which the movement begins in accordance with Article 20(1) of Directive 2008/118/EC. The addressed time is local time	Time
	g	Upstream ARC	D	To be provided by the competent authorities of the Member State of dispatch upon validation of new e-ADs following the validation of the message "Splitting operation" (Table 5)	The ARC to be provided is the ARC of the replaced e-AD	an21
9.1		IMPORT SAD	C	"R" if origin type code in Box 9d is "2" (import)		9X
	a	Import SAD Number	R	The SAD Number shall be provided either by the consignor at the time of submission of the draft e-AD or by the competent authorities of the Member State of dispatch upon validation of the draft e-AD	Provide the number(s) of the Single Administrative Document(s) used for the release for free circulation of the goods concerned	an..21
10		OFFICE Competent Authority at Dispatch	R			
	a	Office Reference Number	R		Provide the code of the office of the competent authorities in the Member State of dispatch responsible for excise control at the place of dispatch. See Annex II, Code list 5	an8
11		MOVEMENT GUARANTEE	R			
	a	Guarantor Type Code	R		Identify the person(s) responsible for providing the guarantee using Guarantor Type Code in Annex II, Code list 6	n..4
12		TRADER Guarantor	C	"R" if one of the following Guarantor Type Codes applies: 2, 3, 12, 13, 23, 24, 34, 123, 124, 134, 234 or 1234 (See Guarantor Type Code in Annex II, Code list 6)	Identify the transporter and/or the owner of the goods if they provide the guarantee	2X

A	B	C	D	E	F	G
	a	Trader Excise Number	O	The Member State of dispatch may decide to make this data "R"	Provide a valid SEED registration number or VAT identification number of the transporter or owner of the excise goods	an13
	b	VAT Number	O			an..14
	c	Trader Name	C	For 12c, d, f and g: "O" if Trader Excise Number is provided, otherwise "R"		an..182
	d	Street Name	C			an..65
	e	Street Number	O			an..11
	f	Postcode	C			an..10
	g	City	C			an..50
	h	NAD_LNG	C	"R" if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
13		TRANSPORT	R			
	a	Transport Mode Code	R		Provide the mode of transport at the time of the start of the movement, using the codes in Annex II, Code list 7	n..2
	b	Complementary Information	C	"R" if <Transport Mode Code> is "Other" Otherwise "O"	Provide a textual description of the mode of transport	an..350
	c	Complementary Information_LNG	C	"R" if corresponding text field is used	Provide language code, see Annex II, Code list 1 to define the language used in this data group	a2
14		TRADER Transport Arranger	C	"R" to identify the person responsible for arranging the first transport if value in Box 1c is "3" or "4"		
	a	VAT Number	O	The Member State of dispatch may decide to make this data "R"		an..14
	b	Trader Name	R			an..182
	c	Street Name	R			an..65
	d	Street Number	O			an..11
	e	Postcode	R			an..10

A	B	C	D	E	F	G
	<i>f</i>	City	R			an..50
	<i>g</i>	NAD_LNG	R		Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
15	TRADER First Transporter		O	The Member State of dispatch may decide to make this data "R"	Identification of the person carrying out the first transport	
	<i>a</i>	VAT Number	O			an..14
	<i>b</i>	Trader Name	R			an..182
	<i>c</i>	Street Name	R			an..65
	<i>d</i>	Street Number	O			an..11
	<i>e</i>	Postcode	R			an..10
	<i>f</i>	City	R			an..50
	<i>g</i>	NAD_LNG	R		Provide language code, see Annex II, Code list 1 to define the language used in this data group	a2
16	TRANSPORT DETAILS		R			99X
	<i>a</i>	Transport Unit Code	R		Provide Transport Unit Code(s) related to the transport mode indicated in Box 13a. See Annex II Code list 8	n..2
	<i>b</i>	Identity of Transport Units	C	"R" if the Transport Unit Code is other than 5 (See Box 16a)	Enter the registration number of the transport unit(s) when the Transport Unit Code is other than 5	an..35
	<i>c</i>	Identity of Commercial Seal	D	"R" if commercial seals are used	Provide the identification of the commercial seals, if used to seal the transport unit	an..35
	<i>d</i>	Seal Information	O		Provide any additional information concerning these commercial seals (e.g. type of seals used)	an..350
	<i>e</i>	Seal Information_LNG	C	"R" if corresponding text field is used	Provide language code, see Annex II, Code list 1 to define the language used in this data group	a2
	<i>f</i>	Complementary Information	O		Provide any additional information concerning the transport, e.g. identity of any subsequent transporter, information concerning subsequent transport units	an..350

A	B	C	D	E	F	G
	<i>g</i>	Complementary Information_LNG	C	“R” if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
17	e-AD Body		R		A separate data group must be used for each product composing the consignment	999x
	<i>a</i>	Body Record Unique Reference	R		Provide a unique sequential number, starting with 1	n..3
	<i>b</i>	Excise Product Code	R		Provide the applicable excise product code, see Annex II, Code list 11	an..4
	<i>c</i>	CN Code	R		Provide the CN Code applicable at the date of dispatch	n8
	<i>d</i>	Quantity	R		Provide quantity (expressed in the unit of measurement associated with the product code — See Annex II, tables 11 and 12) For a movement to a registered consignee referred to in Article 19(3) of Directive 2008/118/EC, the quantity shall not exceed the quantity which he is authorised to receive For a movement to an exempted organisation referred to in Article 12 of Directive 2008/118/EC, the quantity shall not exceed the quantity registered in the excise duty exemption certificate	n..15,3
	<i>e</i>	Gross Weight	R		Provide the gross weight of the consignment (the excise goods with packaging)	n..15,2
	<i>f</i>	Net Weight	R		Provide the weight of the excise goods without packaging (for alcohol and alcoholic beverages, energy products and for all tobacco products except cigarettes)	n..15,2
	<i>g</i>	Alcoholic strength	C	“R” if applicable for the excise good in question	Provide the alcoholic strength (percentage by volume at 20 °C) if applicable in accordance with Annex II, Code list 11	n..5,2
	<i>h</i>	Degree Plato	D	“R” if the Member State of dispatch and/or the Member State of destination tax beer on the basis of degree Plato	For beer, provide the degree Plato if the Member State of dispatch and/or the Member State of destination tax beer on that basis. See Annex II, Code list 11	n..5,2
	<i>i</i>	Fiscal Mark	O		Provide any additional information concerning the fiscal marks required by the Member State of destination	an..350
	<i>j</i>	Fiscal Mark_LNG	C	“R” if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
	<i>k</i>	Fiscal Mark Used flag	D	“R” if fiscal marks are used	Provide “1” if the goods carry or contain fiscal marks or “0” if the goods do not carry or contain fiscal marks	n1

A	B	C	D	E	F	G
	<i>l</i>	Designation of Origin	O		<p>This box can be used to give certification:</p> <ol style="list-style-type: none"> 1. in the case of certain wines, relating to the protected designation of origin or geographical indication, in accordance with the relevant Community legislation 2. in the case of certain spirits drinks, relating to the place of production in accordance with the relevant Community legislation 3. for beer brewed by an independent small brewery, as defined in Council Directive 92/83/EEC (4), for which it is intended to claim a reduced rate of excise duty in the Member State of destination. Certification should be given in the following terms: "It is hereby certified that the product described has been brewed by an independent small brewery" 4. for ethyl alcohol distilled by a small distillery, as defined in Council Directive 92/83/EEC, for which it is intended to claim a reduced rate of excise duty in the Member State of destination. Certification should be given in the following terms: "It is hereby certified that the product described has been produced by a small distillery" 	an..350
	<i>m</i>	Designation of Origin_LNG	C	"R" if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
	<i>n</i>	Size of Producer	O		For beer or spirits, for which certification is given in the field 17l (Designation of origin), provide the annual production of the previous year in hectolitres of beer or in hectolitres pure alcohol respectively	n..15
	<i>o</i>	Density	C	"R" if applicable for the excise good in question	Provide the density at 15 °C, if applicable in accordance with the table in Annex II, Code list 11	n..5,2
	<i>p</i>	Commercial Description	O	<p>The Member State of dispatch may decide to make this data required</p> <p>"R" for the bulk transport of the wines referred to in paragraphs 1 to 9, 15 and 16 of Annex IV to Council Regulation (EC) No 479/2008 (5), for which the product description shall contain the optional particulars set out in Article 60 of that Regulation provided that they are shown on the labelling or that it is planned to show them on the labelling</p>	Provide the commercial description of the goods in order to identify the products transported	an..350
	<i>q</i>	Commercial Description_LNG	C	"R" if corresponding text field is used	Provide language code, see Annex II, Code list 1 to define the language used in this data group	a2
	<i>r</i>	Brand Name of Products	D	"R" if the excise goods have a brand name. The Member State of dispatch may decide that the brand name of	Provide the brand name of the goods, if applicable	an..350

A	B	C	D	E	F	G
				the products transported must not be provided if it is given in the invoice or other commercial document referred to in Box 9b		
	s	Brand Name of Products_LNG	C	"R" if corresponding text field is used	Provide language code, see Annex II, Code list 1 to define the language used in this data group	a2
17.1		PACKAGE	R			99x
	a	Kind of Packages Code	R		Provide the kind of package, using one of the codes in Annex II, Code list 9	an2
	b	Number of Packages	C	"R" if marked "Countable"	Provide the number of packages if the packages are countable in accordance with Annex II, Code list 9	n..15
	c	Identity of Commercial Seal	D	"R" if commercial seals are used	Provide the identification of the commercial seals, if used to seal the packages	an..35
	d	Seal Information	O		Provide any additional information concerning these commercial seals (e.g. type of seals used)	an..350
	e	Seal Information_LNG	C	"R" if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
17.2		WINE PRODUCT	D	"R" for wine products included in Part XII of Annex I to Regulation (EC) No1234/2007 (6)		
	a	Category of Wine Product	R		For wine products included in Part XII of Annex I to Regulation (EC) No 1234/2007, provide one of the following values: 1 = Wine without PDO/PGI 2 = Varietal wine without PDO/PGI 3 = Wine with PDO or PGI 4 = Imported wine 5 = Other	n1
	b	Wine-Growing Zone Code	D	"R" for wine products in bulk (nominal volume of more than 60 litres)	Provide the wine-growing zone in which the product transported originates in accordance with Annex IX to Regulation (EC) No 479/2008	n..2
	c	Third Country of Origin	C	"R" if Category of Wine Product in Box 17.2a is "4" (imported wine)	Provide a "Country Code" listed in Annex II, Code list 4 but not listed in Annex II, Code list 3 and except "Country Code" "GR"	a2

A	B	C	D	E	F	G
	d	Other Information	O			an..350
	e	Other Information_LNG	C	"R" if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
17.2.1		WINE OPERATION Code	D	"R" for wine products in bulk (nominal volume of more than 60 litres)		99x
	a	Wine Operation Code	R		Provide one or several "Wine operation Code(s)" in accordance with list 1.4(b) in point B of Annex VI to Commission Regulation (EC) No 436/2009 (7)	n..2
18		DOCUMENT Certificate	O			9x
	a	Short Description of Document	C	"R", unless data field 18c is used	Provide a description of any certificate that relates to the transported goods, for instance certificates related to the Designation of Origin referred to in Box 171	an..350
	b	Short Description of Document_LNG	C	"R" if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
	c	Reference of Document	C	"R", unless data field 18a is used	Provide a reference to any certificate that relates to the transported goods	an..350
	d	Reference of Document_LNG	C	"R" if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2'

(2) Table 2 is replaced by the following:

Table 2
Cancellation
(referred to in Article 4(1))

A	B	C	D	E	F	G
1		ATTRIBUTE	R			
	a	Date and Time of Validation of Cancellation	C	To be provided by the competent authorities of the Member State of dispatch upon validation of the draft cancellation message	The addressed time is local time	dateTime
2		EXCISE MOVEMENT e-AD	R			

A	B	C	D	E	F	G
	a	ARC	R		Provide the ARC of the e-AD for which cancellation is requested	an21
3		CANCELLATION	R			
	a	Cancellation Reason	R		Provide the reason for cancelling the e-AD, using the codes in Annex II, Code list 10	n..1
	b	Complementary Information	C	— “R” if Cancellation Reason is 0 — “O” if Cancellation Reason is 1, 2, 3 or 4 <i>(see Box 3.a)</i>	Provide any additional information concerning the cancellation of the e-AD	an..350
	c	Complementary Information_LNG	C	“R” if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2'

(3) Table 3 is replaced by the following:

Table 3

Change of destination

(referred to in Article 5(1) and 8(2))

A	B	C	D	E	F	G
1		ATTRIBUTE	R			
	a	Date and Time of Validation of Change of Destination	C	To be provided by the competent authorities of the Member State of dispatch upon validation of the draft Change of destination message	The addressed time is local time	dateTime
2		e-AD Update	R			
	a	Sequence Number	C	To be provided by the competent authorities of the Member State of dispatch upon validation of the draft Change of destination message	Set to 1 at initial validation of the e-AD and then incremented by 1 upon each change of destination	n..2
	b	ARC	R		Provide the ARC of the e-AD of which the destination is changed	an21
	c	Journey time	D	“R” when the journey time changes following the change of destination	Provide the normal period of time necessary for the journey taking into account the means of transport and the distance involved, expressed in hours (H) or days (D) followed by a two digits number. (Examples: H12, or D04). Indication for “H” should be less or equal to 24. Indication for “D” should be less or equal to 92	an3

A	B	C	D	E	F	G
	d	Changed Transport Arrangement	D	“R” when the person responsible for arranging the transport changes following the change of destination	Identify the person responsible for arranging the transport using one of the following values: 1 = Consignor 2 = Consignee 3 = Owner of goods 4 = Other	n1
	e	Invoice Number	D	“R” when the invoice changes following the change of destination	Provide the number of the invoice relating to the goods. If the invoice has not yet been prepared, the number of the delivery note or any other transport document should be given	an..35
	f	Invoice Date	O	The Member State of dispatch may decide to make this data “R” when the Invoice Number changes following the change of destination	The date of the document shown in Box 2e	date
	g	Transport Mode Code	D	“R” when the Transport Mode changes following the change of destination	Provide the mode of transport using the codes in Annex II, Code list 7	n..2
3		CHANGED Destination	R			
	a	Destination Type Code	R		Provide the new destination of the movement using one of the following values: 1 = Tax warehouse (point (i) of Article 17(1)(a) of Directive 2008/118/EC) 2 = Registered consignee (point (ii) of Article 17(1)(a) of Directive 2008/118/EC) 3 = Temporary registered consignee (point (ii) of Article 17(1)(a) and Article 19(3) of Directive 2008/118/EC) 4 = Direct delivery (Article 17(2) of Directive 2008/118/EC) 6 = Export (point (iii) of Article 17(1)(a) of Directive 2008/118/EC)	n1
4		TRADER New Consignee	D	“R” when the consignee changes following the change of destination		
	a	Trader Identification	C	— “R” for Destination Type Code 1, 2, 3 and 4 — “O” for Destination Type Code 6 (See Destination Type Codes in Box 3a)	For Destination Type Code: — 1, 2, 3 and 4: provide a valid SEED registration number of the authorised warehousekeeper or registered consignee — 6: provide the VAT identification number of the person representing the consignor at the office of export	an..16

A	B	C	D	E	F	G
	<i>b</i>	Trader Name	R			an..182
	<i>c</i>	Street Name	R			an..65
	<i>d</i>	Street Number	O			an..11
	<i>e</i>	Postcode	R			an..10
	<i>f</i>	City	R			an..50
	<i>g</i>	NAD_LNG	R		Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
5	TRADER Place of Delivery		C	— “R” for Destination Type Code 1 and 4 — “O” for Destination Type Code 2 and 3 <i>(See Destination Type Codes in Box 3a)</i>	Provide the actual place of delivery of the excise goods	
	<i>a</i>	Trader Identification	C	— “R” for Destination Type Code 1 — “O” for Destination Type Code 2 and 3 <i>(See Destination Type Codes in Box 3a)</i>	For Destination Type Code: — 1: provide a valid SEED registration number of the tax warehouse of destination — 2 and 3: provide the VAT identification number or any other identifier	an..16
	<i>b</i>	Trader Name	C	— “R” for Destination Type Code 1, 2 and 3 — “O” for Destination Type Code 4 <i>(See Destination Type Codes in Box 3a)</i>		an..182
	<i>c</i>	Street Name	C	For Box 5c, 5e and 5f: — “R” for Destination Type Code 2, 3 and 4 — “O” for Destination Type Code 1 <i>(See Destination Type Codes in Box 3a)</i>		an..65
	<i>d</i>	Street Number	O			an..11
	<i>e</i>	Postcode	C			an..10
	<i>f</i>	City	C			an..50

A	B	C	D	E	F	G
	g	NAD_LNG	C	"R" if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
6		OFFICE Place of Delivery — Customs	C	"R" in case of export (Destination Type Code 6) (See Destination Type Codes in Box 3a)		
	a	Office Reference Number	R		Provide the code of the office of export at which the export declaration will be lodged in accordance with Article 161(5) of Regulation (EEC) No 2913/92. See Annex II, Code list 5	an8
7		TRADER New Transport Arranger	C	"R" to identify the person responsible for arranging the transport if the value in Box 2d is "3" or "4"		
	a	VAT Number	O	The Member State of dispatch may decide to make this data "R"		an..14
	b	Trader Name	R			an..182
	c	Street Name	R			an..65
	d	Street Number	O			an..11
	e	Postcode	R			an..10
	f	City	R			an..50
	g	NAD_LNG	R		Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
8		TRADER New Transporter	O	The Member State of dispatch may decide to make this data "R" when the transporter changes following the change of destination	Identification of the new person carrying out the transport	
	a	VAT Number	O			an..14
	b	Trader Name	R			an..182
	c	Street Name	R			an..65
	d	Street Number	O			an..11

A	B	C	D	E	F	G
	e	Postcode	R			an..10
	f	City	R			an..50
	g	NAD_LNG	R		Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
9		TRANSPORT DETAILS	D	"R" when the transport details have changed following the change of destination		99x
	a	Transport Unit Code	R		Provide Transport Unit Code(s), related to the transport mode indicated in Box 2g, see Annex II Code list 8	n..2
	b	Identity of Transport Units	C	"R" if the Transport Unit Code is other than 5 (See Box 9a)	Enter the registration number of the transport unit(s) when the Transport Unit Code is other than 5	an..35
	c	Identity of Commercial Seal	D	"R" if commercial seals are used	Provide the identification of the commercial seals, if used to seal the transport unit	an..35
	d	Seal Information	O		Provide any additional information concerning these commercial seals (e.g. type of seals used)	an..350
	e	Seal Information_LNG	C	"R" if corresponding text field is used	Provide language code, see Annex II, Code list 1	a2
	f	Complementary Information	O		Provide any additional information concerning the transport, e.g. identity of any subsequent transporter, information concerning subsequent transport units	an..350
	g	Complementary Information_LNG	C	"R" if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2'

(4) In Table 4, the following row 1d is added:

A	B	C	D	E	F	G
	d	Sequence Number	R	To be provided by the competent authorities of the Member State of destination (in the case of Notification of Change of Destination) or of the Member State of dispatch (in the case of Notification of splitting)	Provide the Sequence Number of the e-AD	n..2'

(5) Table 5 is replaced by the following:

Table 5

Splitting operation

(referred to in Article 6(1) and Article 8(2))

A	B	C	D	E	F	G
1		e-AD Splitting	R			
	a	Upstream ARC	R		Provide the ARC of the e-AD to be split See Annex II, Code list 2	an21
2		MSA of Splitting	R			
	a	Member State Code	R		Provide the Member State in the territory of which is carried out the splitting of the movement using the Member State Code in Annex II, Code list 3	a2
3		e-AD Split Details	R			9x
	a	Local Reference Number	R		A unique serial number assigned to the e-AD by the consignor which identifies the consignment in the records of the consignor	an..22
	b	Journey time	D	“R” when the journey time changes following the splitting operation	Provide the normal period of time necessary for the journey taking into account the means of transport and the distance involved, expressed in hours (H) or days (D) followed by a two digits number. (Examples: H12, or D04). Indication for “H” should be less or equal to 24. Indication for “D” should be less or equal to 92	an3
	c	Changed Transport Arrangement	D	“R” when the person responsible for arranging the transport changes following the splitting operation	Identify the person responsible for arranging the first transport using one of the following values: 1 = Consignor 2 = Consignee 3 = Owner of goods 4 = Other	n1
3.1		CHANGED Destination	R			
	a	Destination Type Code	R		Provide the destination of the movement using one of the following values: 1 = Tax warehouse (point (i) of Article 17(1)(a) of Directive 2008/118/EC) 2 = Registered consignee (point (ii) of Article 17(1)(a) of Directive 2008/118/EC) 3 = Temporary registered consignee (point (ii) of Article 17(1)(a) and Article 19(3) of Directive 2008/118/EC)	n1

A	B	C	D	E	F	G
					4 = Direct delivery (Article 17(2) of Directive 2008/118/EC) 6 = Export (point (iii) of Article 17(1)(a) of Directive 2008/118/EC) 8 = Unknown destination (consignee unknown; Article 22 of Directive 2008/118/EC)	
3.2	TRADER New Consignee		D	“R” when the consignee changes following the splitting operation		
	<i>a</i>	Trader Identification	C	— “R” for Destination Type Code 1, 2, 3 and 4 — “O” for Destination Type Code 6 (See Destination Type Codes in Box 3.1a)	For Destination Type Code: — 1, 2, 3 and 4: provide a valid SEED registration number of the authorised warehousekeeper or registered consignee — 6: provide the VAT identification number of the person representing the consignor at the office of export	an..16
	<i>b</i>	Trader Name	R			an..182
	<i>c</i>	Street Name	R			an..65
	<i>d</i>	Street Number	O			an..11
	<i>e</i>	Postcode	R			an..10
	<i>f</i>	City	R			an..50
	<i>g</i>	NAD_LNG	R		Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
3.3	TRADER Place of Delivery		C	— “R” for Destination Type Code 1 and 4 — “O” for Destination Type Code 2 and 3 (See Destination Type Codes in Box 3.1a)		
	<i>a</i>	Trader Identification	C	— “R” for Destination Type Code 1 — “O” for Destination Type Code 2 and 3 (See Destination Type Codes in Box 3.1a)	For Destination Type Code: — 1: provide a valid SEED registration number of the tax warehouse of destination — 2 and 3: provide the VAT identification number or any other identifier	an..16

A	B	C	D	E	F	G
	<i>b</i>	Trader Name	C	— “R” for Destination Type Code 1, 2 and 3 — “O” for Destination Type Code 4 (See Destination Type Codes in Box 3.1a)		an..182
	<i>c</i>	Street Name	C	For Box 3.3c, 3.3e and 3.3f: — “R” for Destination Type Code 2, 3 and 4 — “O” for Destination Type Code 1 (See Destination Type Codes in Box 3.1a)		an..65
	<i>d</i>	Street Number	O			an..11
	<i>e</i>	Postcode	C			an..10
	<i>f</i>	City	C			an..50
	<i>g</i>	NAD_LNG	C	“R” if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
3.4		OFFICE Place of Delivery — Customs	C	“R” in case of export (Changed Destination Type Code 6) (See Destination Type Codes in Box 3.1a)		
	<i>a</i>	Office Reference Number	R		Provide the code of the office of export at which the export declaration will be lodged in accordance with Article 161(5) of Regulation (EEC) No 2913/92 See Annex II, Code list 5	an8
3.5		TRADER New Transport Arranger	C	“R” to identify the person responsible for arranging the transport if the value in Box 3c is “3” or “4”		
	<i>a</i>	VAT Number	O	The Member State of dispatch may decide to make this data “R”		an..14
	<i>b</i>	Trader Name	R			an..182
	<i>c</i>	Street Name	R			an..65
	<i>d</i>	Street Number	O			an..11
	<i>e</i>	Postcode	R			an..10

A	B	C	D	E	F	G
	<i>f</i>	City	R			an..50
	<i>g</i>	NAD_LNG	R		Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
3.6	TRADER New Transporter		O	The Member State of dispatch may decide to make this data "R" when the transporter changes following the splitting operation	Identification of the person carrying out the new transport	
	<i>a</i>	VAT Number	O			an..14
	<i>b</i>	Trader Name	R			an..182
	<i>c</i>	Street Name	R			an..65
	<i>d</i>	Street Number	O			an..11
	<i>e</i>	Postcode	R			an..10
	<i>f</i>	City	R			an..50
	<i>g</i>	NAD_LNG	R		Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
3.7	TRANSPORT DETAILS		D	"R" when the transport details have changed following the splitting operation		99X
	<i>a</i>	Transport Unit Code	R		Provide the Transport Unit Code(s). See Annex II Code list 8	n..2
	<i>b</i>	Identity of Transport Units	C	"R" if the Transport Unit Code is other than 5 (See Box 3.7a)	Enter the registration number of the transport unit(s) when the Transport Unit Code is other than 5	an..35
	<i>c</i>	Identity of Commercial Seal	D	"R" if commercial seals are used	Provide the identification of the commercial seals, if used to seal the transport unit	an..35
	<i>d</i>	Seal Information	O		Provide any additional information concerning these commercial seals (e.g. type of seals used)	an..350
	<i>e</i>	Seal Information_LNG	C	"R" if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
	<i>f</i>	Complementary Information	O		Provide any additional information concerning the transport, e.g. identity of any subsequent transporter, information concerning subsequent transport units	an..350

A	B	C	D	E	F	G
	<i>g</i>	Complementary Information_LNG	C	“R” if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
3.8	E-AD Body		R		A separate data group must be used for each product composing the consignment	999x
	<i>a</i>	Body Record Unique Reference	R		Provide the Body Record Unique Reference of the product in the original split e-AD. The Body Record Unique Reference must be unique per “e-AD Split Details”	n..3
	<i>b</i>	Excise Product Code	R		Provide the applicable excise product code, see Annex II, Code list 11	an..4
	<i>c</i>	CN Code	R		Provide the CN Code applicable at the date of submission of the splitting operation	n8
	<i>d</i>	Quantity	R		Provide quantity (expressed in the unit of measurement associated with the product code — See Annex II, tables 11 and 12) For a movement to a registered consignee referred to in Article 19(3) of Directive 2008/118/EC, the quantity shall not exceed the quantity which he is authorised to receive For a movement to an exempted organisation referred to in Article 12 of Directive 2008/118/EC, the quantity shall not exceed the quantity registered in the excise duty exemption certificate	n..15,3
	<i>e</i>	Gross Weight	R		Provide the gross weight of the consignment (the excise goods with packaging)	n..15,2
	<i>f</i>	Net Weight	R		Provide the weight of the excise goods without packaging	n..15,2
	<i>i</i>	Fiscal Mark	O		Provide any additional information concerning the fiscal marks required by the Member State of destination	an..350
	<i>j</i>	Fiscal Mark_LNG	C	“R” if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
	<i>k</i>	Fiscal Mark Used flag	D	“R” if fiscal marks are used	Provide “1” if the goods contain or carry fiscal marks or “0” if the goods do not contain or carry fiscal marks	n1
	<i>o</i>	Density	C	“R” if applicable for the excise good in question	Provide the density at 15 °C, if applicable in accordance with the table in Annex II, Code list 11	n..5,2
	<i>p</i>	Commercial Description	O	The Member State of dispatch may decide to make this data required	Provide the commercial description of the goods in order to identify the products transported	an..350

A	B	C	D	E	F	G
	q	Commercial Description_LNG	C	"R" if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
	r	Brand Name of Products	D	"R" if the excise goods have a brand name	Provide the brand name of the goods, if applicable	an..350
	s	Brand Name of Products_LNG	C	"R" if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
3.8.1		PACKAGE	R			99x
	a	Kind of Packages Code	R		Provide the kind of package, using one of the codes in Annex II, Code list 9	an2
	b	Number of Packages	C	"R" if marked "Countable"	Provide the number of packages if the packages are countable in accordance with Annex II, Code list 9	n..15
	c	Identity of Commercial Seal	D	"R" if commercial seals are used	Provide the identification of the commercial seals, if used to seal the packages	an..35
	d	Seal Information	O		Provide any additional information concerning these commercial seals (e.g. type of seals used)	an..350
	e	Seal Information_LNG	C	"R" if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2'

(6) Table 6 is amended as follows:

(a) row 3 is amended as follows:

(i) in column D, the letter 'R' is replaced by 'C';

(ii) in column E, the text "R", except where Message Type data element in the corresponding electronic administrative document is set to "2 – Submission for export with local clearance" is inserted;

(b) in row 5, column E, the text "R" for Destination Type Code 1, 2, 3, 4, 5 and 8' is replaced by "R" for Destination Type Code 1, 2, 3, 4 and 5';

(c) in row 7.1 a, column F is amended as follows:

(i) the text '6 = One or more body records with incorrect values' is deleted;

(ii) the text '7 = Quantity higher than the one on the temporary authorisation' is added;

(d) in row 7.1b, column E, the text "O" if Unsatisfactory Reason Code is 3, 4 or 5' is replaced by "O" if Unsatisfactory Reason Code is 1, 2, 3, 4, 5 or 7'.

ANNEX II

Annex II is amended as follows:

- (1) in point 2 insert after the table body between existing text 'Field 1 is last two digits of year of formal acceptance of movement' and existing text 'Field 3 must be filled with a unique identifier per EMCS movement. The way this field is used is under the responsibility of the Member States, but each EMCS movement must have a unique number.' new text: 'Field 2 is taken from the list <MEMBER STATES> (code list 3)'.

- (2) point 5 is replaced by the following:

'5. CUSTOMS OFFICE REFERENCE NUMBER (COR)

The COR is composed of an identifier of the Country Code of the Member State (taken from Code list 4) followed by a 6-digit alphanumeric national number, example IT0830AB.'

- (3) in point 8, the following row 5 is added:

'5 Fixed transport installation'

- (4) In point 11, the following row is added:

EPC	CAT	UNIT	Description	A	P	D
E930	E	2	Additives falling within CN codes 3811 11, 3811 19 00 and 3811 90 00	N	N	N'

COMMISSION IMPLEMENTING REGULATION (EU) No 1222/2012
of 14 December 2012

derogating from Regulations (EC) Nos 2305/2003, 969/2006, 1067/2008, 1964/2006, Implementing Regulation (EU) No 480/2012, Regulations (EC) Nos 828/2009 and 1918/2006 as regards the dates for lodging import licence applications and issuing import licences in 2013 under tariff quotas for cereals, rice, sugar and olive oil, derogating from Regulations (EC) Nos 951/2006, 1518/2003, 382/2008, Regulations (EU) Nos 1178/2010 and 90/2011 as regards the dates for issuing export licences in 2013 in the out-of-quota sugar and isoglucose sectors and the pigmeat, beef and veal, eggs and poultrymeat sectors and derogating from Regulation (EU) No 1272/2009 as regards the period for examination of offers for the buying-in of common wheat at a fixed price under public intervention

THE EUROPEAN COMMISSION,

Whereas:

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

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations ⁽¹⁾, and in particular Article 1 thereof,

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) ⁽²⁾, and in particular Articles 43(aa), 61, 144(1), 148, 156 and 161(3), in conjunction with Article 4 thereof,

Having regard to Council Regulation (EC) No 1528/2007 of 20 December 2007 applying the arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, Economic Partnership Agreements ⁽³⁾, and in particular Article 9(5) thereof,

Having regard to Council Regulation (EC) No 732/2008 of 22 July 2008 applying a scheme of generalised tariff preferences from 1 January 2009 and amending Regulations (EC) No 552/97, (EC) No 1933/2006 and Commission Regulations (EC) No 1100/2006 and (EC) No 964/2007 ⁽⁴⁾, and in particular Article 11(7) thereof,

- (1) Commission Regulation (EC) No 2305/2003 of 29 December 2003 opening and providing for the administration of a Community tariff quota for imports of barley from third countries ⁽⁵⁾, Commission Regulation (EC) No 969/2006 of 29 June 2006 opening and providing for the administration of a Community tariff quota for imports of maize from third countries ⁽⁶⁾ and Commission Regulation (EC) No 1067/2008 of 30 October 2008 opening and providing for the administration of Community tariff quotas for common wheat of a quality other than high quality from third countries and derogating from Council Regulation (EC) No 1234/2007 ⁽⁷⁾ lay down specific provisions for lodging import licence applications and issuing import licences for barley under quota 09.4126, for maize under quota 09.4131 and for common wheat of a quality other than high quality under quotas 09.4123, 09.4124, 09.4125 and 09.4133.
- (2) Commission Regulation (EC) No 1964/2006 of 22 December 2006 laying down detailed rules for the opening and administration of an import quota for rice originating in Bangladesh, pursuant to Council Regulation (EEC) No 3491/90 ⁽⁸⁾ and Commission Implementing Regulation (EU) No 480/2012 of 7 June 2012 opening and providing for the management of a tariff quota for broken rice of CN code 1006 40 00 for production of food preparations of CN code 1901 10 00 ⁽⁹⁾ lay down specific provisions for lodging import licence applications and issuing import licences for rice originating in Bangladesh under quota 09.4517 and for broken rice under quota 09.4079.
- (3) Commission Regulation (EC) No 828/2009 of 10 September 2009 laying down detailed rules of application for the marketing years 2009/2010 to 2014/2015 for the import and refining of sugar products of tariff heading 1701 under preferential agreements ⁽¹⁰⁾ lays down specific provisions for lodging import licence applications and issuing import licences under quotas 09.4221, 09.4231 and 09.4241 to 09.4247.

⁽¹⁾ OJ L 146, 20.6.1996, p. 1.

⁽²⁾ OJ L 299, 16.11.2007, p. 1.

⁽³⁾ OJ L 348, 31.12.2007, p. 1.

⁽⁴⁾ OJ L 211, 6.8.2008, p. 1.

⁽⁵⁾ OJ L 342, 30.12.2003, p. 7.

⁽⁶⁾ OJ L 176, 30.6.2006, p. 44.

⁽⁷⁾ OJ L 290, 31.10.2008, p. 3.

⁽⁸⁾ OJ L 408, 30.12.2006, p. 19.

⁽⁹⁾ OJ L 148, 8.6.2012, p. 1.

⁽¹⁰⁾ OJ L 240, 11.9.2009, p. 14.

- (4) Commission Regulation (EC) No 1918/2006 of 20 December 2006 opening and providing for the administration of tariff quota for olive oil originating in Tunisia ⁽¹⁾ lays down specific provisions for lodging import licence applications and issuing import licences for olive oil under quota 09.4032.
- (5) In view of the public holidays in 2013, derogations should be made, at certain times, from Regulations (EC) Nos 2305/2003, 969/2006, 1067/2008, 1964/2006, Implementing Regulation (EU) No 480/2012 and Regulations (EC) Nos 828/2009 and 1918/2006 as regards the dates for lodging import licence applications and issuing import licences in order to ensure compliance with the quota volumes in question.
- (6) Article 7d(1) of Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾ lays down that export licences for out-of-quota sugar and isoglucose are to be issued from the Friday following the week during which the licence applications were lodged, unless the Commission has taken any particular measures in the meantime.
- (7) Article 3(3) of Commission Regulation (EC) No 1518/2003 of 28 August 2003 laying down detailed rules for implementing the system of export licences in the pigmeat sector ⁽³⁾, the second subparagraph of Article 12(1) of Commission Regulation (EC) No 382/2008 of 21 April 2008 on rules of application for import and export licences in the beef and veal sector ⁽⁴⁾, Article 3(3) of Commission Regulation (EU) No 1178/2010 of 13 December 2010 laying down detailed rules for implementing the system of export licences in the egg sector ⁽⁵⁾ and Article 3(3) of Commission Regulation (EU) No 90/2011 of 3 February 2011 laying down detailed rules for implementing the system of export licences in the poultrymeat sector ⁽⁶⁾ provide that export licences are to be issued on the Wednesday following the week in which the licence applications were lodged, unless the Commission has taken any particular measures in the meantime.
- (8) In view of the public holidays in 2013 and the resulting impact on the publication of the *Official Journal of the European Union*, the period between the lodging of applications and the day on which the licences are to be issued will be too short to ensure proper management of the market. That period should therefore be extended.
- (9) Under the second subparagraph of Article 14(1) of Commission Regulation (EU) No 1272/2009 of 11 December 2009 laying down common detailed rules for the implementation of Council Regulation (EC) No 1234/2007 as regards buying-in and selling of agricultural products under public intervention ⁽⁷⁾, the Commission shall decide within two working days following the notification referred to in Article 13(1) and within five working days following the notification referred to in Article 13(3) of that Regulation.
- (10) In view of the public holidays in 2013 and the resulting impact on the publication of the *Official Journal of the European Union*, the period for examination of offers will be too short to effectively monitor the quantities offered. That period should therefore be extended.
- (11) The measures set out in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,
- HAS ADOPTED THIS REGULATION:
- Article 1*
- Cereals**
1. By way of derogation from the second subparagraph of Article 3(1) of Regulation (EC) No 2305/2003, for 2013, import licence applications for barley under quota 09.4126 may not be lodged after 13:00 (Brussels time) on Friday 13 December 2013.
2. By way of derogation from the second subparagraph of Article 4(1) of Regulation (EC) No 969/2006, for 2013, import licence applications for maize under quota 09.4131 may not be lodged after 13:00 (Brussels time) on Friday 13 December 2013.
3. By way of derogation from the second subparagraph of Article 4(1) of Regulation (EC) No 1067/2008, for 2013, import licence applications for common wheat of a quality other than high quality under quotas 09.4123, 09.4124, 09.4125 and 09.4133 may not be lodged after 13:00 (Brussels time) on Friday 13 December 2013.
- Article 2*
- Rice**
1. By way of derogation from the first subparagraph of Article 4(3) of Regulation (EC) No 1964/2006, for 2013, import licence applications for rice originating in Bangladesh under quota 09.4517 may not be lodged after 13:00 (Brussels time) on Friday 6 December 2013.

⁽¹⁾ OJ L 365, 21.12.2006, p. 84.

⁽²⁾ OJ L 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 217, 29.8.2003, p. 35.

⁽⁴⁾ OJ L 115, 29.4.2008, p. 10.

⁽⁵⁾ OJ L 328, 14.12.2010, p. 1.

⁽⁶⁾ OJ L 30, 4.2.2011, p. 1.

⁽⁷⁾ OJ L 349, 29.12.2009, p. 1.

2. By way of derogation from the third subparagraph of Article 2(1) of Implementing Regulation (EU) No 480/2012, for 2013, import licence applications for broken rice under quota 09.4079 may not be lodged after 13:00 (Brussels time) on Friday 6 December 2013.

Article 3

Sugar

By way of derogation from Article 4(1) of Regulation (EC) No 828/2009, import licence applications for sugar products under quotas 09.4221, 09.4231 and 09.4241 to 09.4247 may not be lodged after 13:00 (Brussels time) on Friday 13 December 2013 until 13:00 (Brussels time) on Friday 27 December 2013.

Article 4

Olive oil

By way of derogation from Article 3(3) of Regulation (EC) No 1918/2006, import licences for olive oil applied for during the periods referred to in Annex I to this Regulation shall be issued on the corresponding dates specified therein, subject to measures adopted pursuant to Article 7(2) of Commission Regulation (EC) No 1301/2006 ⁽¹⁾.

Article 5

Out-of-quota sugar and isoglucose

By way of derogation from Article 7d(1) of Regulation (EC) No 951/2006, export licences for out-of-quota sugar and isoglucose for which applications are lodged during the periods referred to in Annex II to this Regulation shall be issued on the corresponding dates specified therein, taking account where applicable of the specific measures referred to in Article 9(1) and (2) of Regulation (EC) No 951/2006, taken before those issue dates.

Article 6

Licences for exports of pigmeat, beef and veal, eggs and poultrymeat attracting refunds

By way of derogation from Article 3(3) of Regulation (EC) No 1518/2003, the second subparagraph of Article 12(1) of Regulation (EC) No 382/2008, Article 3(3) of Regulation (EU) No 1178/2010 and Article 3(3) of Regulation (EU) No 90/2011, export licences applied for during the periods referred to in Annex III to this Regulation shall be issued on the corresponding dates specified therein, taking account where applicable of the specific measures referred to in Article 3(4) and (4a) of Regulation (EC) No 1518/2003, Article 12(2) and (3) of Regulation (EC) No 382/2008, Article 3(4) and (5) of Regulation (EU) No 1178/2010 and Article 3(4) and (5) of Regulation (EU) No 90/2011, taken before those issue dates.

Article 7

Offers for the buying-in of common wheat at a fixed price under public intervention

By way of derogation from the second subparagraph of Article 14(1) of Regulation (EU) No 1272/2009, for offers of common wheat notified during the periods referred to in Annex IV to this Regulation, the period in which the Commission takes a decision following the notification referred to in Article 13(2)(b) and (3) of Regulation (EU) No 1272/2009 shall end on the date given in that annex.

Article 8

Entry into force

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

It shall expire on 10 January 2014.

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

⁽¹⁾ OJ L 238, 1.9.2006, p. 13.

ANNEX I

Periods for lodging olive oil import licence applications	Dates of issue
Monday 25 or Tuesday 26 March 2013	Friday 5 April 2013
Monday 6 or Tuesday 7 May 2013	Thursday 16 May 2013
Monday 13 or Tuesday 14 May 2013	Wednesday 22 May 2013
Monday 12 or Tuesday 13 August 2013	Wednesday 21 August 2013
Monday 28 or Tuesday 29 October 2013	Wednesday 6 November 2013

ANNEX II

Periods for lodging export licence applications for out-of-quota sugar and isoglucose	Dates of issue
Monday 18 to Friday 22 March 2013	Thursday 4 April 2013
Monday 22 to Friday 26 April 2013	Monday 6 May 2013
Monday 5 to Friday 9 August 2013	Monday 19 August 2013
Monday 16 to Friday 27 December 2013	Wednesday 8 January 2014

ANNEX III

Periods for lodging export licence applications for pigmeat, beef and veal, eggs and poultrymeat	Dates of issue
Monday 25 to Friday 29 March 2013	Thursday 4 April 2013
Monday 22 to Friday 26 April 2013	Thursday 2 May 2013
Monday 13 to Friday 17 May 2013	Thursday 23 May 2013
Monday 16 to Friday 27 December 2013	Wednesday 8 January 2014

ANNEX IV

Date of notification of offers of common wheat under Article 13(2)(b) of Regulation (EU) No 1272/2009	Period of notification of offers of common wheat under Article 13(3) of Regulation (EU) No 1272/2009	End of the period in which the Commission decides on offers of common wheat following those notifications
Wednesday 27 March 2013	Monday 25 March to Monday 1 April 2013	Thursday 4 April 2013
Wednesday 8 May 2013	Monday 6 to Friday 10 May 2013	Wednesday 15 May 2013
Wednesday 18 December 2013 Wednesday 25 December 2013 Wednesday 1 January 2014	Wednesday 18 December 2013 to Friday 3 January 2014	Wednesday 8 January 2014

COMMISSION IMPLEMENTING REGULATION (EU) No 1223/2012

of 18 December 2012

laying down detailed rules for the application of an import tariff quota for live bovine animals of a weight exceeding 160 kg and originating in Switzerland provided for in the Agreement between the European Community and the Swiss Confederation on trade in agricultural products

(codification)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 144(1) in conjunction with Article 4 thereof,

Whereas:

- (1) Commission Regulation (EC) No 2172/2005 of 23 December 2005 laying down detailed rules for the application of an import tariff quota for live bovine animals of a weight exceeding 160 kg and originating in Switzerland provided for in the Agreement between the European Community and the Swiss Confederation on trade in agricultural products ⁽²⁾ has been substantially amended several times ⁽³⁾. In the interests of clarity and rationality the said Regulation should be codified.
- (2) The Agreement between the European Community and the Swiss Confederation on trade in agricultural products ⁽⁴⁾ ('the Agreement') provides for the opening of a duty-free Union tariff quota for the import of 4 600 live bovine animals weighing more than 160 kg and originating in Switzerland. Detailed rules should be adopted for the opening and administration of this tariff quota on an annual basis.
- (3) For the allocation of that tariff quota and given the products concerned it is appropriate to apply the method of simultaneous examination referred to in Article 144(2)(b) of Regulation (EC) No 1234/2007.
- (4) To be eligible for the benefit of that tariff quota, the live animals should originate in Switzerland in conformity with the rules referred to in Article 4 of the Agreement.
- (5) With a view to preventing speculation, the quantities available within the tariff quota should be made accessible to operators able to show that they are genuinely engaged in trade of a significant scale with third countries. In consideration of this and in order to ensure efficient management, the traders concerned

should be required to have imported a minimum of 50 animals during the year previous to the annual quota period in question, given that a consignment of 50 animals may be considered to be a normal load. Experience has shown that the purchase of a single consignment is a minimum requirement for a transaction to be considered real and viable.

- (6) A security should be fixed for import rights, licences should not be transferable and import licences should be issued to traders solely for the quantities for which they have been allocated import rights.
- (7) To provide a more equal access to the tariff quota while ensuring a commercially viable number of animals per application, maximum and minimum limits should be fixed for the number of animals covered by each application.
- (8) It should be established that import rights are to be allocated after a reflection period and where necessary with a fixed allocation coefficient applied.
- (9) Pursuant to Article 130 of Regulation (EC) No 1234/2007, the arrangements have to be managed using import licences. To this end, rules should be laid down on the submission of applications and the information to be given on applications and licences, where necessary in addition to or by way of derogation from certain provisions of Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences ⁽⁵⁾, Commission Regulation (EC) No 376/2008 of 23 April 2008 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽⁶⁾ and Commission Regulation (EC) No 382/2008 of 21 April 2008 on rules of application for import and export licences in the beef and veal sector ⁽⁷⁾.
- (10) To oblige operators to apply for import licences for all import rights allocated, it should be established that the application should constitute, with regard to the import rights security, a primary requirement within the meaning of Commission Implementing Regulation (EU) No 282/2012 of 28 March 2012 laying down common detailed rules for the application of the system of securities for agricultural products ⁽⁸⁾.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 346, 29.12.2005, p. 10.

⁽³⁾ See Annex II.

⁽⁴⁾ OJ L 114, 30.4.2002, p. 132.

⁽⁵⁾ OJ L 238, 1.9.2006, p. 13.

⁽⁶⁾ OJ L 114, 26.4.2008, p. 3.

⁽⁷⁾ OJ L 115, 29.4.2008, p. 10.

⁽⁸⁾ OJ L 92, 30.3.2012, p. 4.

- (11) Experience shows that a proper management of the tariff quota also requires that the titular holder of the licence is a genuine importer. Therefore, such importer should actively participate in the purchase, transport and import of the animals concerned. Presentation of proof of those activities should thus also be a primary requirement with regard to the licence security.
- (12) With a view to ensuring a strict statistical control of the animals imported under this tariff quota, the tolerance referred to in Article 7(4) of Regulation (EC) No 376/2008 should not apply.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

1. A duty-free Union import tariff quota is opened every year for periods from 1 January to 31 December for the import of 4 600 live bovine animals originating in Switzerland weighing more than 160 kg, falling within CN codes 0102 29 41, 0102 29 49, 0102 29 51, 0102 29 59, 0102 29 61, 0102 29 69, 0102 29 91, 0102 29 99, ex 0102 39 10 of a weight exceeding 160 kg or ex 0102 90 91 of a weight exceeding 160 kg.

That tariff quota shall have the order number 09.4203.

2. The rules of origin applicable to the products referred to in paragraph 1 shall be those provided for in Article 4 of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products.

Article 2

1. For the purposes of Article 5 of Regulation (EC) No 1301/2006, engagement in trade with third countries as referred to in that Article shall mean that applicants have imported at least 50 animals covered by CN code 0102.

Member States may accept as proof of trade with third countries copies of the documents referred to in the second paragraph of Article 5 of Regulation (EC) No 1301/2006, duly certified by the competent authority.

2. A company formed by the merger of companies each having reference imports complying with the minimum quantity referred to in paragraph 1 may use those reference imports as a basis for its application.

Article 3

1. Applications for import rights must cover at least 50 animals and may not cover more than 5 % of the quantity available.

2. Applications for import rights shall be lodged at the latest before 13.00, Brussels time, on 1 December preceding the annual quota period in question.

3. After verification of the documents presented, Member States shall notify the Commission, by the tenth working day following the end of the period for the submission of applications at the latest, of the total quantities applied for.

Notwithstanding Article 6(3) of Regulation (EC) No 1301/2006, Article 11 of that Regulation shall apply.

Article 4

1. Import rights shall be awarded as from the seventh and no later than the sixteenth working day following the end of the period for the notifications referred to in the first subparagraph of Article 3(3).

2. Where the application of the allocation coefficient referred to in Article 7(2) of Regulation (EC) No 1301/2006 gives a figure of less than 50 head per application, the quantity available shall be awarded by the Member States concerned by drawing lots for import rights covering 50 head each. Where the remainder is less than 50 head, a single import right shall be awarded for that quantity.

3. Where the application of paragraph 2 results in fewer import rights to be allocated than had been applied for, the security lodged in accordance with Article 5(1) shall be released proportionally without delay.

Article 5

1. The security relating to the import rights shall be EUR 3 per head. It must be lodged with the competent authority together with the application for import rights.

2. Import licence applications must be made for the quantity allocated. This obligation shall constitute a primary requirement within the meaning of Article 19(2) of Implementing Regulation (EU) No 282/2012.

3. Where the application of the allocation coefficient referred to in Article 4(2) causes less import rights to be allocated than had been applied for, the security lodged shall be released proportionally without delay.

Article 6

1. The quantities awarded shall be imported subject to presentation of one or more import licences.

2. Licence applications may be lodged solely in the Member State where the applicant has applied for and obtained import rights under the tariff quota.

Each issuing of import licences shall result in a corresponding reduction of the import rights obtained and the security lodged in accordance with Article 5(1) shall be released proportionally without delay.

3. Import licences shall be issued on application by and in the name of the operator who has obtained the import rights.

4. Licence applications and licences shall show the following:

(a) in box 8, the country of origin and the mention 'yes' is marked by a cross;

(b) in box 16, one or several of the following CN codes:

0102 29 41, 0102 29 49, 0102 29 51, 0102 29 59,
0102 29 61, 0102 29 69, 0102 29 91, 0102 29 99,
ex 0102 39 10 of a weight exceeding 160 kg or
ex 0102 90 91 of a weight exceeding 160 kg;

(c) in box 20, the order number of the tariff quota (09.4203) and at least one of the entries listed in Annex I.

Licences shall carry with them an obligation to import from Switzerland.

Article 7

1. By way of derogation from Article 8(1) of Regulation (EC) No 376/2008, import licences issued pursuant to this Regulation shall not be transferable.

2. The grant of the import licence shall be conditional on the lodging of a security of EUR 20 per head which shall be composed of:

(a) the security of EUR 3 referred to in Article 5(1); and

(b) an amount of EUR 17 which the applicant shall lodge together with the licence application.

3. Pursuant to Article 48(1) of Regulation (EC) No 376/2008, the full Common Customs Tariff duty applicable on the date of acceptance of the customs declaration for free circulation shall be collected in respect of all quantities imported in excess of those shown on the import licence.

4. Notwithstanding the provisions of Section 4 of Chapter III of Regulation (EC) No 376/2008, the security shall not be released until proof has been produced that the titular holder of the licence has been commercially and logistically responsible for the purchase, transport and clearance for free circulation of the animals concerned. Such proof shall at least consist of:

(a) the original commercial invoice or authenticated copy made out in the name of the titular holder by the seller or his representative, both established in Switzerland, and proof of payment by the titular holder or the opening by the titular holder of an irrevocable documentary credit in favour of the seller;

(b) the transport document, drawn up in the name of the titular holder, for the animals concerned;

(c) proof that the goods have been declared for release for free circulation with the indication of the name and address of the titular holder as consignee.

Article 8

Regulations (EC) No 1301/2006, (EC) No 376/2008 and (EC) No 382/2008 shall apply, subject to this Regulation.

Article 9

1. By way of derogation from the second subparagraph of Article 11(1) of Regulation (EC) No 1301/2006, Member States shall notify to the Commission:

(a) no later than 28 February following the end of each import tariff quota period, the quantities of products, including nil returns, for which import licences were issued in the previous import tariff quota period;

(b) no later than 30 April following the end of each import tariff quota period, the quantities of products, including nil returns, covered by unused or partly used import licences and corresponding to the difference between the quantities entered on the back of the import licences and the quantities for which they were issued.

2. No later than 30 April following the end of each import tariff quota period, Member States shall forward to the Commission details of the quantities of products put into free circulation in accordance with Article 4 of Regulation (EC) No 1301/2006.

3. For the notifications referred to in paragraphs 1 and 2, the quantities shall be expressed in heads and per product category as indicated in Annex V to Regulation (EC) No 382/2008.

Article 10

Regulation (EC) No 2172/2005 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex III.

Article 11

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, 18 December 2012.

For the Commission

The President

José Manuel BARROSO

ANNEX I

Entries referred to in Article 6(4)(c)

- *in Bulgarian:* Регламент за изпълнение (ЕС) № 1223/2012
 - *in Spanish:* Reglamento de Ejecución (UE) n° 1223/2012
 - *in Czech:* Prováděcí nařízení (EU) č. 1223/2012
 - *in Danish:* Gennemførelsesforordning (EU) nr. 1223/2012
 - *in German:* Durchführungsverordnung (EU) Nr. 1223/2012
 - *in Estonian:* Rakendusmäärus (EL) nr 1223/2012
 - *in Greek:* Εκτελεστικός κανονισμός (ΕΕ) αριθ. 1223/2012
 - *in English:* Implementing Regulation (EU) No 1223/2012
 - *in French:* Règlement d'exécution (UE) n° 1223/2012
 - *in Italian:* Regolamento di esecuzione (UE) n. 1223/2012
 - *in Latvian:* Īstenošanas regula (ES) Nr. 1223/2012
 - *in Lithuanian:* Įgyvendinimo reglamentas (ES) Nr. 1223/2012
 - *in Hungarian:* 1223/2012/EU végrehajtási rendelet
 - *in Maltese:* Regolament ta' Implimentazzjoni (UE) Nru 1223/2012
 - *in Dutch:* Uitvoeringsverordening (EU) nr. 1223/2012
 - *in Polish:* Rozporządzenie wykonawcze (UE) nr 1223/2012
 - *in Portuguese:* Regulamento de Execução (UE) n.º 1223/2012
 - *in Romanian:* Regulamentul de punere în aplicare (UE) nr. 1223/2012
 - *in Slovak:* Vykonávacie nariadenie (EÚ) č. 1223/2012
 - *in Slovenian:* Izvedbena uredba (EU) št. 1223/2012
 - *in Finnish:* Täytäntöönpanoasetus (EU) N:o 1223/2012
 - *in Swedish:* Genomförandeförordning (EU) nr 1223/2012
-

ANNEX II

Repealed Regulation with list of its successive amendments

Commission Regulation (EC) No 2172/2005
(OJ L 346, 29.12.2005, p. 10).

Commission Regulation (EC) No 1869/2006
(OJ L 358, 16.12.2006, p. 49).

Commission Regulation (EC) No 1965/2006
(OJ L 408, 30.12.2006, p. 26).

Article 8 and Annex IX only

Commission Regulation (EC) No 749/2008
(OJ L 202, 31.7.2008, p. 37).

Article 3 only

Commission Regulation (EC) No 1267/2008
(OJ L 338, 17.12.2008, p. 37).

ANNEX III

Correlation Table

Regulation (EC) No 2172/2005	This Regulation
Article 1	Article 1
Article 2(1)	Article 2(1)
Article 2(4)	Article 2(2)
Article 3(2)	Article 3(1)
Article 3(3), first subparagraph	Article 3(2)
Article 3(3), second subparagraph	—
Article 3(5)	Article 3(3)
Articles 4, 5 and 6	Articles 4, 5 and 6
Article 7(1)	Article 7(1)
Article 7(3)	Article 7(2)
Article 7(5)	Article 7(3)
Article 7(6)	Article 7(4)
Article 8	Article 8
Article 8a(1)	Article 9(1)
Article 8a(2), first and second subparagraphs	Article 9(2)
Article 8a(3)	Article 9(3)
—	Article 10
Article 9	Article 11
Annex II	Annex I
—	Annex II
—	Annex III

COMMISSION REGULATION (EU) No 1224/2012

of 18 December 2012

amending Regulation (EC) No 883/2004 of the European Parliament and of the Council on the coordination of social security systems and Regulation (EC) No 987/2009 of the European Parliament and of the Council laying down the procedure for implementing Regulation (EC) No 883/2004

(Text with relevance for the EEA and for Switzerland)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems ⁽¹⁾,

Having regard to Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems ⁽²⁾, and in particular Article 92 thereof,

Whereas:

- (1) In order to take into account certain changes in the legislation of some Member States, or their wish to simplify the application of the system of coordination of Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009, requests were made by the Member States to the Administrative Commission for the Coordination of Social Security Systems to amend certain Annexes to Regulation (EC) No 883/2004 and to Regulation (EC) No 987/2009.
- (2) The Administrative Commission for the Coordination of Social Security Systems has agreed to the requested amendments and has made relevant proposals to the Commission for technical adaptations of the Annexes.
- (3) The Commission can agree to the relevant proposals.
- (4) Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 883/2004 is amended as follows:

(1) Annex VI is amended as follows:

- (a) the following new sections are added after section 'LATVIA':

HUNGARY

As from 1 January 2012 pursuant to the Act CXCI of 2011 on the benefits for persons with changed working capacity and amendments of certain other acts:

- (a) the rehabilitation benefit;

- (b) the invalidity benefit.

SLOVAKIA

Invalidity pension for a person who became invalid as a dependent child or during full-time doctoral studies while under the age of 26 years and who is always deemed to have fulfilled the required period of insurance (Article 70(2), Article 72(3) and Article 73(3) and (4) of Act No 461/2003 on social insurance, as amended).';

- (b) in section 'SWEDEN', '(Act 1962:381 as amended by Act 2001:489)' is replaced by '(Chapter 34 of the Social Insurance Code (2010:110)).';

- (c) section 'UNITED KINGDOM' is replaced by the following:

*'UNITED KINGDOM**Employment and Support Allowance*

- (a) Great Britain

Part 1 of the Welfare Reform Act 2007.

- (b) Northern Ireland

Part 1 of the Welfare Reform Act (Northern Ireland) 2007.;

(2) Annex VIII is amended as follows:

- (a) in Part 1, section 'AUSTRIA' is amended as follows:

- (i) point '(c)' is replaced by the following: '(c) All applications for survivors' pensions based on a pension account pursuant to the General Pensions Act (APG) of 18 November 2004, with the exception of cases under Part 2.;

- (ii) the following new point '(g)' is added: '(g) All applications for benefits under the Notary Insurance Act of 3 February 1972 – NVG 1972.;

- (b) in Part 1, section 'SWEDEN' is replaced by the following:

'SWEDEN

- (a) Applications for a guarantee pension in the form of an old-age pension (Chapter 66 and 67 of the Social Insurance Code (2010:110));

- (b) Applications for a guarantee pension in the form of a survivor's pension (Chapter 81 of the Social Insurance Code (2010:110)).;

⁽¹⁾ OJ L 166, 30.4.2004, p. 1.

⁽²⁾ OJ L 284, 30.10.2009, p. 1.

- (c) in Part 2, the following new section is added after section 'BULGARIA':

'DENMARK

- (a) Personal pensions;

- (b) Benefits in the event of death (accrued based on contributions to Arbejdsmarkedets Tillægspension related to the time before 1 January 2002);

- (c) Benefits in the event of death (accrued based on contributions to Arbejdsmarkedets Tillægspension related to the time after 1 January 2002) referred to in the Consolidated Act on Labour Market Supplementary Pension (Arbejdsmarkedets Tillægspension) 942:2009.;

- (d) in Part 2, section 'SWEDEN' is replaced by the following:

'SWEDEN

Income pensions and premium pensions (Chapters 62 and 64 of the Social Insurance Code (2010:110)).;

- (3) Annex IX is amended as follows:

- (a) in Part I, in section 'SWEDEN', '(Act 1962:381)' is replaced by '(Chapter 34 of the Social Insurance Code (2010:110)).';

- (b) in Part II, in section 'SLOVAKIA', point (b) is deleted;

- (c) in Part II, section 'SWEDEN' is replaced by the following:

'SWEDEN

Sickness compensation and activity compensation in the form of guarantee compensation (Chapter 35 of the Social Insurance Code (2010:110))

Widow's pension calculated on the basis of credited insurance periods (Chapter 84 of the Social Insurance Code (2010:110)).'

Article 2

Regulation (EC) No 987/2009 is amended as follows:

- (1) in Annex 1, in section 'SPAIN-PORTUGAL', point (a) is deleted;

- (2) Annex 3 is amended as follows:

- (a) sections 'ITALY' and 'MALTA' are deleted;

- (b) a new section 'CYPRUS' is added after section 'SPAIN';

- (3) in Annex 5, a new section 'DENMARK' is added after section 'CZECH REPUBLIC'.

Article 3

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, 18 December 2012.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 1225/2012**of 18 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) ⁽¹⁾,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 18 December 2012.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	AL	32,6
	MA	80,2
	TN	111,9
	TR	102,4
	ZZ	81,8
0707 00 05	AL	88,1
	TR	143,2
	ZZ	115,7
0709 93 10	MA	152,5
	TR	68,4
	ZZ	110,5
0805 10 20	MA	71,3
	TR	51,1
	ZA	51,1
	ZZ	57,8
0805 20 10	MA	66,6
	ZZ	66,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL	97,8
	JM	129,1
	MA	106,4
	TR	83,5
	ZZ	104,2
0805 50 10	TR	75,0
	ZZ	75,0
0808 10 80	MK	39,0
	NZ	165,3
	US	133,0
	ZA	123,7
	ZZ	115,3
0808 30 90	CN	48,8
	TR	135,1
	US	154,6
	ZZ	112,8

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

COMMISSION IMPLEMENTING REGULATION (EU) No 1226/2012**of 18 December 2012****on the issue of import licences for applications lodged during the first seven days of December 2012 under the tariff quotas opened by Regulation (EC) No 533/2007 for poultrymeat**

THE EUROPEAN COMMISSION,

Whereas:

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

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

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

Having regard to Commission Regulation (EC) No 533/2007 of 14 May 2007 opening and providing for the administration of tariff quotas in the poultrymeat sector ⁽³⁾, and in particular Article 5(6) thereof,

(1) Regulation (EC) No 533/2007 opened tariff quotas for imports of poultrymeat products.

(2) The applications for import licences lodged during the first seven days of December 2012 for the subperiod from 1 January to 31 March 2013 relate, for some quotas, to quantities exceeding those available. The extent to which import licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import licence applications have been lodged under Regulation (EC) No 533/2007 for the subperiod from 1 January to 31 March 2013 shall be multiplied by the allocation coefficients set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 19 December 2012.

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

Done at Brussels, 18 December 2012.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 238, 1.9.2006, p. 13.

⁽³⁾ OJ L 125, 15.5.2007, p. 9.

ANNEX

Group No	Order No	Allocation coefficient for import licence applications lodged for the subperiod from 1.1.2013-31.3.2013 (%)
P1	09.4067	5,952549
P3	09.4069	0,335124

COMMISSION IMPLEMENTING REGULATION (EU) No 1227/2012**of 18 December 2012****on the issue of import licences for applications lodged during the first seven days of December 2012 under the tariff quotas opened by Regulation (EC) No 539/2007 for certain products in the egg sector and for egg albumin**

THE EUROPEAN COMMISSION,

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

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

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

Having regard to Commission Regulation (EC) No 539/2007 of 15 May 2007 opening and providing for the administration of tariff quotas in the egg sector and for egg albumin ⁽³⁾, and in particular Article 5(6) thereof,

Whereas:

- (1) Regulation (EC) No 539/2007 opened tariff quotas for imports of egg products and egg albumin.
- (2) The applications for import licences lodged during the first seven days of December 2012 for the subperiod from 1 January to 31 March 2013 relate, for some quotas, to quantities exceeding those available. The extent to which import licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import licence applications have been lodged under Regulation (EC) No 539/2007 for the subperiod from 1 January to 31 March 2013 shall be multiplied by the allocation coefficients set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 December 2012.

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

Done at Brussels, 18 December 2012.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 238, 1.9.2006, p. 13.

⁽³⁾ OJ L 128, 16.5.2007, p. 19.

ANNEX

Group No	Order No	Allocation coefficient for import licence applications lodged for the subperiod from 1.1.2013-31.3.2013 (%)
E2	09.4401	30,039342

COMMISSION IMPLEMENTING REGULATION (EU) No 1228/2012**of 18 December 2012****on the issue of import licences for applications lodged during the first seven days of December 2012 under the tariff quota opened by Regulation (EC) No 1385/2007 for poultrymeat**

THE EUROPEAN COMMISSION,

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

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

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

Having regard to Commission Regulation (EC) No 1385/2007 of 26 November 2007 laying down detailed rules for the application of Council Regulation (EC) No 774/94 as regards opening and providing for the administration of certain Community tariff quotas for poultrymeat ⁽³⁾, and in particular Article 5(6) thereof,

Whereas:

The applications for import licences lodged during the first seven days of December 2012 for the subperiod from 1 January to 31 March 2013 relate, for some quotas, to quantities exceeding those available. The extent to which import licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import licence applications have been lodged for the subperiod from 1 January to 31 March 2013 under Regulation (EC) No 1385/2007 shall be multiplied by the allocation coefficients set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 December 2012.

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

Done at Brussels, 18 December 2012.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 238, 1.9.2006, p. 13.

⁽³⁾ OJ L 309, 27.11.2007, p. 47.

ANNEX

Group No	Order No	Allocation coefficient for import licence applications lodged for the subperiod from 1.1.2013-31.3.2013 (%)
1	09.4410	0,29533
2	09.4411	0,304506
3	09.4412	0,327761
4	09.4420	0,398565
6	09.4422	0,400962

DECISIONS

COUNCIL IMPLEMENTING DECISION

of 17 December 2012

authorising Bulgaria and Romania to apply measures derogating from Article 5 of Directive 2006/112/EC on the common system of value added tax

(2012/794/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) By letter registered at the Commission on 25 May 2011, Bulgaria and Romania requested authorisation to derogate from Article 5 of Directive 2006/112/EC, governing the territorial scope of that Directive, in relation to the maintenance, repair and the charging of tolls with respect to the border bridge over the river Danube between Vidin (Bulgaria) and Calafat (Romania) ('the requested derogation'). Bulgaria and Romania partly replaced the requested derogation by letter registered at the Commission on 7 March 2012.
- (2) In accordance with Article 395(2) of Directive 2006/112/EC, the Commission transmitted the requested derogation to the other Member States by letter dated 17 July 2012, with the exception of Spain which was informed by letter dated 18 July 2012. By letter dated 19 July 2012, the Commission notified Bulgaria and Romania that it had all the information it considered necessary for appraisal of the requested derogation.
- (3) With regard to the maintenance and repair of the bridge, the requested derogation consists in the territorial border between Bulgaria and Romania being considered as being situated in the middle of the bridge.
- (4) With regard to the charging of tolls to cross the bridge, the requested derogation consists in the entire length of the bridge being considered as being situated on the territory of the Member State in which any transit journey starts. Thus only Bulgarian VAT will be charged on the entire toll for all journeys starting from

the Bulgarian side. In the same way, only Romanian VAT will be charged on journeys starting from the Romanian side.

- (5) In the absence of such derogating measures, firstly, the determination of the place of supply for the maintenance, repair and charging of tolls would be dependent on the precise establishment of the territorial border above the river Danube, which, in practice, would be very difficult for the taxable persons involved. Secondly, as for the charging of tolls, both Bulgarian and Romanian VAT would have to be applied to the toll charged for a one-way journey over the bridge. The derogation measures are therefore intended to simplify the collection of the applicable VAT.
- (6) As the requested derogation concerns the territorial scope for VAT purposes, to which there should be no future changes, the requested derogation should be authorised for an indefinite period.
- (7) The derogation will only have a negligible effect on the overall amount of tax collected at the stage of final consumption and will not adversely affect the Union's own resources accruing from value added tax,

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from Article 5 of Directive 2006/112/EC, Bulgaria and Romania are hereby authorised to apply the derogations set out in Articles 2 and 3 of this Decision in relation to the maintenance, repair and the charging of tolls with respect to the border bridge over the river Danube between Vidin (Bulgaria) and Calafat (Romania).

Article 2

To determine the place of taxable transactions regarding the maintenance or the repair of the border bridge, the territorial boundary shall be considered as being situated in the middle of the bridge for the supply of goods and services, intra-Community acquisitions and imports of goods intended for that maintenance or repair.

Article 3

To determine the place of taxable transactions regarding the charging of tolls, the entire length of the border bridge shall be considered as being situated on the territory of the Member State in which any transit journey starts.

⁽¹⁾ OJ L 347, 11.12.2006, p. 1.

Article 4

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

Article 5

This Decision is addressed to the Republic of Bulgaria and to Romania.

Done at Brussels, 17 December 2012.

For the Council
The President
S. ALETRARIS

COMMISSION IMPLEMENTING DECISION

of 12 December 2012

establishing the type, format and frequency of information to be made available by the Member States for the purposes of reporting on the implementation of Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions

*(notified under document C(2012) 9181)***(Text with EEA relevance)**

(2012/795/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) ⁽¹⁾, and in particular Article 72(2) thereof,

Whereas:

- (1) The Commission has developed questionnaires to define the set of information to be made available by the Member States for the purposes of reporting on the implementation of Directive 2010/75/EU during the period 2013-2016.
- (2) The Member States should be required to submit replies to a questionnaire covering only the year 2013 in order to report on measures taken by the Member States to implement those requirements of Directive 2010/75/EU which were not already applicable in accordance with Council Directive 78/176/EEC of 20 February 1978 on waste from the titanium dioxide industry ⁽²⁾, Council Directive 82/883/EEC of 3 December 1982 on procedures for the surveillance and monitoring of environments concerned by waste from the titanium dioxide industry ⁽³⁾, Council Directive 92/112/EEC of 15 December 1992 on procedures for harmonizing the programmes for the reduction and eventual elimination of pollution caused by waste from the titanium dioxide industry ⁽⁴⁾, Council Directive 1999/13/EC of 11 March 1999 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations ⁽⁵⁾, Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste ⁽⁶⁾, Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants ⁽⁷⁾, Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control ⁽⁸⁾ before their repeal by Directive 2010/75/EU.

- (3) The Member States should also be required to submit replies to a questionnaire in order to report for the period 2013-2016 on representative data on emissions and other forms of pollution, on emission limit values, on the application of Articles 14 and 15 of Directive 2010/75/EU and on progress made concerning the development and application of emerging techniques in accordance with Article 27, allowing the Commission to gather information on general implementation measures (Module 1), to establish an information source on individual installations that aligns with the European Pollutant Release and Transfer Register (Module 2), to confirm that the best available techniques have been applied correctly in permits (Module 3) and to verify the application of minimum sectoral requirements (Module 4).
- (4) Under Article 72(1) of Directive 2010/75/EU, Member States are to make the information available in an electronic format.
- (5) To ensure the consistency and coherence of the Member State information, the Commission, assisted by the European Environment Agency, should develop a specific electronic reporting format.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 75(1) of Directive 2010/75/EU,

HAS ADOPTED THIS DECISION:

*Article 1***Reporting by Member States**

Member States shall make information available to the European Commission on the implementation of Directive 2010/75/EU by replying to the questionnaires set out in Annexes I and II, using the specific electronic format to be developed for the purposes of this reporting.

The reply to the questionnaire set out in Annex I shall be submitted by 30 September 2014 at the latest.

The reply to the questionnaire set out in Annex II shall be submitted by 30 September 2017 at the latest.

⁽¹⁾ OJ L 334, 17.12.2010, p. 17.

⁽²⁾ OJ L 54, 25.2.1978, p. 19.

⁽³⁾ OJ L 378, 31.12.1982, p. 1.

⁽⁴⁾ OJ L 409, 31.12.1992, p. 11.

⁽⁵⁾ OJ L 85, 29.3.1999, p. 1.

⁽⁶⁾ OJ L 332, 28.12.2000, p. 91.

⁽⁷⁾ OJ L 309, 27.11.2001, p. 1.

⁽⁸⁾ OJ L 24, 29.1.2008, p. 8.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 12 December 2012.

For the Commission
Janez POTOČNIK
Member of the Commission

ANNEX I

Questionnaire on the implementation of Directive 2010/75/EU as referred to in the second paragraph of Article 1*General notes:*

- (a) The replies to this questionnaire shall cover the period from 7 January 2013 to 31 December 2013.
- (b) Where a question seeks information on time-variable parameters, the response should indicate the situation as of 31 December 2013.
- (c) In the replies to the questions below, information shall only be given on the changes made by Member States in order to implement the provisions of Directive 2010/75/EU mentioned in its Article 80(1).
- (d) In this questionnaire, 'Member State policy or guidance' shall be understood as having the meaning of any existing implementation measure that is produced or applied at national, regional or local level. Should a Member State wish to include information concerning legislation that transposes Directive 2010/75/EU into national law, this would not negate the need for Member States to meet the requirements of Article 80(2) of Directive 2010/75/EU.

1. Non-compliance (Article 8)

What criteria may be used to decide whether a breach of permit conditions 'poses an immediate danger to human health or threatens to cause an immediate significant adverse effect upon the environment'?

2. Permit conditions (Article 14)

Provide a summary of any Member State policy or guidance on the following issues and, if published on the internet, a link to where this can be found:

- 2.1. How is it ensured that BAT conclusions are the reference for setting permit conditions (Article 14(3))?
- 2.2. How may competent authorities set stricter permit conditions than those achievable by the use of the best available techniques (BAT) as described in BAT conclusions (Article 14(4))?

3. Emission limit values, equivalent parameters and technical measures (Article 15)

Provide a summary of any Member State policy or guidance on the following issues and, if published on the internet, a link to where this can be found:

- 3.1. How are emission limit values set in relation to the 'emission levels associated with the best available techniques' set out in the BAT conclusions (Article 15(3))?
- 3.2. How are derogations from Article 15(3) granted (Article 15(4))?
- 3.3. How is the cost-benefit assessment to allow such derogations undertaken and what are considered to be 'disproportionately higher costs compared to the environmental benefits?' (Article 15(4))?
- 3.4. Are there any limitations on the magnitude or duration of derogations (Article 15(4))?
- 3.5. How are temporary derogations granted, from the requirements of Article 11(a) and (b) and from Article 15(2) and (3), for the testing and use of emerging techniques (Article 15(5))?

4. Monitoring requirements (Article 16)

Provide a summary of any Member State policy or guidance on the following issues and, if published on the internet, a link to where this can be found:

- 4.1. How is it ensured that the BAT conclusions are the basis for defining monitoring requirements in permits (Article 16(1))?
- 4.2. How is the frequency of periodic monitoring for soil and groundwater determined (Article 16(2))?

- 4.3. How is a 'systematic appraisal of risk of contamination' used to justify the monitoring of soil and groundwater at less than the stipulated frequency (Article 16(2))?

5. General Binding Rules (Article 17)

Where general binding rules are used for implementing Directive 2010/75/EU:

- 5.1. Which requirements, activities (as listed in Annex I to Directive 2010/75/EU) and pollutants do the general binding rules cover?
- 5.2. How do general binding rules 'ensure an integrated approach and a high level of environmental protection equivalent to that achievable with individual permit conditions' (Article 17(1))?
- 5.3. How is it ensured that general binding rules are 'based on the BAT' (Article 17(2))?
- 5.4. How are general binding rules 'updated to take into account developments in BAT' (Article 17(3))?
- 5.5. What references are made to Directive 2010/75/EU in the 'official publication' of general binding rules (Article 17(4))?
- 5.6. If the general binding rules are published on the internet, provide a link to where they can be found.

6. Developments in BAT (Article 19)

- 6.1. How do competent authorities follow, or are informed of, the publication of any new or updated BAT conclusions?
- 6.2. How do competent authorities make that information available to the public concerned?

7. Reconsideration and updating of permits (Article 21)

Provide a summary of any Member State policy or guidance on the following aspects of the process for reconsidering and updating permit conditions and, if published on the internet, provide a link:

- 7.1. What information is typically requested from operators for the purposes of permit reconsideration/updating (Article 21(2))?
- 7.2. How is the 'main activity' of an installation defined and/or determined (Article 21(3))?
- 7.3. How is the permit reconsideration/update triggered in cases of significant pollution, operational safety, or a new/revised environmental quality standard (Article 21(5))?

8. Site closure (Article 22)

- 8.1. How is it decided which activities require a baseline report, especially:
- (a) Which activities listed in Annex I to Directive 2010/75/EU have typically been found to involve the 'use, production or release of relevant hazardous substances' (Article 22(2))?
- (b) How is regard given to the 'possibility of soil and groundwater contamination at the site of the installation' (Article 22(2))?
- (c) What information are operators required to include in baseline reports (Article 22(2))?
- (d) How has the Commission's guidance on 'the content of the baseline report' been used in this context (Article 22(2))?
- 8.2. Upon the definitive cessation of activities:
- (a) How do operators 'assess the state of soil and groundwater contamination' (Article 22(3))?
- (b) How is it decided whether an installation has caused 'significant pollution of soil or groundwater' (Article 22(3))?

(c) How is it decided whether any contamination of soil or groundwater 'poses a significant risk to human health or the environment' (Article 22(3))?

(d) How is it decided what necessary 'measures' or 'actions' are required of operators (Article 22(3) and (4))?

9. Environmental inspections (Article 23)

9.1. What 'environmental inspection plans' have been drawn up? What do they contain? Where are they publicly available? If published on the internet, provide a link (Article 23(2))?

9.2. What 'programmes for routine environmental inspections' have been drawn up? What do they contain? Where are they publicly available? If published on the internet, provide a link. (Article 23(4))?

9.3. How are the environmental risks of installations 'systematically appraised' for the purposes of deciding the site visit frequency? Provide a summary and reference to any relevant guidance. (Article 23(4))?

9.4. Under what circumstances are 'non-routine environmental inspections' carried out (Article 23(5))?

9.5. What information do the site visit reports typically contain? How are these reports notified to the operator? How are they made publicly available? Are there any circumstances under which such reports have not been made publicly available, considering the provisions of Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC ⁽¹⁾ (Article 23(6))?

9.6. What mechanisms exist for ensuring that operators complete the 'necessary actions' identified in the site visit report (Article 23(6))?

10. Access to information and public participation (Article 24)

10.1. How is the public given 'early and effective opportunity' to participate in decision making on the granting/updating of permit conditions, especially where derogations under Article 15(4) are proposed (Article 24(1))?

10.2. How is information made available to the public (Article 24(2) and (3))?

10.3. Is all relevant information made available on the internet (Article 24(2)(a),(b) and (f) and Article 24(3)(a))?

11. Emerging techniques (Article 27)

How do Member States encourage the development and application of emerging techniques, in particular those identified in BAT reference documents (Article 27(1))?

⁽¹⁾ OJ L 41, 14.2.2003, p. 26.

ANNEX II

Questionnaire on the implementation of Directive 2010/75/EU as referred to in the third paragraph of Article 1*General notes:*

- (a) This questionnaire covers the period from 7 January 2013 to 31 December 2016.
- (b) Where a question seeks information on time-variable parameters, the response should indicate the situation as of 31 December 2016.

MODULE 1 — IMPLEMENTATION UPDATE*Module 1 note:*

The scope of these questions is installations covered by Chapter II of Directive 2010/75/EU.

1. Implementation – changes

Have any major changes to the implementation of Directive 2010/75/EU been made since the last reporting period, compared to the information reported in response to the questionnaire for first reporting under IED? If so, provide an update by describing the changes and the reasons for them, and provide references where appropriate.

2. Implementation — difficulties

Have you encountered any difficulties in applying the laws, regulations and administrative provisions adopted in accordance with Article 80(1)? If yes, describe these difficulties and the reasons for them.

MODULE 2 – INFORMATION ON INDIVIDUAL INSTALLATIONS*Module 2 note:*

Cross-references to other EU legislation are merely to identify that these interactions exist. It is not intended to map the exact interfaces between installations covered by each of those regimes.

3. Provide the following information for all installations covered by Chapter II of Directive 2010/75/EU ('IED installations')**3.1. General information:**

	Field	Description
3.1.1.	Reference number of the IED installation	Unique installation identifier for the purposes of Directive 2010/75/EU.
3.1.2.	Reference number of the facility covered by Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC ⁽¹⁾ (optional)	Where the IED installation is, fully or partly, covered by Regulation (EC) No 166/2006, provide the identification number used for the reporting of the facility under that Regulation.
3.1.3.	Reference number of the establishment covered by Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC ⁽²⁾ (optional)	Where the IED installation is, fully or partly, covered by Directive 2012/18/EU, provide the unique identifier used in the Seveso Plant Information Retrieval System (SPIRS).
3.1.4.	Reference number of the installation covered by the Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC ⁽³⁾ (optional)	Where the IED installation is, fully or partly, covered by Directive 2003/87/EC, provide the unique registry identifier from the EU Transaction Log.
3.1.5.	Installation name	In a format compatible with the field 'Name of the facility' used in the reporting under Regulation (EC) No 166/2006; if possible.

	Field	Description
3.1.6.	Activities covered by Directive 2010/75/EU	All activities listed in Annex I to Directive 2010/75/EU which are operated in the installation.
3.1.7.	Other relevant Chapters of Directive 2010/75/EU	Indicate which of the Chapters III, IV, V and VI of Directive 2010/75/EU also apply to the installation (or part thereof).

3.2. Contact information:

	Field	Description
3.2.1.	Operator name	In a format compatible with the field 'Name of parent company' used in the reporting under Regulation (EC) No 166/2006, if possible.
3.2.2.	Installation address — street, town, postal code and country	In accordance with Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community ⁽⁴⁾ , and in a format compatible with the field 'Street address', 'Town/village', 'Postal code', 'Country' used in the reporting under Regulation (EC) No 166/2006, if possible.
3.2.3.	Installation latitude/longitude	In accordance with Directive 2007/2/EC, and in a format compatible with the field 'Coordinates of the location' used in the reporting under Regulation (EC) No 166/2006, if possible.

3.3. Competent authorities:

	Field	Description
3.3.1.	Competent authority for the granting of permits	Name of competent authority/authorities and e-mail address(es).
3.3.2.	Competent authority for inspections and enforcement	Name of competent authority/authorities and e-mail address(es).
3.3.3.	Total number of site visits by competent authorities (Article 23(4))	Annual total for each of the years 2013, 2014, 2015 and 2016.

3.4. Permit information:

	Field	Description
3.4.1.	A web link to active permits	As required by Article 24(2).
3.4.2.	Is the installation subject to derogation under Article 15(4)?	Yes/No
3.4.3.	Has a baseline report been prepared under Article 22?	Yes/No

⁽¹⁾ OJ L 33, 4.2.2006, p. 1.⁽²⁾ OJ L 197, 24.7.2012, p. 1.⁽³⁾ OJ L 275, 25.10.2003, p. 32.⁽⁴⁾ OJ L 108, 25.4.2007, p. 1.

MODULE 3 – SECTORAL SPOTLIGHT

Module 3 notes:

The scope of this module is installations where published Decisions on BAT conclusions have triggered permit reconsideration/updating during the reporting period, i.e. installations where the main activity is covered by:

- Commission Implementing Decision of 28 February 2012 2012/134/EU establishing the best available techniques (BAT) conclusions under Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions for the manufacture of glass ⁽¹⁾; or
- Commission Implementing Decision of 28 February 2012 2012/135/EU establishing the best available techniques (BAT) conclusions under Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions for iron and steel production ⁽²⁾.

4. Permit conditions (Article 14)

Have any other sources of information, apart from BAT conclusions, been used as the reference for setting permit conditions (Article 14(3))?

5. Stricter permit conditions (Articles 14(4) and 18)

- 5.1. Which environmental quality standards required stricter permit conditions than those achievable by the use of BAT, and what additional measures were included in the permits (Article 18)?
- 5.2. Provide examples of other situations where the competent authorities have, under Article 14(4), set stricter permit conditions than achievable by the use of BAT.

6. Setting permit conditions in the absence of relevant BAT conclusions (Article 14(5) and (6))

- 6.1. Describe the procedure for, and examples of, setting permit conditions:
 - (a) on the basis of a BAT not described in any of the relevant BAT conclusions (Article 14(5));
 - (b) on the basis of a BAT determined in consultation with the operator, because the individual BAT conclusions do not cover 'an activity or a type of production process carried out within an installation' or 'do not address all the potential environmental effects of the activity or process' (Article 14(6)).
- 6.2. For the above examples, identify:
 - (a) why the information in the BAT conclusions was not applicable;
 - (b) which supplementary information sources were used to identify BAT;
 - (c) how the criteria listed in Annex III to Directive 2010/75/EU were given special consideration.

7. Emission limit values, equivalent parameters and technical measures (Article 15)

- 7.1. For permits where one or more emission limit value(s) are different to the emission levels associated with BAT in the BAT conclusions in terms of values, periods of time or reference conditions (Article 15(3)(b)):
 - (a) describe the nature of these different emission limit values and provide examples of them;
 - (b) provide examples, using the data summary referred to in Article 14(1)(d)(ii), showing how emission monitoring has been used to 'ensure that emissions under normal operating conditions have not exceeded the emission levels associated with the best available techniques' (the second subparagraph of Article 15(3)).
- 7.2. For all installations where an Article 15(4) derogation has been granted, indicate the:
 - (a) emission sources benefitting from a derogation;
 - (b) emission levels associated with BAT for which a derogation has been granted;
 - (c) actual emission limit values;
 - (d) transitional period(s) granted to comply with Article 15(3), if any;
 - (e) website(s) containing information on the application of Article 15(4) derogations (Article 24(2)(f)).
- 7.3. Have temporary derogations been granted for the testing and use of emerging techniques (Article 15(5)).

⁽¹⁾ OJ L 70, 8.3.2012, p. 1.

⁽²⁾ OJ L 70, 8.3.2012, p. 63.

8. **Monitoring (Article 16)**

- 8.1. In general terms, what monitoring frequencies have been set in permits for air emissions, water emissions, soil/groundwater emissions and other relevant process parameters?
- 8.2. How have BAT conclusions been used to determine these frequencies?

9. **Reconsideration and updating of permit conditions (Article 21)**

For all permit reconsiderations that were not completed by 8 March 2016, identify:

- (a) the installation names and permit reference numbers;
- (b) the reasons for not having completed the reconsideration;
- (c) the date by which the reconsideration will be completed.

10. **Other**

Do you have feedback on any practical problems you encountered in using the BAT conclusions for the two sectors in the scope of this Module 3?

MODULE 4 – 'MINIMUM' REQUIREMENTS

11. **Waste incineration and co-incineration:**

For plants covered by Chapter IV of Directive 2010/75/EU:

- 11.1. Identify the plants for which competent authorities have authorised conditions under Article 51(1), (2) or (3) as well as the actual conditions authorised and the results of verifications made in this respect (Article 51(4)).
- 11.2. For each waste incineration plant and waste co-incineration plant with a capacity of 2 tonnes or more per hour, provide:
- (a) information on the functioning and monitoring of the plant;
- (b) an account of the running of the incineration or co-incineration process (indicating the operational hours, number and cumulative duration of break-downs, if available);
- (c) the level of emissions into air and water, in comparison with the emission limit values;
- (d) a description of how this information has been made available to the public, including a link to any relevant websites created for this purpose (Article 55(2)).

12. **Solvent Emissions**

For installations covered by Chapter V of Directive 2010/75/EU:

- 12.1. Where Member States have opted to apply a reduction scheme (as described in Annex VII, Part 5) instead of emission limit values, what progress has been made in achieving an equivalent emission reduction (Article 59(1)(b))?
- 12.2. Identify the plants for which derogations were granted in accordance with Article 59(2) or Article 59(3), as well as the justification for granting such derogations.
-

COMMISSION IMPLEMENTING DECISION

of 17 December 2012

on a third Union financial contribution pursuant to Council Directive 2000/29/EC for 2006 and 2007 to cover expenditure incurred by Portugal for the purpose of combating *Bursaphelenchus xylophilus* (Steiner et Buhrer) Nickle *et al.* (pinewood nematode)

(notified under document C(2012) 9356)

(Only the Portuguese text is authentic)

(2012/796/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ⁽¹⁾, and in particular Article 23(6) thereof,

Whereas:

- (1) Commission Decision 2006/923/EC ⁽²⁾ approved a financial contribution from the Union for a programme of measures introduced by Portugal aiming in 2006 and 2007 at controlling the spread of *Bursaphelenchus xylophilus* (Steiner et Buhrer) Nickle *et al.* (pinewood nematode) to other Member States. The measures included the creation of a barrier free from all host trees of the pinewood nematode vector, hereinafter the 'clear cut belt'.
- (2) The financial contribution granted by Decision 2006/923/EC was based on the programme for further actions for pinewood nematode (hereinafter: PWN) and the budget estimation referring to this programme as submitted by Portugal to the Commission on 28 July 2006.
- (3) The final payments to Portugal connected to the actions laid down in Decision 2006/923/EC occurred in June 2008.
- (4) By Commission Implementing Decision 2011/851/EU ⁽³⁾, an additional Union co-financing of EUR 3 986 138,36 was granted to Portugal to cover eligible expenditure in excess to the initial estimate of July 2006.

- (5) At the time of that additional Union co-financing, the claim submitted by Portugal did not include all the bills related to the creation of the clear cut belt.

- (6) By letter of 5 December 2011, the Portuguese authorities introduced a revised claim of EUR 15 000 932,08. That claim included EUR 4 915 405,87 that had not been paid at the time of the previous audit of July 2010 (audit SANCO/10/2010) and could not be declared eligible for co-financing at that time. The rest of that new claim is composed of costs for felling an increased number of large coniferous trees and of a separate expenditure for the elimination of small coniferous trees.

- (7) In March 2012, the Commission carried out an audit on the information communicated by Portugal on 5 December 2011. After examination of all supporting documents for the additional claim, and based on the report of that audit, the Commission concluded that an eligible amount of only EUR 5 044 839,72 of paid invoices (including coordination costs) could be taken into consideration. The rest of the claimed expenditure has not been found eligible for co-financing because it concerns expenditure already co-financed by Implementing Decision 2011/851/EU (EUR 2 024 128,16) and expenditure of EUR 7 931 964,20 related to small trees, the necessity of which has not been sufficiently justified by Portugal.

- (8) As the measures included in that additional claim are of the same nature, and target the same purpose as the measures of Decision 2006/923/EC, it is appropriate to allocate the same Union financial contribution rate as in that decision, namely a rate of 75 %.

- (9) In accordance with Article 3(2)(a) of Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ⁽⁴⁾, plant-health measures are financed from the European Agricultural Guarantee Fund. For the purpose of financial control of these measures, Articles 9, 36 and 37 of the above Regulation should apply.

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

⁽²⁾ OJ L 354, 14.12.2006, p. 42.

⁽³⁾ OJ L 335, 17.12.2011, p. 107.

⁽⁴⁾ OJ L 209, 11.8.2005, p. 1.

(10) In accordance with Article 75 of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽¹⁾ and Article 90(1) of Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽²⁾, the commitment of expenditure from the Union budget shall be preceded by a financing decision adopted by the institution or the authorities to which powers have been delegated, setting out the essential elements of the action involving the expenditure.

(11) The present decision constitutes a financing decision for the expenditure provided in the co-financing request presented by Portugal.

(12) The measures provided in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

Principle

The allocation of a third Union financial contribution to cover expenditure incurred by Portugal in 2006 and 2007 relating to the creation of a clear cut belt and taken for the purpose of combating pinewood nematode, is hereby approved.

Article 2

Amount of Union financial contribution

The maximum Union financial contribution referred to in Article 1 is EUR 3 783 629,79.

Article 3

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 17 December 2012.

For the Commission

Tonio BORG

Member of the Commission

⁽¹⁾ OJ L 248, 16.9.2002, p. 1.

⁽²⁾ OJ L 357, 31.12.2002, p. 1.

COMMISSION IMPLEMENTING DECISION

of 18 December 2012

amending Commission Decision No 2009/336/EC setting up the Education, Audiovisual and Culture Executive Agency for the management of Community action in the fields of education, audiovisual and culture in application of Council Regulation (EC) No 58/2003

(2012/797/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes ⁽¹⁾, and in particular Article 3(3) thereof,

Whereas:

- (1) Under Article 4 of Commission Decision No 2009/336/EC of 20 April 2009 setting up the Education, Audiovisual and Culture Executive Agency for the management of Community action in the fields of education, audiovisual and culture in application of Council Regulation (EC) No 58/2003 ⁽²⁾, the Education, Audiovisual and Culture Executive Agency (hereinafter the 'Agency') is responsible for managing EU action in the fields of education, audiovisual and culture.
- (2) By Decision No 1041/2009/EC ⁽³⁾, Parliament and the Council established an audiovisual cooperation programme with professionals from third countries (MEDIA Mundus) for the period from 1 January 2011 to 31 December 2013.
- (3) In the light of the expertise gained by the Agency, the Commission wishes to delegate to it the management of this new programme and of projects which, whilst falling within the Agency's current remit, may be funded under other arrangements or from other sources. These projects are in the fields of primary and secondary school education and youth which may be funded by certain instruments in the European Neighbourhood and Partnership Policy.
- (4) The Commission also plans to allocate to the Agency new tasks relating to European cooperation in the field of youth.
- (5) Decision 2009/336/EC should therefore be amended accordingly.

- (6) The measures provided for by this Decision are in accordance with the opinion of the Committee for Executive Agencies,

HAS ADOPTED THIS DECISION:

Article 1

Article 4 of Decision 2009/336/EC is hereby replaced by the following:

'Article 4

1. The Agency is hereby entrusted with the management of certain strands of the following Community programmes:
 1. projects in the field of higher education eligible for funding under the provisions on economic aid for certain countries of central and eastern Europe (Phare), as provided for in Council Regulation (EEC) No 3906/89 ^{(1)*};
 2. the programme encouraging the development and distribution of European audiovisual works (MEDIA II — Development and distribution) (1996-2000), established by Council Decision No 95/563/EC ^{(2)*};
 3. the training programme for professionals in the European audiovisual programme industry (MEDIA II — Training) (1996-2000), approved by Council Decision No 95/564/EC ^{(3)*};
 4. the second phase of the Community action programme in the field of education, Socrates (2000-2006), approved by Decision No 253/2000/EC of the European Parliament and of the Council ^{(4)*};
 5. the second phase of the Community vocational training action programme "Leonardo da Vinci" (2000-2006), approved by Council Decision No 1999/382/EC ^{(5)*};
 6. the "Youth" Community action programme (2000-2006), approved by Decision No 1031/2000/EC of the European Parliament and of the Council ^{(6)*};

⁽¹⁾ OJ L 11, 16.1.2003, p. 1.

⁽²⁾ OJ L 101, 21.4.2009, p. 26.

⁽³⁾ OJ L 288, 4.11.2009, p. 10.

7. the "Culture 2000" programme (2000-2006), approved by Decision No 508/2000/EC of the European Parliament and of the Council ^{(7)*};
8. projects in the field of higher education eligible for funding under the provisions on assistance for the partner States of Eastern Europe and Central Asia (2000-2006), as provided for in Council Regulation (EC, Euratom) No 99/2000 ^{(8)*};
9. projects in the field of higher education eligible for funding under the provisions on assistance for Albania, Bosnia-Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Montenegro, Serbia and Kosovo (UNSCR 1244) (2000-2006), approved under Council Regulation (EC) No 2666/2000 ^{(9)*};
10. projects in the field of higher education eligible for funding under the provisions on financial and technical measures to accompany the reform of economic and social structures in the framework of the Euro-Mediterranean partnership (MEDA), approved under Council Regulation (EC) No 2698/2000 ^{(10)*};
11. the third phase of the trans-European cooperation scheme for higher education (Tempus III) (2000-2006), approved by Council Decision No 1999/311/EC ^{(11)*};
12. projects eligible for funding under the provisions of the Agreement between the European Community and the United States of America renewing a programme of cooperation in the field of higher education and vocational education and training (2001-2005), approved by Council Decision No 2001/196/EC ^{(12)*};
13. projects eligible for funding under the provisions of the Agreement between the European Community and the Government of Canada renewing a cooperation programme in the field of higher education and training (2001-2005), approved by Council Decision No 2001/197/EC ^{(13)*};
14. the programme to encourage the development of European audiovisual works (MEDIA Plus — Development, Distribution and Promotion) (2001-2006), approved by Council Decision No 2000/821/EC ^{(14)*};
15. the training programme for professionals of the European audiovisual programme industry (MEDIA — Training) (2001-2006), approved by Decision No 163/2001/EC of the European Parliament and of the Council ^{(15)*};
16. the multiannual programme for the effective integration of information and communication technologies (ICT) in education and training systems in Europe (e-Learning) (2004-2006), approved by Decision No 2318/2003/EC of the European Parliament and of the Council ^{(16)*};
17. the Community action programme to promote active European citizenship (civic participation) (2004-2006), approved by Council Decision No 2004/100/EC ^{(17)*};
18. the Community action programme to promote bodies active at European level in the field of youth (2004-2006), approved by Decision No 790/2004/EC of the European Parliament and of the Council ^{(18)*};
19. the Community action programme to promote bodies active at European level and support specific activities in the field of education and training (2004-2006), approved by Decision No 791/2004/EC of the European Parliament and of the Council ^{(19)*};
20. the Community action programme to promote bodies active at European level in the field of culture (2004-2006), approved by Decision No 792/2004/EC of the European Parliament and of the Council ^{(20)*};
21. the programme for the enhancement of quality in higher education and the promotion of intercultural understanding through cooperation with third countries (Erasmus Mundus) (2004-2008), approved by Decision No 2317/2003/EC of the European Parliament and of the Council ^{(21)*};
22. projects eligible for funding under the provisions of the Agreement between the European Community and the United States of America renewing the programme of cooperation in the field of higher education and vocational education and training (2006-2013), approved by Council Decision 2006/910/EC ^{(22)*};
23. projects eligible for funding under the provisions of the Agreement between the European Community and the Government of Canada establishing a cooperation framework in the fields of higher education, training and youth (2006-2013), approved by Council Decision 2006/964/EC ^{(23)*};

24. the action programme in the field of lifelong learning (2007-2013), approved by Decision No 1720/2006/EC of the European Parliament and of the Council ^{(24)*};
 25. the "Culture" programme (2007-2013), approved by Decision No 1855/2006/EC of the European Parliament and of the Council ^{(25)*};
 26. the "Europe for Citizens" programme to promote active European citizenship (2007-2013), approved by Decision No 1904/2006/EC of the European Parliament and of the Council ^{(26)*};
 27. the "Youth in Action" programme (2007-2013), approved by Decision No 1719/2006/EC of the European Parliament and of the Council ^{(27)*};
 28. the support programme for the European audiovisual sector (MEDIA 2007) (2007-2013), approved by Decision No 1718/2006/EC of the European Parliament and of the Council ^{(28)*};
 29. the Erasmus Mundus (II) action programme 2009-2013 for the enhancement of quality in higher education and the promotion of intercultural understanding through cooperation with third countries, approved by Decision No 1298/2008/EC of the European Parliament and of the Council ^{(29)*};
 30. the audiovisual cooperation programme with professionals from third countries (MEDIA Mundus) (2011-2013), established by Decision No 1041/2009/EC of the European Parliament and of the Council ^{(30)*};
 31. projects in the field of higher education eligible for funding under the provisions on aid for economic cooperation with the developing countries in Asia, approved under Council Regulation (EEC) No 443/92 ^{(31)*};
 32. projects in the fields of higher education and youth eligible for funding under the provisions of the Instrument for Pre-Accession Assistance (IPA), established by Council Regulation (EC) No 1085/2006 ^{(32)*};
 33. projects in the field of primary, secondary and higher education and youth eligible for funding under the provisions of the European Neighbourhood and Partnership Instrument, created by Regulation (EC) No 1638/2006 of the European Parliament and of the Council ^{(33)*};
 34. projects in the field of higher education eligible for funding under the provisions of the financing instrument for development cooperation, established by Regulation (EC) No 1905/2006 of the European Parliament and of the Council ^{(34)*};
 35. projects in the field of higher education and youth eligible for funding under the provisions of the financing instrument for cooperation with industrialised and other high-income countries and territories, established by Council Regulation (EC) No 1934/2006 ^{(35)*};
 36. projects in the field of higher education eligible for funding from the European Development Fund, pursuant to the Partnership Agreement between members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 (Council Decision 2003/159/EC) ^{(36)*}, as amended by the Agreement signed in Luxembourg on 25 June 2005 (Council Decision 2005/599/EC) ^{(37)*};
2. The Agency shall be responsible for the following tasks for the management of the Community programme strands referred to in paragraph 1:
- (a) managing, throughout their duration, the projects implementing the Community programmes entrusted to it, on the basis of the annual work programme which serves as a funding decision with regard to grants and contracts in the fields of education, audiovisual and culture and is adopted by the Commission, or on the basis of specific funding decisions adopted by the Commission, and the necessary checks to that end, by adopting the relevant decisions where the Commission has empowered it to do so;
 - (b) adopting the instruments of budget implementation for revenue and expenditure and carrying out, where the Commission has empowered it to do so, some or all of the operations necessary for the management of the Community programmes and, in particular, those linked to the award of grants and contracts;
 - (c) gathering, analysing and passing on to the Commission all the information needed to guide the implementation of the Community programmes;

- (d) the implementation, at Community level, of the network of information on education in Europe (Eurydice) and activities intended to improve understanding and knowledge of the field of youth: the collection, analysis and dissemination of information and the production of studies and publications.

- (¹)* OJ L 375, 23.12.1989, p. 11.
(²)* OJ L 321, 30.12.1995, p. 25.
(³)* OJ L 321, 30.12.1995, p. 33.
(⁴)* OJ L 28, 3.2.2000, p. 1.
(⁵)* OJ L 146, 11.6.1999, p. 33.
(⁶)* OJ L 117, 18.5.2000, p. 1.
(⁷)* OJ L 63, 10.3.2000, p. 1.
(⁸)* OJ L 12, 18.1.2000, p. 1.
(⁹)* OJ L 306, 7.12.2000, p. 1.
(¹⁰)* OJ L 311, 12.12.2000, p. 1.
(¹¹)* OJ L 120, 8.5.1999, p. 30.
(¹²)* OJ L 71, 13.3.2001, p. 7.
(¹³)* OJ L 71, 13.3.2001, p. 15.
(¹⁴)* OJ L 336, 30.12.2000, p. 82.
(¹⁵)* OJ L 26, 27.1.2001, p. 1.
(¹⁶)* OJ L 345, 31.12.2003, p. 9.
(¹⁷)* OJ L 30, 4.2.2004, p. 6.
(¹⁸)* OJ L 138, 30.4.2004, p. 24.
(¹⁹)* OJ L 138, 30.4.2004, p. 31.
(²⁰)* OJ L 138, 30.4.2004, p. 40.
(²¹)* OJ L 345, 31.12.2003, p. 1.
(²²)* OJ L 346, 9.12.2006, p. 33.
(²³)* OJ L 397, 30.12.2006, p. 14.
(²⁴)* OJ L 327, 24.11.2006, p. 45.
(²⁵)* OJ L 372, 27.12.2006, p. 1.
(²⁶)* OJ L 378, 27.12.2006, p. 32.
(²⁷)* OJ L 327, 24.11.2006, p. 30.
(²⁸)* OJ L 327, 24.11.2006, p. 12.
(²⁹)* OJ L 340, 19.12.2008, p. 83.
(³⁰)* OJ L 288, 4.11.2009, p. 10.
(³¹)* OJ L 52, 27.2.1992, p. 1.
(³²)* OJ L 210, 31.7.2006, p. 82.
(³³)* OJ L 310, 9.11.2006, p. 1.
(³⁴)* OJ L 378, 27.12.2006, p. 41.
(³⁵)* OJ L 405, 30.12.2006, p. 37.
(³⁶)* OJ L 65, 8.3.2003, p. 27.
(³⁷)* OJ L 209, 11.8.2005, p. 26.'

Article 2

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

Done at Brussels, 18 December 2012.

For the Commission
The President

José Manuel BARROSO

RECOMMENDATIONS

COMMISSION RECOMMENDATION

of 12 December 2012

on the notification procedure provided for in Article 22(3) of Directive 2002/22/EC of the European Parliament and of the Council on universal service and users' rights relating to electronic communications networks and services

(Text with EEA relevance)

(2012/798/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Having regard to Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive) ⁽¹⁾, and in particular Article 22(3) thereof,

Whereas:

(1) A competitive market should help to provide end-users with a wide choice of content, applications and services and with the quality of service they require. National regulatory authorities should promote users' ability to access and distribute information and to run applications and services. National regulatory authorities, entrusted with the implementation of Article 22(3) of Directive 2002/22/EC, may set minimum quality of service requirements to be imposed on an undertaking or undertakings providing public communications networks in order to prevent degradation of service and the hindering or slowing down of traffic over networks. Proposed measures should be suitably justified and proportionate in relation to the objectives and regulatory principles set out in Article 8 of Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) ⁽²⁾. When proposing such measures, the national regulatory authorities should take account of the guidelines issued by the Body of European Regulators for Electronic Communications (BEREC) ⁽³⁾.

(2) The Commission should assess any proposed measures, thus ensuring that the functioning of the internal market

is not adversely affected by the envisaged requirements. To that end, national regulatory authorities should provide the Commission with draft measures setting minimum quality of service requirements or amending previously imposed requirements under the procedure set forth in Article 22(3) of Directive 2002/22/EC. The notification mechanism should not involve any unnecessary administrative burden on the national regulatory authorities. Draft measures lifting any requirement previously imposed should at this stage only be notified for transparency purposes.

(3) In order to enable the Commission to undertake its assessment, national regulatory authorities should provide it with their draft measures in good time before setting such requirements. This should be done by means of a notification summarising the grounds for action, the envisaged requirements and the proposed course of action. National regulatory authorities may discuss informally with the Commission their draft measures prior to notifying the Commission.

(4) Certain minimum information concerning draft measures should be provided in order to allow the Commission to carry out an assessment. Account has to be taken of the need to ensure effective assessment, on the one hand, and to simplify administration as far as possible, on the other hand. To help simplify the assessment of notified draft measures and to make the process quicker, national regulatory authorities should use standard formats for notifications.

(5) When the Commission makes comments or recommendations on proposed measures setting or amending minimum quality of service requirements, national regulatory authorities should take the utmost account of the Commission's comments or recommendations when deciding on the requirements. National regulatory authorities should also contribute to ensuring transparency by way of communicating the adopted measures, including those lifting previously imposed requirements.

⁽¹⁾ OJ L 108, 24.4.2002, p. 51.

⁽²⁾ OJ L 108, 24.4.2002, p. 33.

⁽³⁾ See BEREC, Guidelines for Quality of Service in the scope of Net Neutrality, BoR (12) 32.

- (6) The Commission, for its part, should make publicly available the notification and all supporting information, as well as any comments or recommendations it has made or its notice on not having issued comments or recommendations. Where information is considered confidential by a national regulatory authority in accordance with EU and national rules on business confidentiality, the Commission and the national regulatory authority concerned should ensure such confidentiality in conformity with Article 5 of Directive 2002/21/EC,

HAS ADOPTED THIS RECOMMENDATION:

AIM AND SCOPE

1. The aim of this Recommendation is to ensure a coherent approach, full transparency and a streamlined procedure when national regulatory authorities intend to take measures setting minimum quality of service requirements pursuant to Article 22(3) of Directive 2002/22/EC.
2. To this end, national regulatory authorities should provide the Commission in good time with:
 - (a) draft measures setting minimum quality of service requirements pursuant to Article 22(3) of Directive 2002/22/EC;
 - (b) draft measures amending such previously imposed requirements;
 - (c) draft measures lifting any such requirement previously imposed.

DEFINITIONS

3. Terms defined in Directive 2002/21/EC, in Directive 2002/22/EC and in other specific directives have the same meaning when used in this Recommendation. In addition:

‘notification’ means the notification to the Commission by a national regulatory authority of a draft measure pursuant to Article 22(3) of Directive 2002/22/EC, accompanied by the notification form as provided in this Recommendation;

‘draft measures’ are any measures concerning quality of service requirements intended to prevent degradation of service and the hindering or slowing down of traffic over networks that a national regulatory authority proposes to impose on an undertaking or undertakings providing public communications networks.

NOTIFICATION PROCEDURE

4. Draft measures as referred to in point 2 should be made available to the Commission by means of the notification form set out in the Annex. The draft measures thus notified should include the following information, where applicable:
 - (a) a summary notification including:

- (i) the identity of the undertaking or undertakings providing public communications networks to which the draft measure applies;
- (ii) a summary of the grounds for action;
- (iii) the envisaged requirements to be imposed by the national regulatory authority;
- (iv) the proposed course of action;

- (b) the national regulatory authority’s draft measure and all supporting documents, including:

- (i) the relevant facts and circumstances of the case at issue that give rise to the envisaged imposition of minimum quality of service requirements on an undertaking or undertakings providing public communications networks;
- (ii) an assessment of the proposed measure, in particular in view of the policy objectives and regulatory principles pursuant to Article 8 of Directive 2002/21/EC;
- (iii) the provisional time frame for implementing the minimum quality of service requirements;
- (iv) the specific methods that will be used to monitor the application of such requirements;
- (v) the results of any public consultation carried out by the national regulatory authority on the proposed measure; and
- (vi) the opinion issued by the national competition authority, where provided.

5. Notifications should be made by electronic means with a request for acknowledgement of receipt. Documents sent by electronic means will be presumed to have been received by the addressee on the day on which they were sent. Notifications will be registered in the order in which they are received.

6. Notifications will become effective on the date on which the Commission registers them (date of registration). Notice will be given on the Commission’s website and by electronic means to all national regulatory authorities and BEREC of the date of registration of a notification, the subject matter of the notification and any supporting documentation received, while ensuring confidentiality in conformity with Article 5 of Directive 2002/21/EC.

7. Notifications should be in an official language of the European Union. The notification form may be completed in an official language other than that of the draft measure. Any comments or recommendations adopted by the Commission pursuant to Article 22(3) of Directive 2002/22/EC will be in the language of the notified draft measure, translated where possible into the language used for the notification form.

8. Where requested by a national regulatory authority, the Commission will informally discuss a draft measure prior to notification.
9. A national regulatory authority may decide at any time to withdraw its notification, in which case the notified measure will be removed from the register and the national regulatory authority concerned, all other national regulatory authorities and BEREC will be informed. The Commission will publish a notice to that effect on its website.

TIMING AND FOLLOW-UP

10. In accordance with Article 22(3) of Directive 2002/22/EC, in particular when the Commission assesses a draft measure as referred to in point 2(a) or point 2(b), it may, having examined all the relevant information, make comments or recommendations on the draft measure, in particular when it considers that the proposed requirements would adversely affect the functioning of the internal market.

The examination period should not exceed two months following the notification of the draft measure unless otherwise agreed between the Commission and the national regulatory authority.

11. By way of derogation from point 10, within 15 days of notification of the draft measure:
 - (i) the national regulatory authority or the Commission may seek to extend the examination period for a reasonable period of time, in particular because of the complexity of the assessment; or
 - (ii) the national regulatory authority may seek to shorten the examination period where, in exceptional circumstances, it considers there is an urgent need to act, in order to safeguard competition and protect the interests of end-users.

When the national regulatory authority or the Commission seeks to extend or shorten the two-month examination period under (i) or (ii) above, it should state the reasons for doing so.

12. The length of potential derogations from the two-month examination period referred to in points 11(i) and 11(ii) should be subject to a prior agreement by the Commission and the national regulatory authority having regard, in particular, to the complexity of the assessment and the interest of the end-users and other stakeholders in having in place clear and predictable rules on quality of service. Where an extension is sought in accordance with point 11(i), the total examination period agreed should not exceed three months following notification of the draft measure.

By way of derogation from point 11, the Commission, following an initial review of a notified draft measure, may inform the national regulatory authority of a shortened examination period of one month.

13. Once a derogation from the two-month examination period as referred to in points 11 and 12 is agreed upon, the Commission will inform the national regulatory authority concerned, all other national regulatory authorities and BEREC, and it will publish a notice to that effect on its website specifying the length of the examination period agreed.
14. Without prejudice to points 11 and 12 above, following registration of a notification, the Commission, acting in accordance with Article 5(2) of Directive 2002/21/EC, may seek further information or clarification from the national regulatory authority concerned, specifying a deadline for the reply. The time frame of the notification procedure will be extended by the number of days passed until the reply to the request for information is received. National regulatory authorities should endeavour to provide in good time the information requested, where it is available.
15. Where the Commission makes comments or recommendations on proposed measures setting or amending minimum quality of service requirements in accordance with Article 22(3) of Directive 2002/22/EC, it will notify the national regulatory authority concerned by electronic means and publish such comments or recommendations on its website.
16. When the Commission has not issued comments or recommendations, it will inform the national regulatory authority concerned, all other national regulatory authorities and BEREC, and it will publish a notice to that effect on its website.
17. A national regulatory authority should not adopt any draft measure under point 2(a) or point 2(b) before the end of the examination period, established in accordance with points 10 to 12. Should the Commission not issue any comments or recommendations within the given notification time frame, the national regulatory authority may adopt the notified draft measure. Draft measures under point 2(c) may be adopted by the national regulatory authorities at any time after the notification.
18. Where a national regulatory authority adopts a measure pursuant to Article 22(3) of Directive 2002/22/EC, it should communicate the adopted measure to the Commission. The Commission will publish each adopted measure on its website, subject to rules on confidentiality in conformity with Article 5 of Directive 2002/21/EC.

ADDITIONAL PROVISIONS

19. In accordance with Regulation (EEC, Euratom) No 1182/71 of the Council ⁽¹⁾, any period of time referred to in this Recommendation will be calculated as follows:

- (a) where a period expressed in days, weeks or months is to be calculated from the moment at which an event occurs, the day during which that event occurs is not counted as falling within the period in question;
- (b) a period expressed in weeks or months ends with the expiry of whichever day in the last week or month is the same day of the week or falls on the same date as the day during which the event from which the period is to be calculated occurred. Where, in a period expressed in months the day on which it should expire does not occur in the last month, the period ends with the expiry of the last day of that month;
- (c) time periods include official holidays, Saturdays and Sundays;
- (d) working days mean all days other than official and/or public holidays, Saturdays and Sundays. Should a time

period end on a Saturday, Sunday or an official holiday, it will be extended until the end of the first following working day. The list of official holidays as determined by the Commission is published in the *Official Journal of the European Union* before the beginning of each year.

20. The Commission, together with the national regulatory authorities and BEREC, will monitor the application of the notification procedure. The Commission will evaluate the necessity of reviewing this Recommendation as appropriate two years after the date of its publication in the *Official Journal of the European Union*.

21. This Recommendation is addressed to the Member States.

Done at Brussels, 12 December 2012.

For the Commission

Neelie KROES

Vice-President

⁽¹⁾ OJ L 124, 8.6.1971, p. 1.

ANNEX

Notification form in respect of draft measures pursuant to Article 22(3) of Directive 2002/22/EC**INTRODUCTION**

The notification form specifies the summary information to be provided by national regulatory authorities to the Commission when notifying draft measures in accordance with Article 22(3) of Directive 2002/22/EC.

The Commission intends to discuss issues relating to the implementation of Article 22(3) with national regulatory authorities, especially during pre-notification meetings. Accordingly, national regulatory authorities are encouraged to consult the Commission on any aspect of the notification form and in particular on the kind of information they are requested to supply or, conversely, the possibility of dispensing with the obligation to provide certain information in relation to measures imposing minimum quality of service requirements pursuant to Article 22(3) of Directive 2002/22/EC.

It is important to provide the Commission with a summary information including: (i) the identity of the undertaking or undertakings providing public communications networks subject to the draft measure; (ii) a summary of the grounds for action; (iii) the envisaged requirements to be imposed by the national regulatory authority; and (iv) the proposed course of action.

The national regulatory authority's draft measure, including adequate reasoning referring to the justification for and the proportionality of adopting the proposed measures in accordance with point 1 and point 2 of this Recommendation, should be attached to the notification form. The draft measure should include: (i) the relevant facts and circumstances of the particular case giving rise to the envisaged imposition of minimum quality of service requirements on an undertaking or undertakings providing public communications networks; (ii) an assessment of the proposed measure in view especially of the policy objectives and regulatory principles set out in Article 8 of Directive 2002/21/EC; (iii) the provisional time frame for implementing the minimum quality of service requirements and the specific methods that will be used to monitor the application of such requirements; (iv) the results of any prior public consultation carried out by the national regulatory authority; and (v) the opinion issued by the national competition authority, where provided.

SUMMARY INFORMATION

Describe briefly the content of the notified draft measure:	
Indicate the Article 22(3) notification reference of previously notified draft measures (if any):	
Identify the undertaking or undertakings on which this draft measure imposes obligations:	
Describe briefly the grounds for action:	
Describe briefly the envisaged requirements:	
Describe briefly the proposed course of action:	
Reference of the notified draft measure (with internet link if available):	

CORRIGENDA

Corrigendum to Commission Regulation (EU) No 1183/2012 of 30 November 2012 amending and correcting Regulation (EU) No 10/2011 on plastic materials and articles intended to come into contact with food*(Official Journal of the European Union L 338 of 12 December 2012)*

On page 14, Annex, in the table of point 5, the entry '858' is replaced by the following:

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
'858	38565	0090498-90-1	3,9-bis[2-(3-(3-tert-butyl-4-hydroxy-5-methylphenyl)propionyloxy)-1,1-dimethylethyl]-2,4,8,10-tetraoxaspiro[5,5]undecane	yes	no	yes	0,05		SML expressed as the sum of the substance and its oxidation product 3-[(3-(3-tert-butyl-4-hydroxy-5-methylphenyl)prop-2-enoyloxy)-1,1-dimethylethyl]-9-[(3-(3-tert-butyl-4-hydroxy-5-methylphenyl)propionyloxy)-1,1-dimethylethyl]-2,4,8,10-tetraoxaspiro[5,5]-undecane in equilibrium with its para quinone methid tautomer.	(2)

Commission Implementing Regulation (EU) No 1228/2012 of 18 December 2012 on the issue of import licences for applications lodged during the first seven days of December 2012 under the tariff quota opened by Regulation (EC) No 1385/2007 for poultrymeat	53
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DECISIONS

2012/794/EU:

★ Council Implementing Decision of 17 December 2012 authorising Bulgaria and Romania to apply measures derogating from Article 5 of Directive 2006/112/EC on the common system of value added tax	55
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2012/795/EU:

★ Commission Implementing Decision of 12 December 2012 establishing the type, format and frequency of information to be made available by the Member States for the purposes of reporting on the implementation of Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (<i>notified under document C(2012) 9181</i>) ⁽¹⁾	57
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2012/796/EU:

★ Commission Implementing Decision of 17 December 2012 on a third Union financial contribution pursuant to Council Directive 2000/29/EC for 2006 and 2007 to cover expenditure incurred by Portugal for the purpose of combating <i>Bursaphelenchus xylophilus</i> (Steiner et Buhner) Nickle <i>et al.</i> (pinewood nematode) (<i>notified under document C(2012) 9356</i>).....	66
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2012/797/EU:

★ Commission Implementing Decision of 18 December 2012 amending Commission Decision No 2009/336/EC setting up the Education, Audiovisual and Culture Executive Agency for the management of Community action in the fields of education, audiovisual and culture in application of Council Regulation (EC) No 58/2003.....	68
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RECOMMENDATIONS

2012/798/EU:

★ Commission Recommendation of 12 December 2012 on the notification procedure provided for in Article 22(3) of Directive 2002/22/EC of the European Parliament and of the Council on universal service and users' rights relating to electronic communications networks and services ⁽¹⁾	72
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Corrigenda

★ Corrigendum to Commission Regulation (EU) No 1183/2012 of 30 November 2012 amending and correcting Regulation (EU) No 10/2011 on plastic materials and articles intended to come into contact with food (OJ L 338, 12.12.2012)	77
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⁽¹⁾ Text with EEA relevance

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