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Price: EUR 7

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(¹) Text with EEA relevance

EN

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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) No 1231/2012

of 17 December 2012

amending Regulation (EU) No 7/2010 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products

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) In order to ensure sufficient and uninterrupted supplies of certain goods insufficiently produced in the Union and to avoid any disturbances on the market for certain agricultural and industrial products, autonomous tariff quotas have been opened by Council Regulation (EU) No 7/2010⁽¹⁾. Products within those tariff quotas can be imported at reduced or zero duty rates. For the same reasons it is necessary to open, with effect from 1 January 2013, new tariff quotas at a zero duty rate for an appropriate volume for the products with order numbers 09.2658, 09.2659, 09.2660 and 09.2661.

(2) The quota volumes for the autonomous tariff quotas with order numbers 09.2628, 09.2634 and 09.2929 are insufficient to meet the needs of the industry of the Union for the current quota period ending on 31 December 2012. Consequently, those quota volumes should be increased with effect from 1 July 2012. However, the increase of the quota volumes for the autonomous tariff quota with order number 09.2634 should not be continued beyond 31 December 2012.

(3) The quota volume for autonomous tariff quotas with the order number 09.2603 should be replaced by the volume shown in the Annex to this Regulation.

(4) It is no longer in the interest of the Union to continue to grant tariff quotas in 2013 for products with order

numbers 09.2615, 09.2636, 09.2640, 09.2813 and 09.2986. Those quotas should therefore be closed with effect from 1 January 2013 and the corresponding products should be deleted from the Annex to Regulation (EU) No 7/2010.

(5) In view of the many changes to be made, in the interest of clarity the Annex to Regulation (EU) No 7/2010 should be replaced in its entirety.

(6) Regulation (EU) No 7/2010 should therefore be amended accordingly.

(7) Since the tariff quotas should take effect from 1 January 2013, this Regulation should apply from the same date and enter into force immediately upon publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EU) No 7/2010 is replaced by the text set out in the Annex to this Regulation.

Article 2

With effect from 1 July 2012, in the Annex to Regulation (EU) No 7/2010:

(1) the quota volume for the autonomous tariff quota with order number 09.2628 is fixed at 3 000 000 m²;

(2) the quota volume for the autonomous tariff quota with order number 09.2634 is fixed at 8 000 tonnes for the period until 31 December 2012;

(3) the quota volume for the autonomous tariff quota with order number 09.2929 is fixed at 10 000 tonnes.

⁽¹⁾ OJ L 3, 7.1.2010, p. 1.

Article 3

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

It shall apply from 1 January 2013, except for Article 2 which shall apply from 1 July 2012.

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

Done at Brussels, 17 December 2012.

For the Council
The President
S. ALETRARIS

ANNEX

'ANNEX

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty (%)
09.2849	ex 0710 80 69	10	Mushrooms of the species <i>Auricularia polytricha</i> (uncooked or cooked by steaming or boiling), frozen, for the manufacture of prepared meals ⁽¹⁾ ⁽²⁾	1.1.-31.12.	700 tonnes	0 %
09.2913	ex 2401 10 35 ex 2401 10 70 ex 2401 10 95 ex 2401 10 95 ex 2401 10 95 ex 2401 20 35 ex 2401 20 70 ex 2401 20 95 ex 2401 20 95 ex 2401 20 95	91 10 11 21 91 91 10 11 21 91	Natural unmanufactured tobacco, whether or not cut in regular size, having a custom value of not less than EUR 450 per 100 kg net weight, for use as binder or wrapper for the manufacture of goods falling within subheading 2402 10 00 ⁽¹⁾	1.1.-31.12.	6 000 tonnes	0 %
09.2928	ex 2811 22 00	40	Silica filler in the form of granules, with a purity by weight of 97 % or more of silicon dioxide	1.1.-31.12.	1 700 tonnes	0 %
09.2703	ex 2825 30 00	10	Vanadium oxides and hydroxides exclusively for use in alloys ⁽¹⁾	1.1.-31.12.	13 000 tonnes	0 %
09.2806	ex 2825 90 40	30	Tungsten trioxide, including blue tungsten oxide (CAS RN 1314-35-8 + 39318-18-8)	1.1.-31.12.	12 000 tonnes	0 %
09.2929	2903 22 00		Trichloroethylene (CAS RN 79-01-6)	1.1.-31.12.	10 000 tonnes	0 %
09.2837	ex 2903 79 90	10	Bromochloromethane (CAS RN 74-97-5)	1.1.-31.12.	600 tonnes	0 %
09.2933	ex 2903 99 90	30	1,3-Dichlorobenzene (CAS RN 541-73-1)	1.1.-31.12.	2 600 tonnes	0 %
09.2950	ex 2905 59 98	10	2-Chloroethanol, for the manufacture of liquid thioplasts of subheading 4002 99 90 (CAS RN 107-07-3) ⁽¹⁾	1.1.-31.12.	15 000 tonnes	0 %
09.2851	ex 2907 12 00	10	O-Cresol having a purity of not less than 98,5 % by weight (CAS RN 95-48-7)	1.1.-31.12.	20 000 tonnes	0 %
09.2624	2912 42 00		Ethylvanillin (3-ethoxy-4-hydroxybenzaldehyde) (CAS RN 121-32-4)	1.1.-31.12.	950 tonnes	0 %
09.2638	ex 2915 21 00	10	Acetic acid of a purity by weight of 99 % or more (CAS RN 64-19-7)	1.1.-31.12.	1 000 000 tonnes	0 %
09.2972	2915 24 00		Acetic anhydride (CAS RN 108-24-7)	1.1.-31.12.	20 000 tonnes	0 %
09.2769	ex 2917 13 90	10	Dimethyl sebacate (CAS RN 106-79-6)	1.1.-31.12.	1 300 tonnes	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty (%)
09.2634	ex 2917 19 90	40	Dodecanedioic acid, of a purity by weight of more than 98,5 % (CAS RN 693-23-2)	1.1.-31.12.	4 600 tonnes	0 %
09.2808	ex 2918 22 00	10	<i>o</i> -Acetylsalicylic acid (CAS RN 50-78-2)	1.1.-31.12.	120 tonnes	0 %
09.2975	ex 2918 30 00	10	Benzophenone-3,3',4,4'-tetracarboxylic dianhydride (CAS RN 2421-28-5)	1.1.-31.12.	1 000 tonnes	0 %
09.2632	ex 2921 22 00	10	Hexamethylenediamine (CAS RN 124-09-4)	1.1.-31.12.	40 000 tonnes	0 %
09.2602	ex 2921 51 19	10	<i>o</i> -Phenylenediamine (CAS RN 95-54-5)	1.1.-31.12.	1 800 tonnes	0 %
09.2977	2926 10 00		Acrylonitrile (CAS RN 107-13-1)	1.1.-31.12.	75 000 tonnes	0 %
09.2917	ex 2930 90 13	90	Cystine (CAS RN 56-89-3)	1.1.-31.12.	600 tonnes	0 %
09.2603	ex 2930 90 99	79	Bis(3-triethoxysilylpropyl)tetrasulphide (CAS RN 40372-72-3)	1.1.-31.12.	9 000 tonnes	0 %
09.2810	2932 11 00		Tetrahydrofuran (CAS RN 109-99-9)	1.1.-31.12.	20 000 tonnes	0 %
09.2955	ex 2932 19 00	60	Flurtamone (ISO) (CAS RN 96525-23-4)	1.1.-31.12.	300 tonnes	0 %
09.2812	ex 2932 20 90	77	Hexan-6-olide (CAS RN 502-44-3)	1.1.-31.12.	4 000 tonnes	0 %
09.2658	ex 2933 99 80	73	5-(Acetoacetylamino)benzimidazolone (CAS RN 26576-46-5)	1.1.-31.12.	200 tonnes	0 %
09.2945	ex 2940 00 00	20	D-Xylose (CAS RN 58-86-6)	1.1.-31.12.	400 tonnes	0 %
09.2659	ex 3802 90 00	19	Soda flux calcinated diatomaceous earth	1.1.-31.12.	30 000 tonnes	0 %
09.2908	ex 3804 00 00	10	Sodium lignosulphonate	1.1.-31.12.	40 000 tonnes	0 %
09.2889	3805 10 90		Sulphate turpentine	1.1.-31.12.	25 000 tonnes	0 %
09.2935	ex 3806 10 00	10	Rosin and resin acids obtained from fresh oleoresins	1.1.-31.12.	280 000 tonnes	0 %
09.2814	ex 3815 90 90	76	Catalyst consisting of titanium dioxide and tungsten trioxide	1.1.-31.12.	3 000 tonnes	0 %
09.2829	ex 3824 90 97	19	Solid extract of the residual, insoluble in aliphatic solvents, obtained during the extraction of rosin from wood, having the following characteristics: — a resin acid content not exceeding 30 % by weight, — an acid number not exceeding 110, and — a melting point of 100 °C or more.	1.1.-31.12.	1 600 tonnes	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty (%)
09.2907	ex 3824 90 97	86	Mixture of phytosterols, in the form of powder, containing by weight: — 75 % or more of sterols, — not more than 25 % of stanols, for use in the manufacture of stanols/sterols or stanol/sterol esters (!)	1.1.-31.12.	2 500 tonnes	0 %
09.2644	ex 3824 90 97	96	Preparation containing by weight: — 55 % or more but not more than 78 % of dimethyl glutarate, — 10 % or more but not more than 28 % of dimethyl adipate, and — not more than 25 % of dimethyl succinate.	1.1.-30.6.2013.	7 500 tonnes	0 %
09.2140	ex 3824 90 97	98	Mixture of tertiary amines containing by weight: — 2,0-4,0 % of N,N-dimethyl-1-octanamine, — 94 % minimum of N,N-dimethyl-1-decanamine, — 2 % maximum of N,N-dimethyl-1-dodecanamine.	1.1.-31.12.	4 500 tonnes	0 %
09.2660	ex 3902 30 00	96	Propylene-ethylene copolymer, with a melt viscosity of not more than 1 700 mPa at 190 °C, as determined by ASTM D 3236 method	1.1.-31.12.	500 tonnes	0 %
09.2639	3905 30 00		Poly(vinyl alcohol), whether or not containing unhydrolysed acetate groups	1.1.-31.12.	18 000 tonnes	0 %
09.2616	ex 3910 00 00	30	Polydimethylsiloxane with a degree of polymerisation of 2 800 monomer units (\pm 100)	1.1.-31.12.	1 300 tonnes	0 %
09.2816	ex 3912 11 00	20	Cellulose acetate flakes	1.1.-31.12.	75 000 tonnes	0 %
09.2641	ex 3913 90 00	87	Sodium hyaluronate, non-sterile, with: — a weight average molecular weight (M_w) of not more than 900 000, — an endotoxin level of not more than 0,008 Endotoxin units (EU)/mg, — an ethanol content of not more than 1 % by weight, — an isopropanol content of not more than 0,5 % by weight.	1.1.-31.12.	200 kg	0 %
09.2661	ex 3920 51 00	50	Sheets of polymethylmethacrylate conforming to standard — EN 4364 (MIL-P-5425E) and DTD5592A, or — EN 4365 (MIL-P-8184) and DTD5592A.	1.1.-31.12.	100 tonnes	0 %
09.2645	ex 3921 14 00	20	Cellular block of regenerated cellulose, impregnated with water containing magnesium chloride and quaternary ammonium compounds, measuring 100 cm (\pm 10 cm) \times 100 cm (\pm 10 cm) \times 40 cm (\pm 5 cm)	1.1.-31.12.	1 300 tonnes	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty (%)
09.2818	ex 6902 90 00	10	Refractory bricks with — an edge length of more than 300 mm, and — a TiO ₂ content of not more than 1 % by weight, and — a Al ₂ O ₃ content of not more than 0,4 % by weight, and — a change in volume of less than 9 % at 1 700 °C.	1.1.-31.12.	75 tonnes	0 %
09.2628	ex 7019 52 00	10	Glass web woven from glass fibre coated in plastic, of a weight of 120 g/m ² (± 10 g/m ²), of a type used in rolling insect screens with fixed frames	1.1.-31.12.	3 000 000 m ²	0 %
09.2799	ex 7202 49 90	10	Ferro-chromium containing 1,5 % or more but not more than 4 % by weight of carbon and not more than 70 % of chromium	1.1.-31.12.	50 000 tonnes	0 %
09.2629	ex 7616 99 90	85	Aluminium telescopic handle for use in the manufacture of luggage ⁽¹⁾	1.1.-31.12.	800 000 units	0 %
09.2763	ex 8501 40 80	30	Electric AC commutator motor, single-phase, with an output of more than 750 W, an input power of more than 1 600 W but not more than 2 700 W, an external diameter of more than 120 mm (± 0,2 mm) but not more than 135 mm (± 0,2 mm), a rated speed of more than 30 000 rpm but not more than 50 000 rpm, equipped with air-inducting ventilator, for use in the manufacture of vacuum cleaners ⁽¹⁾	1.1.-31.12.	2 000 000 units	0 %
09.2642	ex 8501 40 80	40	Assembly, consisting of — a single-phase electric AC commutator motor, with an output of 480 W or more, but not more than 1 400 W, an input power of more than 900 W but not more than 1 600 W, an external diameter of more than 119,8 mm but not more than 135,2 mm and a rated speed of more than 30 000 rpm but not more than 50 000 rpm, and — an air-inducting ventilator, for use in the manufacture of vacuum cleaners ⁽¹⁾ .	1.1.-31.12.	120 000 units	0 %
09.2633	ex 8504 40 82	20	Electric rectifier, with a capacity of not more than 1 kVA, for use in the manufacture of hair removal apparatus ⁽¹⁾	1.1.-31.12.	4 500 000 units	0 %
09.2643	ex 8504 40 82	30	Power supply boards for use in the manufacture of goods falling under heading 8521 and 8528 ⁽¹⁾	1.1.-31.12.	1 038 000 units	0 %
09.2620	ex 8526 91 20	20	Assembly for GPS system having a position determination function	1.1.-31.12.	3 000 000 units	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty (%)
09.2003	ex 8543 70 90	63	Voltage controlled frequency generator, consisting of active and passive elements mounted on a printed circuit, contained in a housing with dimensions of not more than 30 mm × 30 mm	1.1.-31.12.	1 400 000 units	0 %
09.2635	ex 9001 10 90	20	Optical fibres for the manufacture of glass fibre cables under heading 8544 ⁽¹⁾	1.1.-31.12.	3 300 000 km	0 %
09.2631	ex 9001 90 00	80	Unmounted glass lenses, prisms and cemented elements for use in the manufacture of goods of CN codes 9002, 9005, 9013 10 and 9015 ⁽¹⁾	1.1.-31.12.	5 000 000 units	0 %

⁽¹⁾ Suspension of duties is subject to Articles 291 to 300 of Commission Regulation (EEC) No 2454/93 (OJ L 253, 11.10.1993, p. 1).

⁽²⁾ However, the measure is not allowed where processing is carried out by retail or catering undertakings.

COUNCIL REGULATION (EU) No 1232/2012**of 17 December 2012****amending Regulation (EU) No 1344/2011 suspending the autonomous Common Customs Tariff duties on certain agricultural, fishery and industrial products**

THE COUNCIL OF THE EUROPEAN UNION,

to Regulation (EU) No 1344/2011 and reinserted in that list with new time limits for a mandatory review.

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) It is in the interest of the Union to suspend totally the autonomous Common Customs Tariff duties on certain new products which are not currently listed in the Annex to Council Regulation (EU) No 1344/2011 ⁽¹⁾.

(2) It is no longer in the interest of the Union to maintain the suspension of autonomous Common Customs Tariff duties for 39 of the products which are currently listed in the Annex to Regulation (EU) No 1344/2011. Accordingly those products should be deleted.

(3) It is necessary to modify the product description of 56 suspensions in the Annex to Regulation (EU) No 1344/2011 in order to take account of technical product developments and economic trends on the market as well as linguistic adaptations. Moreover, TARIC codes for four products should be changed. In addition, double classification is considered necessary for three products, whereas for two products multiple classification is no longer necessary.

(4) Those suspensions for which technical modifications are necessary should be deleted from the list of suspensions in the Annex to Regulation (EU) No 1344/2011 and should be reinserted in that list with new product descriptions or new CN or TARIC codes.

(5) A number of products were reviewed by the Commission in accordance with Article 2(2) and (3) of Regulation (EU) No 1344/2011. It is in the interest of the Union to provide for a new mandatory review of those products. The reviewed suspensions should therefore be deleted from the list of suspensions set out in the Annex

(6) In view of their temporary nature, the suspensions listed in Annex I to this Regulation should be reviewed systematically, five years after their application or renewal. Moreover, closure of certain suspensions should be warranted at any time, following a proposal of the Commission on the basis of a review carried out on initiative of the Commission or at the request of one or more Member States, on the grounds that the suspensions are no longer in the Union's interest to be maintained, or due to technical product developments, changed circumstances or economic trends on the market.

(7) Since it is necessary that the suspensions laid down in this Regulation take effect from 1 January 2013, this Regulation should apply from the same date and enter into force immediately upon its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EU) No 1344/2011 is hereby amended as follows:

(1) the rows for the products listed in Annex I to this Regulation are inserted;

(2) the rows for the products for which the CN and TARIC codes are set out in Annex II to this Regulation are deleted.

Article 2

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

⁽¹⁾ OJ L 349, 31.12.2011, p. 1.

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, 17 December 2012.

For the Council
The President
S. ALETRARIS

ANNEX I

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
ex 2008 60 19 ex 2008 60 39	30 30	Sweet cherries containing added spirit, whether or not with a sugar content of 9 % by weight, of a diameter of not more than 19,9 mm, with stone, for use in chocolate products ⁽¹⁾	10 % ⁽²⁾	30.6.2013
ex 2008 93 91	20	Sweetened dried cranberries, excluding packing alone as processing, for the manufacture of products of food processing industries ⁽³⁾	0 %	31.12.2017
ex 2008 99 49 ex 2008 99 99	70 11	Blanched vine leaves of the genus <i>Karakishmish</i> , in brine containing: — 14 % or more but not more 16 % (\pm 2 %) of salt, — 0,2 % or more but not more than 0,3 % (\pm 0,1 %) of citric acid, and — 0,03 % or more but not more than 0,05 % (\pm 0,01 %) of sodium benzoate for use in the manufacture of stuffed vine leaves with rice ⁽¹⁾	0 %	31.12.2017
ex 2009 49 30	91	Pineapple juice, other than in powder form: — with a Brix value of more than 20 but not more than 67, — a value of more than EUR 30 per 100 kg net weight, — containing added sugars used in the manufacture of products of food or drink industry ⁽¹⁾	0 %	31.12.2014
ex 2805 19 90	10	Lithium metal of a purity by weight of 99,7 % or more (CAS RN 7439-93-2)	0 %	31.12.2017
ex 2805 30 90 ex 2805 30 90 ex 2805 30 90	40 50 60	Rare earth metals, scandium and yttrium of a purity by weight of 98,5 % or more	0 %	31.12.2015
ex 2816 40 00	10	Barium hydroxide (CAS RN 17194-00-2)	0 %	31.12.2017
ex 2823 00 00	10	Titanium dioxide (CAS RN 13463-67-7): — of a purity by weight of 99,9 % or more, — with an average grain-size of 1,2 μ m or more but not more than 1,8 μ m — with a specific surface of 5,0 m ² /g or more, but not more than 7,5 m ² /g	0 %	31.12.2017
ex 2823 00 00	20	Titanium dioxide (CAS RN 13463-67-7) with a purity by weight of 99,7 % or more and containing by weight: — not more than 0,005 % of potassium and sodium combined (expressed as elemental sodium and elemental potassium), — not more than 0,01 % of phosphorus (expressed as elemental phosphorus), for use in the metallurgy ⁽¹⁾	0 %	31.12.2017
ex 2825 10 00	10	Hydroxylammonium chloride (CAS RN 5470-11-1)	0 %	31.12.2017
ex 2825 60 00	10	Zirconium dioxide (CAS RN 1314-23-4)	0 %	31.12.2017
ex 2835 10 00	10	Sodium hypophosphite monohydrate (CAS RN 10039-56-2)	0 %	31.12.2017
ex 2837 20 00	20	Ammonium iron (III) hexacyanoferrate (II) (CAS RN 25869-00-5)	0 %	31.12.2017
ex 2839 19 00	10	Disodium disilicate (CAS RN 13870-28-5)	0 %	31.12.2017

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
ex 2841 80 00	10	Diammonium wolframate (ammonium paratungstate) (CAS RN 11120-25-5)	0 %	31.12.2017
ex 2841 90 85	10	Lithium cobalt(III) oxide with a cobalt content of at least 59 % (CAS RN 12190-79-3)	0 %	31.12.2017
ex 2850 00 20	30	Titanium nitride with a particle size of not more than 250 nm (CAS RN 25583-20-4)	0 %	31.12.2017
ex 2904 90 95	40	4-Chlorobenzenesulphonyl chloride (CAS RN 98-60-2)	0 %	31.12.2017
ex 2905 19 00	70	Titanium tetrabutanolate (CAS RN 5593-70-4)	0 %	31.12.2017
ex 2905 19 00	80	Titanium tetraisopropoxide (CAS RN 546-68-9)	0 %	31.12.2017
ex 2908 99 00	40	4,5-Dihydroxynaphthalene-2,7-disulphonic acid (CAS RN 148-25-4)	0 %	31.12.2017
ex 2912 49 00	20	4-Hydroxybenzaldehyde (CAS RN 123-08-0)	0 %	31.12.2017
ex 2914 19 90	20	Heptan-2-one (CAS RN 110-43-0)	0 %	31.12.2017
ex 2914 19 90	30	3-Methylbutanone (CAS RN 563-80-4)	0 %	31.12.2017
ex 2914 19 90	40	Pentan-2-one (CAS RN 107-87-9)	0 %	31.12.2017
ex 2914 39 00	30	Benzophenone (CAS RN 119-61-9)	0 %	31.12.2017
ex 2914 39 00	70	Benzil (CAS RN 134-81-6)	0 %	31.12.2017
ex 2914 39 00	80	4'-Methylacetophenone (CAS RN 122-00-9)	0 %	31.12.2017
ex 2914 50 00	60	2,2-Dimethoxy-2-phenylacetophenone (CAS RN 24650-42-8)	0 %	31.12.2017
ex 2914 50 00	70	16 α ,17 α -Epoxy-3 β -hydroxypregn-5-en-20-one (CAS RN 974-23-2)	0 %	31.12.2017
ex 2915 90 70	75	2,2-Dimethylbutyryl chloride (CAS RN 5856-77-9)	0 %	31.12.2017
ex 2916 12 00	60	Octadecyl acrylate (CAS RN 4813-57-4)	0 %	31.12.2017
ex 2916 39 90	55	4- <i>tert</i> -Butylbenzoic acid (CAS RN 98-73-7)	0 %	31.12.2017
ex 2916 39 90	75	<i>m</i> -Toluic acid (CAS RN 99-04-7)	0 %	31.12.2017
ex 2916 39 90	85	(2,4,5-Trifluorophenyl)acetic acid (CAS RN 209995-38-0)	0 %	31.12.2017
ex 2917 19 10	20	Diethyl malonate (CAS RN 105-53-3)	0 %	31.12.2017
ex 2918 29 00	70	Pentaerythritol tetrakis(3-(3,5-di- <i>tert</i> -butyl-4-hydroxyphenyl)propionate) (CAS RN 6683-19-8)	0 %	31.12.2017

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
ex 2918 29 00	80	Butyl 3,5-bis(1,1-dimethylethylene)-4-hydroxybenzenepropanoate (CAS RN 52449-44-2)	0 %	31.12.2017
ex 2920 19 00	10	Fenitrothion (ISO) (CAS RN 122-14-5)	0 %	31.12.2013
ex 2921 19 60	10	2-(N,N-Diethylamino)ethyl chloride hydrochloride (CAS RN 869-24-9)	0 %	31.12.2017
ex 2921 30 99	30	1,3-Cyclohexanedimethanamine (CAS RN 2579-20-6)	0 %	31.12.2015
ex 2921 42 00	86	2,5-Dichloroaniline of a purity by weight of 99,5 % or more (CAS RN 95-82-9)	0 %	31.12.2017
ex 2921 42 00	87	N-Methylaniline (CAS RN 100-61-8)	0 %	31.12.2017
ex 2921 42 00	88	3,4-Dichloroaniline-6-sulphonic acid (CAS RN 6331-96-0)	0 %	31.12.2017
ex 2921 43 00	80	6-Chloro- α,α,α -trifluoro-m-toluidine (CAS RN 121-50-6)	0 %	31.12.2017
ex 2921 49 00	85	4-Isopropylaniline (CAS RN 99-88-7)	0 %	31.12.2017
ex 2921 59 90	30	3,3'-Dichlorobenzidine dihydrochloride (CAS RN 612-83-9)	0 %	31.12.2017
ex 2921 59 90	60	(2R,5R)-1,6-Diphenylhexane-2,5-diamine dihydrochloride (CAS RN 1247119-31-8)	0 %	31.12.2017
ex 2922 49 85	20	3-Amino-4-chlorobenzoic acid (CAS RN 2840-28-0)	0 %	31.12.2017
ex 2922 49 85	60	Ethyl-4-dimethylaminobenzoate (CAS RN 10287-53-3)	0 %	31.12.2017
ex 2924 19 00	80	Tetrabutylurea (CAS RN 4559-86-8)	0 %	31.12.2017
ex 2924 29 98	51	Methyl 2-amino-4-[(2,5-dichlorophenyl)amino]carbonyl]benzoate (CAS RN 59673-82-4)	0 %	31.12.2017
ex 2924 29 98	53	4-Amino-N-[4-(aminocarbonyl)phenyl]benzamide (CAS RN 74441-06-8)	0 %	31.12.2017
ex 2924 29 98	86	Anthranilamide of a purity by weight of 99,5 % or more (CAS RN 88-68-6)	0 %	31.12.2017
ex 2925 19 95	20	4,5,6,7-Tetrahydroisindole-1,3-dione (CAS RN 4720-86-9)	0 %	31.12.2017
ex 2925 19 95	30	N,N'-(m-Phenylene)dimalimide (CAS RN 3006-93-7)	0 %	31.12.2017
ex 2926 90 95	18	Methyl cyanoacetate (CAS RN 105-34-0)	0 %	31.12.2017
ex 2927 00 00	80	4-[(2,5-Dichlorophenyl)azo]-3-hydroxy-2-naphthoic acid (CAS RN 51867-77-7)	0 %	31.12.2017
ex 2928 00 90	75	Metaflumizone (ISO) (CAS RN 139968-49-3)	0 %	31.12.2016
ex 2928 00 90	80	Cyflufenamid (ISO) (CAS RN 180409-60-3)	0 %	31.12.2013
ex 2928 00 90	85	Daminozide (ISO) with a purity by weight of 99 % or more (CAS RN 1596-84-5)	0 %	31.12.2016
ex 2930 20 00	10	Prosulfocarb (ISO) (CAS RN 52888-80-9)	0 %	31.12.2017
ex 2930 90 99	66	Diphenyl sulphide (CAS RN 139-66-2)	0 %	31.12.2017

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
ex 2930 90 99	67	3-Bromomethyl-2-chloro-4-(methylsulphonyl)-benzoic acid (CAS RN 120100-05-2)	0 %	31.12.2013
ex 2930 90 99	68	Clethodim (ISO) (CAS RN 99129-21-2)	0 %	31.12.2017
ex 2930 90 99	71	Triphenylsulphonium chloride (CAS RN 4270-70-6)	0 %	31.12.2013
ex 2930 90 99	83	Methyl-p-tolyl sulphone (CAS RN 3185-99-7)	0 %	31.12.2017
ex 2931 90 90	14	Sodium diisobutyldithiophosphate (CAS RN 13360-78-6) in an aqueous solution	0 %	31.12.2017
ex 2932 20 90	20	Ethyl 6'-(diethylamino)-3-oxo-3H-spiro[2-benzofuran-1,9'-xanthene]-2'-carboxylate (CAS RN 154306-60-2)	0 %	31.12.2017
ex 2932 20 90	40	(S)-(-)- α -Amino- γ -butyrolactonehydrobromide (CAS RN 15295-77-9)	0 %	31.12.2017
ex 2933 19 90	40	Edaravone (INN) (CAS RN 89-25-8)	0 %	31.12.2013
ex 2933 19 90	80	3-(4,5-Dihydro-3-methyl-5-oxo-1H-pyrazol-1-yl)benzenesulphonic acid (CAS RN 119-17-5)	0 %	31.12.2017
ex 2933 29 90	40	Triflumizole (ISO) (CAS RN 68694-11-1)	0 %	31.12.2013
ex 2933 39 99	12	2,3-Dichloropyridine (CAS RN 2402-77-9)	0 %	31.12.2017
ex 2933 39 99	18	6-Chloro-3-nitropyridin-2-ylamine (CAS RN 27048-04-0)	0 %	31.12.2017
ex 2933 39 99	55	Pyriproxyfen (ISO) of a purity by weight of 97 % or more (CAS RN 95737-68-1)	0 %	31.12.2014
ex 2933 59 95	77	3-(Trifluoromethyl)-5,6,7,8-tetrahydro[1,2,4]triazolo[4,3-a]pyrazine hydrochloride (1:1) (CAS RN 762240-92-6)	0 %	31.12.2017
ex 2933 69 80	55	Terbutryn (ISO) (CAS RN 886-50-0)	0 %	31.12.2015
ex 2933 79 00	30	5-Vinyl-2-pyrrolidone (CAS RN 7529-16-0)	0 %	31.12.2017
ex 2933 99 80	18	4,4'-[(9-Butyl-9H-carbazol-3-yl)methylene]bis[N-methyl-N-phenylaniline] (CAS RN 67707-04-4)	0 %	31.12.2017
ex 2933 99 80	22	(2S)-2-Benzyl-N,N-dimethylaziridine-1-sulfonamide (CAS RN 902146-43-4)	0 %	31.12.2017
ex 2933 99 80	24	1,3-Dihydro-5,6-diamino-2H-benzimidazol-2-one (CAS RN 55621-49-3)	0 %	31.12.2017
ex 2933 99 80	28	N-(2,3-Dihydro-2-oxo-1H-benzimidazol-5-yl)-3-hydroxynaphthalene-2-carboxamide (CAS RN 26848-40-8)	0 %	31.12.2017
ex 2933 99 80	50	Metconazole (ISO) (CAS RN 125116-23-6)	3,2 %	31.12.2013
ex 2933 99 80	89	Carbendazim (ISO) (CAS RN 10605-21-7)	0 %	31.12.2013
ex 2934 10 00	15	4-Nitrophenyl thiazol-5-ylmethyl carbonate (CAS RN 144163-97-3)	0 %	31.12.2017

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
ex 2934 10 00	25	(S)-Ethyl-2-(3-((2-isopropylthiazol-4-yl)methyl)-3-methylureido)-4-morpholinobutanoate oxalate (CAS RN 1247119-36-3)	0 %	31.12.2017
ex 2934 10 00	35	(2-Isopropylthiazol-4-yl)-N-methylmethanamine dihydrochloride (CAS RN 1185167-55-8)	0 %	31.12.2017
ex 2934 20 80	40	1,2-Benzisothiazol-3(2H)-one (Benzisothiazolinone (BIT)) (CAS RN 2634-33-5)	0 %	31.12.2017
ex 2934 30 90	10	2-Methylthiophenothiazine (CAS RN 7643-08-5)	0 %	31.12.2017
ex 2934 99 90	12	Morpholino phosphorodiamidate oligomers (morpholino oligonucleotides) intended for genetic research (1)	0 %	31.12.2017
ex 2934 99 90	14	Ethyl N-[[1-methyl-2-[[[4-(5-oxo-4,5-dihydro-1,2,4-oxadiazol-3-yl)phenyl]amino)methyl]-1H-benzimidazol-5-yl]carbonyl]-N-pyridin-2-yl-L-alaninate (CAS RN 872728-84-2)	0 %	31.12.2017
ex 2934 99 90	15	Carboxin (ISO) (CAS RN 5234-68-4)	0 %	31.12.2013
ex 2934 99 90	18	3,3-bis(2-Methyl-1-octyl-1H-indol-3-yl)phthalide (CAS RN 50292-95-0)	0 %	31.12.2017
ex 2934 99 90	22	7-[4-(Diethylamino)-2-ethoxyphenyl]-7-(2-methyl-1-octyl-1H-indol-3-yl) furo[3,4-b]pyridin-5(7H)-one (CAS RN 87563-89-1)	0 %	31.12.2017
ex 2934 99 90	23	Bromuconazole (ISO) with a purity by weight of 96 % or more (CAS RN 116255-48-2)	0 %	31.12.2016
ex 2934 99 90	74	2-Isopropylthioxanthone (CAS RN 5495-84-1)	0 %	31.12.2017
ex 2934 99 90	83	Flumioxazin (ISO) of a purity by weight of 96 % or more (CAS RN 103361-09-7)	0 %	31.12.2014
ex 2934 99 90	84	Etoazole (ISO) of a purity by weight of 94,8 % or more (CAS RN 153233-91-1)	0 %	31.12.2014
ex 2942 00 00	10	N,N-Dimethyloctylamine – boron trichloride (1:1) (CAS RN 34762-90-8)	0 %	31.12.2017
ex 3102 50 90	10	Natural sodium nitrate (CAS RN 7631-99-4)	0 %	31.12.2017
ex 3204 11 00	70	Dye C.I. Disperse Red 343	0 %	31.12.2017
ex 3204 13 00	20	(2,2'-(3,3'-Dioxidobiphenyl-4,4'-diyldiazo)bis(6-(4-(3-(diethylamino)propylamino)-6-(3-(diethylammonio)propylamino)-1,3,5-triazin-2-ylamino)-3-sulfonato-1-naphtholato))dicopper(II) acetate lactate (CAS RN 159604-94-1)	0 %	31.12.2017
ex 3204 15 00	10	Dye C.I. Vat Orange 7 (C.I. Pigment Orange 43)	0 %	31.12.2017
ex 3204 17 00	30	Dye C.I. Pigment Yellow 97	0 %	31.12.2017
ex 3204 17 00	80	Dye C.I. Pigment Red 207	0 %	31.12.2017
ex 3204 17 00	85	Dye C.I. Pigment Blue 61	0 %	31.12.2017
ex 3204 17 00	88	Dye C.I. Pigment Violet 3	0 %	31.12.2017

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
ex 3204 19 00	84	Dye C.I. Solvent Blue 67	0 %	31.12.2017
ex 3204 19 00	85	Dye C.I. Solvent Red HPR	0 %	31.12.2017
ex 3208 90 19 ex 3208 90 91	25 20	Tetrafluoroethylene copolymer in butylacetate solution with a content of solvent of 50 % (\pm 2 %) by weight	0 %	31.12.2017
ex 3208 90 19	75	Acenaphthalene copolymer in ethyl lactate solution	0 %	31.12.2017
ex 3402 13 00	20	Surfactant containing 1,4-dimethyl-1,4-bis(2-methylpropyl)-2-butyne-1,4-diyl ether, polymerised with oxirane, methyl terminated	0 %	31.12.2017
ex 3802 90 00	11	Soda flux calcinated diatomaceous earth, acid washed, for use as filter aid in the manufacture of pharmaceutical and/or biochemical products	0 %	31.12.2017
ex 3808 91 90	10	Indoxacarb (ISO) and its (R) isomer, fixed on a support of silicon dioxide	0 %	31.12.2013
ex 3808 91 90	50	<i>Spodoptera exigua</i> nuclear polyhedrosis virus (SeNPV) in an aqueous glycerol suspension	0 %	31.12.2013
ex 3808 91 90	60	Spinetoram (ISO) (CAS RN 935545-74-7), preparation of two spinosyn components (3'-ethoxy-5,6-dihydro spinosyn J) and (3'-ethoxy- spinosyn L)	0 %	31.12.2017
ex 3808 92 90	10	Fungicide in the form of a powder, containing by weight 65 % or more but not more than 75 % of hymexazole (ISO), not put up for retail sale	0 %	31.12.2013
ex 3808 93 15	10	Preparation based on a concentrate containing by weight 45 % or more but not more than 55 % of the active herbicidal ingredient Penoxsulam as an aqueous suspension	0 %	31.12.2017
ex 3811 21 00	30	Additives for lubricating oils, containing mineral oils, consisting of calcium salts of reaction products of polyisobutylene substituted phenol with salicylic acid and formaldehyde, used as a concentrated additive for the manufacture of engine oils through a blending process	0 %	31.12.2017
ex 3811 21 00	40	Additives for lubricating oils, containing mineral oils, based on a mixture of dodecylphenol sulphide calcium salts (CAS RN 68784-26-9), used as a concentrated additive for the manufacture of engine oils through a blending process	0 %	31.12.2017
ex 3811 21 00	50	Additives for lubricating oils, — based on calcium C16-24 alkylbenzenesulphonates (CAS RN 70024-69-0), — containing mineral oils, used as a concentrated additive for the manufacture of engine oils through a blending process	0 %	31.12.2017

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
ex 3811 21 00	60	Additives for lubricating oils, containing mineral oils, — based on calcium polypropylenyl substituted benzenesulphonate (CAS RN 75975-85-8) with a content by weight of 25 % or more but not more than 35 %, — with a total base number (TBN) of 280 or more but not more than 320, used as a concentrated additive for the manufacture of engine oils through a blending process	0 %	31.12.2017
ex 3811 21 00	70	Additives for lubricating oils, — containing polyisobutylene succinimide derived from reaction products of polyethylenepolyamines with polyisobutenyl succinic anhydride (CAS RN 84605-20-9), — containing mineral oils, — with a chlorine content by weight of 0,05 % or more but not more than 0,25 %, — with a total base number (TBN) of more than 20, used as a concentrated additive for the manufacture of engine oils through a blending process	0 %	31.12.2017
ex 3811 29 00	10	Additives for lubricating oils, consisting of reaction products of diphenylamine with branched nonene (CAS RN 36878-20-3 and CAS RN 27177-41-9), used as a concentrated additive for the manufacture of engine oils through a blending process	0 %	31.12.2017
ex 3811 29 00	20	Additives for lubricating oils, consisting of reaction products of bis(2-methylpentan-2-yl)dithiophosphoric acid with propylene oxide, phosphorus oxide, and amines with C12-14 alkyl chains, used as a concentrated additive for the manufacture of engine oils through a blending process	0 %	31.12.2017
ex 3811 29 00	30	Additives for lubricating oils, consisting of reaction products of butyl-cyclohex-3-enecarboxylate, sulphur and triphenyl phosphite (CAS RN 93925-37-2), used as a concentrated additive for the manufacture of engine oils through a blending process	0 %	31.12.2017
ex 3811 29 00	40	Additives for lubricating oils, consisting of reaction products of 2-methyl-prop-1-ene with sulphur monochloride and sodium sulphide (CAS RN 68511-50-2), with a chlorine content by weight of 0,05 % or more but not more than 0,5 %, used as a concentrated additive for the manufacture of engine oils through a blending process	0 %	31.12.2017
ex 3811 29 00	50	Additives for lubricating oils, consisting of a mixture of N,N-dialkyl -2-hydroxyacetamides with alkyl chain lengths between 12 and 18 carbon atoms (CAS RN 866259-61-2), used as a concentrated additive for the manufacture of engine oils through a blending process	0 %	31.12.2017
ex 3811 90 00	30	Solution of a (dimethylamino)methyl-derivative of polyisobutylene phenol, containing by weight 10 % or more but not more than 19,9 % petroleum naphtha	0 %	31.12.2017
ex 3811 90 00	40	Solution of a quaternary ammonium salt based on polyisobutenyl succinimide, containing by weight 20 % or more but not more than 29,9 % 2-ethylhexanol	0 %	31.12.2017
ex 3815 90 90	16	Initiator based on dimethylaminopropyl urea	0 %	31.12.2017

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ex 3815 90 90	18	Oxidation catalyst with an active ingredient of di[manganese (1+)], 1,2-bis(octahydro-4,7-dimethyl-1H-1,4,7-triazonine-1-yl-kN ¹ , kN ⁴ , kN ⁷)ethane-di- μ -oxo- μ -(ethanoato-kO, kO ⁻), di[chloride(1-)], used to accelerate chemical oxidation or bleaching (CAS RN 1217890-37-3)	0 %	31.12.2017
ex 3815 90 90	85	Catalyst based on aluminosilicate (zeolite), for the alkylation of aromatic hydrocarbons, for the transalkylation of alkylaromatic hydrocarbons or for the oligomerisation of olefins ⁽¹⁾	0 %	31.12.2017
ex 3815 90 90	89	Rhodococcus rhodocrous J1 bacteria, containing enzymes, suspended in a polyacrylamide gel or in water, for use as a catalyst in the production of acrylamide by the hydration of acrylonitrile ⁽¹⁾	0 %	31.12.2016
ex 3824 90 97	33	Preparation, containing: — trioctylphosphine oxide (CAS RN 78-50-2), — dioctylhexylphosphine oxide (CAS RN 31160-66-4), — octyldihexylphosphine oxide (CAS RN 31160-64-2) and — trihexylphosphine oxide (CAS RN 9084-48-8)	0 %	31.12.2016
ex 3824 90 97	35	Mixture of: — 3,3-bis(2-methyl-1-octyl-1H-indol-3-yl)phthalide (CAS RN 50292-95-0) and — ethyl-6'-(diethylamino)-3-oxo-spiro-[isobenzofuran-1(3H),9'-[9H]xanthene]-2'-carboxylate (CAS RN 154306-60-2)	0 %	31.12.2017
ex 3824 90 97	36	Preparation based on 2,5,8,11-tetramethyl-6-dodecyn-5,8-diol ethoxylate (CAS RN 169117-72-0)	0 %	31.12.2017
ex 3824 90 97	37	Liquid crystal mixture for use in the manufacture of displays ⁽¹⁾	0 %	31.12.2017
ex 3824 90 97	38	Alkyl carbonate-based preparation, also containing a UV absorber, for use in the manufacture of spectacle lenses ⁽¹⁾	0 %	31.12.2017
ex 3824 90 97	41	Preparation, consisting of: — dipropylene glycol — tripropylene glycol — tetrapropylene glycol and — pentapropylene glycol	0 %	31.12.2017
ex 3824 90 97	43	Nickel hydroxide, doped with 12 % or more but not more than 18 % by weight of zinc hydroxide and cobalt hydroxide, of a kind used to produce positive electrodes for accumulators	0 %	31.12.2017
ex 3824 90 97	44	Mixture of phytosterols, not in the form of powder, containing by weight: — 75 % or more of sterols, — not more than 25 % of stanols, for use in the manufacture of stanols/sterols or stanol/sterol esters ⁽¹⁾	0 %	31.12.2017
ex 3824 90 97	70	Paste containing by weight 75 % or more, but not more than 85 % of copper, and also containing inorganic oxides, ethyl cellulose and a solvent	0 %	31.12.2017

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
ex 3824 90 97	78	Mixture of phytosterols derived from wood and wood based oils (tall oil), in the form of powder with a particle size not more than 300 µm, containing by weight: <ul style="list-style-type: none"> — 60 % or more, but not more than 80 % of sitosterols, — not more than 15 % of campesterols, — not more than 5 % of stigmasterols, — not more than 15 % of betasitostanols 	0 %	31.12.2017
ex 3903 90 90 ex 3911 90 99	35 43	Copolymer of α -methylstyrene and styrene, having a softening point of more than 113 °C	0 %	31.12.2013
ex 3903 90 90	86	Mixture containing by weight: <ul style="list-style-type: none"> — 45 % or more but not more than 65 % of polymers of styrene — 35 % or more but not more than 45 % of poly(phenylene ether) — not more than 10 % of other additives and with one or more of the following special colour effects: <ul style="list-style-type: none"> — metallic or pearlescent with a visual angular metamerism caused by at least 0,3 % flake-based pigment — fluorescent, as characterised by emitting light during absorption of ultraviolet radiation — bright white, as characterised by L* not less than 92 and b* not more than 2 and a* between - 5 and 7 on the CIELab colour scale 	0 %	31.12.2013
ex 3904 69 80	85	Copolymer of ethylene with chlorotrifluoroethylene, whether or not modified with hexafluoroisobutylene, in powder, whether or not with fillers	0 %	31.12.2017
ex 3907 30 00	60	Polyglycerol polyglycidyl ether resin (CAS RN 105521-63-9)	0 %	31.12.2017
ex 3907 60 80	50	Flexible packages (for oxygen sensitive polymers) manufactured from a laminate of: <ul style="list-style-type: none"> — not more than 75 µm of polyethylene, — not more than 50 µm of polyamide, — not more than 15 µm of polyethylene terephthalate and — not more than 9 µm of aluminium with a tensile strength of more than 70 N/15 mm and oxygen transmission rate of less than 0,1 cm ³ /m ² /24 hrs at 0,1 MPa	0 %	31.12.2017
ex 3907 99 90	25	Copolymer, containing 72 % by weight or more of terephthalic acid and/or isomers thereof and cyclohexanedimethanol	0 %	31.12.2017
ex 3907 99 90	60	Copolymer of terephthalic acid and isophthalic acid with bisphenol A	0 %	31.12.2017
ex 3908 90 00	60	Copolymer consisting of: <ul style="list-style-type: none"> — hexanedioic acid — 12-aminododecanoic acid — hexahydro-2H-azepin-2-one, and — 1,6-hexanediamine 	0 %	31.12.2017
ex 3909 40 00	20	Powder of thermosetting resin in which magnetic particles have been evenly distributed, for use in the manufacture of ink for photocopiers, fax machines, printers and multifunction devices (1)	0 %	31.12.2015
ex 3909 40 00	30	Mixture of: <ul style="list-style-type: none"> — alkylphenol — formaldehyde resin, whether or not brominated, and — zinc oxide 	0 %	31.12.2017

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
ex 3910 00 00	50	Silicone based pressure sensitive adhesive in solvent containing copoly(dimethylsiloxane/diphenylsiloxane) gum	0 %	31.12.2017
ex 3911 90 19	30	Copolymer of ethyleneimine and ethyleneimine dithiocarbamate, in an aqueous solution of sodium hydroxide	0 %	31.12.2017
ex 3911 90 99	53	Hydrogenated polymer of 1,2,3,4,4a,5,8,8a-octahydro-1,4:5,8-dimethanonaphthalene with 3a,4,7,7a-tetrahydro-4,7-methano-1H-indene and 4,4a,9,9a-tetrahydro-1,4-methano-1H-fluorene (CAS RN 503442-46-4)	0 %	31.12.2017
ex 3911 90 99	57	Hydrogenated polymer of 1,2,3,4,4a,5,8,8a-octahydro-1,4:5,8-dimethanonaphthalene with 4,4a,9,9a-tetrahydro-1,4-methano-1H-fluorene (CAS RN 503298-02-0)	0 %	31.12.2017
ex 3919 10 80 ex 3919 90 00	43 26	Ethylene vinyl acetate film: — of a thickness of 100 µm or more, — coated on one side with an acrylic pressure sensitive or UV-sensitive adhesive and a polyester liner	0 %	31.12.2014
ex 3919 10 80 ex 3919 90 00	45 45	Reinforced polyethylene foam tape, coated on both sides with an acrylic micro channelled pressure sensitive adhesive and on one side a liner, with an application thickness of 0,38 mm or more but not more than 1,53 mm	0 %	31.12.2017
ex 3919 10 80 ex 3919 90 00	55 53	Acrylic foam tape, covered on one side with a heat activatable adhesive or an acrylic pressure sensitive adhesive and on the other side with an acrylic pressure sensitive adhesive and a release sheet, of a peel adhesion at an angle of 90° of more than 25 N/cm (as determined by the ASTM D 3 330 method)	0 %	31.12.2017
ex 3919 10 80 ex 3919 90 00	85 28	Poly(vinyl chloride) or polyethylene or any other polyolefine film: — of a thickness of 65 µm or more, — coated on one side with an acrylic UV-sensitive adhesive and a polyester liner	0 %	31.12.2014
ex 3919 90 00	25	Film consisting of a multi-layer construction of poly(ethylene terephthalate) and copolymer of butylacrylate and methylmethacrylate, coated on one side with an acrylic abrasion resistant coating incorporating nanoparticles of antimony tin oxide and carbon black, and on the other side with an acrylic pressure sensitive adhesive and a silicone-coated poly(ethylene terephthalate) protective liner	0 %	31.12.2017
ex 3919 90 00 ex 9001 20 00	47 40	Polariser film, in rolls, consisting of a multilayered polyvinyl alcohol film, supported on either side by a triacetyl cellulose film, with a pressure sensitive adhesive and release film on one side	0 %	31.12.2017

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
ex 3920 10 40	30	Co-extruded seven to nine layered film predominately of copolymers of ethylene or functionalised polymers of ethylene, consisting of: — a tri-layer barrier with a core layer predominantly of ethylene vinyl alcohol covered on either side with a layer predominantly of cyclic olefin polymers, — covered on either side with two or more layers of polymeric material, and having an overall total thickness of not more than 110 µm	0 %	31.12.2017
ex 3920 20 29 ex 3920 20 80	55 93	Co-extruded seven to nine layered film predominately of copolymers of propylene, consisting of: — a tri-layer barrier with a core layer predominantly of ethylene vinyl alcohol covered on either side with a layer predominantly of cyclic olefin polymers, — covered on either side with two or more layers of polymeric material, and having an overall total thickness of not more than 110 µm	0 %	31.12.2017
ex 3920 20 29	94	Co-extruded trilayer film, — each layer containing a mixture of polypropylene and polyethylene, — containing not more than 3 % by weight of other polymers, — whether or not containing titanium dioxide in the core layer, — of an overall thickness of not more than 70 µm	0 %	31.12.2016
ex 3920 51 00	40	Sheets of polymethylmethacrylate conforming to standard EN 4 366 (MIL-PRF-25690)	0 %	31.12.2013
ex 3920 62 19	42	Poly(ethylene terephthalate) film, of a thickness of 18µm or more but not more than 25 µm, having: — a shrinkage of 3,4 (± 0,1) % in the machine direction (as determined by the ASTM D 1204 method at 190 °C for 20 min) and — a shrinkage of 0,3 (± 0,2) % in the transverse direction (as determined by the ASTM D 1204 method at 190 °C for 20 min)	0 %	31.12.2013
ex 3920 62 19	81	Poly(ethylene terephthalate) film of a thickness of not more than 20 µm, coated on both sides with a gas barrier layer consisting of a polymeric matrix in which silica has been dispersed and of a thickness of not more than 2 µm	0 %	31.12.2017
ex 3920 79 90	10	Cellulose acetyl butyrate film, whether or not combined with a polycarbonate layer, of a thickness of not more than 0,81 mm containing a micro-louvre with a typical viewing angle of 30 degrees measured on each side of the surface normal	0 %	31.12.2013
ex 3920 92 00	30	Polyamide film of a thickness of not more than 20 µm, coated on both sides with a gas barrier layer which consists of a polymeric matrix in which silica has been dispersed and of a thickness of not more than 2 µm	0 %	31.12.2013
ex 5407 10 00	10	Textile fabric, consisting of warp filament yarns of polyamide-6,6 and weft filament yarns of polyamide-6,6, polyurethane and a copolymer of terephthalic acid, <i>p</i> -phenylenediamine and 3,4'-oxybis(phenyleneamine)	0 %	31.12.2017

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
ex 5603 11 10 ex 5603 11 90	20 20	Non-wovens, not weighing more than 20 g/m ² , containing spunbonded and meltblown filaments put together in a sandwich way with the two outer layers containing fine endless filaments (not less than 10 µm but not more than 20 µm in diameter) and the inner layer containing super-fine endless filaments (not less than 1 µm but not more than 5 µm in diameter), for the manufacture of napkins and napkin liners for babies and similar sanitary napkins ⁽¹⁾	0 %	31.12.2017
ex 5603 12 90	50	Non-woven: — weighing 30 g/m ² or more, but not more than 60 g/m ² , — containing fibres of polypropylene or of polypropylene and polyethylene, — whether or not printed, with: — on one side, 65 % of the total surface area having circular bobbles of 4 mm in diameter, consisting of anchored, elevated un-bonded curly fibres, suitable for the engagement of extruded hook materials, and the remaining 35 % of the surface area being bonded, — and on other side a smooth untextured surface, for use in the manufacture of napkins and napkin liners for babies and similar sanitary articles ⁽¹⁾	0 %	31.12.2017
ex 5603 12 90 ex 5603 13 90 ex 5603 92 90 ex 5603 93 90	70 70 40 10	Non-wovens of polypropylene, — with a melt blown layer, laminated on each side with spunbonded filaments of polypropylene, — with a weight of not more than 150 g/m ² , — in the piece or simply cut into squares or rectangles, and — not impregnated	0 %	31.12.2013
ex 5603 92 90 ex 5603 94 90	70 40	Non-wovens, consisting of multiple layers of a mixture of meltblown fibres and staple fibres of polypropylene and polyester, whether or not laminated on one side or on both sides with spunbonded filaments of polypropylene	0 %	31.12.2013
ex 5603 92 90 ex 5603 93 90	80 50	Non-woven polyolefin fabric, consisting of an elastomeric layer, laminated on each side with polyolefin filaments: — a weight of 25 g/m ² or more but not more than 150 g/m ² , — in the piece or simply cut into squares or rectangles, — not impregnated, — with cross-directional or machine-directional stretch properties for use in the manufacture of infant/child care products ⁽¹⁾	0 %	31.12.2016
ex 6909 19 00	15	Ceramic ring with rectangular transversal section having an external diameter of 19 mm or more (+ 0,00 mm/- 0,10 mm) but not more than 29 mm (+ 0,00 mm/- 0,20 mm), an internal diameter of 10 mm or more (+ 0,00 mm/- 0,20 mm) but not more than 19 mm (+ 0,00 mm/- 0,30 mm), a thickness variable from 2 mm (± 0,10 mm) to 3,70 mm (± 0,20 mm) and heat resistance 240 °C or more, containing by weight: — 90 % (± 1,5 %) of aluminium oxide — 7 % (± 1 %) of titanium oxide	0 %	31.12.2017

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
ex 7005 10 30	10	Float glass: — of a thickness of 4,0 mm or more but not more than 4,2 mm, — with a light transmission of 91 % or more measured using a D-type light source, — coated on one surface with a fluorine doped tin dioxide reflective layer	0 %	31.12.2017
ex 7019 12 00 ex 7019 12 00	05 25	Rovings ranging from 1 980 to 2 033 tex, composed of continuous glass filaments of 9 µm (± 0,5 µm)	0 %	31.12.2013
ex 7019 19 10	15	S-glass yarn of 33 tex or a multiple of 33 tex (± 13 %) made from continuous spun-glass filaments with fibres of a diameter of 9 µm (- 1 µm/+ 1,5 µm)	0 %	31.12.2017
ex 7326 90 98	40	TV pedestal stand with metal upper part for fixation and stabilisation of TV cabinet case/body	0 %	31.12.2016
ex 7601 20 20 ex 7601 20 80	10 10	Sheets and billets of secondary aluminium alloy containing lithium	0 %	31.12.2017
ex 7604 29 10 ex 7606 12 99	10 20	Sheets and bars of aluminium-lithium alloys	0 %	31.12.2015
ex 7606 12 92 ex 7607 11 90	20 20	Aluminium and magnesium alloy strip: — in rolls, — of a thickness of 0,14 mm or more but not more than 0,40 mm, — a width of 12,5 mm or more but not more than 359 mm, — a tensile strength of 285 N/mm ² or more, and — an elongation at break of 1 % or more, and containing by weight: — 93,3 % or more of aluminium, — 2,2 % or more but not more than 5 % of magnesium, and — not more than 1,8 % of other elements	0 %	31.12.2017
ex 7607 11 90	30	Laminated aluminium foil with: — 99 % or more of aluminium, — a silica and water glass free hydrophilic coating, — a total thickness of not more than 0,120 mm, — a tensile strength of 100 N/mm ² or more (as determined by test method ASTM E8), and — an elongation at break of 1 % or more	0 %	30.6.2013
ex 7607 20 90	10	Aluminium laminated film of a total thickness of not more than 0,123 mm, comprising of a layer of aluminium of a thickness of not more than 0,040 mm, polyamide and polypropylene base films, and a protective coating against corrosion by hydrofluoric acid, for use in the manufacture of lithium polymer batteries ⁽¹⁾	0 %	31.12.2017
ex 8102 10 00	10	Molybdenum powder with — a purity by weight of 99 % or more and — a particle size of 1,0 µm or more, but not more than 5,0 µm	0 %	31.12.2017

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
ex 8108 90 30	20	Bars, rods and wire of alloy of titanium and aluminium, containing by weight 1 % or more but not more than 2 % of aluminium, for use in the manufacture of silencers and exhaust pipes of subheadings 8708 92 or 8714 10 00 ⁽¹⁾	0 %	31.12.2017
ex 8108 90 50	30	Alloy of titanium and silicon, containing by weight 0,15 % or more but not more than 0,60 % of silicon, in sheets or rolls, for use in the manufacture of: — exhaust systems for internal combustion engines or — tubes and pipes of subheading 8108 90 60 ⁽¹⁾	0 %	31.12.2017
ex 8108 90 50	40	Titanium-alloy sheets for the manufacture of structural parts of aircrafts ⁽¹⁾	0 %	31.12.2017
ex 8108 90 50	50	Plates, sheets, strips and foils of an alloy of titanium, copper and niobium, containing by weight 0,8 % or more but not more than 1,2 % of copper and 0,4 % or more but not more than 0,6 % of niobium	0 %	31.12.2017
ex 8108 90 50	85	Plates, sheets, strip and foil of non-alloyed titanium	0 %	31.12.2017
ex 8113 00 90	10	Carrier plate of aluminium silicon carbide (AlSiC-9) for electronic circuits	0 %	31.12.2017
ex 8207 30 10	10	Set of transfer and/or tandem press tools for cold-forming, pressing, drawing, cutting, punching, bending, calibrating, bordering and throating of metal sheets, for use in the manufacture of frame parts of motor vehicles ⁽¹⁾	0 %	31.12.2017
ex 8407 33 00 ex 8407 90 80 ex 8407 90 90	10 10 10	Spark-ignition reciprocating or rotary internal combustion piston engines, having a cylinder capacity of not less than 300 cm ³ and a power of not less than 6 kW but not exceeding 20,0 kW, for the manufacture of: — self-propelled lawn mowers, with a seat of subheading 8433 11 51, and hand-operated lawn mowers of heading 8433 11 90, — tractors of subheading 8701 90 11, whose main function is that of a lawn mower, — four stroke mowers with motor of a cylinder capacity of not less than 300 cc of subheading 8433 20 10 or — snowploughs and snow blowers of subheading 8430 20 ⁽¹⁾	0 %	31.12.2017
ex 8408 90 43 ex 8408 90 45 ex 8408 90 47	30 20 30	4 Cylinder, 4 cycle, liquid cooled, compression-ignition engine having: — a capacity of not more than 3 850 cm ³ , and — a rated output of 15 kW or more but not more than 55 kW, for use in the manufacture of vehicles of heading 8 427 ⁽¹⁾	0 %	31.12.2017

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
ex 8411 99 00	30	Wheel-shaped gas turbine component with blades, of a kind used in turbochargers: — of a precision-cast nickel based alloy complying with standard DIN G- NiCr13Al16MoNb or DIN NiCo10W10Cr9AlTi or AMS AISI:686, — with a heat-resistance of not more than 1 100 °C; — with a diameter of 30 mm or more, but not more than 80 mm; — with a height of 30 mm or more, but not more than 50 mm	0 %	31.12.2017
ex 8481 80 69	60	Four-way reversing valve for refrigerants, consisting of: — a solenoid pilot valve — a brass valve body including valve slider and copper connections with a working pressure up to 4,5 MPa	0 %	31.12.2017
ex 8483 30 38	30	Cylindrical bearing housing: — of precision-cast grey cast iron complying with standard DIN EN 1561, — with oil chambers, — without bearings, — with a diameter of 60 mm or more, but not more than 180 mm, — with a height of 60 mm or more, but not more than 120 mm, — whether or not with water chambers and connectors	0 %	31.12.2017
ex 8501 31 00	70	DC motors, brushless, with: — an external diameter of 80 mm or more, but not more than 100 mm, — a supply voltage of 12 V, — an output at 20 °C of 300 W or more, but not more than 550 W, — a torque 20 °C of 2,90 Nm or more, but not more than 5,30 Nm, — a rated speed at 20 °C of 600 rpm or more, but not more than 1 200 rpm, — equipped with the rotor angle position sensor of resolver type or Hall effect type, of the kind used in power steering systems for cars	0 %	31.12.2017
ex 8501 33 00 ex 8501 40 80 ex 8501 53 50	30 50 10	Electric drive for motor vehicles, with an output of not more than 315 kW, with: — an AC or DC motor whether or not with transmission, — power electronics	0 %	31.12.2016
ex 8501 62 00	30	Fuel cell system — consisting of at least phosphoric acid fuel cells, — in a housing with integrated water management and gas treatment, — for permanent, stationary energy supply	0 %	31.12.2017
ex 8504 31 80	20	Transformer for use in the manufacture of inverters in LCD modules ⁽¹⁾	0 %	31.12.2017

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
ex 8504 31 80	40	Electrical transformers: — with a capacity of 1 kVA or less — without plugs or cables, for internal use in the manufacture of set top boxes and TVs ⁽¹⁾	0 %	31.12.2017
ex 8504 40 82	40	Printed circuit board equipped with a bridge rectifier circuit and other active and passive components — with two output connectors — with two input connectors which are available and useable in parallel — able to switch between bright and dimmed operation mode — with an input voltage of 40 V (+ 25 % – 15 %) or 42 V (+ 25 % – 15 %) in bright operation mode, with an input voltage of 30 V (± 4 V) in dimmed operation mode, or — with an input voltage of 230 V (+ 20 % – 15 %) in bright operation mode, with an input voltage of 160 V (± 15 %) in dimmed operation mode, or — with an input voltage of 120 V (15 % – 35 %) in bright operation mode, with an input voltage of 60 V (± 20 %) in dimmed operation mode — with an input current reaching 80 % of its nominal value within 20 ms — with an input frequency of 45 Hz or more, but not more than 65 Hz for 42 V and 230 V, and 45-70 Hz for 120 V versions — with a maximum inrush current overshoot of not more than 250 % of the input current — with a period of the inrush current overshoot of not more than 100 ms — with an input current undershoot of not less than 50 % of the input current — with a period of the inrush current undershoot of not more than 20 ms — with a presettable output current — with an output current reaching 90 % of its nominal pre-set value within 50 ms — with an output current reaching zero within 30 ms after removal of the input voltage — with an defined failure status in case of no-load or too-high load (end-of-life function)	0 %	30.6.2013
ex 8504 40 82	50	Transformer in a housing with — a rated power of not more than 30 W — an input voltage of 90 V or more, but not more than 305 V — an input frequency of 47 Hz or more, but not more than 63 Hz — a constant current output of 350 mA or more, but not more than 1 050 mA — an inrush current of not more than 10 A — an operating temperature range of – 20 °C or more, but not more than + 65 °C, suitable for driving LEDs	0 %	31.12.2017
ex 8504 50 95	50	Solenoid coil with — a power consumption of not more than 6 W, — an insulation resistance of more than 100 M ohms, and — an insert hole of 11,4 mm or more, but not more than 11,8 mm	0 %	31.12.2017

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
ex 8505 11 00	33	Permanent magnets consisting of an alloy of neodymium, iron and boron, either in the shape of a rounded rectangle with measurements of not more than 15 mm × 10 mm × 2 mm, or in the shape of a disc with a diameter of not more than 90 mm, whether or not containing a hole in the centre	0 %	31.12.2013
ex 8505 11 00	50	Bars specifically shaped, intended to become permanent magnets after magnetisation, containing neodymium, iron and boron, with dimensions: — a length of 15 mm or more but not more than 52 mm, — a width of 5 mm or more but not more than 42 mm, of a kind to be used in the manufacture of electric servomotors for industrial automation	0 %	31.12.2017
ex 8505 11 00	60	Rings, tubes, bushings or collars made from an alloy of neodymium, iron and boron, with — a diameter of not more than 45 mm, — a height of not more than 45 mm, of a kind used in the manufacture of permanent magnets after magnetisation	0 %	31.12.2017
ex 8507 60 00	40	Batteries of ion-lithium electric accumulators rechargeable with: — a length of 1 203 mm or more, but not more than 1 297 mm, — a width of 282 mm or more, but not more than 772 mm, — a height of 792 mm or more, but not more than 839 mm, — a weight of 260 kg or more, but not more than 293 kg, — power of 22 kWh or 26 kWh, and — constituted of 24 or 48 modules	0 %	31.12.2017
ex 8507 60 00	50	Modules for the assembly of batteries of ion lithium electric accumulators with: — a length of 298 mm or more, but not more than 408 mm, — a width of 33,5 mm or more, but not more than 209 mm, — a height of 138 mm or more, but not more than 228 mm, — a weight of 3,6 kg or more, but not more than 17 kg, and — a power of 485 kWh or more, but not more than 2 158 kWh	0 %	31.12.2017
ex 8507 60 00	55	Lithium-ion accumulator in cylindrical form, with: — a base similar to an ellipse squeezed in the middle, — a length of 49 mm or more (not including terminals), — a width of 33,5 mm or more, — a thickness of 9,9 mm or more, — a rated capacity of 1,75 Ah or more, and — a rated voltage of 3,7 V, for the manufacture of rechargeable batteries ⁽¹⁾	0 %	31.12.2017
ex 8507 60 00	57	Lithium-ion accumulator, cuboid in shape, with: — some of the corners rounded off, — a length of 76 mm or more (not including terminals), — a width of 54,5 mm or more, — a thickness of 5,2 mm or more, — a rated capacity of 3 100 mAh or more, and — a rated voltage of 3,7 V, for the manufacture of rechargeable batteries ⁽¹⁾	0 %	31.12.2017

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
ex 8507 90 80	70	Cut plate of nickel-plated copper foil, with: — a width of 70 mm (\pm 5 mm), — a thickness of 0,4 mm (\pm 0,2 mm), — a length of not more than 55 mm, for use in the manufacture of lithium-ion electric vehicle batteries ⁽¹⁾	0 %	31.12.2016
ex 8518 29 95	30	Loudspeakers of: — an impedance of 4 Ohm or more, but not more than 16 Ohm, — a nominal power of 2 W or more, but not more than 20 W, — with or without plastic bracket, and — with or without electric cable fitted with connectors, of a kind used for TV sets and video monitors manufacture	0 %	31.12.2017
ex 8522 90 80	96	Hard disk drive, for incorporation in products of heading 8 521 ⁽¹⁾	0 %	31.12.2017
ex 8528 59 40	20	Liquid crystal display colour video monitor having a DC input voltage of 7 V or more but not more than 30 V, with a diagonal measurement of the screen of 33,2 cm or less, — either without housing, with back cover and mounting frame, — or with a housing specially designed for mounting, suitable for the incorporation into goods of Chapters 84 to 90 and 94	0 %	31.12.2013
ex 8529 90 65	75	Modules comprising at least semiconductor chips for: — the generation of driving signals for pixel addressing, or — driving addressing pixels	0 %	31.12.2017
ex 8529 90 92	47	Area image sensors ('progressive scan' Interline CCD-Sensor or CMOS-Sensor) for digital video cameras in the form of analogue or digital, monolithic integrated circuit with pixels of not more than 12 μ m \times 12 μ m in monochromic version with microlenses applied to each individual pixel (microlens array) or in polychromic version with a colour filter, whether or not with a lenslet (micro lens) array with one lenslet mounted on each individual pixel	0 %	31.12.2014
ex 8529 90 92	50	Colour LCD display panel for LCD monitors of heading 8 528: — with a diagonal measurement of the screen of 14,48 cm or more but not more than 31,24 cm, — with backlight, micro-controller, — with a CAN (Controller area network)-controller with LVDS (Low-voltage differential signalling) interface and CAN/power supply socket or with an APIX (Automotive Pixel Link) controller with APIX interface, — in a housing with or without a heat sink at the back of the housing, — without a signal-processing module, for use in the manufacture of vehicles of chapter 87 ⁽¹⁾	0 %	31.12.2015
ex 8536 69 90	81	Pitch connector for use in the manufacture of LCD television reception apparatus ⁽¹⁾	0 %	31.12.2017

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
ex 8536 69 90	87	D-subminiature (D-sub) type connectors, built into a plastic or metal housing, with 15 pins in 3 rows, for use in the manufacture of products falling within headings 8 521 and 8 528 ⁽¹⁾	0 %	31.12.2016
ex 8536 69 90	88	Secure Digital (SD), CompactFlash, 'Smart Card' and 64-pin PC-card female connectors, of a kind used for soldering on printed circuit boards, for connecting electrical apparatus and circuits and switching or protecting electrical circuits with a voltage of not more than 1 000 V	0 %	31.12.2017
ex 8537 10 91	30	Data processing and evaluation vehicle dashboard control module, operating through the CAN — bus protocol, containing at least: <ul style="list-style-type: none"> — microprocessor relays, — a stepper motor, — Electrically Erasable Programmable Read-Only (EEPROM) memory, and — other passive components (such as connectors, diodes, voltage stabiliser, resistors, capacitors, transistors), with a voltage of 13,5 V	0 %	31.12.2017
ex 8543 90 00	40	Part of an electrolysis device, consisting of a pan of nickel equipped with a wire mesh of nickel, fixed via ribs of nickel, and a pan of titanium equipped with a wire mesh of titanium, fixed via ribs of titanium, of which both pans are fixed together back to back	0 %	31.12.2017
ex 8544 20 00 ex 8544 42 90 ex 8544 49 93 ex 8544 49 95	10 20 20 10	PET/PVC insulated flexible cable with: <ul style="list-style-type: none"> — a voltage of not more than 60 V, — a current of not more than 1 A, — a heat resistance of not more than 105 °C, — individual wires of a thickness of not more than 0,1 mm ($\pm 0,01$ mm) and a width of not more than 0,8 mm ($\pm 0,03$ mm), — a distance between conductors of not more than 0,5 mm and — a pitch (distance from centreline to centreline of conductors) of not more than 1,25 mm 	0 %	31.12.2013
ex 8544 42 90	10	Data transmission cable capable of a bit rate transmission of 600 Mbit/s or more, with: <ul style="list-style-type: none"> — a voltage of 1,25 V ($\pm 0,25$ V) — connectors fitted at one or both ends, at least one of which contains pins with a pitch of 1 mm, — outer screening shielding, used solely for communication between LCD, PDP or OLED panel and video processing electronic circuits	0 %	31.12.2013
ex 8548 90 90	50	Filters with a ferromagnetic core, used to suppress high frequency noise in electronic circuits, for the manufacture of TV sets and monitors of heading 8528 ⁽¹⁾	0 %	31.12.2017
ex 8704 23 91	20	Motor chassis with a self-ignition capacity of at least 8 000 cm ³ , fitted with a cabin on either 3, 4 or 5 wheels having a wheelbase of at least 480 cm, not containing working machinery, to be built into special purpose motor vehicles with a width of at least 300 cm ⁽¹⁾	0 %	31.12.2017

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
ex 9001 20 00	10	Material consisting of a polarising film, whether or not on rolls, supported on one or both sides by transparent material, whether or not with an adhesive layer, covered on one side or on both sides with a release film	0 %	31.12.2017
ex 9001 90 00	75	Front filter comprising glass panels with special printing and film coating, for use in the manufacture of plasma display modules ⁽¹⁾	0 %	31.12.2017
ex 9002 11 00	20	Lenses — measuring not more than 80 mm × 55 mm × 50 mm, — with a resolution of 160 lines/mm or better, and — with a zoom ratio of 18 times, of a kind used for the production of visualisers or live image cameras	0 %	31.12.2017
ex 9002 11 00	30	Lenses — measuring not more than 180 mm × 100 mm × 100 mm at a maximum focal length of more than 200 mm, — with a resolution of 130 lines/mm or better, and — with a zoom ratio of 18 times of a kind used for the production of visualisers or live image cameras	0 %	31.12.2017
ex 9002 11 00	40	Lenses — measuring not more than 125 mm × 65 mm × 65 mm, — with a resolution of 125 lines/mm or better, and — with a zoom ratio of 16 times of a kind used for the production of visualisers or live image cameras	0 %	31.12.2017
ex 9002 11 00	70	Lenses — measuring not more than 180 mm × 100 mm × 100 mm at a maximum focal length of more than 200 mm, — with an etendue of 7 steradian mm ² or better, and — with a zoom ratio of 16 times of a kind used for the production of visualisers or live image cameras	0 %	31.12.2017
ex 9032 89 00	40	Digital valve controller for controlling liquids and gases	0 %	31.12.2017
ex 9405 40 39	30	Electric light assembly containing: — printed circuit boards and — Light Emitting Diodes (LED) for the manufacture of backlight units for flat TV sets ⁽¹⁾	0 %	30.6.2013

⁽¹⁾ Suspension of duties is subject to Articles 291 to 300 of Commission Regulation (EEC) No 2454/93 (OJ L 253, 11.10.1993, p. 1).

⁽²⁾ The specific additional duty is applicable.

⁽³⁾ A surveillance of imports of goods covered by this tariff suspension shall be established in accordance with the procedure laid down in Article 308d of the Regulation (EEC) No 2454/93.

ANNEX II

CN code	TARIC
ex 2008 60 19	30
ex 2008 60 39	30
ex 2008 93 91	20
ex 2009 49 30	91
ex 2710 12 25	10
ex 2805 30 90	30
ex 2823 00 00	10
ex 2835 10 00	10
ex 2839 19 00	10
ex 2841 80 00	10
ex 2841 90 85	10
ex 2850 00 20	30
ex 2904 10 00	40
ex 2914 19 90	20
ex 2914 19 90	30
ex 2914 19 90	40
ex 2914 39 00	30
ex 2914 39 00	40
ex 2914 50 00	60
ex 2914 50 00	70
ex 2916 39 90	55
ex 2917 39 95	40
ex 2918 23 00	10
ex 2920 19 00	10
ex 2921 30 99	20
ex 2921 30 99	30
ex 2921 59 90	30
ex 2922 49 85	60

CN code	TARIC
ex 2924 29 98	35
ex 2924 29 98	86
ex 2928 00 90	75
ex 2928 00 90	80
ex 2928 00 90	85
ex 2930 20 00	10
ex 2930 90 99	66
ex 2930 90 99	67
ex 2930 90 99	68
ex 2930 90 99	69
ex 2930 90 99	71
ex 2930 90 99	82
ex 2930 90 99	83
ex 2932 99 00	60
ex 2933 19 90	40
ex 2933 29 90	40
ex 2933 39 99	55
ex 2933 69 80	35
ex 2933 69 80	55
ex 2933 79 00	30
ex 2933 99 80	50
ex 2933 99 80	73
ex 2933 99 80	89
ex 2934 20 80	40
ex 2934 99 90	15
ex 2934 99 90	23
ex 2934 99 90	74
ex 2934 99 90	78
ex 2934 99 90	83
ex 2934 99 90	84
ex 3204 15 00	10

CN code	TARIC
ex 3204 17 00	30
ex 3204 17 00	75
ex 3208 90 19	75
ex 3208 90 91	10
ex 3402 13 00	20
ex 3808 91 90	10
ex 3808 91 90	50
ex 3808 92 90	10
ex 3808 93 15	10
ex 3808 93 27	20
ex 3815 19 90	41
ex 3815 90 90	16
ex 3815 90 90	85
ex 3815 90 90	89
ex 3824 90 97	33
ex 3824 90 97	36
ex 3824 90 97	37
ex 3824 90 97	38
ex 3824 90 97	44
ex 3824 90 97	47
ex 3824 90 97	70
ex 3824 90 97	78
ex 3901 10 10	10
ex 3901 20 90	30
ex 3903 90 90	35
ex 3903 90 90	86
ex 3906 10 00	10
ex 3907 99 90	60
ex 3909 40 00	20
ex 3910 00 00	50

CN code	TARIC
ex 3911 90 19	30
ex 3919 10 80	45
ex 3919 10 80	55
ex 3919 90 00	25
ex 3919 90 00	26
ex 3919 90 00	28
ex 3919 90 00	45
ex 3919 90 00	47
ex 3919 90 00	53
ex 3919 90 00	55
ex 3920 20 29	94
ex 3920 51 00	10
ex 3920 51 00	40
ex 3920 62 19	41
ex 3920 62 19	43
ex 3920 62 19	80
ex 3920 62 19	82
ex 3920 79 90	10
ex 3920 92 00	30
ex 5407 10 00	10
ex 5603 11 10	20
ex 5603 11 90	20
ex 5603 12 90	50
ex 5603 12 90	70
ex 5603 13 90	70
ex 5603 92 90	40
ex 5603 92 90	70
ex 5603 92 90	80
ex 5603 93 90	10

CN code	TARIC
ex 5603 93 90	50
ex 5603 94 90	40
ex 7005 10 25	10
ex 7005 10 30	10
ex 7006 00 90	60
ex 7007 19 20	20
ex 7326 90 98	40
ex 7410 22 00	10
ex 7601 20 99	10
ex 7604 29 10	10
ex 7606 12 92	20
ex 7606 12 99	20
ex 7607 11 90	20
ex 7607 11 90	30
ex 7607 20 90	10
ex 8108 90 30	20
ex 8108 90 50	30
ex 8108 90 50	40
ex 8108 90 50	50
ex 8113 00 90	10
ex 8407 31 00	10
ex 8407 33 00	10
ex 8407 90 80	10
ex 8407 90 90	10
ex 8412 21 80	50
ex 8419 89 98	30
ex 8419 89 98	40
ex 8462 21 80	10
ex 8477 59 80	10
ex 8501 33 00	30

CN code	TARIC
ex 8501 40 80	50
ex 8501 53 50	10
ex 8504 31 80	20
ex 8504 40 82	40
ex 8505 11 00	33
ex 8507 90 80	70
ex 8522 90 80	96
ex 8528 59 40	20
ex 8529 90 49	10
ex 8529 90 65	75
ex 8529 90 65	80
ex 8529 90 92	46
ex 8529 90 92	47
ex 8529 90 92	50
ex 8529 90 92	60
ex 8536 69 90	81
ex 8536 69 90	87
ex 8540 91 00	95
ex 8543 90 00	40
ex 8544 42 90	10
ex 8544 49 93	20
ex 8704 23 91	20
ex 9001 20 00	10
ex 9001 20 00	40
ex 9001 90 00	75
ex 9032 10 89	20
ex 9032 89 00	40
ex 9405 40 39	30

COMMISSION REGULATION (EU) No 1233/2012**of 17 December 2012****establishing a prohibition of fishing for skates and rays in EU waters of VIId by vessels flying the flag of the Netherlands**

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS REGULATION:

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

*Article 1***Quota exhaustion**Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2012 shall be deemed to be exhausted from the date set out in that Annex.

Whereas:

*Article 2***Prohibitions**(1) Council Regulation (EU) No 43/2012 of 17 January 2012 fixing for 2012 the fishing opportunities available to EU vessels for certain fish stocks and groups of fish stocks which are not subject to international negotiations or agreements ⁽²⁾, lays down quotas for 2012.

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2012.

*Article 3***Entry into force**

(3) It is therefore necessary to prohibit fishing activities for that stock,

This Regulation shall enter into force on the 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, 17 December 2012.

*For the Commission,
On behalf of the President,*

Lowri EVANS

Director-General for Maritime Affairs and Fisheries⁽¹⁾ OJ L 343, 22.12.2009, p. 1.⁽²⁾ OJ L 25, 27.1.2012, p. 1.

ANNEX

No	80/TQ43
Member State	The Netherlands
Stock	SRX/07D.
Species	Skates and rays (<i>rajiformes</i>)
Zone	EU waters of VIIId
Date	30.11.2012

COMMISSION IMPLEMENTING REGULATION (EU) No 1234/2012

of 19 December 2012

amending Regulation (EU) No 468/2010 establishing the EU list of vessels engaged in illegal, unreported and unregulated fishing

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999⁽¹⁾, in particular Article 30 thereof,

Whereas:

- (1) Chapter V of Regulation (EC) No 1005/2008 lays down procedures for the identification of fishing vessels engaged in illegal, unreported and unregulated fishing (IUU fishing vessels) as well as procedures for establishing a Union list of such vessels. Article 37 of that Regulation provides for actions to be taken against fishing vessels included in that list.
- (2) The first Union list of IUU fishing vessels was established by Commission Regulation (EU) No 468/2010⁽²⁾ and subsequently amended by Commission Implementing Regulation (EU) No 724/2011⁽³⁾.
- (3) According to Article 30(1) of Regulation (EC) No 1005/2008, the Union list should comprise fishing vessels included in the IUU vessel lists adopted by regional fisheries management organisations.
- (4) All regional fishery management organisations adopted the principle of publishing an IUU vessel list and update their respective list at their annual meetings⁽⁴⁾.

(5) According to Article 30 of Regulation (EC) No 1005/2008, upon the receipt from regional fisheries management organisations of the lists of fishing vessels presumed or confirmed to be involved in the IUU fishing, the Commission shall update the Union list.

(6) The Commission has received the updated lists from the annual meetings of the regional fisheries management organisations.

(7) Considering that the same vessel might be listed under different names and/or flags depending on the time of its inclusion on the regional fisheries management organisations lists, the updated Union list should include the different names and/or flags as established by the respective regional fisheries management organisations.

(8) Regulation (EU) No 468/2010 should therefore be amended accordingly.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

Part B of the Annex to Regulation (EU) No 468/2010 is replaced by the text in the Annex to this Regulation.

Article 2

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

⁽¹⁾ OJ L 286, 29.10.2008, p. 1.

⁽²⁾ OJ L 131, 29.5.2010, p. 22.

⁽³⁾ OJ L 194, 26.7.2011, p. 14.

⁽⁴⁾ Last updates: CCAMLR: 2011 IUU list as adopted at annual meeting CCAMLR-XXX 24 October- 4 November 2011; SEAFO: SEAFO includes in its IUU list CCAMLR, NEAFC-B and NAFO lists; ICCAT: 2012 IUU List as adopted at annual meeting in November 2011 (Recommendation 11-18); IATTC: 2012 list as adopted in 83rd meeting of IATTC in June 2012; NEAFC: IUU B list AM 2011-18 as adopted at 30th annual meeting November 2011; NAFO: 2012 list as adopted at 33rd annual meeting 19-23 September 2011; WCPFC: WCPFC IUU vessel list for 2012 as at 30 March 2012 (effective from 30 May 2012).

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

Done at Brussels, 19 December 2012.

For the Commission
The President
José Manuel BARROSO

ANNEX

PART B

Vessels listed in accordance with Article 30 of Regulation (EC) No 1005/2008

IMO ⁽¹⁾ ship identification number/RFMO Reference	Vessel's name (previous name) ⁽²⁾	Flag State or Flag Territory [according to a RFMO] ⁽²⁾	Listed in RFMO ⁽²⁾
20060010 (ICCAT)	ACROS NO. 2	Unknown (latest known flag: Honduras)	ICCAT
20060009 (ICCAT)	ACROS NO. 3	Unknown (latest known flag: Honduras)	ICCAT
7306570	ALBORAN II (WHITE ENTERPRISE)	Panama (previous flag: St. Kitts & Nevis)	NEAFC, NAFO, SEAFO
7424891	ALDABRA (OMOA 1)	Tanzania (previous flags: Togo, Honduras)	CCAMLR, SEAFO
7036345	AMORINN (ICEBERG II, LOME [CCAMLR]/ICEBERG II, NOEMI [SEAFO])	Unknown (previous flags: Togo, Belize)	CCAMLR, SEAFO
12290 (IATTC)/20110011 (ICCAT)	BHASKARA No 10	Unknown (latest known flag: Indonesia)	IATTC, ICCAT
12291 (IATTC)/20110012 (ICCAT)	BHASKARA No 9	Unknown (latest known flag: Indonesia)	IATTC, ICCAT
20060001 (ICCAT)	BIGEYE	Unknown	ICCAT
20040005 (ICCAT)	BRAVO	Unknown	ICCAT
9407 (IATTC)/20110013 (ICCAT)	CAMELOT	Unknown	IATTC, ICCAT
6622642	CHALLENGE (MILA/PERSEVERANCE)	Panama (previous flags: Equatorial Guinea, United Kingdom)	CCAMLR, SEAFO
125 (IATTC)/20110014 (ICCAT)	CHIA HAO No 66	Unknown	IATTC, ICCAT
20080001 (ICCAT)	DANIAA (CARLOS)	Republic of Guinea (Conakry)	ICCAT
8422852	DOLPHIN (OGNEVKA)	Unknown (previous flags: Russia, Georgia [NAFO])	NEAFC, NAFO, SEAFO
6163 (IATTC)	DRAGON III	Unknown	IATTC
8604668	EROS DOS (FURABOLOS)	Panama (previous flag: Seychelles)	NEAFC, NAFO, SEAFO
7355662	FU LIEN No 1	Georgia	WCPFC
200800005 (ICCAT)	GALA I (MANARA II/ROAGAN)	Unknown (latest known flags: Libya, Isle of Man)	ICCAT
6591 (IATTC)	GOIDAU RUEY No 1	Unknown	IATTC
7020126	GOOD HOPE (TOTO/SEA RANGER V)	Nigeria [CCAMLR]/Niger [SEAFO] (previous flag: Belize)	CCAMLR, SEAFO
6719419	GORILERO (GRAN SOL)	Unknown (latest known flags: Sierra Leone, Panama [NAFO])	NEAFC, NAFO, SEAFO

IMO ⁽¹⁾ ship identification number/RFMO Reference	Vessel's name (previous name) ⁽²⁾	Flag State or Flag Territory [according to a RFMO] ⁽²⁾	Listed in RFMO ⁽²⁾
2009003 (ICCAT)	GUNUAR MELYAN 21	Unknown	IOTC, ICCAT
7322926	HEAVY SEA [CCAMLR]/HEAVY SEAS [SEAFO] (DUERO/KETA)	Panama	CCAMLR, SEAFO
201000004 (ICCAT)	HOOM XIANG 11	Unknown (previous flag: Malaysia)	IOTC, ICCAT
7322897	HUANG HE 22 [CCAMLR]/SIMA QIAN BARU 22 [SEAFO] (SIMA QIAN BARU 22, CORVUS [CCAMLR]/CORVUS, GALAXY [SEAFO])	Tanzania (previous flags: North Korea (DPRK), Panama)	CCAMLR, SEAFO
7332218	IANNIS 1	Panama [NAFO, SEAFO]/Unknown [NEAFC]	NEAFC, NAFO, SEAFO
	JINN FENG TSAIR No 1	Taiwan	WCPFC
9505 (IATTC)	JYI LIH 88	Unknown	IATTC
7905443	KOOSHA 4	Iran (previous flag: Spain)	CCAMLR
6905408	KUKO (TYPHOON-1, RUBIN [CCAMLR]/ TYPHOON-1, ARTIC RANGER [SEAFO])	Unknown (previous flags: Mongolia, Togo.)	CCAMLR, SEAFO
9037537	LANA (ZEUS/TRITON-1)	Unknown (previous flags: Mongolia, Togo)	CCAMLR, SEAFO
20060007 (ICCAT)	LILA NO. 10	Unknown (latest known flag: Panama)	ICCAT
7388267	LIMPOPO (ROSS/ALOS)	Unknown (latest known flags: Togo, Ghana.)	CCAMLR, SEAFO
20040007 (ICCAT)	MADURA 2	Unknown	ICCAT
20040008 (ICCAT)	MADURA 3	Unknown	ICCAT
7325746	MAINE (MAPOSA NOVENO, GUINSPA I [SEAFO])	Republic of Guinea (Conakry)	NEAFC, NAFO, SEAFO
20110001 (ICCAT)	MAR CANTABRICO	Bolivia	ICCAT
20060002 (ICCAT)	MARIA	Unknown	ICCAT
9435 (IATTC)/20110002 (ICCAT)	MARTA LUCIA R	Colombia	IATTC, ICCAT
20060005 (ICCAT)	MELILLA NO. 101	Unknown (latest known flag: Panama)	ICCAT
20060004 (ICCAT)	MELILLA NO. 103	Unknown (latest known flag: Panama)	ICCAT
7385174	MURTOSA	Unknown (latest known flag: Togo [NAFO,]/Portugal [SEAFO])	NEAFC, NAFO, SEAFO
14613 (IATTC) 20110003 (ICCAT)	NEPTUNE	Georgia	IATTC, ICCAT, WCPFC,

IMO ⁽¹⁾ ship identification number/RFMO Reference	Vessel's name (previous name) ⁽²⁾	Flag State or Flag Territory [according to a RFMO] ⁽²⁾	Listed in RFMO ⁽²⁾
20060003 (ICCAT)	No 101 GLORIA (GOLDEN LAKE)	Unknown (latest known flag: Panama)	ICCAT
20060008 (ICCAT)	No 2 CHOYU	Unknown (latest known flag: Honduras)	ICCAT
20060011 (ICCAT)	No 3 CHOYU	Unknown (latest known flag: Honduras)	ICCAT
9230658	NORTH OCEAN (BOSTON/BOSTON-1)	China (previous flags: Georgia, Russia)	SEAFO
20040006 (ICCAT)	OCEAN DIAMOND	Unknown	ICCAT
7826233	OCEAN LION	Unknown (latest known flag: Equatorial Guinea)	IOTC, ICCAT
11369 (IATTC)	ORCA	Unknown (latest known flag: Belize)	IATTC
20060012 (ICCAT)	ORIENTE NO. 7	Unknown (latest known flag: Honduras)	ICCAT
5062479	PERLON [CCAMLR]/ CHERNE [SEAFO] (CHERNE, BIGARO, [CCAMLR]/ BIGARO, LUGALPESCA [SEAFO])	Unknown (latest known flags: Mongolia, Togo)	CCAMLR, SEAFO
8713392	PION [CCAMLR]/THE BIRD [SEAFO] (THE BIRD, CHU LIN [CCAMLR]/(ULYSES, GALE [SEAFO])	Honduras [CCAMLR]/Unknown [SEAFO] (latest known flags: Mongolia, Togo [CCAMLR]/Equa- torial Guinea, Uruguay [SEAFO])	CCAMLR, SEAFO
6607666	RAY [CCAMLR]/KILY [SEAFO] (KILY, CONSTANT [CCAMLR]/CONSTANT, ISLA GRACIOSA [SEAFO])	Belize (latest known flags: Mongolia, Equatorial Guinea)	CCAMLR, SEAFO
6706084	RED (KABOU)	Panama (previous flag: Republic of Guinea (Conakry))	NAFO, SEAFO
95 (IATTC)	REYMAR 6	Unknown (latest known flag: Belize)	IATTC
6803961	SEABULL 22 (CARMELA/GOLD DRAGON)	Nigeria (latest known flags: Togo, Equatorial Guinea)	CCAMLR, SEAFO
200800004 (ICCAT)	SHARON 1 (MANARA I/POSEIDON)	Unknown (latest known flags: Libya, United Kingdom)	ICCAT
20050001 (ICCAT)	SOUTHERN STAR 136 (HSIANG CHANG)	Unknown (latest known flag: St. Vincent and the Grenadines)	ICCAT
9405 (IATTC)	TA FU 1	Unknown	IATTC
6818930	TCHAW (INCA, VIKING [CCAMLR]/REX, AROSA CUARTO [SEAFO])	Unknown (latest known flags: Togo, Seychelles)	CCAMLR, SEAFO
13568 (IATTC)	TCHING YE No 6	Unknown (latest known flags: Panama, Belize)	IATTC

IMO ⁽¹⁾ ship identification number/RFMO Reference	Vessel's name (previous name) ⁽²⁾	Flag State or Flag Territory [according to a RFMO] ⁽²⁾	Listed in RFMO ⁽²⁾
129 (IATTC)	WEN TENG No 688	Unknown (latest known flag: Belize)	IATTC
9230672	WEST OCEAN (KIEV/DARVIN)	China (previous flags: Georgia, Russia)	SEAFO
9319856	HUIQUAN (WUTAISHAN ANHUI 44) [CCAMLR]/YANGZI HUA 44 [SEAFO] (YANGZI HUA 44, TROSKY [CCAMLR]/TROSKY, JIAN HUAN [SEAFO])	Tanzania [CCAMLR]/Unknown [SEAFO] (previous flags: Mongolia, Namibia,)	CCAMLR, SEAFO
9042001	SHAANXI HENAN 33 (XIONG NU BARU 33 DRACO-1, LIBERTY [CCAMLR]/DRACO-1, CARRAN [SEAFO])	Tanzania (previous flags: North Korea (DPRK) Panama)	CCAMLR, SEAFO
	YU FONG 168	Taiwan	WCPFC
2009002 (ICCAT)	YU MAAN WON	Unknown (latest known flag: Georgia)	IOTC, ICCAT
7321374	YUCATAN BASIN [NEAFC, SEAFO]/YUCUTAN BASIN [NAFO] (ENXEMBRE/FONTE NOVA)	Panama (previous flag: Morocco)	NEAFC, NAFO, SEAFO

⁽¹⁾ International Maritime Organisation.

⁽²⁾ For any additional information consult the websites of the regional fisheries management organisations (RFMOs).'

COMMISSION IMPLEMENTING REGULATION (EU) No 1235/2012

of 19 December 2012

amending Annex I to Regulation (EC) No 669/2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules ⁽¹⁾, and in particular Article 15(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 669/2009 ⁽²⁾ lays down rules concerning the increased level of official controls to be carried out on imports of feed and food of non-animal origin listed in Annex I thereto ('the list'), at the points of entry into the territories referred to in Annex I to Regulation (EC) No 882/2004.
- (2) Article 2 of Regulation (EC) No 669/2009 provides that the list is to be reviewed on a regular basis, and at least quarterly, taking into account at least the sources of information referred to in that Article.
- (3) The occurrence and relevance of food incidents notified through the Rapid Alert System for Food and Feed, the findings of audits to third countries carried out by the Food and Veterinary Office, as well as the quarterly reports on consignments of feed and food of non-animal origin submitted by Member States to the Commission in accordance with Article 15 of Regulation (EC) No 669/2009 indicate that the list should be amended.
- (4) In particular, for consignments of dried vine fruit from Afghanistan, watermelons from Brazil, strawberries from China, peas and beans from Kenya, mint from Morocco, watermelon seeds and derived products from Sierra Leone and certain herbs, spices and vegetables from Vietnam, the relevant sources of information indicate the emergence of new risks and/or a degree of non-compliance with the relevant safety requirements, thereby warranting the introduction of an increased level of official controls. Entries concerning those consignments should be therefore included in the list.
- (5) The list should also be amended to decrease the intensity of official controls of the commodities for which the available information indicates an overall improvement

of compliance with the relevant requirements provided for in Union legislation and for which the current frequency of official controls is therefore no longer justified. The entries in the list concerning aubergines and bitter melon from Dominican Republic, spices from India and Yardlong beans, aubergines and Brassica vegetables from Thailand, should be therefore amended accordingly.

- (6) The list should also be amended by deleting the entries for commodities for which available information indicates an overall satisfactory degree of compliance with the relevant safety requirements provided for in Union legislation and for which an increased control frequency is therefore no longer justified. The entries in the list concerning peaches from Egypt, feed additives and premixtures from India and *Capsicum annuum* from Peru should be therefore deleted.
- (7) With a view to better targeting certain products set out in the list, TARIC codes have to be added, where appropriate. Amendment of certain CN codes is also necessary to align with the revised Combined Nomenclature applying as of 1 January 2013.
- (8) In the interest of consistency and clarity of Union legislation, it is appropriate to replace Annex I to Regulation (EC) No 669/2009 by the text set out in the Annex to this Regulation.
- (9) Regulation (EC) No 669/2009 should therefore be amended accordingly.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 669/2009 is replaced by the text set out in the Annex to this Regulation.

Article 2

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.

⁽¹⁾ OJ L 165, 30.4.2004, p. 1.

⁽²⁾ OJ L 194, 25.7.2009, p. 11.

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

Done at Brussels, 19 December 2012.

For the Commission
The President
José Manuel BARROSO

ANNEX

'ANNEX I

Feed and food of non-animal origin subject to an increased level of official controls at the designated point of entry

Feed and food (intended use)	CN code ⁽¹⁾	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
Dried grapes (vine fruit) (Food)	0806 20		Afghanistan (AF)	Ochratoxin A	50
Hazelnuts (in shell or shelled) (Feed and food)	0802 21 00; 0802 22 00		Azerbaijan (AZ)	Aflatoxins	10
Watermelon (Food)	0807 11 00		Brazil (BR)	Salmonella	10
— Groundnuts (peanuts), in shell — Groundnuts (peanuts), shelled — Peanut butter — Groundnuts (peanuts), otherwise prepared or preserved (Feed and food)	— 1202 41 00 — 1202 42 00 — 2008 11 10 — 2008 11 91; 2008 11 96; 2008 11 98		Brazil (BR)	Aflatoxins	10
Strawberries (frozen) (Food)	0811 10		China (CN)	Norovirus and hepatitis A	5
<i>Brassica oleracea</i> (other edible Brassica, 'Chinese Broccoli') ⁽¹³⁾ (Food — fresh or chilled)	ex 0704 90 90	40	China (CN)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods ⁽¹⁴⁾	10
Dried Noodles (Food)	ex 1902 11 00; ex 1902 19 10; ex 1902 19 90; ex 1902 20 10; ex 1902 20 30; ex 1902 20 91; ex 1902 20 99; ex 1902 30 10; ex 1902 30 10	10 10 10 10 10 10 10 10 91	China (CN)	Aluminium	10

Feed and food (intended use)	CN code ⁽¹⁾	TARIC sub- division	Country of origin	Hazard	Frequency of physical and identity checks (%)
Pomelos (Food — fresh)	ex 0805 40 00	31; 39	China (CN)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods ⁽¹¹⁾	20
Tea, whether or not flavoured (Food)	0902		China (CN)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods ⁽¹⁰⁾	10
— Aubergines — Bitter melon (<i>Mormodica charantia</i>) (Food — fresh, chilled or frozen vegetables)	— 0709 30 00; ex 0710 80 95 — ex 0709 99 90; ex 0710 80 95	72 70 70	Dominican Republic (DO)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods ⁽³⁾	10
— Yardlong beans (<i>Vigna unguiculata</i> spp. <i>sesquipedalis</i>) — Peppers (sweet and other than sweet) (<i>Capsicum</i> spp.) (Food — fresh, chilled or frozen vegetables)	— ex 0708 20 00; ex 0710 22 00 — 0709 60 10; ex 0709 60 99 — 0710 80 51; ex 0710 80 59	10 10 20 20	Dominican Republic (DO)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods ⁽³⁾	20
— Oranges (fresh or dried) — Pomegranates — Strawberries (Food — fresh fruits)	— 0805 10 20; 0805 10 80 — ex 0810 90 75 — 0810 10 00	 30	Egypt (EG)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods ⁽⁷⁾	10
Peppers (sweet and other than sweet) (<i>Capsicum</i> spp.) (Food — fresh, chilled or frozen)	0709 60 10; ex 0709 60 99; 0710 80 51; ex 0710 80 59	20 20	Egypt (EG)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods ⁽¹²⁾	10
— Groundnuts (peanuts), in shell — Groundnuts (peanuts), shelled — Peanut butter (Feed and Food)	— 1202 41 00 — 1202 42 00 — 2008 11 10		Ghana (GH)	Aflatoxins	50

Feed and food (intended use)	CN code ⁽¹⁾	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
Curry leaves (<i>Bergera/Murraya koenigii</i>) (Food – fresh herbs)	ex 1211 90 86	10	India (IN)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single residue methods ⁽²⁾	50
— <i>Capsicum annuum</i> , whole	— 0904 21 10	10	India (IN)	Aflatoxins	10
— <i>Capsicum annuum</i> , crushed or ground	— ex 0904 22 00				
— Dried fruit of the genus <i>Capsicum</i> , whole, other than sweet peppers (<i>Capsicum annuum</i>)	— 0904 21 90				
— Curry (chilli products)	— 0910 91 05				
— Nutmeg (<i>Myristica fragrans</i>)	— 0908 11 00; 0908 12 00				
— Mace (<i>Myristica fragrans</i>)	— 0908 21 00; 0908 22 00				
— Ginger (<i>Zingiber officinale</i>)	— 0910 11 00; 0910 12 00				
— <i>Curcuma longa</i> (turmeric)	— 0910 30 00				
(Food – dried spices)					
— Groundnuts (peanuts), in shell	— 1202 41 00		India (IN)	Aflatoxins	20
— Groundnuts (peanuts), shelled	— 1202 42 00				
— Peanut butter	— 2008 11 10				
— Groundnuts (peanuts), otherwise prepared or preserved	— 2008 11 91; 2008 11 96; 2008 11 98				
(Feed and food)					
Okra	ex 0709 99 90	20	India (IN)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods ⁽²⁾	50
(Food – fresh)					
— Nutmeg (<i>Myristica fragrans</i>)	— 0908 11 00; 0908 12 00		Indonesia (ID)	Aflatoxins	20
— Mace (<i>Myristica fragrans</i>)	— 0908 21 00; 0908 22 00				
(Food – dried spices)					
— Peas with pods (unshelled)	— ex 0708 10 00	40	Kenya (KE)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods ⁽¹⁶⁾	10
— Beans with pods (unshelled)	— ex 0708 20 00	40			
(Food – fresh and chilled)					

Feed and food (intended use)	CN code (1)	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
Watermelon (<i>Egusi, Citrullus lanatus</i>) seeds and derived products (Food)	ex 1207 70 00; ex 1106 30 90; ex 2008 99 99	10 30 50	Nigeria (NG)	Aflatoxins	50
Mint (Food – fresh herb)	ex 1211 90 86	30	Morocco (MA)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (17)	10
Watermelon (<i>Egusi, Citrullus lanatus</i>) seeds and derived products (Food)	ex 1207 70 00; ex 1106 30 90; ex 2008 99 99	10 30 50	Sierra Leone (SL)	Aflatoxins	50
Peppers (other than sweet) (<i>Capsicum</i> spp.) (Food – fresh)	ex 0709 60 99	20	Thailand (TH)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (9)	10
— Coriander leaves — Basil (holy, sweet) — Mint (Food – fresh herbs)	— ex 0709 99 90 — ex 1211 90 86 — ex 1211 90 86	72 20 30	Thailand (TH)	Salmonella (6)	10
— Coriander leaves — Basil (holy, sweet) (Food – fresh herbs)	— ex 0709 99 90 — ex 1211 90 86	72 20	Thailand (TH)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (4)	20
— Yardlong beans (<i>Vigna unguiculata</i> spp. <i>sesquipedalis</i>) — Aubergines — Brassica vegetables (Food – fresh, chilled or frozen vegetables)	— ex 0708 20 00; ex 0710 22 00 — 0709 30 00; ex 0710 80 95 — 0704; ex 0710 80 95	10 10 72 76	Thailand (TH)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (4)	20
— Sweet Peppers (<i>Capsicum annuum</i>) — Tomatoes (Food – fresh, chilled or frozen vegetables)	— 0709 60 10; 0710 80 51 — 0702 00 00; 0710 80 70		Turkey (TR)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (8)	10

Feed and food (intended use)	CN code ⁽¹⁾	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
Dried grapes (vine fruit) (Food)	0806 20		Uzbekistan (UZ)	Ochratoxin A	50
— Coriander leaves	— ex 0709 99 90	72	Vietnam (VN)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods ⁽¹⁵⁾	20
— Basil (holy, sweet)	— ex 1211 90 86	20			
— Mint	— ex 1211 90 86	30			
— Parsley	— ex 0709 99 90	40			
(Food – fresh herbs)					
— Okra	— ex 0709 99 90	20	Vietnam (VN)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods ⁽¹⁵⁾	20
— Peppers (other than sweet) (<i>Capsicum</i> spp.)	— ex 0709 60 99	20			
(Food – fresh)					
— Groundnuts (peanuts), in shell	— 1202 41 00		South Africa (ZA)	Aflatoxins	10
— Groundnuts (peanuts), shelled	— 1202 42 00				
— Peanut butter	— 2008 11 10				
— Groundnuts (peanuts), otherwise prepared or preserved	— 2008 11 91; 2008 11 96; 2008 11 98				
(Feed and food)					

⁽¹⁾ Where only certain products under any CN code are required to be examined and no specific subdivision under that code exists in the goods nomenclature, the CN code is marked 'ex'.

⁽²⁾ In particular residues of: Acephate, Methamidophos, Triazophos, Endosulfan, Monocrotophos, Methomyl, Thiodicarb, Diafenthiuron, Thiamethoxam, Fipronil, Oxamyl, Acetamiprid, Indoxacarb, Mandipropamid.

⁽³⁾ In particular residues of: Amitraz, Acephate, Aldicarb, Benomyl, Carbendazim, Chlorfenapyr, Chlorpyrifos, CS2 (Dithiocarbamates), Diafenthiuron, Diazinon, Dichlorvos, Dicofol, Dimethoate, Endosulfan, Fenamidone, Imidacloprid, Malathion, Methamidophos, Methiocarb, Methomyl, Monocrotophos, Omethoate, Oxamyl, Profenofos, Propiconazole, Thiabendazol, Thiocloprid.

⁽⁴⁾ In particular residues of: Acephate, Carbaryl, Carbendazim, Carbofuran, Chlorpyrifos, Chlorpyrifos-methyl, Dimethoate, Ethion, Malathion, Metalaxyl, Methamidophos, Methomyl, Monocrotophos, Omethoate, Prophenophos, Prothiophos, Quinalphos, Triadimefon, Triazophos, Dicrotophos, EPN, Triforine.

⁽⁵⁾ In particular residues of: Triazophos, Oxydemeton-methyl, Chlorpyrifos, Acetamiprid, Thiamethoxam, Clothianidin, Methamidophos, Acephate, Propargite, Monocrotophos.

⁽⁶⁾ Reference method EN/ISO 6579 or a method validated against it as referred to in Article 5 of Commission Regulation (EC) No 2073/2005 (OJ L 338, 22.12.2005, p. 1).

⁽⁷⁾ In particular residues of: Carbendazim, Cyfluthrin Cyprodinil, Diazinon, Dimethoate, Ethion, Fenitrothion, Fenpropathrin, Fludioxonil, Hexaflumuron, Lambda-cyhalothrin, Methiocarb, Methomyl, Omethoate, Oxamyl, Phenthoate, Thiophanate-methyl.

⁽⁸⁾ In particular residues of: Methomyl, Oxamyl, Carbendazim, Clofentazine, Diafenthiuron, Dimethoate, Formetanate, Malathion, Procymidone, Tetradifon, Thiophanate-methyl.

⁽⁹⁾ In particular residues of: Carbofuran, Methomyl, Omethoate, Dimethoate, Triazophos, Malathion, Profenofos, Prothiophos, Ethion, Carbendazim, Triforine, Procymidone, Formetanate.

⁽¹⁰⁾ In particular residues of: Buprofezin; Imidacloprid; Fenvalerate and Esfenvalerate (Sum of RS & SR isomers); Profenofos; Trifluralin; Triazophos; Triadimefon and Triadimenol (sum of triadimefon and triadimenol), Cypermethrin (cypermethrin including other mixtures of constituent isomers (sum of isomers)).

⁽¹¹⁾ In particular residues of: Triazofos, Triadimefon and Triadimenol (sum of triadimefon and triadimenol), Parathion-methyl, Fenthoate, Methidathion.

⁽¹²⁾ In particular residues of: Carbofuran (sum), Chlorpyrifos, Cypermethrin (sum), Cyproconazole, Dicofol (sum), Difenconazole, Dinotefuran, Ethion, Flusilazole, Folpet, Prochloraz, Profenofos, Propiconazole, Thiophanate-methyl and Triforine.

⁽¹³⁾ Species of *Brassica oleracea* L. convar. *Botrytis* (L) Alef var. *Italica* Plenck, cultivar *albuglabra*. Also know as 'Kai Lan', 'Gai Lan', 'Gailan', 'Kailan', 'Chinese bare Jielan'.

⁽¹⁴⁾ In particular residues of: Chlorfenapyr, Fipronil, Carbendazim, Acetamiprid, Dimethomorph and Propiconazole.

⁽¹⁵⁾ In particular residues of: Carbofuran, Carbendazim (sum), Chlorpyrifos, Profenofos, Permethrin, Hexaconazole, Difenconazole, Propiconazole, Fipronil, Propargite, Flusilazole, Phenthoate, Cypermethrin, Methomyl, Quinalphos, Pencycuron, Methidathion, Dimethoate (sum), Fenbuconazole.

⁽¹⁶⁾ In particular residues of: Dimethoate (sum), Chlorpyrifos, Acephate, Methamidophos, Methomyl, Diafenthiuron, Indoxacarb.

⁽¹⁷⁾ In particular residues of: Chlorpyrifos, Cypermethrin, Dimethoate (sum), Endosulfan (sum), Hexaconazole, Parathion-Methyl (sum), Methomyl, Flutriafol, Carbendazim (sum), Flubendiamide, Myclobutanil, Malathion (sum).'

COMMISSION REGULATION (EU) No 1236/2012

of 19 December 2012

initiating an investigation concerning the possible circumvention of anti-dumping measures imposed by Council Implementing Regulation (EU) No 511/2010 on imports of certain molybdenum wires originating in the People's Republic of China by imports of certain slightly modified molybdenum wires, containing by weight 97 % or more but less than 99,95 % of molybdenum, originating in the People's Republic of China, and making such imports subject to registration

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community⁽¹⁾ (the basic Regulation) and in particular Articles 13(3) and 14(5) thereof,

After having consulted the Advisory Committee in accordance with Articles 13(3) and 14(5) of the basic Regulation,

Whereas:

A. REQUEST

- (1) The European Commission (the Commission) has received a request pursuant to Articles 13(3) and 14(5) of the basic Regulation to investigate the possible circumvention of the anti-dumping measures imposed on certain molybdenum wires originating in the People's Republic of China by imports of certain slightly modified molybdenum wires, containing by weight 97 % or more but less than 99,95 % of molybdenum, originating in the People's Republic of China, and to make such imports subject to registration.
- (2) The request was lodged on 5 November 2012 by Plansee SE, a Union producer of certain molybdenum wires.

B. PRODUCT

- (3) The product concerned by the possible circumvention is molybdenum wire, containing by weight at least 99,95 % of molybdenum, of which the maximum cross-sectional dimension exceeds 1,35 mm but does not exceed 4,0 mm, originating in the People's Republic of China, currently falling within CN code ex 8102 96 00 (TARIC codes 8102 96 00 11 and 8102 96 00 19) (the product concerned).

- (4) The product under investigation is the same as that defined in the previous recital, but containing by weight 97 % or more but less than 99,95 % of molybdenum, currently falling within the same CN code as the product concerned but falling within a different TARIC code (i.e. 8102 96 00 90 until the entry into force of this regulation) and originating in the People's Republic of China (the product under investigation).

C. EXISTING MEASURES

- (5) The measures currently in force and possibly being circumvented are anti-dumping measures imposed by Council Implementing Regulation (EU) No 511/2010⁽²⁾ on imports of certain molybdenum wires originating in the People's Republic of China.

D. GROUNDS

- (6) The request contains sufficient prima facie evidence that the anti-dumping measures on imports of certain molybdenum wires originating in the People's Republic of China are being circumvented by means of imports of the product under investigation.
- (7) The prima facie evidence submitted is as follows:
- (8) The request shows that a significant change in the pattern of trade involving exports from the People's Republic of China to the Union has taken place following the imposition of the definitive anti-dumping duty on the product concerned imposed by Implementing Regulation (EU) No 511/2010, without sufficient due cause or economic justification for such a change other than the imposition of the duty.
- (9) This change appears to stem from the importation of the product under investigation into the Union. The request contains sufficient prima facie evidence that the product under investigation has the same essential characteristics and uses as the product concerned.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 150, 16.6.2010, p. 17.

- (10) Furthermore, the request contains sufficient prima facie evidence that the remedial effects of the existing anti-dumping measures on the product concerned are being undermined both in terms of quantity and price. Significant volumes of imports of the product under investigation appear to have replaced imports of the product concerned. In addition, there is sufficient prima facie evidence that imports of the product under investigation are made at prices below the non-injurious price established in the investigation that led to the existing measures.
- (11) Finally, the request contains sufficient prima facie evidence that the prices of the product under investigation are dumped in relation to the normal value previously established for the product concerned.
- (12) Should circumvention practices covered by Article 13 of the basic Regulation, other than the one mentioned above, be identified in the course of the investigation, the investigation may also cover these practices.

E. PROCEDURE

- (13) In light of the above, the Commission has concluded that sufficient evidence exists to justify the initiation of an investigation pursuant to Article 13(3) of the basic Regulation and to make imports of the product under investigation subject to registration, in accordance with Article 14(5) of the basic Regulation.

(a) Questionnaires

- (14) In order to obtain information it deems necessary for its investigation, the Commission will send questionnaires to the known exporters/producers and to the known associations of exporters/producers in the People's Republic of China, to the known importers and to the known associations of importers in the Union and to the authorities of the People's Republic of China. Information, as appropriate, may also be sought from the Union industry.
- (15) In any event, all interested parties should contact the Commission forthwith, but not later than the time limit set in Article 3 of this Regulation, and request a questionnaire within the time limit set in Article 3(1) of this Regulation, given that the time limit set in Article 3(2) of this Regulation applies to all interested parties.
- (16) The authorities of the People's Republic of China will be notified of the initiation of the investigation.

(b) Collection of information and holding of hearings

- (17) All interested parties are hereby invited to make their views known in writing and to provide supporting evidence. Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

(c) Exemption from registration of imports or measures

- (18) In accordance with Article 13(4) of the basic Regulation, imports of the product under investigation may be exempted from registration or measures if the importation does not constitute circumvention.
- (19) Since the possible circumvention takes place outside the Union, exemptions may be granted, in accordance with Article 13(4) of the basic Regulation, to producers of the product under investigation in the People's Republic of China that can show that they are not related⁽¹⁾ to any producer subject to the measures⁽²⁾ and that are found not to be engaged in circumvention practices as defined in Article 13(1) and 13(2) of the basic Regulation. Producers wishing to obtain an exemption should submit a request duly supported by evidence within the time limit indicated in Article 3(3) of this Regulation.

F. REGISTRATION

- (20) Pursuant to Article 14(5) of the basic Regulation, imports of the product under investigation shall be made subject to registration in order to ensure that, should the investigation result in findings of circumvention, anti-dumping duties of an appropriate amount can be levied from the date on which registration of such imports was imposed.

⁽¹⁾ In accordance with Article 143 of Commission Regulation (EEC) No 2454/93 (OJ L 253, 11.10.1993, p. 1) concerning the implementation of the Community Customs Code, persons shall be deemed to be related only if: (a) they are officers or directors of one another's businesses; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) any person directly or indirectly owns, controls or holds 5% or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they directly or indirectly control a third person; or (h) they are members of the same family. Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife; (ii) parent and child; (iii) brother and sister (whether by whole or half blood); (iv) grandparent and grandchild; (v) uncle or aunt and nephew or niece; (vi) parent-in-law and son-in-law or daughter-in-law; (vii) brother-in-law and sister-in-law. In this context 'person' means any natural or legal person.

⁽²⁾ However, even if producers are related in the aforementioned sense to companies subject to the measures in place on imports originating in the People's Republic of China (the original anti-dumping measures), an exemption may still be granted if there is no evidence that the relationship with the companies subject to the original measures was established or used to circumvent the original measures.

G. TIME LIMITS

- (21) In the interest of sound administration, time limits should be stated within which:
- interested parties may make themselves known to the Commission, present their views in writing and submit questionnaire replies or any other information to be taken into account during the investigation,
 - producers in the People's Republic of China may request exemption from registration of imports or measures,
 - interested parties may make a written request to be heard by the Commission.
- (22) Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the party's making itself known within the time limits laid down in Article 3 of this Regulation.

H. NON-COOPERATION

- (23) In cases in which any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made in accordance with Article 18 of the basic Regulation, on the basis of the facts available.
- (24) Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made of facts available.
- (25) If an interested party does not cooperate or cooperates only partially and findings are therefore based on the facts available in accordance with Article 18 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

I. SCHEDULE OF THE INVESTIGATION

- (26) The investigation will be concluded, pursuant to Article 13(3) of the basic Regulation, within nine months of the date of the publication of this Regulation in the *Official Journal of the European Union*.

J. PROCESSING OF PERSONAL DATA

- (27) It is noted that any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal

data by the Community institutions and bodies and on the free movement of such data ⁽¹⁾.

K. HEARING OFFICER

- (28) Interested parties may request the intervention of the Hearing Officer for the Directorate-General for Trade. The Hearing Officer acts as an interface between the interested parties and the Commission investigation services. The Hearing Officer reviews requests for access to the file, disputes regarding the confidentiality of documents, requests for extension of time limits and requests by third parties to be heard. The Hearing Officer may organise a hearing with an individual interested party and mediate to ensure that the interested parties' rights of defence are being fully exercised.
- (29) A request for a hearing with the Hearing Officer should be made in writing and should specify the reasons for the request. The Hearing Officer will also provide opportunities for a hearing involving parties to take place which would allow different views to be presented and rebuttal arguments offered.
- (30) For further information and contact details interested parties may consult the Hearing Officer's web pages on the Directorate-General for Trade's website: http://ec.europa.eu/trade/tackling-unfair-trade/hearing-officer/index_en.htm,

HAS ADOPTED THIS REGULATION:

Article 1

An investigation is hereby initiated pursuant to Article 13(3) of Regulation (EC) No 1225/2009, in order to determine if imports into the Union of molybdenum wire, containing by weight 97 % or more but less than 99,95 % of molybdenum, of which the maximum cross-sectional dimension exceeds 1,35 mm but does not exceed 4,0 mm and currently falling within CN code ex 8102 96 00 (TARIC code 8102 96 00 30), originating in the People's Republic of China, are circumventing the measures imposed by Implementing Regulation (EU) No 511/2010.

Article 2

The Customs authorities shall, pursuant to Article 13(3) and Article 14(5) of Regulation (EC) No 1225/2009, take the appropriate steps to register the imports into the Union identified in Article 1 of this Regulation.

Registration shall expire nine months following the date of entry into force of this Regulation.

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.

The Commission, by regulation, may direct Customs authorities to cease registration in respect of imports into the Union of products manufactured by producers having applied for an exemption from registration and having been found to fulfil the conditions for an exemption to be granted.

Article 3

1. Questionnaires must be requested from the Commission within 15 days from publication of this Regulation in the *Official Journal of the European Union*.
2. Interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views in writing and submit questionnaire replies or any other information within 37 days from the date of the publication of this Regulation in the *Official Journal of the European Union*, unless otherwise specified.
3. Producers in the People's Republic of China requesting exemption from registration of imports or measures must submit a request duly supported by evidence within the same 37-day time limit.
4. Interested parties may also apply to be heard by the Commission within the same 37-day time limit.
5. Interested parties are required to make all submissions and requests in electronic format (non-confidential submissions via e-mail, confidential ones on CD-R/DVD), and must indicate their name, address, e-mail address, telephone and fax numbers. However, any Powers of Attorney, signed certifications, and any updates thereof, accompanying questionnaire

replies must be submitted on paper, i.e. by post or by hand, at the address below. If an interested party cannot provide its submissions and requests in electronic format, it must immediately inform the Commission in compliance with Article 18(2) of the basic Regulation. For further information concerning correspondence with the Commission, interested parties may consult the relevant web page on the website of the Directorate-General for Trade: <http://ec.europa.eu/trade/tackling-unfair-trade/trade-defence>

All written submissions, including the information requested in this Regulation, questionnaire replies and correspondence provided by interested parties on a confidential basis must be labelled as 'Limited' ⁽¹⁾ and, in accordance with Article 19(2) of the basic Regulation, must be accompanied by a non-confidential version, which must be labelled 'For inspection by interested parties'.

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate H
Office: N105 08/020
1049 Bruxelles/Brussel
BELGIQUE/BELGIË
Fax +32 22986287
E-mail: TRADE-MW-CIRCUMVENTION@ec.europa.eu

Article 4

This Regulation shall enter into force on the 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, 19 December 2012.

For the Commission
The President
José Manuel BARROSO

⁽¹⁾ A 'Limited' document is a document which is considered confidential pursuant to Article 19 of Regulation (EC) No 1225/2009 and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement). It is also a document protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43).

COMMISSION IMPLEMENTING REGULATION (EU) No 1237/2012

of 19 December 2012

approving the active substance *Zucchini Yellow Mosaic Virus* — weak strain, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾, and in particular Article 13(2) and Article 78(2) thereof,

Whereas:

- (1) In accordance with Article 80(1)(a) of Regulation (EC) No 1107/2009, Council Directive 91/414/EEC ⁽²⁾ is to apply, with respect to the procedure and the conditions for approval, to active substances for which a decision has been adopted in accordance with Article 6(3) of that Directive before 14 June 2011. For *Zucchini Yellow Mosaic Virus* — weak strain the conditions of Article 80(1)(a) of Regulation (EC) No 1107/2009 are fulfilled by Commission Decision 2006/586/EC ⁽³⁾.
- (2) In accordance with Article 6(2) of Directive 91/414/EEC the United Kingdom received on 16 March 2005 an application from Bio-Oz Biotechnologies Ltd for the inclusion of the active substance *Zucchini Yellow Mosaic Virus* — weak strain in Annex I to Directive 91/414/EEC. Decision 2006/586/EC confirmed that the dossier was 'complete' in the sense that it could be considered as satisfying, in principle, the data and information requirements of Annexes II and III to Directive 91/414/EEC.
- (3) For that active substance, the effects on human and animal health and the environment have been assessed, in accordance with the provisions of Article 6(2) and (4) of Directive 91/414/EEC, for the uses proposed by the applicant. The designated rapporteur Member State submitted a draft assessment report on 30 June 2006.
- (4) The draft assessment report was reviewed by the Member States and the European Food Safety Authority (hereinafter 'the Authority'). The Authority presented to the Commission its conclusion on the review of the pesticide risk assessment of the active substance *Zucchini Yellow Mosaic Virus* — weak strain ⁽⁴⁾ on 28 May 2012. The draft assessment report and the conclusion of the Authority were reviewed by the Member States and the

Commission within the Standing Committee on the Food Chain and Animal Health and were finalised on 20 November 2012 in the format of the Commission review report for *Zucchini Yellow Mosaic Virus* — weak strain.

- (5) It has appeared from the various examinations made that plant protection products containing *Zucchini Yellow Mosaic Virus* — weak strain may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) and Article 5(3) of Directive 91/414/EEC, in particular with regard to the uses which were examined and detailed in the Commission review report. It is therefore appropriate to approve *Zucchini Yellow Mosaic Virus* — weak strain.
- (6) A reasonable period should be allowed to elapse before approval in order to permit Member States and the interested parties to prepare themselves to meet the new requirements resulting from the approval.
- (7) Without prejudice to the obligations provided for in Regulation (EC) No 1107/2009 as a consequence of approval, taking into account the specific situation created by the transition from Directive 91/414/EEC to Regulation (EC) No 1107/2009, the following should, however, apply. Member States should be allowed a period of six months after approval to review authorisations of plant protection products containing *Zucchini Yellow Mosaic Virus* — weak strain. Member States should, as appropriate, vary, replace or withdraw authorisations. By way of derogation from that deadline, a longer period should be provided for the submission and assessment of the update of the complete Annex III dossier, as set out in Directive 91/414/EEC, of each plant protection product for each intended use in accordance with the uniform principles.
- (8) The experience gained from inclusions in Annex I to Directive 91/414/EEC of active substances assessed in the framework of Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC concerning the placing of plant protection products on the market ⁽⁵⁾ has shown that difficulties can arise in interpreting the duties of holders of existing authorisations in relation to access to data. In order to avoid further difficulties it therefore appears necessary to clarify the duties of the Member States, especially the duty to verify that the holder of an authorisation demonstrates access to a dossier satisfying the requirements of Annex II to that Directive. However, this clarification does not impose any new

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ OJ L 230, 19.8.1991, p. 1.

⁽³⁾ OJ L 236, 31.8.2006, p. 31.

⁽⁴⁾ EFSA Journal 2012; 10(6):2754. Available online: www.efsa.europa.eu

⁽⁵⁾ OJ L 366, 15.12.1992, p. 10.

obligations on Member States or holders of authorisations compared to the Directives which have been adopted until now amending Annex I to that Directive or the Regulations approving active substances.

- (9) In accordance with Article 13(4) of Regulation (EC) No 1107/2009, the Annex to Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances⁽¹⁾ should be amended accordingly.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Approval of active substance

The active substance *Zucchini Yellow Mosaic Virus* — weak strain, as specified in Annex I, is approved subject to the conditions laid down in that Annex.

Article 2

Re-evaluation of plant protection products

1. Member States shall in accordance with Regulation (EC) No 1107/2009, where necessary, amend or withdraw existing authorisations for plant protection products containing *Zucchini Yellow Mosaic Virus* — weak strain as an active substance by 30 November 2013.

By that date they shall in particular verify that the conditions in Annex I to this Regulation are met, with the exception of those identified in the column on specific provisions of that Annex, and that the holder of the authorisation has, or has access to, a dossier satisfying the requirements of Annex II to Directive 91/414/EEC in accordance with the conditions of Article 13(1) to (4) of that Directive and Article 62 of Regulation (EC) No 1107/2009.

2. By way of derogation from paragraph 1, for each authorised plant protection product containing *Zucchini Yellow*

Mosaic Virus — weak strain as either the only active substance or as one of several active substances, all of which were listed in the Annex to Implementing Regulation (EU) No 540/2011 by 31 May 2013 at the latest, Member States shall re-evaluate the product in accordance with the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009, on the basis of a dossier satisfying the requirements of Annex III to Directive 91/414/EEC and taking into account the column on specific provisions of Annex I to this Regulation. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 29(1) of Regulation (EC) No 1107/2009.

Following that determination Member States shall:

- (a) in the case of a product containing *Zucchini Yellow Mosaic Virus* — weak strain as the only active substance, where necessary, amend or withdraw the authorisation by 30 November 2014 at the latest; or
- (b) in the case of a product containing *Zucchini Yellow Mosaic Virus* — weak strain as one of several active substances, where necessary, amend or withdraw the authorisation by 30 November 2014 or by the date fixed for such an amendment or withdrawal in the respective act or acts which added the relevant substance or substances to Annex I to Directive 91/414/EEC or approved the substance or substances, whichever is the latest.

Article 3

Amendments to Implementing Regulation (EU) No 540/2011

The Annex to Implementing Regulation (EU) No 540/2011 is amended in accordance with Annex II to this Regulation.

Article 4

Entry into force and date of application

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

It shall apply from 1 June 2013.

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

Done at Brussels, 19 December 2012.

For the Commission
The President
José Manuel BARROSO

⁽¹⁾ OJ L 153, 11.6.2011, p. 1.

ANNEX I

Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Date of approval	Expiration of approval	Specific provisions
Zucchini Yellow Mosaic Virus — weak strain ATCC accession number: PV-593	Not applicable	≥ 0,05 mg/l	1 June 2013	31 May 2023	<p>For the implementation of the uniform principles as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on <i>Zucchini Yellow Mosaic Virus</i> — weak strain, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 20 November 2012 shall be taken into account.</p> <p>In this overall assessment Member States shall pay particular attention to the risk to non-target plants, if the crop plants are co-infected with another virus which can be transmitted by aphids.</p> <p>Conditions of use shall include risk mitigation measures, where appropriate.</p>

⁽¹⁾ Further details on identity and specification of active substance are provided in the review report.

ANNEX II

In Part B of the Annex to Implementing Regulation (EU) No 540/2011, the following entry is added:

Number	Common Name, Identification Numbers	IUPAC Name	Purity (*)	Date of approval	Expiration of approval	Specific provisions
'30	<i>Zucchini Yellow Mosaic Virus</i> — weak strain ATCC accession number: PV-593	Not applicable	≥ 0,05 mg/l	1 June 2013	31 May 2023	<p>For the implementation of the uniform principles as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on <i>Zucchini Yellow Mosaic Virus</i> — weak strain, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 20 November 2012 shall be taken into account.</p> <p>In this overall assessment Member States shall pay particular attention to the risk to non-target plants, if the crop plants are co-infected with another virus which can be transmitted by aphids.</p> <p>Conditions of use shall include risk mitigation measures, where appropriate.'</p>

(*) Further details on identity and specification of active substance are provided in the review report.

COMMISSION IMPLEMENTING REGULATION (EU) No 1238/2012

of 19 December 2012

approving the active substance *Trichoderma asperellum* (strain T34), in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾, and in particular Article 13(2) and Article 78(2) thereof,

Whereas:

- (1) In accordance with Article 80(1)(a) of Regulation (EC) No 1107/2009, Council Directive 91/414/EEC ⁽²⁾ is to apply, with respect to the procedure and the conditions for approval, to active substances for which a decision has been adopted in accordance with Article 6(3) of that Directive before 14 June 2011. For *Trichoderma asperellum* (strain T34) the conditions of Article 80(1)(a) of Regulation (EC) No 1107/2009 are fulfilled by Commission Decision 2010/132/EU ⁽³⁾.
- (2) In accordance with Article 6(2) of Directive 91/414/EEC the United Kingdom received on 22 April 2010 an application from Biocontrol Technologies S.L. for the inclusion of the active substance *Trichoderma asperellum* (strain T34) in Annex I to Directive 91/414/EEC. Decision 2010/132/EU confirmed that the dossier was 'complete' in the sense that it could be considered as satisfying, in principle, the data and information requirements of Annexes II and III to Directive 91/414/EEC.
- (3) For that active substance, the effects on human and animal health and the environment have been assessed, in accordance with the provisions of Article 6(2) and (4) of Directive 91/414/EEC, for the uses proposed by the applicant. The designated rapporteur Member State submitted a draft assessment report on 16 May 2011.
- (4) The draft assessment report was reviewed by the Member States and the European Food Safety Authority (hereinafter 'the Authority'). The Authority presented to the Commission its conclusion on the review of the pesticide risk assessment of the active substance *Trichoderma asperellum* (strain T34) ⁽⁴⁾ on 20 April 2012. The draft

assessment report and the conclusion of the Authority were reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and was finalised on 20 November 2012 in the format of the Commission review report for *Trichoderma asperellum* (strain T34).

- (5) It has appeared from the various examinations made that plant protection products containing *Trichoderma asperellum* (strain T34) may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) and Article 5(3) of Directive 91/414/EEC, in particular with regard to the uses which were examined and detailed in the Commission review report. It is therefore appropriate to approve *Trichoderma asperellum* (strain T34).
- (6) A reasonable period should be allowed to elapse before approval in order to permit Member States and the interested parties to prepare themselves to meet the new requirements resulting from the approval.
- (7) Without prejudice to the obligations provided for in Regulation (EC) No 1107/2009 as a consequence of approval, taking into account the specific situation created by the transition from Directive 91/414/EEC to Regulation (EC) No 1107/2009, the following should, however, apply. Member States should be allowed a period of six months after approval to review authorisations of plant protection products containing *Trichoderma asperellum* (strain T34). Member States should, as appropriate, vary, replace or withdraw authorisations. By way of derogation from that deadline, a longer period should be provided for the submission and assessment of the update of the complete Annex III dossier, as set out in Directive 91/414/EEC, of each plant protection product for each intended use in accordance with the uniform principles.
- (8) The experience gained from inclusions in Annex I to Directive 91/414/EEC of active substances assessed in the framework of Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC concerning the placing of plant protection products on the market ⁽⁵⁾ has shown that difficulties can arise in interpreting the duties of holders of existing authorisations in relation to access to data. In order to avoid further difficulties it therefore appears necessary to clarify the duties of the Member

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ OJ L 230, 19.8.1991, p. 1.

⁽³⁾ OJ L 52, 3.3.2010, p. 51.

⁽⁴⁾ EFSA Journal 2012; 10(1):2666. Available online: www.efsa.europa.eu

⁽⁵⁾ OJ L 366, 15.12.1992, p. 10.

States, especially the duty to verify that the holder of an authorisation demonstrates access to a dossier satisfying the requirements of Annex II to that Directive. However, this clarification does not impose any new obligations on Member States or holders of authorisations compared to the Directives which have been adopted until now amending Annex I to that Directive or the Regulations approving active substances.

- (9) In accordance with Article 13(4) of Regulation (EC) No 1107/2009, the Annex to Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances⁽¹⁾ should be amended accordingly.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Approval of active substance

The active substance *Trichoderma asperellum* (strain T34), as specified in Annex I, is approved subject to the conditions laid down in that Annex.

Article 2

Re-evaluation of plant protection products

1. Member States shall in accordance with Regulation (EC) No 1107/2009, where necessary, amend or withdraw existing authorisations for plant protection products containing *Trichoderma asperellum* (strain T34) as an active substance by 30 November 2013.

By that date they shall in particular verify that the conditions in Annex I to this Regulation are met, with the exception of those identified in the column on specific provisions of that Annex, and that the holder of the authorisation has, or has access to, a dossier satisfying the requirements of Annex II to Directive 91/414/EEC in accordance with the conditions of Article 13(1) to (4) of that Directive and Article 62 of Regulation (EC) No 1107/2009.

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

Done at Brussels, 19 December 2012.

2. By way of derogation from paragraph 1, for each authorised plant protection product containing *Trichoderma asperellum* (strain T34) as either the only active substance or as one of several active substances, all of which were listed in the Annex to Implementing Regulation (EU) No 540/2011 by 31 May 2013 at the latest, Member States shall re-evaluate the product in accordance with the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009, on the basis of a dossier satisfying the requirements of Annex III to Directive 91/414/EEC and taking into account the column on specific provisions of Annex I to this Regulation. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 29(1) of Regulation (EC) No 1107/2009.

Following that determination Member States shall:

- (a) in the case of a product containing *Trichoderma asperellum* (strain T34) as the only active substance, where necessary, amend or withdraw the authorisation by 30 November 2014 at the latest; or
- (b) in the case of a product containing *Trichoderma asperellum* (strain T34) as one of several active substances, where necessary, amend or withdraw the authorisation by 30 November 2014 or by the date fixed for such an amendment or withdrawal in the respective act or acts which added the relevant substance or substances to Annex I to Directive 91/414/EEC or approved that substance or those substances, whichever is the latest.

Article 3

Amendments to Implementing Regulation (EU) No 540/2011

The Annex to Implementing Regulation (EU) No 540/2011 is amended in accordance with Annex II to this Regulation.

Article 4

Entry into force and date of application

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

It shall apply from 1 June 2013.

For the Commission
The President

José Manuel BARROSO

⁽¹⁾ OJ L 153, 11.6.2011, p. 1.

ANNEX I

Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Date of approval	Expiration of approval	Specific provisions
<i>Trichoderma asperellum</i> (strain T34) CECT number: 20417	Not applicable	1×10^{10} cfu/g	1 June 2013	31 May 2023	<p>For the implementation of the uniform principles as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on <i>Trichoderma asperellum</i> (strain T34), and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 20 November 2012 shall be taken into account.</p> <p>In this overall assessment Member States shall pay particular attention to the protection of operators and workers, taking into account that <i>Trichoderma asperellum</i> (strain T34) is to be considered as a potential sensitiser.</p> <p>Conditions of use shall include risk mitigation measures where appropriate.</p>

⁽¹⁾ Further details on identity and specification of active substance are provided in the review report.

ANNEX II

In Part B of the Annex to Implementing Regulation (EU) No 540/2011, the following entry is added:

Number	Common Name, Identification Numbers	IUPAC Name	Purity (*)	Date of approval	Expiration of approval	Specific provisions
'29	<i>Trichoderma asperellum</i> (strain T34) CECT number: 20417	Not applicable	1×10^{10} cfu/g	1 June 2013	31 May 2023	<p>For the implementation of the uniform principles as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on <i>Trichoderma asperellum</i> (strain T34), and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 20 November 2012 shall be taken into account.</p> <p>In this overall assessment Member States shall pay particular attention to the protection of operators and workers, taking into account that <i>Trichoderma asperellum</i> (strain T34) is to be considered as a potential sensitiser.</p> <p>Conditions of use shall include risk mitigation measures where appropriate.'</p>

(*) Further details on identity and specification of active substance are provided in the review report.

COMMISSION IMPLEMENTING REGULATION (EU) No 1239/2012

of 19 December 2012

amending Regulation (EC) No 543/2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards 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⁾, and in particular Article 121(e), in conjunction with Article 4 thereof,

Whereas:

- (1) Article 15(1) and Article 20(1) of Commission Regulation (EC) No 543/2008 ⁽²⁾ establish that frozen and quick-frozen chickens and certain poultry cuts may be marketed within the Union only if the water content does not exceed the technically unavoidable values determined by the methods of analysis described in Annexes VI, VII and VIII to that Regulation, respectively.
- (2) Article 16(1) of Regulation (EC) No 543/2008 provides that regular checks in accordance with Annex IX to that Regulation on the water absorbed or checks in accordance with Annex VI to that Regulation are to be carried out in the slaughterhouses.
- (3) Annexes VI and VII to Regulation (EC) No 543/2008 provide limit values for the water content of frozen and quick frozen chicken carcasses, Annex VIII to that Regulation provides limit values for the water content of certain poultry cuts and Annex IX to that Regulation provides limit values for the water content of fresh poultrymeat in checks on the absorption of water in the production establishment. These limit values are all fixed by reference to three methods of chilling defined in Article 10 of that Regulation, namely air chilling, air-spray chilling and immersion chilling.
- (4) New technologies have given rise to the development of new chilling methods for which the same rules should apply as for the chilling methods defined in Article 10 of Regulation (EC) No 543/2008. Therefore, it is necessary to set down the limit values that will apply when new chilling methods are used.
- (5) Given that the new technologies for chilling poultry carcasses are explored in order to improve the overall quality of poultrymeat, the limit values for these new chilling methods should not exceed the lowest limit values established for the air chilling method.
- (6) Annex XI to Regulation (EC) No 543/2008 contains the list of national reference laboratories. The competent authorities of Malta have notified the Commission of the new designation of their national reference laboratory.
- (7) Regulation (EC) No 543/2008 should therefore be amended accordingly.
- (8) 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

Annexes VI to IX and Annex XI to Regulation (EC) No 543/2008 are amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the seventh 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, 19 December 2012.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 157, 17.6.2008, p. 46.

ANNEX

Annexes VI to IX and Annex XI to Regulation (EC) No 543/2008 are amended as follows:

(1) in Annex VI, point 7 is replaced by the following:

‘7. *Evaluation of result*

If the average water loss on thawing for the 20 carcasses in the sample exceeds the percentages given below, it is considered that the amount of water absorbed during processing exceeds the permissible limit.

The percentages are, in the case of:

air chilling: 1,5 %,

air spray chilling: 3,3 %,

immersion chilling: 5,1 %.

other chilling method or a combination of two or more of the methods defined in Article 10: 1,5 %;

(2) in Annex VII, point 6 is replaced by the following:

‘6. *Calculation of results*

6.1. (a) The weight of water (W) in each carcass is given by $aP_1/100$ and the weight of protein (RP) by $bP_1/100$, both of which are expressed in grams. The sums of the weights of water (W_7) and the weights of protein (RP_7) in the seven carcasses analysed are determined.

(b) In the case of a composite sample analysis, the average content of water and protein from the two samples analysed is determined to give a % and b %, respectively. The weight of the water (W_7) in the seven carcasses is given by $aP_7/100$, and the weight of protein (RP_7) by $bP_7/100$, both of which are expressed in grams.

6.2. The average weight of water (W_A) and protein (RP_A) is calculated by dividing W_7 and RP_7 , respectively, by seven.

6.3. The theoretical physiological water content in grams as determined by this method may be calculated by the following formula:

chickens: $3,53 \times RP_A + 23$.

6.4. (a) Air chilling

Assuming that the minimum technically unavoidable water content absorbed during preparation amounts to 2 % (*), the highest permissible limit for the total water content (W_G) in grams as determined by this method is given by the following formula (including confidence interval):

chickens: $W_G = 3,65 \times RP_A + 42$.

(b) Air-spray chilling

Assuming that the minimum technically unavoidable water content absorbed during preparation amounts to 4,5 % (*), the highest permissible limit for the total water content (W_G) in grams as determined by this method is given by the following formula (including confidence interval):

chickens: $W_G = 3,79 \times RP_A + 42$.

(c) Immersion chilling

Assuming a technically unavoidable water absorption during preparation of 7 % (*) the highest permissible limit for the total water content (W_G) in grams as determined by this method is given by the following formula (including confidence interval):

chickens: $W_G = 3,93 \times RP_A + 42$.

(d) Other chilling methods or a combination of two or more of the methods defined in Article 10

Assuming that the minimum technically unavoidable water content absorbed during preparation amounts to 2 % (*), the highest permissible limit for the total water content (W_G) in grams as determined by this method is given by the following formula (including confidence interval):

chickens: $W_G = 3,65 \times RP_A + 42$.

- 6.5. If the average water content (W_A) of the seven carcasses as calculated under point 6.2 does not exceed the value given in point 6.4 (W_C), the quantity of poultry subjected to the check shall be considered up to standard.

(*) Calculated on the basis of the carcass, exclusive of absorbed extraneous water.;

- (3) in Annex VIII, point 6 is replaced by the following:

‘6. *Calculation of results*

- 6.1. (a) The weight of water (W) in each cut is given by $aP_1/100$ and the weight of protein (RP) by $bP_1/100$, both of which are expressed in grams.

The sums of the weights of water (W_5) and the weights of protein (RP_5) in the five cuts analysed are determined.

- (b) In the case of a composite sample analysis, the average content of water and protein from the two samples analysed is determined to give a % and b %, respectively. The weight of the water (W_5) in the five cuts is given by $aP_5/100$, and the weight of protein (RP_5) by $bP_5/100$, both of which are expressed in grams.

- 6.2. The average weight of water (W_A) and protein (RP_A) is calculated by dividing W_5 and RP_5 respectively, by five.

- 6.3. The mean physiological W/RP ratio as determined by this method is as follows:

chicken breast fillet: $3,19 \pm 0,12$,

chicken legs and leg quarters: $3,78 \pm 0,19$,

turkey breast fillet: $3,05 \pm 0,15$,

turkey legs: $3,58 \pm 0,15$,

deboned turkey leg meat: $3,65 \pm 0,17$.

- 6.4. Assuming that the minimum technically unavoidable water content absorbed during preparation amounts to 2 %, 4 % or 6 % (*) depending on the type of products and chilling methods applied, the highest permissible W/RP ratios as determined by this method are as follows:

	Air chilled	Air-spray chilled	Immersion chilled
Chicken breast fillet; without skin	3,40	3,40	3,40
Chicken breast; with skin	3,40	3,50	3,60
Chicken thighs, drumsticks, legs, legs with a portion of the back, leg quarters, with skin	4,05	4,15	4,30
Turkey breast fillet; without skin	3,40	3,40	3,40
Turkey breast, with skin	3,40	3,50	3,60
Turkey thighs, drumsticks, legs, with skin	3,80	3,90	4,05
Deboned turkey leg meat, without skin	3,95	3,95	3,95

In case of other chilling methods or a combination of two or more of the methods defined in Article 10, the unavoidable water content is assumed to amount to 2 % and the highest permissible W/RP ratios are those fixed for the air chilling method in the table above.

If the average W_A/RP_A ratio of the five cuts as calculated from the values under point 6.2 does not exceed the ratio given in point 6.4, the quantity of poultry cuts subjected to the check is considered up to standard.

(*) Calculated on the basis of the cut, exclusive of absorbed extraneous water. For (skinless) fillet and deboned turkey leg meat, the percentage is 2 % for each of the chilling methods.;

(4) in Annex IX, the following point 11 is added:

'11. In cases where carcasses are chilled with an other chilling method or a combination of two or more of the methods defined in Article 10, the maximum percentage of water content shall not exceed 0 % of the original weight of the carcase.;

(5) in Annex XI, the entry concerning Malta is replaced by the following:

Malta

MCCAA Laboratory Services Directorate
Standards and Metrology Institute
Malta Competition and Consumer Affairs Authority
F22, Mosta Technopark
Mosta MST3000
Malta'

COMMISSION IMPLEMENTING REGULATION (EU) No 1240/2012**of 19 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, 19 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	114,7
	TR	94,8
	ZZ	80,6
0707 00 05	TR	117,4
	ZZ	117,4
0709 93 10	MA	140,4
	TR	134,6
	ZZ	137,5
0805 10 20	MA	71,3
	TR	44,0
	ZA	51,8
	ZZ	55,7
0805 20 10	MA	66,7
	ZZ	66,7
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL	97,8
	JM	129,1
	MA	98,7
	TR	84,7
	ZZ	102,6
0805 50 10	TR	78,8
	ZZ	78,8
0808 10 80	MK	39,0
	NZ	165,3
	US	141,8
	ZA	123,7
	ZZ	117,5
0808 30 90	CN	59,8
	TR	135,1
	US	156,8
	ZZ	117,2

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

DECISIONS

DECISION OF THE EUROPEAN PARLIAMENT

of 23 October 2012

on the discharge for implementation of the European Union general budget for the financial year 2010, Section II — Council

(2012/799/EU)

THE EUROPEAN PARLIAMENT,

- having regard to the European Union general budget for the financial year 2010 ⁽¹⁾,
 - having regard to the annual accounts of the European Union for the financial year 2010 (COM(2011)473 — C7-0258/2011) ⁽²⁾,
 - having regard to the Council's annual report to the discharge authority on internal audits carried out in 2010,
 - having regard to the Annual Report of the Court of Auditors on implementation of the budget for the financial year 2010, together with the institutions' replies ⁽³⁾,
 - having regard to the statement of assurance ⁽⁴⁾ as to the reliability of the accounts and the legality and regularity of the underlying transactions, provided by the Court of Auditors for the financial year 2010 pursuant to Article 287 of the Treaty on the Functioning of the European Union,
 - having regard to its decision of 10 May 2012 ⁽⁵⁾ postponing its decision on granting discharge for the financial year 2010, and the accompanying resolution,
 - having regard to Article 314(10) and Articles 317, 318 and 319 of the Treaty on the Functioning of the European Union,
 - having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁶⁾, and in particular Articles 50, 86, 145, 146 and 147 thereof,
 - having regard to Decision No 31/2008 of the Secretary-General of the Council/High Representative for the Common Foreign and Security Policy concerning reimbursement of travel expenses of delegates of Council Members ⁽⁷⁾,
 - having regard to the Interinstitutional Agreement between the European Parliament, the Council and the Commission of 17 May 2006 on budgetary discipline and sound financial management ⁽⁸⁾,
 - having regard to Rule 77 of, and Annex VI to, its Rules of Procedure,
 - having regard to the second report of the Committee on Budgetary Control (A7-0301/2012),
1. Refuses to grant the Council's Secretary-General discharge for implementation of the Council budget for the financial year 2010;

⁽¹⁾ OJ L 64, 12.3.2010.

⁽²⁾ OJ C 332, 14.11.2011, p. 1.

⁽³⁾ OJ C 326, 10.11.2011, p. 1.

⁽⁴⁾ OJ C 332, 14.11.2011, p. 134.

⁽⁵⁾ OJ L 286, 17.10.2012, p. 22.

⁽⁶⁾ OJ L 248, 16.9.2002, p. 1.

⁽⁷⁾ Decision stemming from the Rules of Procedure of the Council of 22 July 2002 (OJ L 230, 28.8.2002, p. 7).

⁽⁸⁾ OJ C 139, 14.6.2006, p. 1.

2. Sets out its observations in the resolution below;
3. Instructs its President to forward this decision and the resolution forming an integral part thereof to the Council, the Commission, the Court of Justice of the European Union, the Court of Auditors, the European Ombudsman and the European Data Protection Supervisor, and to arrange for their publication in the *Official Journal of the European Union* (L series).

The President
Martin SCHULZ

The Secretary-General
Klaus WELLE

RESOLUTION OF THE EUROPEAN PARLIAMENT**of 23 October 2012****with observations forming an integral part of the decision on the discharge for implementation of the European Union general budget for the financial year 2010, Section II — Council**

THE EUROPEAN PARLIAMENT,

- having regard to the European Union general budget for the financial year 2010 ⁽¹⁾,
 - having regard to the annual accounts of the European Union for the financial year 2010 (COM(2011)473 — C7-0258/2011) ⁽²⁾,
 - having regard to the Council's annual report to the discharge authority on internal audits carried out in 2010,
 - having regard to the Annual Report of the Court of Auditors on implementation of the budget for the financial year 2010, together with the institutions' replies ⁽³⁾,
 - having regard to the statement of assurance ⁽⁴⁾ as to the reliability of the accounts and the legality and regularity of the underlying transactions, provided by the Court of Auditors for the financial year 2010 pursuant to Article 287 of the Treaty on the Functioning of the European Union,
 - having regard to its decision of 10 May 2012 ⁽⁵⁾ postponing its decision on granting discharge for the financial year 2010, and the accompanying resolution,
 - having regard to Article 314(10) and Articles 317, 318 and 319 of the Treaty on the Functioning of the European Union,
 - having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁶⁾, and in particular Articles 50, 86, 145, 146 and 147 thereof,
 - having regard to Decision No 31/2008 of the Secretary-General of the Council/High Representative for the Common Foreign and Security Policy concerning reimbursement of travel expenses of delegates of Council Members ⁽⁷⁾,
 - having regard to the Interinstitutional Agreement between the European Parliament, the Council and the Commission of 17 May 2006 on budgetary discipline and sound financial management ⁽⁸⁾,
 - having regard to Rule 77 of, and Annex VI to, its Rules of Procedure,
 - having regard to the second report of the Committee on Budgetary Control (A7-0301/2012),
- A. whereas 'citizens have the right to know how their taxes are being spent and how the power entrusted to political bodies is handled' ⁽⁹⁾,
- B. whereas the Council, as an institution of the Union, should be subject to democratic accountability towards Union citizens as far as the implementation of Union funds is concerned,

⁽¹⁾ OJ L 64, 12.3.2010.

⁽²⁾ OJ C 332, 14.11.2011, p. 1.

⁽³⁾ OJ C 326, 10.11.2011, p. 1.

⁽⁴⁾ OJ C 332, 14.11.2011, p. 134.

⁽⁵⁾ OJ L 286, 17.10.2012, p. 22.

⁽⁶⁾ OJ L 248, 16.9.2002, p. 1.

⁽⁷⁾ Decision stemming from the Rules of Procedure of the Council of 22 July 2002 (OJ L 230, 28.8.2002, p. 7).

⁽⁸⁾ OJ C 139, 14.6.2006, p. 1.

⁽⁹⁾ The European Transparency Initiative.

- C. whereas Parliament is the sole directly elected body among the Union institutions and has responsibility to grant discharge in respect of the implementation of the general budget of the European Union,
1. Highlights the role that the Treaty on the Functioning of the European Union gives Parliament in respect of budget discharge;
 2. Points out that, under Article 335 of the Treaty on the Functioning of the European Union, 'the Union shall be represented by each of the institutions, by virtue of their administrative autonomy, in matters relating to their respective operation', and that accordingly, taking into account Article 50 of the Financial Regulation, the institutions are individually responsible for the implementation of their budgets;
 3. Notes that, under Rule 77 of its Rules of Procedure, '[the] provisions governing the procedure for granting discharge to the Commission in respect of the implementation of the budget shall likewise apply to the procedure for granting discharge to: [...]
- the persons responsible for the implementation of the budgets of other institutions and bodies of the European Union such as the Council (in its executive capacity), the Court of Justice of the European Union, the Court of Auditors, the European Economic and Social Committee and the Committee of the Regions';

Opinion of the Court of Auditors on the Council in its statement of assurance for 2010

4. Underlines that in its 2010 annual report, the Court of Auditors criticised the financing of the Residence Palace building project because of the advance payments made (paragraph 7.19); notes that the Court of Auditors made the observation that during the period 2008-10 advance payments made by the Council totalled EUR 235 000 000; notes that the amounts paid came from under-utilised budget lines; points out that 'under-utilised' is the politically correct term for 'over-budgeted'; underlines that in 2010 the Council increased the budget line 'Acquisition of immovable property' by EUR 40 000 000;
5. Notes the Council's explanation concerning the fact that the appropriations were made available by budget transfers authorised by the budget authority in accordance with the procedures laid down in Articles 22 and 24 of the Financial Regulation;
6. Shares the Court of Auditors' view that such a procedure does not comply with the principle of budget accuracy, despite the savings made in paying rent;
7. Notes the Council's reply that the amounts for the budget lines for interpretation and delegations' travel expenses should be more in line with real consumption and calls for a better budgetary planning in order to avoid current practices in the future;
8. Reminds the Court of Auditors of Parliament's request to carry out an in-depth assessment of supervisory and control systems in the Council, similar to the assessments it carried out in relation to the Court of Justice, the European Ombudsman and the European Data Protection Supervisor in the course of preparation of the Court of Auditors' annual report concerning the financial year 2010;
9. Reiterates that an efficient supervision over the budgetary implementation process is a matter of high responsibility and its fulfilment depends entirely on an unhindered interinstitutional cooperation between the Council and Parliament;

Pending issues

10. Regrets the continual difficulties encountered with the Council in the discharge procedures for the 2007, 2008 and 2009 financial years in terms of an open and formal dialogue with the Committee on Budgetary Control and responses to the Committee's questions; points out that Parliament refused to grant the Secretary-General of the Council discharge for implementation of the Council budget for the financial year 2009 for the reasons set out in its resolutions of 10 May 2011 ⁽¹⁾ and 25 October 2011 ⁽²⁾;
11. Acknowledges receipt of a series of documents for the 2010 discharge procedure (final financial statements for 2010, including the accounts, the financial activity report and the summary of the 2010 internal audits); is still waiting to receive all the necessary documents for discharge (in particular those relating to the complete internal audit carried out in 2010);
12. Points out that, on 31 January 2012, the Chair of the Committee on Budgetary Control sent a letter ⁽³⁾ to the Presidency-in-Office of the Council requesting that the Council respond to the questions attached to the letter as part of the discharge procedure;
13. Notes that, in its resolution with observations forming an integral part of the abovementioned decision of 10 May 2012 on the discharge for implementation of the general budget of the European Union for the financial year 2010, Section II — Council, Parliament asked 26 supplementary questions linked to the discharge procedure;
14. Regrets that the Council refuses to answer these questions;
15. Regrets, too, that the Council did not accept Parliament's invitation to a meeting where the Committee on Budgetary Control debated the 2010 discharge for the Council;
16. Deplores the fact that the attitude of the Council obstructs democratic control as well as transparency and accountability vis-à-vis Union taxpayers;
17. Welcomes, however, the fact that the Presidency-in-Office of the Council accepted Parliament's invitation to the debate held in plenary on 10 May 2012 on the 2010 discharge reports; shares the Presidency's opinion that it would be desirable for Parliament and the Council to reach an agreement as soon as possible on the way in which discharge is prepared;
18. Thanks the Danish Presidency for its constructive input throughout the 2010 discharge procedure; regrets, however, that the Danish Presidency has not been able to uphold the achievements of the Spanish and Swedish presidencies;

The right of Parliament to grant discharge

19. Emphasises the right of Parliament to grant discharge in accordance with Articles 316, 317 and 319 of the Treaty on the Functioning of the European Union, which must be interpreted in the light of their context and their purpose, which is to submit the implementation of the entire budget of the European Union to parliamentary control and scrutiny without exception, and to grant discharge autonomously, not only in respect of the section of the budget implemented by the Commission, but also in respect of the sections of the budget implemented by the other institutions, as referred to in Article 1 of the Financial Regulation;
20. Notes that the Commission, in its reply of 25 November 2011 to the letter from the Chair of the Committee on Budgetary Control, says it is desirable for Parliament to continue to give, postpone or refuse discharge to the other institutions as has been the case up until now, which make it even harder to understand the Council's extraordinary position;

⁽¹⁾ OJ L 250, 27.9.2011, p. 25.

⁽²⁾ OJ L 313, 26.11.2011, p. 13.

⁽³⁾ Letter No 301653 of 31 January 2012.

21. Is of the opinion that, in any event, an assessment must be carried out of the Council's management as an institution of the Union during the financial year under examination, thereby upholding Parliament's prerogatives, in particular the assurance of democratic accountability towards Union citizens;
22. Notes that the expenditure of the Council must be scrutinised in the same way as that of other institutions, and is of the opinion that the fundamental elements of such scrutiny should include in particular:
- (a) an official meeting on the basis of a written questionnaire between representatives of the Council and of Parliament's committee responsible for the discharge procedure, in order to answer committee members' questions;
 - (b) in line with its resolution of 16 June 2010 ⁽¹⁾ on the discharge procedure in respect of the Council for the financial year 2008, the discharge is based on the following written documents submitted by the various institutions:
 - accounts of the preceding financial year relating to the implementation of their budgets,
 - a financial statement of their assets and liabilities,
 - the annual activity report on their budgetary and financial management,
 - the annual report of their internal auditor,
 - the publication of the internal budget decisions of the Council;
23. Deplores that, during negotiations on a revised Financial Regulation, no agreement could be reached on ways in which the discharge procedure could be improved;
24. Welcomes the organisation by the Committee on Budgetary Control of a seminar on the different roles played by Parliament and the Council in the discharge procedure, which could cover, among others, the following points:
- Article 13(2) of the Treaty on European Union calls on the institutions to practice mutual sincere cooperation,
 - Article 319 of the Treaty on the Functioning of the European Union defines the role of the Council and the European Parliament in the discharge procedure:
 - (i) the role of the Council is to issue a recommendation to the European Parliament on granting discharge to all the institutions and bodies of the European Union,
 - (ii) the role of the European Parliament is to take a decision on discharge in respect of all the institutions and bodies of the European Union,
 - the administrative autonomy enjoyed by each of the Union's institutions as regards its own functioning,
 - the articles of the Financial Regulation relating to discharge (Articles 145 to 147),
 - the fundamental democratic principles of transparency and accountability,
 - the objective of increasing the effectiveness, efficiency and economy of budgetary implementation,

⁽¹⁾ OJ L 252, 25.9.2010, p. 24.

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- in order for Parliament and the Council to be able to carry out their respective roles, the Treaty on the Functioning of the European Union and the Financial Regulation state that a certain number of documents must be made available to the discharge authority:
 - (i) the annual report by the Court of Auditors together with the replies of the institutions under audit to the observations of the Court of Auditors, including the statement of assurance, and any other special reports by the Court of Auditors,
 - (ii) an Annual Activity Report based on the results achieved, in particular in relation to the indications given by Parliament and the Council pursuant to Article 319 of the Treaty on the Functioning of the European Union,
 - (iii) accounts of the preceding financial year relating to the implementation of the budget,
 - (iv) a financial statement of assets and liabilities,
 - (v) the annual activity report on budgetary and financial management,
 - (vi) a report summarising the number and type of internal audits carried out, the recommendations made and the follow-up given to these recommendations,
 - the Council should submit to Parliament, as the authority responsible for taking a decision on discharge, all information requested by the latter in respect of discharge,
 - the Council responds in writing to Parliament's questions about discharge,
 - all European Union institutions and bodies must be treated equally when the Council drafts its recommendation on discharge,
 - before the end of January 2013, a meeting will be organised between Parliament and the Council on issues relating to discharge, covering the abovementioned points,
 - the Presidency-in-Office of the Council should actively attend the presentation of the annual report of the Court of Auditors and Parliament's debate in plenary on the discharge.
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DECISION OF THE EUROPEAN PARLIAMENT**of 23 October 2012****on discharge in respect of the implementation of the budget of the European Food Safety Authority for the financial year 2010**

(2012/800/EU)

THE EUROPEAN PARLIAMENT,

- having regard to the final annual accounts of the European Food Safety Authority for the financial year 2010,
 - having regard to the Court of Auditors' report on the annual accounts of the European Food Safety Authority for the financial year 2010, together with the Authority's replies ⁽¹⁾,
 - having regard to the Council's recommendation of 21 February 2012 (06083/2012 — C7-0051/2012),
 - having regard to its Decision of 10 May 2012 ⁽²⁾ postponing the discharge decision in respect of the implementation of the budget of the European Food Safety Authority for the financial year 2010, its accompanying Resolution and the replies by the Executive Director of the Authority,
 - having regard to Article 319 of the Treaty on the Functioning of the European Union,
 - having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽³⁾, and in particular Article 185 thereof,
 - having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council ⁽⁴⁾ establishing a European Food Safety Authority, and in particular Article 44 thereof,
 - having regard to Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁵⁾, and in particular Article 94 thereof,
 - having regard to the Joint Statement on decentralised agencies and the Common Approach annexed thereto, agreed in June 2012 by the European Parliament, the Council and the Commission, resulting from the work of the Interinstitutional Working Group on decentralised agencies created in March 2009, and in particular the sections on governance, operation, programming, accountability and transparency of the Common Approach,
 - having regard to Rule 77 of, and Annex VI to, its Rules of Procedure,
 - having regard to the second report of the Committee on Budgetary Control and the opinion of the Committee on the Environment, Public Health and Food Safety (A7-0299/2012),
1. Grants the Executive Director of the European Food Safety Authority discharge in respect of the implementation of the Authority's budget for the financial year 2010;
 2. Sets out its observations in the resolution below;
 3. Instructs its President to forward this Decision and the resolution that forms an integral part of it to the Executive Director of the European Food Safety Authority, the Council, the Commission and the Court of Auditors, and to arrange for their publication in the *Official Journal of the European Union* (L series).

The President

Martin SCHULZ

The Secretary-General

Klaus WELLE

⁽¹⁾ OJ C 366, 15.12.2011, p. 106.⁽²⁾ OJ L 286, 17.10.2012, p. 367.⁽³⁾ OJ L 248, 16.9.2002, p. 1.⁽⁴⁾ OJ L 31, 1.2.2002, p. 1.⁽⁵⁾ OJ L 357, 31.12.2002, p. 72.

RESOLUTION OF THE EUROPEAN PARLIAMENT**of 23 October 2012****with observations forming an integral part of its Decision on discharge in respect of the implementation of the budget of the European Food Safety Authority for the financial year 2010**

THE EUROPEAN PARLIAMENT,

- having regard to the final annual accounts of the European Food Safety Authority for the financial year 2010,
- having regard to the Court of Auditors' report on the annual accounts of the European Food Safety Authority for the financial year 2010, together with the Authority's replies ⁽¹⁾,
- having regard to the Council's recommendation of 21 February 2012 (06083/2012 — C7-0051/2012),
- having regard to its Decision of 10 May 2012 ⁽²⁾ postponing the discharge decision in respect of the implementation of the budget of the European Food Safety Authority for the financial year 2010, its accompanying Resolution and the replies by the Executive Director of the Authority,
- having regard to Article 319 of the Treaty on the Functioning of the European Union,
- having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽³⁾, and in particular Article 185 thereof,
- having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council ⁽⁴⁾ establishing a European Food Safety Authority, and in particular Article 44 thereof,
- having regard to Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁵⁾, and in particular Article 94 thereof,
- having regard to the Joint Statement on decentralised agencies and the Common Approach annexed thereto, agreed in June 2012 by the European Parliament, the Council and the Commission, resulting from the work of the Interinstitutional Working Group on decentralised agencies created in March 2009, and in particular the sections on governance, operation, programming, accountability and transparency of the Common Approach,
- having regard to Rule 77 of, and Annex VI to, its Rules of Procedure,
- having regard to the second report of the Committee on Budgetary Control and the opinion of the Committee on the Environment, Public Health and Food Safety (A7-0299/2012),

⁽¹⁾ OJ C 366, 15.12.2011, p. 106.

⁽²⁾ OJ L 286, 17.10.2012, p. 367.

⁽³⁾ OJ L 248, 16.9.2002, p. 1.

⁽⁴⁾ OJ L 31, 1.2.2002, p. 1.

⁽⁵⁾ OJ L 357, 31.12.2002, p. 72.

- A. whereas on 10 May 2012, the European Parliament postponed its decision on the discharge and closure of the accounts of the European Food Safety Authority ('the Authority') for the financial year 2010,
- B. whereas the Authority provided extensive replies to the discharge authority by letters of 29 June 2012 and 20 August 2012,
- C. whereas the discharge is a valid instrument of the European Parliament in this respect, which requires a decision based on factual and substantive arguments; recalling, in this context, the existing rules, i.e. the Staff Regulations for Officials and Conditions of Employment of Other Servants of the European Community, the Financial Regulation applicable to the general budget of the European Communities, the Authority's founding regulation and the specific policies and procedures set up by the Authority,

Budget and financial management

1. Notes the Authority's statement that measures now adequate have been undertaken to improve financial management and that the execution rate in terms of commitment appropriations was close to 100 % in 2011;
2. Welcomes the information received on the significant reductions in the Management Board meeting costs, which amounted to EUR 6 175 per member in 2010; commends in particular the reduction of expenditure by 66 % compared to 2010, realised through switching to audio streaming on demand, using English as the only language for the Management Board meetings and holding all meetings at the premises of the Authority in Parma;

Contract management process

3. Takes note that the Authority developed a 'Grants and Procurement Tool' to improve the monitoring of tendering process, the contracts management and the payment forecast capacity; notes that the new Database on Procurements and Grants was launched on 28 June 2012;

Conflict of interest and transparency

4. Notes that the main task of the Authority is to provide independent and transparent scientific advice on matters with a direct or indirect impact on food and feed safety;
5. Draws attention to the need to take measures to safeguard the Authority's credibility;
6. Welcomes the organisation of a mandatory session on ethics and integrity for all members of the Management Board scheduled for October 2012, and calls on the Management Board to enforce effectively its code of conduct and to adopt provisions to prevent and penalise revolving-door cases in the future, in order to avoid situations similar to that which affected its former Chairperson in 2010;
7. Has already addressed certain shortcomings in connection with conflicts of interest, declarations of interests and transparency; stresses that the former Chairperson of the Management Board of the Authority failed, in 2010, to declare her membership of the board of the International Life Sciences Institute (ILSI), even though the ILSI is financed by undertakings in the food, chemicals and pharmaceuticals sectors; notes that the members of the Authority's Management Board are not appointed by the Executive Director and, hence, cannot be dismissed by the Executive Director;
8. Welcomes the Authority's commitment to propose its Management Board to elect its Chairperson by open ballot; believes that a transparent procedure will reinforce the Management Board's accountability;

9. Takes careful note of all new policies, rules, implementing measures and actions which have been set up since 2007 to avoid conflicts of interest amongst scientific experts and staff; welcomes in this regard the code of conduct of the Authority's Management Board and their active approach in reviewing their declarations of interest, and the new rules for screening for conflicts of interest in force since July 2012, which were proactively used in the renewal of the scientific panels; is determined to monitor the effect of these actions; will continue to invite the Executive Director for exchanges of views on a regular basis, to foster the exchange of information also through the appointed contact person from amongst its members and by visiting the Authority every two years; recalls that the last visit took place in May 2012;
10. Takes note that the Authority's new policy on 'independence and scientific decision-making processes', together with its implementing rules, entered into force in July 2012 and that the Authority's new definition of conflicts of interests is compatible with the OECD guidelines; notes from the Authority that its practical approach concerning an expert breaching the independence policy rules is an exclusion for a five-year period; suggests to insert a conclusive set of proportionate penalties to be part of the implementing rules of the independence policy;
11. Notes that the Authority scheduled an evaluation of its independence policy by the end of 2013 and committed to consider, inter alia, the possibility to publish the outcomes of the breach of trust procedures, including the outcomes of the procedure verifying the integrity of the scientific review and to broaden and reinforce the mandate of its Committee on Conflict of Interests, for instance with a similar mandate to the Committee for Ethical Standards and Prevention of Conflict of Interest of the French Agency for Food, Environmental and Occupational Health & Safety (ANSES); expects the Authority to inform the discharge authority on this matter by the start of the next discharge procedure;
12. Encourages the Authority to further strengthen its independence policy and consider adopting rules among others including penalties and publishing the curriculum vitae and declarations of interest of the in-house experts and scientists;
13. Is firmly convinced that necessary steps have to be taken should cases of non-compliance with existing rules occur; believes that, in such cases, the Authority should draw up an action plan, accompanied by a precise timetable, aiming to remedy the shortcomings, that its implementation should be monitored by the European Parliament, and that these problems should be addressed by changing the existing rules and regulations in order to eliminate possible loopholes;
14. Notes the Authority's statement that it adopted a policy on gifts and hospitality on 4 July 2012; commends this initiative and invites the Authority to make this policy available on its website;
15. Acknowledges that the Authority scheduled for 1 October 2012 the launching of its first evaluation of a random sample of declarations of interest in order to verify their coherence with its newly adopted independence policy and implementing rules; expects that the Authority will share the conclusions of that evaluation with the discharge authority by 1 March 2013 in order to reflect them in the next discharge procedure;
16. Acknowledges the Authority's commitment to work with the Commission in order to define the modalities of full public access to unpublished raw data;
17. Observes that eight of the Authority's Panels and its Scientific Committee have been renewed in June 2012; welcomes the publication of the declarations of interest of the newly appointed experts on the Authority's website but observes that some of the curriculum vitae are not yet available; invites the Authority to publish all of them by 1 January 2013;

18. Notes that 37 experts of two Panels have been appointed in 2011, prior to the adoption of the Authority's new policy on independence and scientific decision-making processes; agrees therefore with the Authority's initiative to screen by 31 October 2012 their declarations of interest against the newly adopted policy and implementing rules; invites the Authority to inform the discharge authority of the outcomes of the screening process by the start of the next discharge procedure;
19. Calls on the Authority to introduce in its annual activity reports a special section describing the actions taken to prevent and manage conflict of interest, which should include, inter alia:
 - the number of alleged cases of conflict of interest verified,
 - the number of revolving door cases,
 - the measures taken in each category of cases,
 - the number of breach of trust procedures launched and their outcomes,
 - the penalties applied;
20. Encourages the Authority to improve the openness and transparency of the risk assessment process, to better take into account independent peer-reviewed scientific literature and to provide detailed justification when it rejects diverging views; encourages the Authority to increase dialogue and cooperation with external experts and national agencies, especially when they hold diverging views on a specific risk assessment process;
21. Welcomes, in general, the Joint Statement and the Common Approach on decentralised agencies afore mentioned, which address and take up some elements important to the discharge procedure, and believes that the roadmap on the follow-up to the Common Approach, to be presented by the Commission by the end of 2012, will take due account of those issues;
22. Refers, in respect of the other observations accompanying its Decision on discharge, which are of a horizontal nature, to its resolution of 10 May 2012 ⁽¹⁾ on the performance, financial management and control of the agencies.

⁽¹⁾ OJ L 286, 17.10.2012, p. 388.

DECISION OF THE EUROPEAN PARLIAMENT**of 23 October 2012****on the closure of the accounts of the European Food Safety Authority for the financial year 2010**

(2012/801/EU)

THE EUROPEAN PARLIAMENT,

- having regard to the final annual accounts of the European Food Safety Authority for the financial year 2010,
 - having regard to the Court of Auditors' report on the annual accounts of the European Food Safety Authority for the financial year 2010, together with the Authority's replies ⁽¹⁾,
 - having regard to the Council's recommendation of 21 February 2012 (06083/2012 – C7-0051/2012),
 - having regard to its Decision of 10 May 2012 ⁽²⁾ postponing the discharge decision in respect of the implementation of the budget of the European Food Safety Authority for the financial year 2010, its accompanying Resolution and the replies by the Executive Director of the Authority,
 - having regard to Article 319 of the Treaty on the Functioning of the European Union,
 - having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽³⁾, and in particular Article 185 thereof,
 - having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council ⁽⁴⁾ establishing a European Food Safety Authority, and in particular Article 44 thereof,
 - having regard to Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁵⁾, and in particular Article 94 thereof,
 - having regard to the Joint Statement on decentralised agencies and the Common Approach annexed thereto, agreed in June 2012 by the European Parliament, the Council and the Commission, resulting from the work of the Inter-Institutional Working Group on decentralised agencies created in March 2009, and in particular the sections on governance, operation, programming, accountability and transparency of the Common Approach,
 - having regard to Rule 77 of, and Annex VI to, its Rules of Procedure,
 - having regard to the second report of the Committee on Budgetary Control and the opinion of the Committee on the Environment, Public Health and Food Safety (A7-0299/2012),
1. Approves the closure of the accounts of the European Food Safety Authority for the financial year 2010;
 2. Instructs its President to forward this Decision to the Executive Director of the European Food Safety Authority, the Council, the Commission and the Court of Auditors, and to arrange for its publication in the *Official Journal of the European Union* (L series).

The President
Martin SCHULZ

The Secretary-General
Klaus WELLE

⁽¹⁾ OJ C 366, 15.12.2011, p. 106.

⁽²⁾ OJ L 286, 17.10.2012, p. 367.

⁽³⁾ OJ L 248, 16.9.2002, p. 1.

⁽⁴⁾ OJ L 31, 1.2.2002, p. 1.

⁽⁵⁾ OJ L 357, 31.12.2002, p. 72.

DECISION OF THE EUROPEAN PARLIAMENT**of 23 October 2012****on discharge in respect of the implementation of the budget of the European Medicines Agency for the financial year 2010**

(2012/802/EU)

THE EUROPEAN PARLIAMENT,

- having regard to the final annual accounts of the European Medicines Agency for the financial year 2010,
- having regard to the Court of Auditors' report on the annual accounts of the European Medicines Agency for the financial year 2010, together with the Agency's replies ⁽¹⁾,
- having regard to the Council's recommendation of 21 February 2012 (06083/2012 – C7-0051/2012),
- having regard to its Decision of 10 May 2012 ⁽²⁾ postponing the discharge decision in respect of the implementation of the budget of the European Medicines Agency for the financial year 2010, its accompanying Resolution and the replies by the Executive Director of the Agency,
- having regard to Article 319 of the Treaty on the Functioning of the European Union,
- having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽³⁾, and in particular Article 185 thereof,
- having regard to Regulation (EC) No 726/2004 of the European Parliament and of the Council ⁽⁴⁾ establishing a European Medicines Agency, and in particular Article 68 thereof,
- having regard to Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁵⁾, and in particular Article 94 thereof,
- having regard to the Joint Statement on decentralised agencies and the Common Approach annexed thereto, agreed in June 2012 by the European Parliament, the Council and the Commission, resulting from the work of the Inter-Institutional Working Group on decentralised agencies created in March 2009, and in particular the sections on governance, operation, programming, accountability and transparency of the Common Approach,
- having regard to Rule 77 of, and Annex VI to, its Rules of Procedure,
- having regard to the second report of the Committee on Budgetary Control and the opinion of the Committee on the Environment, Public Health and Food Safety (A7-0298/2012),

⁽¹⁾ OJ C 366, 15.12.2011, p. 27.

⁽²⁾ OJ L 286, 17.10.2012, p. 377.

⁽³⁾ OJ L 248, 16.9.2002, p. 1.

⁽⁴⁾ OJ L 136, 30.4.2004, p. 1.

⁽⁵⁾ OJ L 357, 31.12.2002, p. 72.

1. Grants the Executive Director of the European Medicines Agency discharge in respect of the implementation of the Agency's budget for the financial year 2010;
2. Sets out its observations in the resolution below;
3. Instructs its President to forward this Decision and the resolution that forms an integral part of it to the Executive Director of the European Medicines Agency, the Council, the Commission and the Court of Auditors, and to arrange for their publication in the *Official Journal of the European Union* (L series).

The President
Martin SCHULZ

The Secretary-General
Klaus WELLE

RESOLUTION OF THE EUROPEAN PARLIAMENT**of 23 October 2012****with observations forming an integral part of its Decision on discharge in respect of the implementation of the budget of the European Medicines Agency for the financial year 2010**

THE EUROPEAN PARLIAMENT,

- having regard to the final annual accounts of the European Medicines Agency for the financial year 2010,
 - having regard to the Court of Auditors' report on the annual accounts of the European Medicines Agency for the financial year 2010, together with the Agency's replies ⁽¹⁾,
 - having regard to the Council's recommendation of 21 February 2012 (06083/2012 – C7-0051/2012),
 - having regard to its Decision of 10 May 2012 ⁽²⁾ postponing the discharge decision in respect of the implementation of the budget of the European Medicines Agency for the financial year 2010, its accompanying Resolution and the replies by the Executive Director of the Agency,
 - having regard to Article 319 of the Treaty on the Functioning of the European Union,
 - having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽³⁾, and in particular Article 185 thereof,
 - having regard to Regulation (EC) No 726/2004 of the European Parliament and of the Council ⁽⁴⁾ establishing a European Medicines Agency, and in particular Article 68 thereof,
 - having regard to Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁵⁾, and in particular Article 94 thereof,
 - having regard to the Joint Statement on decentralised agencies and the Common Approach annexed thereto, agreed in June 2012 by the European Parliament, the Council and the Commission, resulting from the work of the Inter-Institutional Working Group on decentralised agencies created in March 2009, and in particular the sections on governance, operation, programming, accountability and transparency of the Common Approach,
 - having regard to Rule 77 of, and Annex VI to, its Rules of Procedure,
 - having regard to the second report of the Committee on Budgetary Control and the opinion of the Committee on the Environment, Public Health and Food Safety (A7-0298/2012),
- A. whereas on 10 May 2012, the European Parliament postponed its decision on the discharge and closure of the accounts of the European Medicines Agency ('the Agency') for the financial year 2010,
- B. whereas the Agency addressed to a large extent the weaknesses highlighted in the report of 10 May 2012 and provided the discharge authority with substantial information by letters of 2 and 6 July 2012 and of 2, 7 and 24 August 2012,

⁽¹⁾ OJ C 366, 15.12.2011, p. 27.

⁽²⁾ OJ L 286, 17.10.2012, p. 377.

⁽³⁾ OJ L 248, 16.9.2002, p. 1.

⁽⁴⁾ OJ L 136, 30.4.2004, p. 1.

⁽⁵⁾ OJ L 357, 31.12.2002, p. 72.

- C. whereas the discharge is a valid instrument of the European Parliament, which requires a decision based on factual and substantive arguments; recalling, in this context, the existing rules, i.e. the Staff Regulations for Officials and Conditions of Employment of Other Servants of the European Community, the Financial Regulation applicable to the general budget of the European Communities, the Agency's founding regulation and the specific policies and procedures set up by the Agency,
1. Recalls the importance of the work of the Agency by providing the best possible scientific advice on any question relating to the evaluation of the quality, the safety and the efficacy of medicinal products for human and veterinary use to the Member States and the institutions;

Follow-up of 2009 discharge

2. Notes that on 7 June 2012 the Management Board endorsed the new structure and scope of the Advisory Committee on Procurement and Contract; welcomes that the Agency put in place a multi-annual procurement plan for 2012-2014 as requested by the discharge authority in its report on the discharge for the financial year 2009;

Carryover appropriations and cancellations

3. Reminds that the Court of Auditors reported a high level of carryovers for the financial year 2010 as well as a lack of compliance with the budgetary principle of annuality; welcomes the fact that the Agency has strengthened its procedures of fee revenue forecasting by creating a team which analyses, in close cooperation with the pharmaceutical industry, the status of pharmaceutical product research before submission to the Agency; notes the Agency's firm commitment to work with Directorate-General Budget of the Commission in order to achieve a stable framework with the current revision of the Framework Financial Regulations;
4. Gives full support to all efforts at the executive and administrative levels of the Agency to reform the payment system for services provided by Member States' authorities which should clearly be based on the real costs; welcomes therefore the Agency's initiative to prepare a new proposal to be submitted to the Management Board; urges and expects the Management Board to discuss and decide on this payment system without delay;

Transparency and management of conflict of interest

5. Takes note that the Agency is organising for November 2012 a workshop gathering a broad range of interested parties in the view of developing the modalities of providing public access to clinical trial data, and that the selection and training of the Agency's scientific staff aimed at strengthening the analysis of raw data is well advanced;
6. Takes note that the Agency has improved the scope and methodology of the systematic *ex-ante* and *ex post* controls related to the screening of declaration of interest; also welcomes the Agency's decision to perform a yearly evaluation of its revised policy on declaration of interest; invites therefore the Agency to keep the discharge authority informed on the implementation of its revised policy, and in particular of its systematic *ex ante* and *ex post* controls, on a six month basis;
7. Notes with satisfaction that the Agency has started publishing the minutes of some scientific committees' meetings, starting with the Paediatric Committee, in July 2012; takes note that the publication process of the minutes of all scientific committees' meetings will be completed only by the end of 2013;
8. Notes that the concerns raised with regard to the financial circuits and the potential conflicts of interests in processing payments due to insufficient segregation of duties were addressed by the Agency with the introduction of SAP accounting software as its central financial system;

9. Underlines that in June 2012 a 'revolving door' case occurred in the Agency, as the former Head of the Legal Service joined as senior counsel a US-based law firm having a number of pharmaceutical industry companies as clients; takes note that the Executive Director of the Agency launched a review of the work performed by the former Head of the Legal Service; invites the Agency to inform the discharge authority on the outcomes of this review by the end of 2012;
10. Takes note that the Agency proceeded to a screening process of the declarations of interest of its experts and committee members who have been actively involved in the Agency's activities between 1 January and 31 May 2012 against their curriculum vitae; notes that around 54 % of the experts and committee members provided the Agency with updated curriculum vitae; calls on the Agency to inform the discharge authority on the timeframe and outcomes of the screening process for the remaining 46 % by the start of the next discharge procedure;
11. Welcomes the Agency's initiative to publish on its website the declarations of interests of its staff occupying management positions and of the experts involved in the evaluation of medicinal products; notes with interest that the list of experts also indicates their risk level in terms of conflict of interest; welcomes the Agency's commitment to publish next to the declarations of interest the professional and educational profiles of the scientific experts belonging to its Expert Database from the first quarter of 2013 and will follow closely the publication process during the future discharge procedures;
12. Welcomes the announcement by the Agency that it plans to introduce an *ex ante* and *ex post* system for declarations of interest, notably by means of random comparison with CVs and information provided by experts at national level; asks the Agency to provide the budgetary control authority with a precise timetable for the implementation of this new system;
13. Agrees with the Agency that a high level of reliability and honesty concerning the declaration of interests can only be achieved if pharmaceutical companies themselves disclose the list of experts and research centres with which they work, and the sums concerned in their financial links with them; agrees with the Agency that thought should be given to whether a legislative initiative in this field would be pertinent;
14. Acknowledges the Agency's efforts to address the discharge authority's concerns with regards to the prevention and management of conflict of interest; notes in particular the reports of 29 June 2012 and 7 August 2012 received by the discharge authority on the review of the conflict of interest management cases identified by the IAS and on the review of potential conflicts of interest of experts involved in assessing the medicinal product Pandemrix;
15. Is firmly convinced that necessary steps have to be taken should cases of non-compliance with existing rules occur; believes that, in such cases, the Agency should draw up an action plan, accompanied by a precise timetable, aiming to remedy the shortcomings, that its implementation should be monitored by the European Parliament, and that these problems should be addressed by changing the existing rules and regulations in order to eliminate possible loopholes;
16. Calls on the Agency to introduce in its annual activity reports a special section describing the actions taken to prevent and manage conflict of interest, which should include, inter alia:
 - the number of alleged cases of conflict of interest verified,
 - the number of revolving door cases,
 - the measures taken in each category of cases,

- the number of breach of trust procedures launched and their outcomes,
- the penalties applied;

requests the Agency to inform the discharge authority of the detailed measures taken;

17. Considers it noteworthy that the committee responsible is in close contact with the Agency by inviting the Executive Director for an exchange of views at least once a year, by having appointed a contact person from amongst its members and by visiting the Agency every two years; recalls that the last visit took place in June 2011;
18. Welcomes, in general, the Joint Statement and the Common Approach on decentralised agencies afore mentioned, which address and take up some elements important to the discharge procedure, and believes that the roadmap on the follow-up to the Common Approach, to be presented by the Commission by the end of 2012, will take due account of those issues;
19. Refers, in respect of the other observations accompanying its Decision on discharge, which are of a horizontal nature, to its resolution of 10 May 2012 ⁽¹⁾ on the performance, financial management and control of the agencies.

⁽¹⁾ OJ L 286, 17.10.2012, p. 388.

DECISION OF THE EUROPEAN PARLIAMENT**of 23 October 2012****on the closure of the accounts of the European Medicines Agency for the financial year 2010**

(2012/803/EU)

THE EUROPEAN PARLIAMENT,

- having regard to the final annual accounts of the European Medicines Agency for the financial year 2010,
 - having regard to the Court of Auditors' report on the annual accounts of the European Medicines Agency for the financial year 2010, together with the Agency's replies ⁽¹⁾,
 - having regard to the Council's recommendation of 21 February 2012 (06083/2012 – C7-0051/2012),
 - having regard to its Decision of 10 May 2012 ⁽²⁾ postponing the discharge decision in respect of the implementation of the budget of the European Medicines Agency for the financial year 2010, its accompanying Resolution and the replies by the Executive Director of the Agency,
 - having regard to Article 319 of the Treaty on the Functioning of the European Union,
 - having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽³⁾, and in particular Article 185 thereof,
 - having regard to Regulation (EC) No 726/2004 of the European Parliament and of the Council ⁽⁴⁾ establishing a European Medicines Agency, and in particular Article 68 thereof,
 - having regard to Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁵⁾, and in particular Article 94 thereof,
 - having regard to the Joint Statement on decentralised agencies and the Common Approach annexed thereto, agreed in June 2012 by the European Parliament, the Council and the Commission, resulting from the work of the Inter-Institutional Working Group on decentralised agencies created in March 2009, and in particular the sections on governance, operation, programming, accountability and transparency of the Common Approach,
 - having regard to Rule 77 of, and Annex VI to, its Rules of Procedure,
 - having regard to the second report of the Committee on Budgetary Control and the opinion of the Committee on the Environment, Public Health and Food Safety (A7-0298/2012),
1. Approves the closure of the accounts of the European Medicines Agency for the financial year 2010;
 2. Instructs its President to forward this Decision to the Executive Director of the European Medicines Agency, the Council, the Commission and the Court of Auditors, and to arrange for its publication in the *Official Journal of the European Union* (L series).

The President

Martin SCHULZ

The Secretary-General

Klaus WELLE

⁽¹⁾ OJ C 366, 15.12.2011, p. 27.⁽²⁾ OJ L 286, 17.10.2012, p. 377.⁽³⁾ OJ L 248, 16.9.2002, p. 1.⁽⁴⁾ OJ L 136, 30.4.2004, p. 1.⁽⁵⁾ OJ L 357, 31.12.2002, p. 72.

DECISION OF THE EUROPEAN PARLIAMENT**of 23 October 2012****on discharge in respect of the implementation of the budget of the European Environment Agency for the financial year 2010**

(2012/804/EU)

THE EUROPEAN PARLIAMENT,

- having regard to the final annual accounts of the European Environment Agency for the financial year 2010,
- having regard to the Court of Auditors' report on the annual accounts of the European Environment Agency for the financial year 2010, together with the Agency's replies ⁽¹⁾,
- having regard to the Council's recommendation of 21 February 2012 (06083/2012 — C7-0051/2012),
- having regard to its Decision of 10 May 2012 ⁽²⁾ postponing the discharge decision in respect of the implementation of the budget of the European Environment Agency for the financial year 2010, its accompanying Resolution and the replies by the Executive Director of the Agency,
- having regard to Article 319 of the Treaty on the Functioning of the European Union,
- having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽³⁾, and in particular Article 185 thereof,
- having regard to Council Regulation (EEC) No 1210/90 of 7 May 1990 on the establishment of the European Environment Agency and the European Environment Information and Observation Network ⁽⁴⁾, and in particular Article 13 thereof,
- having regard to Regulation (EC) No 401/2009 of the European Parliament and of the Council of 23 April 2009 on the European Environment Agency and the European Environment Information and Observation Network ⁽⁵⁾, and in particular Article 13 thereof,
- having regard to Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁶⁾, and in particular Article 94 thereof,
- having regard to the Joint Statement on decentralised agencies and the Common Approach annexed thereto, agreed in June 2012 by the European Parliament, the Council and the Commission, resulting from the work of the Interinstitutional Working Group on decentralised agencies created in March 2009, and in particular the sections on governance, operation, programming, accountability and transparency of the Common Approach,
- having regard to Rule 77 of, and Annex VI to, its Rules of Procedure,
- having regard to the second report of the Committee on Budgetary Control and the opinion of the Committee on the Environment, Public Health and Food Safety (A7-0300/2012),

⁽¹⁾ OJ C 366, 15.12.2011, p. 57.⁽²⁾ OJ L 286, 17.10.2012, p. 356.⁽³⁾ OJ L 248, 16.9.2002, p. 1.⁽⁴⁾ OJ L 120, 11.5.1990, p. 1.⁽⁵⁾ OJ L 126, 21.5.2009, p. 13.⁽⁶⁾ OJ L 357, 31.12.2002, p. 72.

1. Grants the Executive Director of the European Environment Agency discharge in respect of the implementation of the Agency's budget for the financial year 2010;
2. Sets out its observations in the resolution below;
3. Instructs its President to forward this Decision and the resolution that forms an integral part of it to the Executive Director of the European Environment Agency, the Council, the Commission and the Court of Auditors, and to arrange for their publication in the *Official Journal of the European Union* (L series).

The President
Martin SCHULZ

The Secretary-General
Klaus WELLE

RESOLUTION OF THE EUROPEAN PARLIAMENT**of 23 October 2012****with observations forming an integral part of its Decision on discharge in respect of the implementation of the budget of the European Environment Agency for the financial year 2010**

THE EUROPEAN PARLIAMENT,

- having regard to the final annual accounts of the European Environment Agency for the financial year 2010,
- having regard to the Court of Auditors' report on the annual accounts of the European Environment Agency for the financial year 2010, together with the Agency's replies ⁽¹⁾,
- having regard to the Council's recommendation of 21 February 2012 (06083/2012 — C7-0051/2012),
- having regard to its Decision of 10 May 2012 ⁽²⁾ postponing the discharge decision in respect of the implementation of the budget of the European Environment Agency for the financial year 2010, its accompanying Resolution and the replies by the Executive Director of the Agency,
- having regard to Article 319 of the Treaty on the Functioning of the European Union,
- having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽³⁾, and in particular Article 185 thereof,
- having regard to Council Regulation (EEC) No 1210/90 of 7 May 1990 on the establishment of the European Environment Agency and the European Environment Information and Observation Network ⁽⁴⁾, and in particular Article 13 thereof,
- having regard to Regulation (EC) No 401/2009 of the European Parliament and of the Council of 23 April 2009 on the European Environment Agency and the European Environment Information and Observation Network ⁽⁵⁾, and in particular Article 13 thereof,
- having regard to Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁶⁾, and in particular Article 94 thereof,
- having regard to the Joint Statement on decentralised agencies and the Common Approach annexed thereto, agreed in June 2012 by the European Parliament, the Council and the Commission, resulting from the work of the Interinstitutional Working Group on decentralised agencies created in March 2009, and in particular the sections on governance, operation, programming, accountability and transparency of the Common Approach,
- having regard to Rule 77 of, and Annex VI to, its Rules of Procedure,
- having regard to the second report of the Committee on Budgetary Control and the opinion of the Committee on the Environment, Public Health and Food Safety (A7-0300/2012),

⁽¹⁾ OJ C 366, 15.12.2011, p. 57.

⁽²⁾ OJ L 286, 17.10.2012, p. 356.

⁽³⁾ OJ L 248, 16.9.2002, p. 1.

⁽⁴⁾ OJ L 120, 11.5.1990, p. 1.

⁽⁵⁾ OJ L 126, 21.5.2009, p. 13.

⁽⁶⁾ OJ L 357, 31.12.2002, p. 72.

- A. whereas on 10 May 2012, the European Parliament postponed its decision on the discharge and closure of the accounts of the European Environment Agency ('the Agency') for the financial year 2010,
- B. whereas the Agency provided replies to the discharge authority by letters of 24 May, 15 June and 3 July 2012; whereas the Management Board of the Agency provided the discharge authority with information on the measures undertaken following the postponement of the discharge by letter of 6 June 2012,
- C. whereas the discharge is a valid instrument of the European Parliament to assess the proper spending of Union subsidies based on factual and substantive arguments; recalling, in this context, the existing rules, i.e. the Staff Regulations for Officials and Conditions of Employment of Other Servants of the European Community, the Financial Regulation applicable to the general budget of the European Communities, the Agency's founding regulation and specific policies and procedures set up by the Agency;
- D. whereas the budget of the Agency for the year 2010 was EUR 50 600 000, which is 26 % higher than in 2009; whereas the contribution of the Union to the budget of the Agency for 2010 was EUR 35 258 000, compared to EUR 34 560 000 in 2009, which represents an increase of 2 %;
1. Has always welcomed the professional, reliable and independent provision of information by the Agency for all institutions, the Member States and Union policy-making bodies, and will further expect this kind of professionalism in the future;
 2. Notes that the Agency's levels of budget execution in terms of committed appropriations and payment appropriations were respectively 100 % and 90,75 %;
 3. Points to paragraph 16 of the Common Approach annexed to the Joint Statement of the European Parliament, the Council and the Commission on decentralised agencies; expects, without prejudice to the Agency's independence, an open and transparent selection procedure regarding the appointment of the Executive Director in June 2013 that guarantees a rigorous evaluation of candidates and a high level of independence; suggests, therefore, that a hearing of the candidates by the competent committees in Parliament will be part of the appointment procedure to the position of Executive Director;

Budget and financial management

4. Reminds that for five months, from 22 May 2010 to October 2010, the Agency covered its building with a Green Façade at a cost of EUR 294 641, and that no public tender was issued;
5. Recalls that in order to cover the costs related to the Green Façade, the budget line '2140 — Fitting-out of premises' has been reinforced by a budget transfer of EUR 180 872 taken from the budget line '2100 — Rent' on 9 April 2010;
6. Calls therefore on the Agency to establish clear internal rules for resorting to Article 126(1)(b) of the implementing rules of the Financial Regulation; notes that the Management Board decided to implement *ex-ante* controls on exceptional expenditures;
7. Is firmly convinced that necessary steps have to be taken should cases of non-compliance with existing rules occur; believes that, in such cases, the Agency should draw up an action plan, accompanied by a precise timetable, aiming to remedy the shortcomings, that its implementation should be monitored by the European Parliament, and that these problems should be addressed by changing the existing rules and regulations in order to eliminate possible loopholes;

Human Resources

8. Takes note that the Agency hosted 12 guest scientists working at its premises without publishing for 11 of them their curriculum vitae, including at least the educational and work background; acknowledges the Management Board's statement that rules for the selection and conduct of visiting scientists will be strengthened in order to ensure greater clarity and transparency and that the Agency's current policy on hosting guest scientist is under revision;

9. Recalls that from June 2010 until April 2011, the Executive Director of the Agency was a trustee and a member of the International Advisory Board of the non-governmental organisation (NGO) Earthwatch, an international environmental charity, and was erroneously reported to be a member of the European Advisory Board of Worldwatch Europe; acknowledges that she stepped down from her positions in Earthwatch following advice from the President of the Court of Auditors in the context of a possible conflict of interests;
10. Notes that in February 2010, before the Executive Director of the Agency was directly involved with Earthwatch, training was contracted for 29 staff members of the Agency, including the Executive Director, who went for up to 10 days of research on different biodiversity projects in the Caribbean or Mediterranean managed by Earthwatch and that the Agency paid a total of EUR 33 791,28 to the NGO, as stated by the Executive Director of the Agency; further notes that the Court of Auditors' final report for 2010 contained no findings about any conflict of interest in this connection;
11. Acknowledges the decision of the Management Board to implement *ex-ante* controls on the membership of the Executive Director in external boards and on the Agency's training policy;
12. Notes the Agency's assurance that in November 2010 Worldwatch Institute Europe registered as its contact address that of the Agency without the Agency's consent; further notes that the Executive Director of Worldwatch Institute Europe was a guest scientist of the Agency; calls on the Agency to ensure absolute clarity in any future guest scientist arrangements; further notes that:
 - in the letter of 11 April 2012, the Executive Director of the Agency stated that 'when it came to the attention of the EEA that World Watch Institute Europe had published on their own website that a European office had been set up at the Agency's premises immediate action was taken...';
 - the founding act of Worldwatch Institute Europe proves that it was established on 5 November 2010 in the premises of the Agency;
 - moreover, the launch of Worldwatch Institute Europe took place at the Agency's premises on 25 February 2011 and the Executive Director of the Agency was a guest speaker, as shown by World Watch Institute Europe's website;
13. Takes note that the Agency prepared an updated conflicts of interest policy and action plan in line with the European Ombudsman's recommendations; calls on the Agency to make the draft public and to foster a debate on the policy and action plan prior their submission to the Management Board;
14. Notes that the curriculum vitae of the management staff and of the members of the scientific committee have been made available on the Agency's website; notes, moreover, that the declarations of interest of the members of the scientific committee have also been made available; underlines that, contrary to the Agency's statement by letter of 15 June 2012, none of the curriculum vitae of the Management Board members is currently available on its website and observes that only a link to their organisation is provided; calls on the Agency, in an effort to promote greater transparency in terms of preventing and combating conflict of interests, to publish on its website the declarations of interest and curriculum vitae of the experts, future guest scientists and members of the Management Board; is of the opinion that such measures would allow the discharge authority and the public to observe their qualifications and to prevent potential conflict of interest;
15. Expects to receive information on ongoing administrative investigations related to the Agency;
16. Points out that the committee responsible is in close contact with the Agency by inviting the Executive Director for an exchange of views at least once a year, by having appointed a contact person from amongst its members and by visiting the Agency on a regular basis; notes that the last visit took place in September 2011;

17. Stresses that the Agency is required to establish appropriate contacts with interested parties and to cooperate with stakeholders such as external organisations; notes that those activities have not been accompanied by respective measures and rules in order to excluding the possible reputational risk; welcomes, therefore, the commitment by the Management Board and the Executive Director to take appropriate steps in order to eliminate those risks immediately;
18. Welcomes, in general, the Joint Statement and the Common Approach on decentralised agencies afore mentioned, which address and take up some elements important to the discharge procedure, and believes that the roadmap on the follow-up to the Common Approach, to be presented by the Commission by the end of 2012, will take due account of those issues;

Performance

19. Is aware that the Agency is currently under a periodic external evaluation which should be delivered to the discharge authority in 2013; takes note of the Management Board's statement that the internal processes of the Agency will be included in the evaluation;
20. Refers, in respect of the other observations accompanying its Decision on discharge, which are of a horizontal nature, to its resolution of 10 May 2012 ⁽¹⁾ on the performance, financial management and control of the agencies.

⁽¹⁾ OJ L 286, 17.10.2012, p. 388.

DECISION OF THE EUROPEAN PARLIAMENT**of 23 October 2012****on the closure of the accounts of the European Environment Agency for the financial year 2010**

(2012/805/EU)

THE EUROPEAN PARLIAMENT,

- having regard to the final annual accounts of the European Environment Agency for the financial year 2010,
- having regard to the Court of Auditors' report on the annual accounts of the European Environment Agency for the financial year 2010, together with the Agency's replies ⁽¹⁾,
- having regard to the Council's recommendation of 21 February 2012 (06083/2012 — C7-0051/2012),
- having regard to its Decision of 10 May 2012 ⁽²⁾ postponing the discharge decision in respect of the implementation of the budget of the European Environment Agency for the financial year 2010, its accompanying Resolution and the replies by the Executive Director of the Agency,
- having regard to Article 319 of the Treaty on the Functioning of the European Union,
- having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽³⁾, and in particular Article 185 thereof,
- having regard to Council Regulation (EEC) No 1210/90 of 7 May 1990 on the establishment of the European Environment Agency and the European Environment Information and Observation Network ⁽⁴⁾, and in particular Article 13 thereof,
- having regard to Regulation (EC) No 401/2009 of the European Parliament and of the Council of 23 April 2009 on the European Environment Agency and the European Environment Information and Observation Network ⁽⁵⁾, and in particular Article 13 thereof,
- having regard to Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁶⁾, and in particular Article 94 thereof,
- having regard to the Joint Statement on decentralised agencies and the Common Approach annexed thereto, agreed in June 2012 by the European Parliament, the Council and the Commission, resulting from the work of the Interinstitutional Working Group on decentralised agencies created in March 2009, and in particular the sections on governance, operation, programming, accountability and transparency of the Common Approach,
- having regard to Rule 77 of, and Annex VI to, its Rules of Procedure,
- having regard to the second report of the Committee on Budgetary Control and the opinion of the Committee on the Environment, Public Health and Food Safety (A7-0300/2012),

⁽¹⁾ OJ C 366, 15.12.2011, p. 57.

⁽²⁾ OJ L 286, 17.10.2012, p. 356.

⁽³⁾ OJ L 248, 16.9.2002, p. 1.

⁽⁴⁾ OJ L 120, 11.5.1990, p. 1.

⁽⁵⁾ OJ L 126, 21.5.2009, p. 13.

⁽⁶⁾ OJ L 357, 31.12.2002, p. 72.

1. Approves the closure of the accounts of the European Environment Agency for the financial year 2010;
2. Instructs its President to forward this Decision to the Executive Director of the European Environment Agency, the Council, the Commission and the Court of Auditors, and to arrange for its publication in the *Official Journal of the European Union* (L series).

The President
Martin SCHULZ

The Secretary-General
Klaus WELLE

COMMISSION IMPLEMENTING DECISION

of 17 December 2012

amending Decision 2007/767/EC as regards the derogation from the rules of origin laid down in Council Decision 2001/822/EC as regards certain fishery products imported from the Falkland Islands

(notified under document C(2012) 9408)

(2012/806/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2001/822/EC of 27 November 2001 on the association of the overseas countries and territories with the European Community ('Overseas Association Decision')⁽¹⁾, and in particular Article 37 of Annex III thereof,

Whereas:

- (1) On 15 November 2007 the Commission adopted Decision 2007/767/EC⁽²⁾ derogating from the definition of the concept of 'originating products' to take account of the special situation of the Falkland Islands with regard to various species of frozen fish of CN heading 0303, various species of frozen fish fillets of CN heading 0304 and frozen *Loligo* squid and *Illex* squid of CN heading 0307. That derogation expired on 30 November 2012.
- (2) On 12 October 2012 the Falkland Islands requested a new derogation from the rules of origin set out in Annex III to Decision 2001/822/EC for the period from 1 December 2012 until the adoption of the new Overseas Association Decision. This request covers a total quantity of 8 750 tonnes of frozen fish of CN heading 0303, 1 683 tonnes of frozen fish fillets of CN heading 0304, 29 400 tonnes of frozen *Loligo* squid and 15 500 tonnes of frozen *Illex* squid of CN heading 0307.
- (3) The Falkland Islands have based their request on the fact that domestic labour constraints and skill shortages limit the extent to which vessels can be crewed by Falkland Islanders. The fact that not all specific fishing expertise required is currently available from crew from the OCTs, the Community or ACP States stems in particular from the specific geographical situation of the Falkland Islands.
- (4) The derogation from the rules of origin set out in Annex III to Decision 2001/822/EC should be granted for products falling within CN headings 0303 and 0304, *Loligo* squid of CN code 0307 49 35 and *Illex* squid of CN code 0307 99 11. This derogation is justified under Article 37(1) of that Annex, in particular as regards the development of an existing local industry.

- (5) It is necessary to ensure continuity of importations from the Falkland Islands to the Union. Decision 2007/767/EC should therefore be prolonged with effect from 1 December 2012 until the entry into force of the new Overseas Association Decision which is foreseen to take place on 1 January 2014.
- (6) Decision 2007/767/EC should therefore be amended accordingly.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2007/767/EC is amended as follows:

- (1) Article 2, first paragraph is replaced by the following:

'The derogation provided for in Article 1 shall apply to fish taken from the sea by vessels or factory ships and to the annual quantities set out in the Annex to this Decision which are imported into the Community from the Falkland Islands from 1 December 2007 to 31 December 2013.;

- (2) Article 6 is replaced by the following:

'Article 6

This Decision shall apply from 1 December 2007 until 31 December 2013.;

- (3) the Annex is replaced by the text set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 17 December 2012.

For the Commission
Algirdas ŠEMETA
Member of the Commission

⁽¹⁾ OJ L 314, 30.11.2001, p. 1.

⁽²⁾ OJ L 310, 28.11.2007, p. 19.

ANNEX

'ANNEX

Order No	CN code	Description of goods	Period	Total quantity ⁽¹⁾ (tonnes)
09.1914	0303	Fish frozen, excluding fish fillets and other fish meat of heading 0304	From 1.12.2007 to 30.11.2012	12 500 (per year)
			From 1.12.2012 to 31.12.2013	8 750
09.1915	ex 0304	Fish fillets, frozen	From 1.12.2007 to 30.11.2012	5 100 (per year)
			From 1.12.2012 to 31.12.2013	1 683
09.1916	0307 49 35	Frozen squid of the species <i>Loligo Patagonica (Loligo gahi)</i>	From 1.12.2007 to 30.11.2012	34 600 (per year)
			From 1.12.2012 to 31.12.2013	29 400
09.1917	0307 99 11	Frozen squid of the genus <i>Illex</i>	From 1.12.2007 to 30.11.2012	31 000 (per year)
			From 1.12.2012 to 31.12.2013	15 500

⁽¹⁾ The total quantity covers all species together.

COMMISSION IMPLEMENTING DECISION

of 19 December 2012

establishing a specific control and inspection programme for pelagic fisheries in Western Waters of the North East Atlantic

(2012/807/EU)

THE EUROPEAN COMMISSION,

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

Having regard to the Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 ⁽¹⁾, and in particular Article 95 thereof,

Whereas:

- (1) Regulation (EC) No 1224/2009 applies to all activities covered by the common fisheries policy carried out on the territory of Member States or in Union waters or by Union fishing vessels or, without prejudice to the primary responsibility of the flag Member State, by nationals of Member States, and lays down in particular that Member States shall ensure that control, inspection and enforcement are carried out on a non-discriminatory basis as regards sectors, vessels or persons, and on the basis of risk management.
- (2) Council Regulation (EC) No 1300/2008 of 18 December 2008 establishing a multi-annual plan for the stock of herring distributed to the west of Scotland and the fisheries exploiting that stock ⁽²⁾, lays down the conditions for the sustainable exploitation of herring.
- (3) Article 95 of Regulation (EC) No 1224/2009 foresees the possibility for the Commission to determine, in concert with the Member States concerned, the fisheries which

are to be subject to a specific control and inspection programme. Such a specific control and inspection programme has to state the objectives, priorities and procedures as well as benchmarks for inspection activities to be established on the basis of risk management and to be revised periodically after an analysis of the achieved results. Member States concerned are obliged to adopt the necessary measures to ensure the implementation of the specific control and inspection programme, particularly as regards required human and material resources and the periods and zones where these are to be deployed.

- (4) Article 95(2) of Regulation (EC) No 1224/2009 provides that the specific control and inspection programme states benchmarks for inspections activities that are to be established on the basis of risk management. For this purpose, it is appropriate to lay down common risk assessment and management criteria for checking, inspection and verification activities in order to allow timely risk analyses and global assessments of relevant control and inspection information. The common criteria aim at ensuring a harmonised approach to inspection and verification in all Member States and establishing a level playing field for all operators.
- (5) The specific control and inspection programme should be established for the period from 1 January 2013 to 31 December 2015 and should be implemented by Denmark, Estonia, France, Germany, Ireland, Latvia, Lithuania, the Netherlands, Poland, Portugal, Spain and the United Kingdom.
- (6) Article 98(1) and (3) of Commission Implementing Regulation (EU) No 404/2011 ⁽³⁾ foresees that, without prejudice to provisions contained in multi-annual plans, competent authorities of Member States have to adopt a risk based approach for the selection of targets for inspection, using all available information and, subject to a risk based control and enforcement strategy, carry out the necessary inspection activities in an objective way in order to prevent the retention on board, transshipment, landing, processing, transport, storage, marketing and stocking of fishery products originating from activities that are not in compliance with the rules of the Common Fisheries Policy.

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ OJ L 344, 20.12.2008, p. 6.

⁽³⁾ OJ L 112, 30.4.2011, p. 1.

- (7) The European Fisheries Control Agency set up by Council Regulation (EC) No 768/2005 ⁽¹⁾ (hereafter referred to as 'EFCA') has to coordinate the implementation of the specific control and inspection programme through a joint deployment plan, which gives effect to the objectives, priorities, procedures and benchmarks for inspection activities determined in the specific control and inspection programme, and identifies the means of control and inspection which could be pooled by each Member State concerned. Relations between procedures defined by the specific control and inspection programme and those defined by the joint deployment plan, should therefore be clarified.
- (8) In order to harmonise the control and inspection procedures of the fishing activities on herring, mackerel, horse mackerel, anchovy and blue whiting in EU waters of ICES sub-areas V, VI, VII, VIII and IX and of CECAF and to ensure the success of the multiannual plan for the stock of herring distributed to the west of Scotland, it is appropriate to draw up common rules for the control and inspection activities to be carried out by the competent authorities of the Member States concerned, including mutual access to relevant data. To that end, target benchmarks should determine the intensity of control and inspection activities.
- (9) Joint inspection and surveillance activities between Member States concerned should be carried out, where applicable, in accordance with joint deployment plans established by the EFCA so as to enhance uniformity of control, inspection and surveillance practices and help develop the coordination of control, inspection and surveillance activities between the competent authorities of those Member States.
- (10) The results obtained through the application of the specific control and inspection programme should be assessed by means of annual evaluation reports to be communicated by each Member State concerned to the Commission and to the EFCA.
- (11) The measures provided for in this Decision have been established in concert with the Member States concerned. This Decision should therefore be addressed to these Member States.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Decision establishes a specific control and inspection programme applicable to the stocks of herring, mackerel, horse mackerel, anchovy and blue whiting in EU waters of ICES sub-areas V, VI, VII, VIII and IX and in EU waters of CECAF 34.1.11 (hereafter referred to as 'Western Waters').

Article 2

Scope

1. The specific control and inspection programme shall in particular cover the following activities:

- (a) fishing activities within the meaning of Article 4(1) of Regulation (EC) No 1224/2009 in the area(s) referred to in Article 1;
- (b) fishing related activities, including the weighing, processing, marketing, transport and storage of fisheries products;
- (c) importation as defined in Article 2(11) of Council Regulation (EC) No 1005/2008 ⁽²⁾;
- (d) exportation as defined in Article 2(13) of Regulation (EC) No 1005/2008.

2. The specific control and inspection programme shall apply until 31 December 2015.

3. The specific control and inspection programme shall be implemented by Denmark, Estonia, France, Germany, Ireland, Latvia, Lithuania, the Netherlands, Poland, Portugal, Spain and the United Kingdom (hereafter referred to as 'Member States concerned').

CHAPTER II

OBJECTIVES, PRIORITIES, PROCEDURES AND BENCHMARKS

Article 3

Objectives

1. The specific control and inspection programme shall ensure the uniform and effective implementation of conservation and control measures applicable to stocks referred to in Article 1.

2. Control and inspection activities carried out under the specific control and inspection programme shall in particular aim at ensuring compliance with the following provisions:

⁽¹⁾ OJ L 128, 21.5.2005, p. 1.

⁽²⁾ OJ L 286, 29.10.2008, p. 1.

- (a) fishing opportunities management and any specific conditions associated therewith, including the monitoring of quota uptake and effort regime in areas referred to in Article 1;
- (b) reporting obligations applicable to fishing activities in Western Waters, in particular the reliability of the information recorded and reported;
- (c) provisions on the high grading ban;
- (d) the special rules for weighing of certain pelagic species provided for in Articles 78 through 89 of Implementing Regulation (EU) No 404/2011.

Article 4

Priorities

1. Member States concerned shall carry out control and inspection activities with respect to fishing activities by fishing vessels and fishing related activities by other operators on the basis of a risk management strategy, in conformity with Article 4, point (18), of Regulation (EC) No 1224/2009 and Article 98 of Implementing Regulation (EU) No 404/2011.
2. Each fishing vessel, group of fishing vessels, fishing gear category, operator, and/or fishing related activity, for each stock referred to in Article 1, shall be subject to control and inspections according to the level of priority attributed pursuant to paragraph 3.
3. Each Member State concerned shall attribute the level of priority on the basis of the results of the risk assessment carried out in accordance with the procedures laid down in Article 5.

Article 5

Procedures for risk assessment

1. This Article shall apply to Member States concerned and, for the sole purposes of application of paragraph 4, to all other Member States.
2. Member States shall assess risks with regard to the stocks and area(s) covered, on the basis of the table set out in Annex I.
3. The risk assessment by each Member State shall consider, on the basis of past experience and using all available and relevant information, how likely a non-compliance is to happen and, if it were to happen, the potential consequence(s). By combining these elements, each Member State shall estimate a level of risk ('very low', 'low', 'medium', 'high' or 'very high') for each category for inspection referred to in Article 4(2).

4. In case where a fishing vessel flying the flag of a Member State which is not a Member State concerned, or a third country fishing vessel, operates in the area(s) referred to in Article 1, it shall be attributed a level of risk in accordance with paragraph 3. In the absence of information and unless its flag authorities provide, in the framework of Article 9, the results of their own risk assessment performed according to Article 4(2) and to paragraph 3 leading to a different risk level, it shall be considered as a 'very high' risk level fishing vessel.

Article 6

Risk management strategy

1. On the basis of its risk assessment, each Member State concerned shall define a risk management strategy focused on ensuring compliance. Such strategy shall encompass the identification, description and allocation of appropriate cost-effective control instruments and inspection means, in relation to the nature and the estimated level of each risk, and the achievement of target benchmarks.
2. The risk management strategy referred to in paragraph 1 shall be coordinated at regional level through a joint deployment plan as defined in Article 2(c) of Regulation (EC) No 768/2005.

Article 7

Relation with joint deployment plans procedures

1. In the framework of a joint deployment plan, where applicable, each Member State concerned shall communicate to the EFCA the results of its risk assessment carried out in accordance with Article 5(3) and, in particular, a list of estimated levels of risk with corresponding targets for inspection.
2. Where appropriate, the risk levels and targets lists referred to in paragraph 1 shall be updated by using information collected during joint inspection and surveillance activities. The EFCA shall be informed immediately following completion of each update.
3. The EFCA shall use information received from Member States concerned to coordinate the risk management strategy at regional level, in accordance with Article 6(2).

Article 8

Target benchmarks

1. Without prejudice to target benchmarks defined in Annex I of Regulation (EC) No 1224/2009 and in Article 9(1) of Regulation (EC) No 1005/2008, the target benchmarks at Union level for 'high' and 'very high' risk level fishing vessels and/or other operators are set out in Annex II.

2. The target benchmarks for 'very low', 'low', and 'medium' risk level fishing vessels and/or other operators shall be determined by Member States concerned through the national control action programmes referred to in Article 46 of Regulation (EC) No 1224/2009 and the national measures referred to in Article 95(4) of Regulation (EC) No 1224/2009.

3. By way of derogation from paragraphs 1 and 2, Member States may apply alternatively different target benchmarks, expressed in terms of improved compliance levels, provided that:

- (a) a detailed analysis of the fishing activities or fishing related activities and enforcement related issues justifies the need for setting target benchmarks in the form of improved compliance levels;
- (b) the benchmarks expressed in terms of improved compliance levels are notified to the Commission, and this latter does not object to them within 90 days, are not discriminatory, and do not affect objectives, priorities and risk-based procedures defined by the specific control and inspection programme.

4. All target benchmarks shall be assessed annually on the basis of the evaluation reports referred to in Article 13(1) and, where appropriate, be revised accordingly in the framework of the evaluation referred to in Article 13(4).

5. Where applicable, a joint deployment plan shall give effect to target benchmarks referred to in this Article.

CHAPTER III

IMPLEMENTATION

Article 9

Cooperation between Member States and with third countries

1. Member States concerned shall cooperate in the implementation of the specific control and inspection programme.
2. Where appropriate, all other Member States shall cooperate with the Member States concerned.
3. Member States may cooperate with the competent authorities of third countries for the implementation of the specific control and inspection programme.

Article 10

Joint inspection and surveillance activities

1. For the purpose of increasing the efficiency and effectiveness of their national fisheries control systems, Member States concerned shall undertake joint inspection and

surveillance activities in waters under their jurisdiction and, where appropriate, on their territory. Where applicable, such activities shall be carried out in the framework of joint deployment plans referred to in Article 9(1) of Regulation (EC) No 768/2005.

2. For the purpose of joint inspection and surveillance activities, each Member State concerned shall:

- (a) ensure that officials from other Member States concerned are invited to participate in joint inspection and surveillance activities;
- (b) establish joint operational procedures applicable to their surveillance crafts;
- (c) designate contact points referred to in Article 80(5) of Regulation (EC) No 1224/2009, where appropriate.

3. Officials and Union inspectors may participate in joint inspection and surveillance activities.

Article 11

Exchange of data

1. For the purpose of implementing the specific control and inspection programme, each Member State concerned shall ensure the direct electronic exchange of data referred to in Article 111 of Regulation (EC) No 1224/2009 and Annex XII of Implementing Regulation (EU) No 404/2011 with other concerned Member States and the EFCA.

2. Data referred to in paragraph 1 shall be related to fishing activities and fishing related activities carried out in the area(s) covered by the specific control and inspection programme.

Article 12

Information

1. Pending the full implementation of Title XII, Chapter III of Regulation (EC) No 1224/2009, and in accordance with the format set out in Annex III of this Decision, each Member State concerned shall communicate by electronic means to the Commission and to the EFCA, by the 10th day after each quarter, the following information concerning the preceding quarter:

- (a) the identification, date, and type of each control and/or inspection operation carried out during the preceding quarter;
- (b) the identification of each fishing vessel (Union fleet register number), vehicle and/or operator (company name) subject to a control and/or inspection;

(c) where appropriate, the type of fishing gear inspected; and
(d) in case where one or several serious infringements were detected:

- (i) the type(s) of serious infringement(s);
- (ii) the state of play concerning the follow-up of serious infringement(s) (e.g. case under investigation, pending, under appeal); and
- (iii) the sanction(s) imposed as follow-up of serious infringement(s): level of fines, value of forfeited fish and/or gear, points assigned in accordance with Article 126(1) of Implementing Regulation (EU) No 404/2011, and/or other type of sanctions.

2. Information referred to in paragraph 1 shall be communicated for each control and/or inspection and shall continue to be listed and updated in each report until the action is concluded under the laws of the Member State concerned. Where no action is taken following the detection of a serious infringement, an explanation shall be included.

Article 13

Evaluation

1. Each Member State concerned shall, by 31 March of the year following the relevant calendar year, send to the Commission and the EFCA an evaluation report concerning the effectiveness of the control and inspection activities carried out under this specific control and inspection programme.

2. The evaluation report referred to in paragraph 1 shall at least include the information listed in Annex IV. Member States concerned may also include in their evaluation report other actions such as training or information sessions designed to have an impact on compliance by fishing vessels and other operators.

3. The EFCA, for its annual assessment of the effectiveness of joint deployment plans referred to in Article 14 of Regulation (EC) No 768/2005, shall take into consideration evaluation reports referred to in paragraph 1.

4. The Commission shall convene once a year a meeting of the Committee for fisheries and aquaculture to evaluate the suitability, adequacy and effectiveness of the specific control and inspection programme and its overall impact on compliance by fishing vessels and other operators, on the basis of evaluation reports referred to in paragraph 1. Target benchmarks set out in Annex II may be reviewed accordingly.

Article 14

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

Done at Brussels, 19 December 2012.

For the Commission
The President

José Manuel BARROSO

ANNEX I

PROCEDURES FOR RISK ASSESSMENT

Each fishing vessel, group of fishing vessels, fishing gear category, operator, and/or fishing related activity, in different stocks and area(s) referred to in Article 1, shall be subject to control and inspections according to the level of priority attributed. The level of priority shall be attributed depending on the results of the risk assessment carried out by each Member State concerned, or by any other Member State for the sole purposes of application of Article 5(4), on the basis of the following procedure:

Risk description [depending on the risk/ fishery/area and data available]	Indicator [depending on the risk/ fishery/area and data available]	Step in the fishery/ marketing chain (When and where does the risk appear)	Points to be considered [depending on the risk/ fishery/area and data available]	Occurrence in the fishery (*)	Potential consequence(s) (*)	Level of risk (*)
[Note: risks identified by Member States should be in line with objectives defined in Article 3]			Levels of catches/landings distributed by fishing vessels, stocks, and gears, Availability of quota to fishing vessels, distributed by fishing vessels, stocks and gears, Use of standardised boxes, Level and fluctuation of market price for the landed fisheries products (first sale), Number of inspections previously carried out and number of detected infringements for the fishing vessel and/or other operator concerned, Background, and/or potential danger, of fraud linked to port/location/area, and métier, Any other relevant information or intelligence.	<i>Frequent/ Medium/ Seldom cases/or Not significant</i>	<i>Serious/Signifi- cant/Accept- able/or Marginal</i>	<i>very low/low/ medium/high/or very high</i>

(*) Note: To be assessed by Member States. The risk assessment shall consider, on the basis of past experience and using all available information, how likely a non-compliance is to happen and, if it were to happen, the potential consequence.

ANNEX II

TARGET BENCHMARKS

1. Level of inspections at sea (including aerial surveillance, where applicable)

On a yearly basis, the following target benchmarks ⁽¹⁾ shall be reached for the inspections at sea of fishing vessels engaged in the fishery of herring, mackerel, horse mackerel, anchovy and blue whiting in the area, in the case that inspections at sea are relevant in relation to the step in the fishery chain and are part of the risk management strategy:

Benchmarks per year (*)	Level of estimated risk for fishing vessels in accordance with Article 5(2)	
	high	very high
Fishery No 1 Herring, mackerel and horse mackerel	Inspection at sea of at least 5 % of fishing trips by 'high risk' level fishing vessels targeting the fishery in question	Inspection at sea of at least 10 % of fishing trips by 'very high risk' level fishing vessels targeting the fishery in question
Fishery No 2 Anchovy	Inspection at sea of at least 2,5 % of fishing trips by 'high risk' level fishing vessels targeting the fishery in question	Inspection at sea of at least 5 % of fishing trips by 'very high risk' level fishing vessels targeting the fishery in question
Fishery No 3 Blue whiting	Inspection at sea of at least 5 % of fishing trips by 'high risk' level fishing vessels targeting the fishery in question	Inspection at sea of at least 10 % of fishing trips by 'very high risk' level fishing vessels targeting the fishery in question

(*) expressed in a % of fishing trips in the area (when fishing with gears with mesh sizes for which the species is a target species) by high/very high risk fishing vessels/per year

2. Level of inspections ashore (including document based controls and inspections in ports or at first sale)

On a yearly basis, the following target benchmarks ⁽²⁾ shall be reached for the inspections ashore (including document based controls and inspections in ports or at first sale) of fishing vessels and other operators engaged in the fishery of herring, mackerel, horse mackerel, anchovy and blue whiting in the area, in the case that inspections ashore are relevant in relation to the step in the fishery/marketing chain and are part of the risk management strategy.

Benchmarks per year (*)	Level of risk for fishing vessels and/or other operators (first buyer)	
	high	very high
Fishery No 1 Herring, mackerel and horse mackerel	Inspection in port of at least 15 % of overall landed quantities by 'high risk' level fishing vessels	Inspection in port of at least 15 % of overall landed quantities by 'very high risk' level fishing vessels
Fishery No 2 Anchovy	Inspection in port of at least 5 % of overall landed quantities by 'high risk' level fishing vessels	Inspection in port of at least 10 % of overall landed quantities by 'very high risk' level fishing vessels
Fishery No 3 Blue whiting	Inspection in port of at least 5 % of overall landed quantities by 'high risk' level fishing vessels	Inspection in port of at least 10 % of overall landed quantities by 'very high risk' level fishing vessels

(*) expressed in a % of quantities landed by high/very high risk fishing vessels/per year

Inspections made after landing or transshipment shall in particular be used as a complementary cross-checking mechanism to verify the reliability of the information recorded and reported on catches and landings.

⁽¹⁾ For vessels spending less than 24 hours at sea per fishing trip, and according to the risk management strategy, the target benchmarks may be reduced by half.

⁽²⁾ For vessels landing less than 10 tons per landing, and according to the risk management strategy, the target benchmarks may be reduced by half.

ANNEX III

PERIODICAL INFORMATION ON THE IMPLEMENTATION OF THE SPECIFIC CONTROL AND INSPECTION PROGRAMME

Format for the communication of the information to be provided according to Article 12 for each inspection to be included in the report:

Element name	Code	Description and content
Identification of inspection	II	ISO alpha2 country code + 9 digits, e.g. DK201200000.
Date of inspection	DA	YYYY-MM-DD
Type of inspection or control	IT	Sea, shore, transport, document (to be indicated).
Identification of each fishing vessel, vehicle or operator	ID	Union fleet register number of the fishing vessel, vehicle identification, and/or company name of the operator.
Fishing gear type	GE	Gear code based on FAO's International Standard Statistical Classification of the Fishing Gear.
Serious infringement	SI	Y = yes, N = no
Type of serious infringement detected	TS	Indicate type of serious infringement detected, in reference to the number (left column) in the Annex XXX of Implementing Regulation (EU) No 404/2011. In addition, the serious infringements referred to in Article 90(1)(a), (b) and (c) of the Control Regulation shall be respectively identified by the numbers '13', '14' and '15'.
State of play follow up	FU	Indicate state of play: PENDING, APPEAL or CLOSED.
Fine	SF	Fine in EUR, e.g. 500.
Confiscation	SC	CATCH/GEAR for physical confiscation. Amount confiscated in case of value of catch/gear in EUR, e.g. 10 000.
Other	SO	In case of withdrawal of license/authorisation, indicate LI or AU + number of days, e.g. AU30.
Points	SP	Number of points assigned, e.g. 12.
Remarks	RM	In case of no action taken following detection of a serious infringement, explanation why in free text.

ANNEX IV

CONTENT OF EVALUATION REPORTS

Evaluation reports shall at least contain the following information:

I. General analysis of control, inspection and enforcement activities carried out (for each Member State concerned)

- Description of risks identified by the concerned Member State and detailed content of its risk management strategy, including a description of the review and revision process.
- Comparison of type of control and inspection tools used and number of inspection means committed/number of means provided in the execution of the specific control and inspection programme, including duration and areas of deployment.
- Comparison of type of control and inspection tools used and number of control activities and inspections carried out (complete on the basis of information sent in accordance with Annex III)/number of serious infringements detected and, where possible, analysis on the motives for committing such infringements.
- Sanctions imposed for serious infringements (complete on the basis on information sent in accordance with Annex III).
- Analysis of other actions (distinct from control, inspection and enforcement activities e.g. training or information sessions) designed to have an impact on compliance by fishing vessels and/or other operators [EXAMPLE: number of selective gear improvements deployed, numbers of cod/juvenile samples, etc.].

II. Detailed analysis of control, inspection and enforcement activities carried out (for each Member State concerned)

1. Analysis of inspection activities at sea (including aerial surveillance, where appropriate), in particular:
 - comparison of patrol vessels provided/committed,
 - serious infringements rate at sea,
 - proportion of inspections at sea on fishing vessels with a 'very low', 'low', or 'medium' level of risk resulting in one or more serious infringement,
 - proportion of inspections at sea on fishing vessels with a 'high' or 'very high' level of risk resulting in one or more serious infringement,
 - type and level of sanctions/evaluation of the deterrent effect.
2. Analysis of ashore inspection activities (including document based controls and inspections in ports or at first sale, or transhipments), in particular:
 - comparison of ashore-based inspection units provided/committed,
 - ashore serious infringements rate,
 - proportion of inspections ashore on fishing vessels and/or operators with a 'very low', 'low', or 'medium' level of risk resulting in one or more serious infringement,
 - proportion of inspections ashore on fishing vessels and/or operators with a 'high' or 'very high' level of risk resulting in one or more serious infringement,
 - type and level of sanctions/evaluation of the deterrent effect.
3. Analysis of target benchmarks expressed in terms of compliance levels (where applicable), in particular:
 - comparison of inspection means provided/committed,
 - serious infringement rate and trend (by comparison with two previous years),
 - proportion of inspections on fishing vessels/operators resulting in one or more serious infringements,

— type and level of sanctions/evaluation of the deterrent effect.

4. Analysis of other inspection and control activities: transshipment, aerial surveillance, importation/exportation, etc., as well as other actions such as training or information sessions designed to have an impact on compliance by fishing vessels and other operators

III. Proposal(s) for improving effectiveness of control, inspection and enforcement activities carried out (for each Member State concerned)

III

(Other acts)

EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY DECISION

No 157/12/COL

of 9 May 2012

on the sale of land gnr 271/8 by Oppdal municipality (Norway)

THE EFTA SURVEILLANCE AUTHORITY ("THE AUTHORITY"),

Having regard to the Agreement on the European Economic Area ("the EEA Agreement"), in particular to Article 61 and Protocol 26,

Having regard to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice ("the Surveillance and Court Agreement"), in particular to Article 24,

Having regard to Protocol 3 to the Surveillance and Court Agreement ("Protocol 3"), in particular to Article 1(2) of Part I and 7(2) of Part II,

Having regard to the consolidated version of the Authority's Decision No 195/04/COL of 14 July 2004 on the implementing provisions referred to under Article 27 of Part II of Protocol 3 ("the Implementing Provisions Decision") ⁽¹⁾,

Having called on interested parties to submit their comments pursuant to those provisions ⁽²⁾, and having regard to their comments,

Whereas:

municipality") intended sale of property gnr 271/8 (hereinafter "the property") in Oppdal to Strand Drift Oppdal AS (hereinafter "SDO").

By letter dated 9 July 2008 (Event No 485146), the Authority requested further information from the Norwegian authorities.

By letter dated 8 September 2008 (Event No 491369), the buyer, SDO, submitted comments to the Authority. By letter dated 9 September 2008 (Event No 490914), the Norwegian authorities replied to the information request. By letter dated 1 October 2008 (Event No 493593), the complainant submitted further information.

The Authority's Decision No 417/10/COL to initiate the formal investigation procedure laid down in Article 1(2) of Part I of Protocol 3 ("the opening decision") was published in the *Official Journal of the European Union* and the EEA Supplement to it ⁽³⁾. The Authority called on interested parties to submit their comments on the decision.

By letter dated 3 December 2010 (Event No 579649), the Norwegian authorities forwarded their comments (and those of SDO) on the opening decision.

I. FACTS

1. Procedure

By letter dated 3 July 2008 (Event No 484519), Oppdal Booking AS (hereinafter "OB"), the complainant, filed a complaint against Oppdal municipality's (hereinafter "the

⁽¹⁾ Available at: <http://www.eftasurv.int/media/decisions/195-04-COL.pdf>

⁽²⁾ Published in the *Official Journal of the European Union*, OJ C 34, 3.2.2011, and in the EEA Supplement to the Official Journal No 6, 3.2.2011.

2. Chronology of events

By letter dated 7 February 2007 ⁽⁴⁾, SDO proposed through an application to the municipality, to build a service facility for ski resort customers on property gnr 271/8. The property would need to be rezoned to use the area for this purpose.

⁽³⁾ These documents were published in the *Official Journal of the European Union*, OJ C 34, 3.2.2011, and in the EEA Supplement to the Official Journal No 6, 3.2.2011.

⁽⁴⁾ Event No 491369.

By letter dated 19 October 2007 ⁽¹⁾, SDO expressed an interest in buying the property. In a letter dated 30 November 2007 ⁽²⁾, the municipality replied that the interest to buy the property would not be considered until the area had been rezoned.

On 31 March 2008, the area was rezoned ⁽³⁾. By letter dated 23 April 2008 ⁽⁴⁾, OB filed a complaint on the decision to rezone the property. By letter dated 7 May 2008 ⁽⁵⁾, the municipality informed SDO that as a consequence of the complaint, its interest in to buy the property could not be considered until a decision was taken on the complaint. On 26 May 2008, the municipality decided not to sustain OB's complaint regarding the rezoning of the property but to refer the complaint to the County Governor's Office of Oppland (Fylkesmannen) ⁽⁶⁾.

By letter dated 30 May 2008 ⁽⁷⁾, OB expressed an interest in buying the property, in the case that its complaint was not sustained by the county administrator's office. By letter dated 6 June 2008 ⁽⁸⁾, the municipality informed SDO that it would not consider SDO's interest to buy the property before a decision had been taken by the County Governor's Office in the complaint case. Furthermore, the municipality emphasised that it had not granted SDO an option to buy the property ⁽⁹⁾.

On 30 June 2008, the executive committee of the municipality decided to obtain two separate value assessments of the property and thereafter proceed with sales negotiations with SDO ⁽¹⁰⁾. By letter dated 3 July 2008 ⁽¹¹⁾, OB filed a complaint with the Authority against the municipality's intended sale of the property to SDO.

By letter dated 10 July 2008 ⁽¹²⁾, OB requested access to the two independent value assessments.

On 16 July 2008 ⁽¹³⁾, SDO and the municipality met to discuss a draft sales contract for the property. The municipality informed SDO about the independent evaluations and the sales price for the property. The sales price was set to NOK 850 000 (in line with the independent value assessments). SDO was given until 17 July 2008 to evaluate the contract whilst the municipality planned to decide on the sale in a meeting on

24 July 2008 ⁽¹⁴⁾. SDO signed the contract on 18 July 2008 ⁽¹⁵⁾.

By letter dated 23 July 2008 ⁽¹⁶⁾, OB made an offer of NOK 3,1 million on the property.

Oppdal municipality signed the sales contract with SDO on 31 July 2008 ⁽¹⁷⁾.

3. The complaint

In July 2008, OB filed a complaint with the Authority alleging that Oppdal municipality was intending to sell property gnr 271/8 to SDO without a public tender. The property was part of an area regulated for parking, before the rezoning, for customers of a nearby ski resort.

OB owns and operates Oppdal ski resort and related businesses. The buyer of the plot in question, SDO, is a competitor of OB, who previously leased a property from OB for its business related to ski equipment and ski instructor services. After OB increased the rent, SDO started looking for new premises ⁽¹⁸⁾.

In the complaint, OB alleged that the property would be sold without a public tender, as described in the Authority's State Aid Guidelines on state aid elements in sales of land and buildings by public authorities ("the Guidelines") ⁽¹⁹⁾ section 2.1. Further, OB argued that the municipality had not acted in accordance with the alternative procedure described in section 2.2 in the Guidelines, seeing as sales negotiations were started with the potential buyer prior to obtaining an independent evaluation of the property ⁽²⁰⁾.

Moreover, OB maintained that it was unclear on which principles the valuation reports were based. OB alleged that its bid of NOK 3,1 million, based on the same exploitation of the property as the buyer, showed that the market price was not reflected in the sales price. Furthermore, OB argued that it could not be considered to be a buyer with a particular interest in the property ⁽²¹⁾.

⁽¹⁾ Event No 491369.

⁽²⁾ Event No 491369.

⁽³⁾ See minutes from meeting 31.03.2008 in Oppdal municipality (building authority) (Event No 490914).

⁽⁴⁾ Event No 491369.

⁽⁵⁾ Event No 491369.

⁽⁶⁾ See minutes from meeting 26.05.2008 in Oppdal municipality (building authority) (Event No 490914).

⁽⁷⁾ Event No 491369.

⁽⁸⁾ Event No 491369.

⁽⁹⁾ Event No 491369.

⁽¹⁰⁾ See minutes from meeting 30.6.2008 in Oppdal municipality (local executive committee) (Event No 493593).

⁽¹¹⁾ Event No 484869.

⁽¹²⁾ Event No 490914.

⁽¹³⁾ See minutes from meeting 16.7.2008 - Event No 491369.

⁽¹⁴⁾ See minutes from meeting 16.7.2008 - Event No 491369.

⁽¹⁵⁾ See the signed sales contract between SDO and Oppdal municipality (Event No 490914).

⁽¹⁶⁾ Event Numbers 491369 and 493593.

⁽¹⁷⁾ See the signed sales contract between SDO and Oppdal municipality (Event No 490914).

⁽¹⁸⁾ Event No 491369.

⁽¹⁹⁾ This Chapter of the Guidelines corresponds to the Commission Communication on state aid elements in sales of land and buildings by public authorities (OJ C 209, 10.7.1997, p. 3) also available at: <http://www.eftasurv.int/state-aid/legal-framework/state-aid-guidelines/>

⁽²⁰⁾ Event No 493593.

⁽²¹⁾ Event No 493593.

4. Grounds for initiating the procedure

The Authority opened the formal investigation procedure on the basis that Oppdal municipality's sale of land to Strand Drift Oppdal AS could involve state aid. In particular, the Authority had doubts as to whether the sales price reflected the market price of the property and whether any unlawful state aid was involved. As a general rule, in the Authority's opinion, in situations where the municipality receives a conflicting higher offer on a property after an independent expert valuation, the municipality should subject the higher offer to closer scrutiny in order to ensure that the property is sold at market value. This can be done by either requesting another assessment of the property or a reassessment from the independent expert valuer.

The Authority referred to Commission decision C35/2006⁽¹⁾ which dealt with the sale of land by the Swedish municipality of Åre, where the municipality had received a conflicting higher offer on the property.

Moreover, the Authority expressed doubts as to whether the sale of land could be considered compatible with the functioning of the EEA Agreement, especially on the basis of Article 61(3)(c) of the EEA Agreement.

5. Comments by the Norwegian authorities

In a letter dated 3 December 2010⁽²⁾, the Norwegian authorities refer to their letter to the Authority dated 9 September 2008⁽³⁾.

In the letter dated 9 September 2008, the Norwegian authorities put forward that the procedure described in paragraph 2.2 of the Guidelines has been followed and thus no state aid is involved in the transaction. Further, the Norwegian authorities argue that the expert valuations were obtained prior to any sales negotiations with SDO and that the reports reflect the market price of the property. Additionally, the Norwegian authorities submitted an overview produced by Oppdal municipality showing that the price for the property is the highest price paid per square metre in the area known to the municipality.

Furthermore, the Norwegian authorities argue that the market price should reflect the value a regular buyer would be willing

to pay for the property, excluding buyers with special interests. The Norwegian authorities therefore maintain that OB's bid of NOK 3,1 million must be regarded as coming from a party with a particular interest seeing as OB has a dominant position in the local ski service market and is therefore willing to pay an excessively high price to eliminate competitors from the market. Therefore, the Norwegian authorities maintain that the value indicated by the expert valuers reflects the actual market value of the property.

6. Comments by Strand Drift Oppdal AS⁽⁴⁾

SDO submits that the present case and Commission decision C35/2006 cannot be compared. In decision C35/2006, the independent valuation of the property was carried out almost two and a half years before the sale took place and that during such a long period of time, the value of the land may have changed significantly. Secondly, SDO argues that the facts of case C35/2006 make it unclear whether the independent valuation was used for determining the contract value. In the present case, on the other hand, SDO submits that the sale of land was conducted in accordance with the Authority's Guidelines section 2.2.

SDO further maintains that OB's offer appears to be part of a strategy to become the sole provider of ski services in the local market, which, according to SDO, explains why OB made a bid far exceeding the market value of the property. SDO also refers to the information provided by the Municipality of Oppdal in an overview dated 29 August 2008⁽⁵⁾ which shows that the sales price for the property is the highest price per square metre known to the Municipality.

Further, SDO submits that the complainant has bought properties in the area for prices considerably lower than the sales price in the present case. SDO also puts forward that according to Norwegian contract law, a contract is concluded and binding if the parties have agreed to the terms, independently of whether the actual contract is signed. Therefore, SDO is of the opinion that Oppdal municipality was legally obliged to sell the property to SDO at the time OB submitted its bid.

SDO considers the sale of the property to have been carried out at market value, seeing as the sales price is based on the assessment of the two independent experts in accordance with the Authority's Guidelines. Therefore, SDO argues that no state aid is involved.

⁽¹⁾ Commission decision of 30.1.2008 in case C 35/06, OJ 2008, L 14.5.2008, L 126/3.

⁽²⁾ Event No 579649.

⁽³⁾ Event No 490914.

⁽⁴⁾ Event No 579649.

⁽⁵⁾ Event No 490914.

II. ASSESSMENT

The presence of state aid within the meaning of Article 61(1) of the EEA Agreement

Article 61(1) of the EEA Agreement reads as follows:

“Save as otherwise provided in this Agreement, any aid granted by EC Member States, EFTA States or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Contracting Parties, be incompatible with the functioning of this Agreement.”

6.1. State Aid Guidelines on state aid elements in sales of land and buildings by public authorities ⁽¹⁾

The aid must be granted by the State or through state resources. Municipalities are for state aid purposes considered to be part of the State, thus Oppdal municipality's resources can be considered state resources.

The State Aid Guidelines on state aid elements in sales of land and buildings by public authorities (“the Guidelines”) give further guidance on how the Authority interprets and applies the provisions of the EEA Agreement governing state aid when it comes to assessing sales of public land and buildings. Section 2.1 describes a sale through an unconditional bidding procedure, while Section 2.2 describes a sale by way of an independent expert valuation.

Sales of publicly owned land and buildings below market value imply that state resources are involved. However, the Guidelines provide for two situations where, if the applicable conditions are met, the price paid for the property will be held to correspond to market value thereby excluding the presence of state resources. As noted above, these two situations are: (a) the sale has taken place through an unconditional bidding process; and (b) the sale has taken place after an independent expert valuation.

In the present case, the municipality did not organise an unconditional bidding process but used two independent expert valuations as the basis for determining the sales price.

Section 2.2 of the Authority's Guidelines provides that “if public authorities intend not to use the procedure described under Section 2.1,

⁽¹⁾ Available at: <http://www.eftasurv.int/state-aid/legal-framework/state-aid-guidelines/>

an independent evaluation should be carried out by one or more independent asset valuers prior to the sale negotiations in order to establish the market value on the basis of generally accepted market indicators and valuation standards. The market price thus established is the minimum purchase price that can be agreed without granting state aid.”

The Norwegian authorities have indicated that Oppdal municipality ordered two value assessments, by the independent appraisers Mr. Geir Husebø and Mr. Ragnar Lian. These were carried out in July 2008, respectively on the 7 and 9 of July. While SDO showed an interest in the property in February 2007 and later the same year signalled an interest in purchasing the property, no option to buy the property was granted by the Norwegian authorities, and there are no indications in the correspondence provided by the Norwegian authorities that sales negotiations or an agreement as to the purchase price was agreed upon before the conclusions of both expert valuations were known. Both reports estimated a similar market value for the property, NOK 800 000 and NOK 850 000 respectively.

6.2. The sale of the property

As the Authority pointed out in the opening decision, the Guidelines do not expressly deal with a situation where a higher conflicting bid is received after the receipt of the expert evaluation but prior to the conclusion of the contract. The Authority considers that in such a situation, the submission of a conflicting higher bid could be liable to cast doubts on whether the expert evaluations reflect the actual market value of the property.

In the opening decision, the Authority referred to Commission decision C35/2006, which dealt with a situation where an offer was made after the receipt of the expert valuation. In its decision the Commission stated:

“Even if the expert evaluation had been carried out in accordance with the Communication ⁽²⁾, i.e. an evaluation of the actual plot of land that was to be sold carried out just before the sale and on the basis of generally accepted evaluation standards, this evaluation would only be a second best instrument to determine the market price of the land, in the absence of real price offers. From the moment that a credible and binding bid is submitted and provided that this bid is directly comparable to and higher than the price estimate according to the evaluation, the former must be preferred. The bid establishes a real market price and should be considered as a better proxy for the foregone State resources than an expert evaluation” ⁽³⁾.

⁽²⁾ Section 2.2 of the State Aid Guidelines on state aid elements in sales of land and buildings by public authorities corresponds to the Commission Communication on state aid elements in sales of land and buildings by public authorities (OJ C 209, 10.7.1997, p. 3).

⁽³⁾ Commission decision of 30.1.2008 in case C 35/06, OJ 2008, 14.5.2008, L 126/3, paragraph 59.

The Commission decision was appealed to the General Court. The General Court⁽¹⁾ disagreed with the Commission's assessment and found that no state aid was involved in the sale of land transaction. The General Court concluded that the conflicting higher offer was neither credible nor comparable to the offer accepted by the municipality⁽²⁾. Further, the General Court also pointed out that it is important to consider the specific circumstances of the case when determining whether a conflicting bid can be considered comparable⁽³⁾.

In the present case, the Norwegian authorities have submitted that OB was a buyer with a special interest in the property and as a consequence of this special interest, OB was willing to pay an abnormally high price for the property to prevent SDO from establishing a business competing with its own. OB is the dominant supplier of ski services at the ski resort. SDO's business would be in direct competition with the services provided by OB and threaten OB's market position. OB objected to the rezoning of the property and when its complaint was rejected, OB wanted to buy the property. This demonstrates OB's intentions. OB can therefore be considered as having a special interest in the property. OB's special interest is reflected in the high bid; the bid submitted by OB was over three times higher (NOK 3 100 000) than the price determined by the independent experts and the Authority has no indications that the value assessments carried out by the independent experts had any shortcomings. In the present case, the Authority considers that the bids made by SDO and OB are not comparable because of OB's special interest in the property. As a consequence of this special interest, OB is willing to make an excessively high offer on the property. This offer can therefore not be considered comparable to the offer made by SDO, which reflects the value of the property determined by the independent experts.

Therefore, in view of the circumstances of the case, the Authority concludes that the property was sold at market price in accordance with the procedure laid down in section 2.2 of the Authority's Guidelines on the sales of land and buildings by public authorities.

In light of the above, the Authority considers that no state aid was involved in Oppdal municipality's sale of the property to SDO, as the conflicting offer made by OB has to be considered as coming from a buyer with a special interest in the property. The Authority thus considers the sale to have been carried out at market value in accordance with the procedure laid down in

section 2.2 of the Authority's Guidelines on the sales of land and buildings by public authorities.

7. Conclusion

On the basis of the foregoing assessment, the Authority considers that Oppdal municipality's sale of property gnr 271/8 to Strand Drift Oppdal AS did not constitute state aid within the meaning of the state aid provisions in the EEA Agreement.

HAS ADOPTED THIS DECISION:

Article 1

The EFTA Surveillance Authority considers that Oppdal municipality's sale of property gnr 271/8 to Strand Drift Oppdal AS did not constitute state aid within the meaning of Article 61 of the EEA Agreement.

Article 2

The procedure initiated pursuant to Article 4(4), read in conjunction with Article 13, of Part II of Protocol 3 concerning the sale of property gnr 271/8 by Oppdal municipality is hereby closed.

Article 3

This Decision is addressed to the Kingdom of Norway.

Article 4

Only the English language version of this decision is authentic.

Done at Brussels, 9 May 2012.

For the EFTA Surveillance Authority

Oda Helen SLETNES
President

Sabine MONAUNI-TÖMÖRDY
College Member

⁽¹⁾ Case T-244/08 *Konsum Nord v Commission*, Judgment of 13 December 2011, not yet reported.

⁽²⁾ Case T-244/08 *Konsum Nord v Commission*, paragraphs 72-76.

⁽³⁾ Case T-244/08 *Konsum Nord v Commission*, paragraph 73.

EFTA SURVEILLANCE AUTHORITY DECISION

No 339/12/COL

of 20 September 2012

amending the list contained in point 39 of Part 1.2 of Chapter I of Annex I to the Agreement on the European Economic Area listing border inspection posts in Iceland and Norway agreed for veterinary checks on live animals and animal products from third countries and repealing EFTA Surveillance Authority Decision No 92/12/COL

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to points 4(B)(1) and (3) and point 5(b) of the Introductory Part of Chapter I of Annex I to the EEA Agreement,

Having regard to the Act referred to at point 4 of Part 1.1 of Chapter I of Annex I to the EEA Agreement (*Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries*⁽¹⁾), as amended and adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement, and in particular to Article 6(2) thereof,

Having regard to College Decision No 326/12/COL empowering the competent College Member to adopt this decision,

Whereas:

On 17 July 2012, the Norwegian Food Safety Authority (hereinafter NFSA) informed the Authority about changes in the list of Norwegian Border Inspection Posts (BIPs) concerning Inspection Centre Ellingsøy. The Inspection Centre Ellingsøy is listed under BIP Ålesund Port (NO AES 1) and appears in the Annex to the Authority Decision No 92/12/COL of 13 March 2012⁽²⁾ with the approval for import of frozen, packed fishery products for human consumption [HC-TF(FR)(1)(2)(3)].

On 14 June 2012, the NFSA withdrew the approval as an Inspection Centre further to a request of the company and, by letter of 17 July 2012, asked the Authority to delete the Inspection Centre Ellingsøy from the list of border inspection posts in Iceland and Norway agreed for veterinary checks on live animals and animal products from third countries.

According to Directive 97/78/EC, the Authority shall draw up and publish a list of approved border inspection posts which may be subsequently be amended or supplemented to reflect

changes in the national lists. The current list of approved border inspection posts was adopted by the Authority on 13 March 2012 by Decision No 92/12/COL.

It is therefore the Authority's obligation to amend the list of border inspection posts in Iceland and Norway and to publish a new list, reflecting the delisting of The Inspection Centre Ellingsøy under BIP Ålesund Port (NO AES 1) from the Norwegian list of BIPs.

The Authority, by its decision 326/12/COL, referred the matter to the EFTA Veterinary Committee assisting the EFTA Surveillance Authority. The Committee approved unanimously the proposed modification to the list. Consequently, the measures provided for in this Decision are in accordance with the unanimous opinion of the EFTA Veterinary Committee assisting the EFTA Surveillance Authority and the final text of the measures remains unchanged.

HAS ADOPTED THIS DECISION:

Article 1

The Inspection Centre Ellingsøy under BIP Ålesund Port (NO AES 1) is removed from the list contained in point 39 of Part 1.2 of Chapter I of Annex I to the Agreement on the European Economic Area of border inspection posts in Iceland and Norway agreed for veterinary checks on live animals and animal products from third countries.

Article 2

Veterinary checks on live animals and animal products brought into Iceland and Norway from third countries shall be carried out by the competent national authorities at the agreed border inspection posts listed in the Annex to this Decision.

Article 3

The EFTA Surveillance Authority Decision No 92/12/COL of 13 March 2012 is hereby repealed.

Article 4

This Decision shall enter into force on 20 September 2012.

⁽¹⁾ OJ L 24, 30.1.1998, p. 9.

⁽²⁾ OJ L 141, 31.5.2012, p. 16 and EEA Supplement No 29, 31.5.2012, p. 1.

Article 5

This Decision is addressed to Iceland and Norway.

Article 6

This Decision shall be authentic in the English language.

Done at Brussels, 20 September 2012.

For the EFTA Surveillance Authority

Sverrir Haukur GUNNLAUGSSON

College Member

Xavier LEWIS

Director

ANNEX

LIST OF AGREED BORDER INSPECTION POSTS

Country: Iceland

1	2	3	4	5	6
Akureyri	IS AKU1	P		HC-T(1)(2)(3), NHC(16)	
Hafnarfjörður	IS HAF 1	P		HC(1)(2)(3), NHC-NT(2)(6)(16)	
Húsavík	IS HUS 1	P		HC-T(FR)(1)(2)(3)	
Ísafjörður	IS ISA1	P		HC-T(FR)(1)(2)(3)	
Keflavík Airport	IS KEF 4	A		HC(2), NHC(2)	O(15)
Reykjavík Eimskip	IS REY 1a	P		HC(2), NHC(2)	
Reykjavík Samskip	IS REY 1b	P		HC-T(FR)(1)(2)(3), HC-NT(1)(2)(3), NHC-NT(2)(6)(16)	
Þorlákshöfn	IS THH1	P		HC-T(FR)(1)(2)(3), HC-NT(6), NHC-NT(6)	

Country: Norway

1	2	3	4	5	6
Borg	NO BRG 1	P		HC, NHC	E(7)
Båtsfjord	NO BJF 1	P		HC-T(FR)(1)(2)(3), HC-NT(1)(2)(3)	
Egersund	NO EGE 1	P		HC-NT(6), NHC-NT(6)(16)	
Florø EWOS	NO FRO 1	P		NHC-NT(6)(16)	
Hammerfest	NO HFT 1	P	Rypefjord	HC-T(FR)(1)(2)(3), HC-NT(1)(2)(3)	
Honningsvåg	NO HVG 1	P	Honningsvåg	HC-T(FR)(1)(2)(3)	
			Gjesvær	HC-T(1)(2)(3)	
Kirkenes	NO KKN 1	P		HC-T(FR)(1)(2)(3), HC-NT(1)(2)(3)	
Kristiansund	NO KSU 1	P	Kristiansund	HC-T(FR)(1)(2)(3), NHC-T(FR)(2)(3) HC-NT(6), NHC-NT(6)	
Larvik	NO LAR 1	P		HC(2)	
Måløy	NO MAY 1	P	Gotteberg	HC-T(FR)(1)(2)(3), NHC-T(FR)(2)(3)	
			Trollebø	HC-T(FR)(1)(2)(3), NHC-T(FR)(2)(3)	
Oslo	NO OSL 1	P		HC, NHC	
Oslo	NO OSL 4	A		HC, NHC	U,E,O
Sortland	NO SLX 1	P	Melbu	HC-T(FR)(1)(2)(3)	
			Sortland	HC-T(FR)(1)(2)(3)	
Storskog	NO STS 3	R		HC, NHC	U,E,O

1	2	3	4	5	6
Tromsø	NO TOS 1	P	Bukta	HC-T(FR)(1)(2)(3)	
			Solstrand	HC-T(FR)(1)(2)(3)	
Vadsø	NO VOS 1	P		HC-T(FR)(1)(2)(3)	
Ålesund	NO AES 1	P	Brevika	HC-T(FR)(1)(2)(3), NHC-T(FR)(2)(3)	
			Skutvik	HC-T(1)(2)(3), HC-NT(6), NHC-T(FR)(2)(3), NHC-NT(6)	

1 = Name

2 = TRACES Code

3 = Type

A = Airport

F = Rail

P = Port

R = Road

4 = Inspection centre

5 = Products

HC = All products for Human Consumption

NHC = Other Products

NT = No temperature requirements

T = Frozen/chilled products

T(FR) = Frozen products

T(CH) = Chilled products

6 = Live Animals

U = Ungulates: cattle, pigs, sheep, goats, wild and domestic solipeds

E = Registered equidae as defined in Council Directive 90/426/EEC

O = Other animals

5-6 = Special remarks

(1) = Checking in line with the requirements of Commission Decision 93/352/EEC taken in execution of Article 19(3) of Council Directive 97/78/EC

(2) = Packed products only

(3) = Fishery products only

(4) = Animal proteins only

(5) = Wool hides and skins only

(6) = Only liquid fats, oils, and fish oils

(7) = Icelandic ponies (from April to October only)

(8) = Equidae only

(9) = Tropical fish only

(10) = Only cats, dogs, rodents, lagomorphs, live fish, reptiles and other birds than ratites

(11) = Only feedstuffs in bulk

(12) = For (U) in the case of solipeds, only those consigned to a zoo; and for (O), only day old chicks, fish, dogs, cats, insects, or other animals consigned to a zoo

(13) = Nagylak HU: This is a border inspection post (for products) and crossing point (for Live animals) on the Hungarian Romanian border, subject to transitional measures as negotiated and laid down in the Treaty of Accession for both products and live animals. See Commission Decision 2003/630/EC

(14) = Designated for transit across the European Community for consignments of certain products of animal origin for human consumption, coming to or from Russia under the specific procedures foreseen in relevant Community legislation

(15) = Aquaculture animals only

(16) = Fish meal only

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