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

## II

(Non-legislative acts)

## REGULATIONS

## COMMISSION IMPLEMENTING REGULATION (EU) No 41/2013

of 17 January 2013

**amending Regulation (EEC) No 441/91 concerning the classification of certain goods in the codes 1704 10 19, 1704 10 99 and 9502 10 10 of the Combined Nomenclature and repealing Regulation (EEC) No 1287/83**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff<sup>(1)</sup>, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) In accordance with Commission Regulation (EEC) No 441/91 of 25 February 1991 concerning the classification of certain goods in codes 1704 10 19, 1704 10 99 and 9502 10 10 of the Combined Nomenclature and repealing Regulation (EEC) No 1287/83<sup>(2)</sup> plastic dolls with transparent plastic chests filled with small sweets have been classified under CN codes 1704 10 19 and 1704 10 99 as regards the sweets and

under CN code 9502 10 10 as regards the dolls. As a consequence of the introduction of Note 4 to Chapter 95 of the Combined Nomenclature with effect from 1 January 2007, those items should be classified together as combinations having the essential character of a toy under CN code 9503 00 21.

- (3) Regulation (EEC) No 441/91 should therefore be amended accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

The table set out in the Annex to Regulation (EEC) No 441/91 is replaced by the table set out in the Annex to this Regulation.

*Article 2*

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

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

Done at Brussels, 17 January 2013.

*For the Commission,  
On behalf of the President,  
Algirdas ŠEMETA  
Member of the Commission*

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

<sup>(2)</sup> OJ L 52, 27.2.1991, p. 9.

## ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>A plastic doll with movable limbs, 140 mm tall, with a transparent plastic chest filled with approximately 10 g of small sweets, containing sucrose, which can be removed through an aperture under the belt-buckle of the doll.</p>	<p>9503 00 21</p>	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 4 to Chapter 95 and by the wording of CN codes 9503 00 and 9503 00 21.</p> <p>The items cannot be considered as 'goods put up in sets for retail sale' under the terms of General Rule 3(b), because they are not put up together to meet a particular need or carry out a specific activity. They are not related to one another and are not intended to be used together or in conjunction with one another (the sweets are consumable products, while the doll is to be played with).</p> <p>The doll is an article of heading 9503 combined with sweets of heading 1704, and the combination has the essential character of a toy (see also the CN Explanatory Notes to Note 4 to Chapter 95).</p> <p>It is therefore to be classified under CN code 9503 00 21 as dolls.</p>

**COMMISSION IMPLEMENTING REGULATION (EU) No 42/2013****of 17 January 2013****amending Regulation (EC) No 1510/96 concerning the classification of certain goods in the Combined Nomenclature**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff<sup>(1)</sup>, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) In accordance with Commission Regulation (EC) No 1510/96 of 26 July 1996 concerning the classification of certain goods in the Combined Nomenclature<sup>(2)</sup> plastic shells containing plastic spinning tops and chewing gum have been classified under CN code 9503 90 32 as regards the spinning top and under CN code 1704 10 99 as regards the chewing gum. As a

consequence of the introduction of Note 4 to Chapter 95 of the Combined Nomenclature with effect from 1 January 2007, those items should be classified together as combinations having the essential character of a toy under CN code 9503 00 95.

- (3) Regulation (EC) No 1510/96 should therefore be amended accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

The first item of the table set out in the Annex to Regulation (EC) No 1510/96 is replaced by the text set out in the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 17 January 2013.

*For the Commission,  
On behalf of the President,  
Algirdas ŠEMETA  
Member of the Commission*

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

<sup>(2)</sup> OJ L 189, 30.7.1996, p. 89.

## ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>A plastic capsule, in two pieces, containing:</p> <ul style="list-style-type: none"> <li>— a plastic spinning top with a diameter of 2,5 cm,</li> <li>— chewing gum in the form of a sugar-coated ball with a sucrose content by weight of 69,5 % (including invert sugar expressed as sucrose).</li> </ul>	9503 00 95	<p>Classification is determined by General Rules 1, 5(b) and 6 for the interpretation of the Combined Nomenclature, Note 4 to Chapter 95 and by the wording of CN codes 9503 00 and 9503 00 95.</p> <p>The spinning top and the chewing gum cannot be considered as 'goods put up in sets for retail sale' under the terms of General Rule 3(b), because they are not put up together to meet a particular need or carry out a specific activity. They are not related to one another and are not intended to be used together or in conjunction with one another (the chewing gum is a consumable product, while the spinning top is to be played with).</p> <p>The spinning top is an article of heading 9503 combined with chewing gum of heading 1704, and the combination has the essential character of a toy (see also the CN Explanatory Notes to Note 4 to Chapter 95).</p> <p>As the plastic capsule is a packing material of a kind normally used for packing such goods, it should therefore be classified under the same code as the goods.</p> <p>It is therefore to be classified under CN code 9503 00 95 as other plastic toys.</p>

**COMMISSION IMPLEMENTING REGULATION (EU) No 43/2013****of 17 January 2013****concerning the classification of certain goods in the Combined Nomenclature**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff<sup>(1)</sup>, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code<sup>(2)</sup>.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

*Article 2*

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

*Article 3*

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

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

Done at Brussels, 17 January 2013.

*For the Commission,  
On behalf of the President,  
Algirdas ŠEMETA  
Member of the Commission*

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

<sup>(2)</sup> OJ L 302, 19.10.1992, p. 1.

## ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>An electric breast vacuum pump consisting of:</p> <ul style="list-style-type: none"> <li>— a housing with an integrated pump driven by an electric motor, a battery and controls to adjust suction strength and rhythm,</li> <li>— a suction bonnet with a funnel-shaped suction attachment,</li> <li>— a plastic adaptor for attaching a milk bottle.</li> </ul> <p>The pump exercises a rhythmic vacuum on a woman's breast to extract the milk.</p>	8414 10 89	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8414, 8414 10 and 8414 10 89.</p> <p>Classification under heading 8509 as electromechanical domestic appliances is excluded as the product is not of a kind commonly used for domestic purposes (see Note 3 to Chapter 85).</p> <p>The product is a pump and it is therefore to be classified under CN code 8414 10 89.</p>



**COMMISSION REGULATION (EU) No 44/2013****of 17 January 2013****establishing a prohibition of fishing for Sprat and associated catches in EU waters of subdivisions 22-32 by vessels flying the flag of Germany**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Council Regulation (EU) No 1256/2011 of 30 November 2011 fixing for 2012 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) No 1124/2010 <sup>(2)</sup>, lays down quotas for 2012.
- (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.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

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.

*Article 2***Prohibitions**

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.

*Article 3***Entry into force**

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 January 2013.

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

Lowri EVANS

*Director-General for Maritime Affairs and Fisheries*

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

<sup>(2)</sup> OJ L 320, 3.12.2011, p. 3.

## ANNEX

No	86/Baltic
Member State	Germany
Stock	SPR/3BCD-C
Species	Sprat and associated catches ( <i>sprattus sprattus</i> )
Zone	EU waters of subdivisions 22-32
Date	20.12.2012

**COMMISSION REGULATION (EU) No 45/2013****of 17 January 2013****establishing a prohibition of fishing for herring in EU and Norwegian waters of IV north of 53° 30' N by vessels flying the flag of Germany**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Council Regulation (EU) No 44/2012 of 17 January 2012 fixing for 2012 the fishing opportunities available in EU waters and, to EU vessels, in certain non- EU waters for certain fish stocks and groups of fish stocks which are subject to international negotiations or agreements <sup>(2)</sup>, lays down quotas for 2012.
- (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.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

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.

*Article 2***Prohibitions**

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.

*Article 3***Entry into force**

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 January 2013.

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

Lowri EVANS

*Director-General for Maritime Affairs and Fisheries*

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

<sup>(2)</sup> OJ L 25, 27.1.2012, p. 55.

## ANNEX

No	87/TQ44
Member State	Germany
Stock	HER/4AB.
Species	Herring ( <i>Clupea harengus</i> )
Zone	EU and Norwegian waters of IV north of 53° 30' N
Date	20.12.2012

**COMMISSION IMPLEMENTING REGULATION (EU) No 46/2013****of 21 January 2013****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

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

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

Done at Brussels, 21 January 2013.

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

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

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

## ANNEX

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

(EUR/100 kg)		
CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	MA	70,7
	TN	83,7
	TR	131,1
	ZZ	95,2
0707 00 05	EG	200,0
	JO	182,1
	MA	158,2
	TR	141,1
	ZZ	170,4
0709 91 00	EG	119,3
	ZZ	119,3
0709 93 10	EG	105,4
	MA	99,1
	TR	150,0
	ZZ	118,2
0805 10 20	EG	55,9
	MA	63,2
	TN	66,7
	TR	60,5
	ZZ	61,6
0805 20 10	IL	162,4
	MA	90,3
	ZZ	126,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL	92,5
	KR	139,0
	TR	82,1
	ZZ	104,5
0805 50 10	EG	87,0
	TR	80,9
	ZZ	84,0
0808 10 80	CN	85,7
	MK	35,9
	US	154,2
	ZZ	91,9
0808 30 90	CN	68,8
	US	134,7
	ZZ	101,8

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

**COMMISSION IMPLEMENTING REGULATION (EU) No 47/2013****of 21 January 2013****on the issue of import licences and the allocation of import rights for applications lodged during the first seven days of January 2013 under the tariff quotas opened by Regulation (EC) No 616/2007 for poultrymeat**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) <sup>(1)</sup>,Having regard to Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences <sup>(2)</sup>, and in particular Article 7(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 616/2007 <sup>(3)</sup> opened tariff quotas for imports of poultrymeat products originating in Brazil, Thailand and other third countries.
- (2) The applications for import licences lodged during the first seven days of January 2013 in respect of Groups Nos 1, 2, 4A, 6A, 7 and 8 for the subperiod from 1 April to 30 June 2013 and in respect of Groups Nos 4A, 4B, 6A and 6B for the period from 1 March to 30 June 2013 relate, for some quotas, to quantities exceeding those available. The extent to which import licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested.

- (3) The applications for import rights lodged during the first seven days of January 2013 in respect of Group No 5A for the subperiod from 1 April to 30 June 2013 and in respect of Groups Nos 5A and 5B for the period from 1 March to 30 June 2013 relate, for some quotas, to quantities exceeding those available. The extent to which import rights may be allocated should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The quantities for which import licence applications have been lodged pursuant to Regulation (EC) No 616/2007 for the subperiod from 1 April to 30 June 2013 in respect of Groups Nos 1, 2, 4A, 6A, 7 and 8, and for the period from 1 March to 30 June 2013 in respect of Groups Nos 4A, 4B, 6A and 6B, shall be multiplied by the allocation coefficients set out in the Annex hereto.

2. The quantities for which import rights applications have been lodged pursuant to Regulation (EC) No 616/2007 for the subperiod from 1 April to 30 June 2013 in respect of Group No 5A, and for the period from 1 March to 30 June 2013 in respect of Groups Nos 5A and 5B, shall be multiplied by the allocation coefficient set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 22 January 2013.

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

Done at Brussels, 21 January 2013.

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

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

<sup>(2)</sup> OJ L 238, 1.9.2006, p. 13.

<sup>(3)</sup> OJ L 142, 5.6.2007, p. 3.

## ANNEX

Group No	Order No	Allocation coefficient for import licence applications lodged for the subperiod from 1.4.2013 to 30.6.2013 (%)
1	09.4211	0,578418
6A	09.4216	0,541856

Group No	Order No	Allocation coefficient for import licence applications lodged for the period from 1.3.2013 to 30.6.2013 (%)
4A	09.4251	16,898505
6A	09.4260	7,013335
6B	09.4263	0,816993

Group No	Order No	Allocation coefficient for import rights applications lodged for the subperiod from 1.4.2013 to 30.6.2013 (%)
5A	09.4215	0,815694

Group No	Order No	Allocation coefficient for import rights applications lodged for the period from 1.3.2013 to 30.6.2013 (%)
5A	09.4254	1,197604
	09.4255	8,0
	09.4256	5,562179



**COMMISSION IMPLEMENTING REGULATION (EU) No 48/2013****of 21 January 2013****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Implementing Regulation (EU) No 892/2012 for the 2012/13 marketing year**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) <sup>(1)</sup>,Having regard to Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector <sup>(2)</sup>, and in particular Article 36(2), second subparagraph, second sentence thereof,

Whereas:

(1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups for the 2012/13 marketing year are fixed by Commission Implementing Regulation (EU) No 892/2012 <sup>(3)</sup>. Those prices and duties were last amended by Commission Implementing Regulation (EU) No 11/2013 <sup>(4)</sup>.

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Implementing Regulation (EU) No 892/2012 for the 2012/13 marketing year, are hereby amended as set out in the Annex hereto.

*Article 2*

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

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

Done at Brussels, 21 January 2013.

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

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

<sup>(2)</sup> OJ L 178, 1.7.2006, p. 24.

<sup>(3)</sup> OJ L 263, 28.9.2012, p. 37.

<sup>(4)</sup> OJ L 5, 10.1.2013, p. 7.

## ANNEX

**Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 22 January 2013**

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 12 10 <sup>(1)</sup>	33,36	1,14
1701 12 90 <sup>(1)</sup>	33,36	4,60
1701 13 10 <sup>(1)</sup>	33,36	1,28
1701 13 90 <sup>(1)</sup>	33,36	4,90
1701 14 10 <sup>(1)</sup>	33,36	1,28
1701 14 90 <sup>(1)</sup>	33,36	4,90
1701 91 00 <sup>(2)</sup>	36,96	6,75
1701 99 10 <sup>(2)</sup>	36,96	3,25
1701 99 90 <sup>(2)</sup>	36,96	3,25
1702 90 95 <sup>(3)</sup>	0,37	0,30

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

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

<sup>(3)</sup> Per 1 % sucrose content.

# DECISIONS

## COMMISSION IMPLEMENTING DECISION

of 18 January 2013

**allowing Member States to extend provisional authorisations granted for the new active substances emamectin and maltodextrin**

(notified under document C(2013) 51)

(Text with EEA relevance)

(2013/38/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market <sup>(1)</sup>, and in particular the fourth subparagraph of Article 8(1) thereof,

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 <sup>(2)</sup>, and in particular Article 80(1)(a) thereof,

Whereas:

- (1) In accordance with Article 80(1)(a) of Regulation (EC) No 1107/2009, Directive 91/414/EEC shall continue to apply to active substances for which a decision has been adopted in accordance with Article 6(3) of Directive 91/414/EEC before 14 June 2011.
- (2) In accordance with Article 6(2) of Directive 91/414/EEC, in June 2006 the Netherlands received an application from Syngenta Ltd for the inclusion of the active substance emamectin in Annex I to Directive 91/414/EEC. Commission Decision 2007/669/EC <sup>(3)</sup> confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.
- (3) In accordance with Article 6(2) of Directive 91/414/EEC, in July 2008 France received an application from Biological Crop Protection Ltd for the inclusion of the active substance maltodextrin in Annex I to Directive 91/414/EEC. Commission Decision 2008/20/EC <sup>(4)</sup> confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.

- (4) Confirmation of the completeness of the dossiers was necessary in order to allow them to be examined in detail and to allow Member States the possibility of granting provisional authorisations, for periods of up to three years, for plant protection products containing the active substances concerned, while complying with the conditions laid down in Article 8(1) of Directive 91/414/EEC and, in particular, the conditions relating to the detailed assessment of the active substances and the plant protection products in the light of the requirements laid down by that Directive.
- (5) For these active substances, the effects on human 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 applicants. The rapporteur Member States submitted the draft assessment reports to the Commission on 6 March 2008 (emamectin) and on 10 December 2009 (maltodextrin), respectively.
- (6) Following submission of the draft assessment reports by the rapporteur Member States, it has been found to be necessary to request further information from the applicants and to have the rapporteur Member States examine that information and submit their assessment. Therefore, the examination of the dossiers is still ongoing and it will not be possible to complete the evaluation within the time-frame provided for in Directive 91/414/EEC.
- (7) As the evaluation so far has not identified any reason for immediate concern, Member States should be given the possibility of prolonging provisional authorisations granted for plant protection products containing the active substances concerned for a period of 24 months in accordance with the provisions of Article 8 of Directive 91/414/EEC so as to enable the examination of the dossiers to continue. It is expected that the evaluation and decision-making process with respect to a decision on a possible approval in accordance with Article 13(2) of Regulation (EC) No 1107/2009 for emamectin and maltodextrin will have been completed within 24 months.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

<sup>(1)</sup> OJ L 230, 19.8.1991, p. 1.

<sup>(2)</sup> OJ L 309, 24.11.2009, p. 1.

<sup>(3)</sup> OJ L 274, 18.10.2007, p. 15.

<sup>(4)</sup> OJ L 1, 4.1.2008, p. 5.

HAS ADOPTED THIS DECISION:

*Article 3*

This Decision is addressed to the Member States.

*Article 1*

Member States may extend provisional authorisations for plant protection products containing emamectin or maltodextrin for a period ending on 31 January 2015 at the latest.

Done at Brussels, 18 January 2013.

*Article 2*

This Decision shall expire on 31 January 2015.

*For the Commission*

Tonio BORG

*Member of the Commission*

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## COMMISSION IMPLEMENTING DECISION

of 18 January 2013

**exempting exploration for oil and gas in Cyprus from the application of Directive 2004/17/EC of the European Parliament and of the Council coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors**

(notified under document C(2013) 60)

(Only the Greek text is authentic)

(Text with EEA relevance)

(2013/39/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors <sup>(1)</sup>, and in particular Article 30(4) and (6),

Having regard to the request submitted by Noble Energy International Ltd by e-mail of 17 August 2012,

Whereas:

## I. FACTS

- (1) On 17 August 2012, the Commission received a request pursuant to Article 30(4) of Directive 2004/17/EC, transmitted to the Commission by e-mail.
- (2) The request submitted by Noble Energy International Ltd concerns the exploration for oil and gas in Cyprus. In accordance with the first subparagraph of Article 30(5) of Directive 2004/17/EC, the Commission informed Cyprus thereof by letter of 26 September 2012 and requested additional information. Cyprus replied on 24 October 2012.

## II. LEGAL FRAMEWORK

- (3) Article 30 of Directive 2004/17/EC provides that contracts intended to enable the performance of one of the activities to which Directive 2004/17/EC applies are not subject to that Directive if, in the Member State in which it is carried out, the activity is directly exposed to competition on markets to which access is not restricted. Direct exposure to competition is assessed on the basis of objective criteria, taking account of the specific characteristics of the sector concerned. Access is deemed to be unrestricted if the Member State has implemented and applied the relevant Union legislation opening a given sector or a part of it.

- (4) Cyprus has implemented and applied Directive 94/22/EC of the European Parliament and of the Council of 30 May 1994 on the conditions for granting and using authorizations for the prospection, exploration and production of hydrocarbons <sup>(2)</sup>, access to the market should therefore be deemed not to be restricted in accordance with the first subparagraph of Article 30(3) of Directive 2004/17/EC. Direct exposure to competition in a particular market should be evaluated on the basis of various criteria, none of which are necessarily decisive.

- (5) For the purposes of assessing whether the relevant operators are subject to direct competition in the markets concerned by this decision, the market share of the main players and the degree of concentration of those markets have to be taken into account.

- (6) This Decision is without prejudice to the application of the rules on competition.

## III. ASSESSMENT

- (7) According to established Commission practice <sup>(3)</sup>, exploration for oil and natural gas constitutes one relevant product market, since it is not possible from the outset to determine whether the exploration will result in finding oil or natural gas. It has furthermore been established through the same, long-standing Commission practice that the geographical scope of that market is worldwide. Given that there is no indication that the definition of the geographical scope of the market would be different in this case, it will be maintained for the purposes of this decision.

- (8) The market shares of operators active in exploration can be measured by reference to three variables: the capital expenditure, proven reserves and expected production. The use of capital expenditure to measure the market shares of operators on the exploration market has been found to be unsuitable, inter alia, because of the large differences between the required levels of investments that are necessary in different geographical areas.

<sup>(2)</sup> OJ L 164, 30.6.1994, p. 3.

<sup>(3)</sup> See in particular Commission Decision of 19 November 2007 declaring a concentration to be compatible with the common market (Case No COMP/M.4934 — KAZMUNAIGAZ/ROMPETROL) according to Council Regulation (EC) No 139/2004 (OJ L 24, 29.1.2004, p. 1).

<sup>(1)</sup> OJ L 134, 30.4.2004, p. 1.

- (9) The two other parameters have typically been applied to assess the market shares of economic operators within this sector, namely, their share of proven reserves and of the expected production <sup>(1)</sup>.
- (10) There is only one economic operator active in the market of oil and gas exploration in Cyprus, namely the applicant, which obtained the first licence issued in 2008 following the completion of the first licensing round in Cyprus. However, all companies engaging in oil and gas exploration in the worldwide market are potential competitors as they have had access to both this first and to the second licensing round which was launched in February 2012. According to Cyprus, 33 applications have been submitted, by 15 undertakings or consortia, to this second round.
- (11) As of 31 December 2011, the global, proven oil and gas reserves amounted to a total of 481,4 billion standard cubic metres oil equivalent (hereafter 'Sm<sup>3</sup> o. e.')
- worldwide, according to the available information <sup>(2)</sup>. As of 31 December 2011, Cyprus has only one discovery of hydrocarbons, that reported by the applicant, with natural gas reserves estimated at almost 200 million Sm<sup>3</sup> o. e. <sup>(3)</sup>. These reserves, if proven would be equivalent to slightly more than 0,09 % of worldwide proven reserves of gas and much less as a share of total oil and gas and would raise the applicant's share of worldwide proven natural gas reserves from 0,0416 % to 0,1367 %.
- (12) The exploration market is not highly concentrated. Apart from State-owned companies, the market is characterised by the presence of three international vertically integrated private players named the super majors (BP, ExxonMobil and Shell) as well as a certain number of so-called 'majors'. These elements are an indication of direct exposure to competition.
- (14) Since the condition of unrestricted access to the market is deemed to be met, Directive 2004/17/EC should not apply when contracting entities award contracts intended to enable the exploration for oil and natural gas to be carried out in Cyprus, nor when design contests are organised for the pursuit of such an activity in that geographic area.
- (15) This Decision is based on the legal and factual situation as of August to October 2012 as it appears from the information submitted by the applicant and Cyprus. It may be revised, should significant changes in the legal or factual situation mean that the conditions for the applicability of Article 30(1) of Directive 2004/17/EC are no longer met.
- (16) The measures provided for in this Decision are in accordance with the opinion of the Advisory Committee for Public Contracts,

HAS ADOPTED THIS DECISION:

*Article 1*

Directive 2004/17/EC shall not apply to contracts awarded by contracting entities and intended to enable the exploration for oil and natural gas to be carried out in Cyprus.

*Article 2*

This Decision is addressed to the Republic of Cyprus.

Done at Brussels, 18 January 2013.

**IV. CONCLUSIONS**

- (13) In view of the factors examined, the condition of direct exposure to competition laid down in Article 30(1) of Directive 2004/17/EC should be considered to be met in Cyprus.

*For the Commission*

Michel BARNIER

*Member of the Commission*

<sup>(1)</sup> See in particular points 25 and 27 of Commission Decision 2004/284/EC of 29 September 1999 declaring a concentration compatible with the common market and the EEA Agreement (Case No IV/M.1383 — Exxon/Mobil) (OJ L 103, 7.4.2004, p. 1), and subsequent decisions, inter alia, Commission Decision of 3 May 2007 declaring a concentration to be compatible with the common market (Case No COMP/M.4545 — STATOIL/HYDRO) according to Regulation (EC) No 139/2004.

<sup>(2)</sup> See point 5.2.1 of the application and the sources quoted there, in particular the BP Statistical Review of World Energy, June 2012; in the following referred to as 'BP Statistics'.

<sup>(3)</sup> The exploratory drilling results were of 5 to 8 trillion cubic feet, with a gross mean of 7 trillion cubic feet, equivalent to 0,19824 trillion m<sup>3</sup> gas.



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