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

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II

*(Non-legislative acts)*

# INTERNATIONAL AGREEMENTS

**Notice concerning the entry into force of the Agreement in the form of an Exchange of Letters between the European Union and the United States of America pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union**

The Agreement in the form of an Exchange of Letters between the European Union and the United States of America pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union ([1]), signed in Geneva on 7 December 2012, will enter into force on 1 July 2013.

([1]) OJ L 69, 13.3.2013, p. 5.

# REGULATIONS

## COMMISSION REGULATION (EU) No 611/2013

**of 24 June 2013**

**on the measures applicable to the notification of personal data breaches under Directive 2002/58/EC of the European Parliament and of the Council on privacy and electronic communications**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) [1], and in particular Article 4(5) thereof,

Having consulted the European Network and Information Security Agency (ENISA),

Having consulted the Working Party on the Protection of Individuals with regard to the Processing of Personal Data established by Article 29 of Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data [2] (the Article 29 Working Party),

Having consulted the European Data Protection Supervisor (EDPS),

Whereas:

(1) Directive 2002/58/EC provides for the harmonisation of the national provisions required to ensure an equivalent level of protection of fundamental rights and freedoms, and in particular the right to privacy and confidentiality, with respect to the processing of personal data in the electronic communication sector and to ensure the free movement of such data and of electronic communication equipment and services in the Union.

(2) Under Article 4 of Directive 2002/58/EC, providers of publicly available electronic communications services are obliged to notify the competent national authorities, and in certain cases also the subscribers and individuals concerned, of personal data breaches. Personal data breaches are defined in Article 2(i) of Directive 2002/58/EC as breaches of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed in connection with the provision of a publicly available electronic communications service in the Union.

(3) In order to ensure consistency in implementation of the measures referred to in Article 4(2), (3) and (4) of Directive 2002/58/EC, Article 4(5) thereof empowers the Commission to adopt technical implementing measures concerning the circumstances, format and procedures applicable to the information and notification requirements referred to in that Article.

(4) Different national requirements in this regard may lead to legal uncertainty, more complex and cumbersome procedures and significant administrative costs for providers operating cross-border. The Commission therefore considers it necessary to adopt such technical implementing measures.

(5) This Regulation is limited to the notification of personal data breaches and therefore does not set out technical implementing measures concerning Article 4(2) of Directive 2002/58/EC on informing the subscribers in case of a particular risk of a breach of the security of the network.

(6) It follows from the first subparagraph of Article 4(3) of Directive 2002/58/EC that providers should notify to the competent national authority all personal data breaches. Therefore, no discretion should be left to the provider whether or not to notify to the competent national authority. However, this should not prevent the competent national authority concerned from prioritising the investigation of certain breaches in the way it sees fit in accordance with the applicable law, and to take steps as necessary to avoid over- or under-reporting of personal data breaches.

(7) It is appropriate to provide for a system for the notification of personal data breaches to the competent national authority, which consists, where certain conditions are fulfilled, of various stages, each subject to certain time limits. This system is meant to ensure that the competent national authority is informed as early and as fully as possible, without however unduly hindering the provider in its efforts to investigate the breach and to take the necessary measures to confine it and remedy the consequences thereof.

[1] OJ L 201, 31.7.2002, p. 37.
[2] OJ L 281, 23.11.1995, p. 31.

(8) Neither a simple suspicion that a personal data breach has occurred, nor a simple detection of an incident without sufficient information being available, despite a provider's best efforts to this end, suffices to consider that a personal data breach has been detected for the purposes of this Regulation. Particular regard should be had in this connection to the availability of the information referred to in Annex I.

(9) In the context of the application of this Regulation the competent national authorities concerned should cooperate in cases of personal data breaches having a cross-border dimension.

(10) This Regulation does not provide for additional specification of the inventory of personal data breaches that providers are to maintain, given that Article 4 of Directive 2002/58/EC specifies its content exhaustively. However, providers may refer to this Regulation to determine the format of the inventory.

(11) All competent national authorities should make available a secure electronic means for providers to notify personal data breaches in a common format, based on a standard such as XML, containing the information set out in Annex I in the relevant languages, so as to enable all providers within the Union to follow a similar notification procedure irrespective of where they are located or where the personal data breach occurred. In this connection, the Commission should facilitate the implementation of the secure electronic means by convening meetings with the competent national authorities where necessary.

(12) When assessing whether a personal data breach is likely to adversely affect the personal data or privacy of a subscriber or individual, account should be taken, in particular, of the nature and content of the personal data concerned, in particular where the data concerns financial information, such as credit card data and bank account details; special categories of data referred to in Article 8(1) of Directive 95/46/EC; and certain data specifically related to the provision of telephony or internet services, i.e. e-mail data, location data, internet log files, web browsing histories and itemised call lists.

(13) In exceptional circumstances, the provider should be permitted to delay the notification to the subscriber or individual, where the notification to the subscriber or individual may put at risk the proper investigation of the personal data breach. In this context, exceptional circumstances may include criminal investigations, as well as other personal data breaches that are not tantamount to a serious crime but for which it may be appropriate to postpone notification. In any event, it should be for the competent national authority to assess, in each case and in the light of the circumstances, whether to agree to the postponement or require the notification.

(14) While providers should have contact details of their subscribers, given their direct contractual relationship, such information may not exist for other individuals adversely affected by the personal data breach. In such a case, the provider should be permitted to notify those individuals initially through advertisements in major national or regional media, such as newspapers, to be followed as soon as possible by an individual notification as provided for in this Regulation. The provider is therefore not obliged as such to notify through media, but rather is mandated to act in this way, if it so wishes, when it is still in the process of identifying all individuals affected.

(15) The information about the breach should be dedicated to the breach and not associated with information about another topic. For example, inclusion of information about a personal data breach in a regular invoice should not be considered as an adequate means to notify a personal data breach.

(16) This Regulation does not set out specific technological protection measures that justify derogation from the obligation to notify personal data breaches to subscribers or individuals, as these may change over time as technology advances. The Commission should, however, be able to publish an indicative list of such specific technological protection measures according to current practices.

(17) Implementing encryption or hashing should not be considered sufficient by itself to allow providers to claim more broadly they have fulfilled the general security obligation set out in Article 17 of Directive 95/46/EC. In this regard, providers should also implement adequate organisational and technical measures to prevent, detect and block personal data breaches. Providers should consider any residual risk that may be present after controls have been implemented in order to understand where personal data breaches may potentially occur.

(18) Where the provider uses another provider to perform part of the service, for example in relation to billing or management functions, this other provider, which has no direct contractual relationship with the end user, should not be obliged to issue notifications in the case of a personal data breach. Instead, it should alert and inform the provider with which it has a direct contractual relationship. This should apply also in the context of

wholesale provision of electronic communications services, when typically the wholesale provider does not have a direct contractual relationship with the end user.

(19) Directive 95/46/EC defines a general framework for personal data protection in the European Union. The Commission has presented a proposal for a Regulation of the European Parliament and of the Council to replace Directive 95/46/EC (the Data Protection Regulation). The proposed Data Protection Regulation would introduce an obligation for all data controllers to notify personal data breaches, building on Article 4(3) of Directive 2002/58/EC. The present Commission Regulation is fully consistent with this proposed measure.

(20) The proposed Data Protection Regulation also makes a limited number of technical adjustments to Directive 2002/58/EC to take account of the transformation of Directive 95/46/EC into a Regulation. The substantive legal consequences of the new Regulation for the Directive 2002/58/EC will be the object of a review by the Commission.

(21) The application of this Regulation should be reviewed three years after its entry into force, and its content reviewed in the light of the legal framework in place at that time, including the proposed Data Protection Regulation. The review of this Regulation should be linked where possible to any future review of Directive 2002/58/EC.

(22) The application of this Regulation may be assessed based, inter alia, on any statistics maintained by competent national authorities of the personal data breaches of which they are notified. These statistics may include, for example, information on number of personal data breaches notified to the competent national authority, number of personal data breaches notified to the subscriber or individual, the time taken to resolve the personal data breach, and whether technological protection measures were taken. These statistics should provide the Commission and the Member States with consistent and comparable statistical data, and should reveal neither the identity of the notifying provider nor of the subscribers or individuals involved. The Commission may also hold regular meetings with competent national authorities and other interested stakeholders for this purpose.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

**Scope**

This Regulation shall apply to the notification of personal data breaches by providers of publicly available electronic communications services ('the provider').

*Article 2*

**Notification to the competent national authority**

1. The provider shall notify all personal data breaches to the competent national authority.

2. The provider shall notify the personal data breach to the competent national authority no later than 24 hours after the detection of the personal data breach, where feasible.

The provider shall include in its notification to the competent national authority the information set out in Annex I.

Detection of a personal data breach shall be deemed to have taken place when the provider has acquired sufficient awareness that a security incident has occurred that led to personal data being compromised, in order to make a meaningful notification as required under this Regulation.

3. Where all the information set out in Annex I is not available and further investigation of the personal data breach is required, the provider shall be permitted to make an initial notification to the competent national authority no later than 24 hours after the detection of the personal data breach. This initial notification to the competent national authority shall include the information set out in Section 1 of Annex I. The provider shall make a second notification to the competent national authority as soon as possible, and at the latest within three days following the initial notification. This second notification shall include the information set out in Section 2 of Annex I and, where necessary, update the information already provided.

Where the provider, despite its investigations, is unable to provide all information within the three-day period from the initial notification, the provider shall notify as much information as it disposes within that timeframe and shall submit to the competent national authority a reasoned justification for the late notification of the remaining information. The provider shall notify the remaining information to the competent national authority and, where necessary, update the information already provided, as soon as possible.

4. The competent national authority shall provide to all providers established in the Member State concerned a secure electronic means for notification of personal data breaches and information on the procedures for its access and use. Where necessary, the Commission shall convene meetings with competent national authorities to facilitate the application of this provision.

5. Where the personal data breach affects subscribers or individuals from Member States other than that of the competent national authority to which the personal data breach has been notified, the competent national authority shall inform the other national authorities concerned.

To facilitate the application of this provision, the Commission shall create and maintain a list of the competent national authorities and the appropriate contact points.

*Article 3*

**Notification to the subscriber or individual**

1. When the personal data breach is likely to adversely affect the personal data or privacy of a subscriber or individual, the provider shall, in addition to the notification referred to in Article 2, also notify the subscriber or individual of the breach.

2. Whether a personal data breach is likely to adversely affect the personal data or privacy of a subscriber or individual shall be assessed by taking account of, in particular, the following circumstances:

(a) the nature and content of the personal data concerned, in particular where the data concerns financial information, special categories of data referred to in Article 8(1) of Directive 95/46/EC, as well as location data, internet log files, web browsing histories, e-mail data, and itemised call lists;

(b) the likely consequences of the personal data breach for the subscriber or individual concerned, in particular where the breach could result in identity theft or fraud, physical harm, psychological distress, humiliation or damage to reputation; and

(c) the circumstances of the personal data breach, in particular where the data has been stolen or when the provider knows that the data are in the possession of an unauthorised third party.

3. The notification to the subscriber or individual shall be made without undue delay after the detection of the personal data breach, as set out in the third subparagraph of Article 2(2). That shall not be dependent on the notification of the personal data breach to the competent national authority, referred to in Article 2.

4. The provider shall include in its notification to the subscriber or individual the information set out in Annex II. The notification to the subscriber or individual shall be expressed in a clear and easily understandable language. The provider shall not use the notification as an opportunity to promote or advertise new or additional services.

5. In exceptional circumstances, where the notification to the subscriber or individual may put at risk the proper investigation of the personal data breach, the provider shall be permitted, after having obtained the agreement of the competent national authority, to delay the notification to the subscriber or individual until such time as the competent national authority deems it possible to notify the personal data breach in accordance with this Article.

6. The provider shall notify to the subscriber or individual the personal data breach by means of communication that ensure prompt receipt of information and that are appropriately secured according to the state of the art. The information about the breach shall be dedicated to the breach and not associated with information about another topic.

7. Where the provider having a direct contractual relationship with the end user, despite having made reasonable efforts, is unable to identify within the timeframe referred to in paragraph 3 all individuals who are likely to be adversely affected by the personal data breach, the provider may notify those individuals through advertisements in major national or regional media, in the relevant Member States, within that timeframe. These advertisements shall contain the information set out in Annex II, where necessary in a condensed form. In that case, the provider shall continue to make all reasonable efforts to identify those individuals and to notify to them the information set out in Annex II as soon as possible.

*Article 4*

**Technological protection measures**

1. In derogation from Article 3(1), notification of a personal data breach to a subscriber or individual concerned shall not be required if the provider has demonstrated to the satisfaction of the competent national authority that it has implemented appropriate technological protection measures, and that those measures were applied to the data concerned by the security breach. Such technological protection measures shall render the data unintelligible to any person who is not authorised to access it.

2. Data shall be considered unintelligible if:

(a) it has been securely encrypted with a standardised algorithm, the key used to decrypt the data has not been compromised in any security breach, and the key used to decrypt the data has been generated so that it cannot be ascertained by available technological means by any person who is not authorised to access the key; or

(b) it has been replaced by its hashed value calculated with a standardised cryptographic keyed hash function, the key used to hash the data has not been compromised in any security breach, and the key used to hash the data has been generated in a way that it cannot be ascertained by available technological means by any person who is not authorised to access the key.

3. The Commission may, after having consulted the competent national authorities via the Article 29 Working Party, the European Network and Information Security Agency and the European Data Protection Supervisor, publish an indicative list of appropriate technological protection measures, referred to in paragraph 1, according to current practices.

*Article 5*

**Use of another provider**

Where another provider is contracted to deliver part of the electronic communications service without having a direct contractual relationship with subscribers, this other provider shall immediately inform the contracting provider in the case of a personal data breach.

*Article 6*

**Reporting and review**

Within three years from the entry into force of this Regulation, the Commission shall provide a report on the application of this Regulation, its effectiveness and its impact on providers, subscribers and individuals. On the basis of that report the Commission shall review this Regulation.

*Article 7*

**Entry into force**

This Regulation shall enter into force on 25 August 2013.

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

Done at Brussels, 24 June 2013.

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

*ANNEX I*

**Content of the notification to the competent national authority**

**Section 1**

*Identification of the provider*

1. Name of the provider

2. Identity and contact details of the data protection officer or other contact point where more information can be obtained

3. Whether it concerns a first or second notification

*Initial information on the personal data breach (for completion in later notifications, where applicable)*

4. Date and time of incident (if known; where necessary an estimate can be made), and of detection of incident

5. Circumstances of the personal data breach (e.g. loss, theft, copying)

6. Nature and content of the personal data concerned

7. Technical and organisational measures applied (or to be applied) by the provider to the affected personal data

8. Relevant use of other providers (where applicable)

**Section 2**

*Further information on the personal data breach*

9. Summary of the incident that caused the personal data breach (including the physical location of the breach and the storage media involved):

10. Number of subscribers or individuals concerned

11. Potential consequences and potential adverse effects on subscribers or individuals

12. Technical and organisational measures taken by the provider to mitigate potential adverse effects

*Possible additional notification to subscribers or individuals*

13. Content of notification

14. Means of communication used

15. Number of subscribers or individuals notified

*Possible cross-border issues*

16. Personal data breach involving subscribers or individuals in other Member States

17. Notification of other competent national authorities

*ANNEX II*

**Content of the notification to the subscriber or individual**

1. Name of the provider

2. Identity and contact details of the data protection officer or other contact point where more information can be obtained

3. Summary of the incident that caused the personal data breach

4. Estimated date of the incident

5. Nature and content of the personal data concerned as referred to in Article 3(2)

6. Likely consequences of the personal data breach for the subscriber or individual concerned as referred to in Article 3(2)

7. Circumstances of the personal data breach as referred to in Article 3(2)

8. Measures taken by the provider to address the personal data breach

9. Measures recommended by the provider to mitigate possible adverse effects

# COMMISSION IMPLEMENTING REGULATION (EU) No 612/2013

## of 25 June 2013

## on the operation of the register of economic operators and tax warehouses, related statistics and reporting pursuant to Council Regulation (EU) No 389/2012 on administrative cooperation in the field of excise duties

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EU) No 389/2012 of 2 May 2012 on administrative cooperation in the field of excise duties and repealing Regulation (EC) No 2073/2004 [1], and in particular Article 22 and Article 34(5) thereof,

Whereas:

(1) Regulation (EU) No 389/2012 establishes a framework for the simplification and the strengthening of administrative cooperation between Member States in the field of excise duties.

(2) Article 21 of Council Directive 2008/118/EC of 16 December 2008 concerning the general arrangements for excise duty and repealing Directive 92/12/EEC [2] requires the verification of the details of a draft electronic administrative document by the Member State of dispatch before excise goods may be moved under duty suspension. Commission Regulation (EC) No 684/2009 of 24 July 2009 implementing Council Directive 2008/118/EC as regards the computerised procedures for the movement of excise goods under suspension of excise duty [3] specifies the content of the draft electronic administrative document. Since the information in that administrative document relating to excise authorisations is subject to verification against the details of the corresponding national registers the details of each national register should be made available to each Member State of dispatch regularly and should be kept up to date.

(3) The information contained in the national registers concerning economic operators engaged in moving excise goods under duty suspension arrangements is to be automatically exchanged through a central register of economic operators (Central Register) to be operated by the Commission as provided for in Article 19(4) of Regulation (EU) No 389/2012.

(4) To facilitate the exchange of information through the Central Register it is necessary to lay down the structure and content of the standard formats to be used, including the codes to be entered into those formats.

(5) To ensure that the available data in the Central Register is correct and automatically updated, the central excise liaison office or liaison department should notify and forward modifications of their national registers to the Central Register.

(6) In order for the data stored in the national registers to be correct and up-to-date, the central excise liaison office or liaison department should update the national register on the same day that a modification to an authorisation occurs and should forward modifications to the Central Register without delay.

(7) In order to ensure that Member States have an accurate copy of the details of other national registers the central excise liaison office or designated liaison department should arrange for the regular and timely receipt of new modifications from the Central Register.

(8) It is necessary for economic operators to have a means to verify that their authorisation details have been accurately processed and distributed by the Central Register and to check the details of a trading partner before submitting a draft electronic administrative document. In order to enable such verification of the validity of the excise numbers as provided for in Article 20(1) of Regulation (EU) No 389/2012, the Commission should provide the necessary key details of an authorisation kept in the Central Register upon production of a valid unique excise number. Moreover, rules for correcting inaccurate information in relation to the authorisation of an economic operator should be laid down.

(9) To ensure that the Central Register is being operated efficiently, the guaranteed maximum time to process a notification of the modification of a national register or a common request, it is necessary to specify the level of availability of the Central Register and of the national registers as well as the circumstances under which the availability or performance of the Central Register or the national registers may be allowed to fall below these levels.

(10) In order to provide for the evaluation of the operation of the Central Register the Commission should extract statistical information from the register and deliver it to the Member States on a monthly basis.

[1] OJ L 121, 8.5.2012, p. 1.
[2] OJ L 9, 14.1.2009, p. 12.
[3] OJ L 197, 29.7.2009, p. 24.

(11) In order to allow the Commission and the Member States adequate time to make arrangements to be able to meet obligations concerning time limits and the availability of services required by this Regulation the application of Articles 8, 9 and 10 should be deferred until 1 January 2015.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

**Messages exchanged by means of the computerised system relating to the national and central registers**

1. The structure and the content of messages relating to the registration of economic operators and tax warehouses in the national registers and in the Central Register shall comply with Annex I.

Those messages shall be exchanged by means of the computerised system.

2. The messages referred to in paragraph 1 shall be exchanged for the following purposes:

(a) notification of modifications of national registers sent by the central excise liaison offices and the liaison departments to the Central Register;

(b) notification of modifications of the Central Register sent to national registers;

(c) requests made by central excise liaison offices and the liaison departments for details of modifications to the Central Register;

(d) requests made by central excise liaison offices and the liaison departments for statistical information extracted from the Central Register;

(e) forwarding by the Commission to the requesting Member States of statistical information extracted from the Central Register.

3. Where codes are required for the completion of certain data fields in the messages referred to in paragraph 1, the codes listed in Annex II to this Regulation or in Annex II to Regulation (EC) No 684/2009 shall be used.

*Article 2*

**Definitions**

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

(1) 'record' means an entry in a national register or the Central Register referred to in Article 19(4) of Regulation (EU) No 389/2012;

(2) 'modification' means the creation, update or invalidation of a record;

(3) 'activation date' means the date in a record set by the responsible Member State, from which date the record is available for use in electronic verification in all Member States and from which the extracted details thereof are available for consultation for economic operators.

*Article 3*

**Forwarding of modifications to the Central Register by the central excise liaison offices and the liaison departments**

1. Each central excise liaison office or liaison department designated in accordance with Article 4 of Regulation (EU) No 389/2012 shall be responsible for the forwarding of modifications of its national register to the Central Register and for applying modifications to its national register that have been sent from the Central Register or that have been retrieved from the Central Register or both.

2. The Commission shall establish and maintain a list of the responsible central excise liaison offices or liaison departments on the basis of information provided by the Member States and shall make that list available to Member States.

3. Each central excise liaison office or liaison department shall forward notifications of any modifications of its national register to the Central Register at the latest on the activation date of the modification. The message to be used for modifications of national registers shall be the 'Operations on the register of economic operators' message set out in Table 2 of Annex I.

*Article 4*

**Maintenance of the Central Register and forwarding of modifications to national registers**

1. When receiving an 'Operations on the register of economic operators' message from a central excise liaison office or liaison department containing a notification of a modification to a national register the Commission shall verify that the structure and content of the message comply with Table 2 of Annex I.

2. Where the structure and content of the message referred to in paragraph 1 comply with Table 2 of Annex I, the following actions shall be carried out:

(a) the Commission shall register the modification in the Central Register without delay;

(b) a notification shall be sent to each Member State of which the central excise liaison office or liaison department is registered to receive notifications of modifications using the 'Operations on the register of economic operators' message set out in Table 2 of Annex I.

3. Where the structure or content of the 'Operations on the register of economic operators' message referred to in paragraph 1 does not comply with Table 2 of Annex I the Commission shall return the notification to the central excise liaison office or liaison department that forwarded the notification using the 'Refusal of update of economic operators' message set out in Table 3 of Annex I, with a reason code specifying the reason for the refusal.

4. Upon receipt of a 'Refusal of update of economic operators' message the central excise liaison office or liaison department shall carry out any necessary corrective action without delay and resubmit the notification.

5. The central excise liaison office or liaison department of each Member State that is not registered to receive notifications of modifications from the Commission shall request an extract of the modifications applied to the Central Register at least twice a day using the 'Common request' message set out in Table 1 of Annex I.

*Article 5*

**Incorporation of modifications into national registers**

1. At least twice a day the central excise liaison office or liaison department of each Member State shall incorporate modifications that have been received from the Central Register into its national register.

2. The modifications referred to in paragraph 1 shall be available for consultation by the central excise liaison office or liaison department as soon as they have been incorporated into the national register and shall be available for use in electronic verification from the activation date of the modification.

*Article 6*

**Consultation of the Central Register by economic operators**

1. At least twice a day the Commission shall prepare an extract from the Central Register of all active records. In preparing that extract the Commission shall remove any record that is not available for public consultation. The Commission shall also remove from any remaining record all details for each type of economic operator or premises thereof that do not correspond to the descriptions of extracted details of entries laid down in points (a), (b) and (c) of paragraph 3.

2. Economic operators may request the Commission for extracted details of a record by submitting the unique excise number referred to in point (a) of Article 19(2) of Regulation (EU) No 389/2012.

3. Where the unique excise number submitted corresponds to an excise number present in the extract of the Central Register the extracted details of the register shall be returned to the economic operator, who has made the request, in the following situations:

(a) if the unique excise number submitted corresponds to a record for an authorised warehouse keeper, a registered consignee or a registered consignor the extract shall contain any of the following:

   (i) the textual description of the operator type code (data group 2 e set out in Table 2 of Annex I);

   (ii) at least one excise product category code (data group 2.4 a in the 'Operations on the register of economic operators' message) or at least one excise product code (data group 2.5 a set out in Table 2 of Annex I);

   (iii) a combination of data groups 2.4 a and 2.5 a that is in conformance with the rules contained in the description set out in Table 2 of Annex I;

(b) if the unique excise number submitted corresponds to a record for a tax warehouse the extract shall indicate any of the following:

   (i) at least one excise product category code (data group 3.4 a set out in Table 2 of Annex I);

   (ii) at least one excise product code (data group 3.5 a set out in Table 2 of Annex I);

   (iii) a combination of data groups 3.4 a and 3.5 a that is in conformance with the rules contained in the description set out in Table 2 of Annex I;

(c) if the unique excise number submitted corresponds to a registered consignee that falls under point (h) of Article 19(2) of Regulation (EU) No 389/2012 the extract shall in addition to the data provided in point (a) contain the following information:

   (i) the expiry date of the authorisation (data group 4 c set out in Table 2 of Annex I);

   (ii) whether the authorisation may be used for more than one movement (data group 4 d in Table 2 of Annex I);

   (iii) at least one set of temporary authorisation details (data group 4.3 set out in Table 2 of Annex I).

4. Where there is no correspondence between the unique excise number submitted and the extract of the Central Register the economic operator, who has made the request, shall be informed.

5. If an economic operator claims that a record relating to his authorisation is missing or is incorrect the Commission shall on request inform him on how to make a request for a correction of the record and provide the contact details of the central excise liaison office or liaison department of the responsible Member State.

*Article 7*

**Statistical information and reports**

1. The statistical information to be extracted by the Commission from the Central Register in accordance with Article 34(5) of Regulation (EU) No 389/2012 shall be the following:

(a) the number of active and inactive economic operators records;

(b) the number of pending expirations of authorisations, being the total number of authorisations that will expire in the following month or in the following quarter;

(c) the types of economic operators, the number of economic operators, by type, and the number of tax warehouses;

(d) the number of authorised economic operators by product and by product category;

(e) the number of modifications to excise authorisations.

On the basis of the statistical information referred to in the first subparagraph the Commission shall prepare a monthly report for the Member States.

2. Any central excise liaison office or liaison department may request the Commission to prepare a specific statistical report on the central register. That request shall be made using the 'Common request' message set out in Table 1 of Annex I. The Commission shall reply by using the 'SEED statistics' message set out in Table 4 of Annex I.

*Article 8*

**Time limit for processing notifications of national register modifications and common requests**

1. Within two hours of receipt of a notification of a modification of a national register the Commission shall process that modification in accordance with Article 4.

2. Within two hours of receipt of a 'Common Request' message set out in Table 1 of Annex I, the Commission shall provide the requested information to the requesting central excise liaison office or liaison department.

*Article 9*

**Availability**

The Central Register and the national registers shall be available at all times.

*Article 10*

**Limit to service obligations**

The service obligations of the Commission and the Member States laid down in Articles 8 and 9 do not apply under the following duly justified circumstances:

(a) the Central Register or a national register is unavailable due to hardware or telecommunication failures;

(b) network problems occurs which are not under the direct control of the Commission or the Member State concerned;

(c) force majeure;

(d) scheduled maintenance notified at least forty-eight hours before the planned start of the maintenance period.

*Article 11*

**Entry into force**

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

Articles 8, 9 and 10 shall apply from 1 January 2015.

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

Done at Brussels, 25 June 2013.

*For the Commission*

*The President*

José Manuel BARROSO

*ANNEX I*

**ELECTRONIC MESSAGES USED FOR THE MAINTENANCE OF THE REGISTER OF ECONOMIC OPERATORS**
**EXPLANATORY NOTES**

1. The data elements of the electronic messages used for the purpose of the computerised system are structured in data groups and, where applicable, data subgroups. Details regarding the data elements and their use are presented in the tables of this Annex, in which:

   (a) column A provides the numeric code (number) attributed to each data group and data subgroup; each subgroup follows the sequence number of the data (sub)group of which it forms part (for example: where the data group number is 1, one data subgroup of this group is 1.1 and one data subgroup of this subgroup is 1.1.1);

   (b) column B provides the alphabetic code (letter) attributed to each data element in a data (sub)group;

   (c) column C identifies the data (sub)group or data element;

   (d) column D provides each data (sub)group or data element with a value indicating whether the insertion of the corresponding data is:

      (i) 'R' (Required), meaning that the data must be provided. When a data (sub)group is 'O' (Optional) or 'C' (Conditional), data elements within that group can still be 'R' (Required) when the competent authorities of the Member State have decided that the data in this (sub)group must be completed or when the condition applies;

      (ii) 'O' (Optional), meaning that the insertion of the data is optional for the person submitting the message (the consignor or consignee) except where a Member State has stipulated that the data are required in accordance with the option provided for in column E for some of the optional data (sub)groups or data elements;

      (iii) 'C' (Conditional), meaning that the use of the data (sub)group or data element depends on other data (sub)groups or data elements in the same message;

      (iv) 'D' (Dependent), meaning that the use of the data (sub)group or data element depends on a condition which cannot be checked by the computerised system, as provided for in columns E and F;

   (e) column E provides the condition(s) for data whose insertion is conditional, specifies the use of the optional and dependent data where applicable and indicates which data must be provided by the competent authorities;

   (f) column F provides explanations, where necessary, concerning the completion of the message;

   (g) column G provides:

      (i) for some data (sub)groups a number followed by the character 'x' indicating how many times the data (sub)group can be repeated in the message (default = 1);

      (ii) for each data element, except for data elements indicating the time or the date or both, the characteristics identifying the data type and the data length. The codes for the data types are as follows:

         — a alphabetic;

         — n numeric;

         — an alphanumeric.

         The number following the code provides the admissible data length for the data element concerned. The optional two dots before the length indicator mean that the data have no fixed length, but can have up to a number of digits, as specified by the length indicator. A comma in the data length means that the data can hold decimals, the digit before the comma provides the total length of the attribute, and the digit after the comma provides the maximum number of digits after the decimal point.

      (iii) for data elements indicating the time or the date or both, the mention 'date', 'time' or 'dateTime', meaning that the date, the time or the date and time must be given using the ISO 8601 standard for representation of dates and time.

2. The following abbreviations are used in the tables of this Annex:

   (a) e-AD: electronic administrative document;

   (b) ARC: administrative reference code;

   (c) SEED: System for Exchange of Excise Data (the electronic database referred to in Article 19(1) of Regulation (EU) No 389/2012;

   (d) CN Code: Combined Nomenclature Code.

3. The following definitions are used in the tables of this Annex:

   (a) 'Start Date' means 'Authorisation Start Date' or 'Validity Start Date';

   (b) 'End Date' means 'Authorisation End Date' or 'Validity End Date';

   (c) 'Authorisation Start Date' means the date from which an economic operator is authorised by the responsible Member State to produce, store, send or receive excise goods under duty suspension;

   (d) 'Authorisation End Date' means the date from which an economic operator is no longer authorised by the responsible Member State;

   (e) 'Validity Start Date' means the date from which the premises of an economic operator have been declared by the responsible Member State to be valid as a location to produce, send or receive excise goods under duty suspension;

   (f) 'Validity End Date' means the date from which the premises of an economic operator cease to be valid.

*Table 1*

**Common request**

(referred to in Articles 4, 7 and 8)

| A | B | C | D | E | F | G |
|---|---|---|---|---|---|---|
| **1** | | **ATTRIBUTES** | R | | | |
| | *a* | Request Type | R | | The possible values are:<br>— 2 = Request for extraction of reference data<br>— 3 = Request for retrieval of reference data<br>— 4 = Request for extraction of economic operators<br>— 5 = Request for retrieval of economic operators<br>— 6 = Request for EOL<br>— 7 = Request for retrieval of a list of e-ADs<br>— 8 = Request for SEED statistics | n1 |
| | *b* | Request Message Name | C | — 'R' if <Request Type> is '2' or '3'<br>— Does not apply otherwise<br>*(see Request Type in box 1a)* | The possible values are:<br>— 'C_COD_DAT' = Common list of codes<br>— 'C_PAR_DAT' = Common system parameters<br>— 'ALL' = For complete structure | a.9 |
| | *c* | Requesting Office | R | | An existing identifier <Office Reference Number> in the set of <OFFICE> | an8 |
| | *d* | Request Correlation Identifier | C | — 'R' if <Request Type> is '2', '3', '4', '5', '7', or '8'<br>— Does not apply otherwise<br>*(see Request Type in box 1a)* | The value of <Request Correlation Identifier> is unique per Member State | an.16 |
| | *e* | Start Date | C | For 1 *e* and *f*:<br>— 'R' if <Request Type> is '3' or '5'<br>— Does not apply otherwise<br>*(see Request Type in box 1a)* | | date |
| | *f* | End Date | C | | | date |
| | *g* | Single Date | C | — 'R' if <Request Type> is '2' or '4'<br>— Does not apply otherwise<br>*(see Request Type in box 1a)* | | date |

| A | B | C | D | E | F | G |
|---|---|---|---|---|---|---|
| **2** | | **E-AD LIST REQUEST** | C | — 'R' if <Request Type> is '7'<br>— Does not apply otherwise<br>*(see Request Type in box 1a)* | | |
| | *a* | Member State Code | R | | *(see Code list 3 in Annex II to Regulation (EC) No 684/2009)* | a2 |
| **2.1** | | **RA_PRIMARY CRITERION** | R | | | 99x |
| | *a* | Primary Criterion Type Code | R | | The possible values are:<br>— 1 = ARC<br>— 2 = Brand name of product<br>— 3 = Categories of excise products of the movement<br>— 4 = (reserved)<br>— 5 = (reserved)<br>— 6 = (reserved)<br>— 7 = (reserved)<br>— 8 = City of consignee<br>— 9 = City of consignor<br>— 10 = City of guarantor<br>— 11 = (reserved)<br>— 12 = City of place of delivery<br>— 13 = City of tax warehouse of dispatch<br>— 14 = City of transporter<br>— 15 = CN code of product<br>— 16 = Date of invoice<br>— 17 = Excise number of consignee<br>— 18 = Excise number of consignor<br>— 19 = Excise number of guarantor<br>— 20 = (reserved)<br>— 21 = (reserved)<br>— 22 = Excise number of the tax warehouse of destination<br>— 23 = Excise number of the tax warehouse of dispatch<br>— 24 = (reserved)<br>— 25 = Excise product code<br>— 26 = Journey time<br>— 27 = Member State of destination | n..2 |

| A | B | C | D | E | F | G |
|---|---|---|---|---|---|---|
| | | | | | — 28 = Member State of dispatch<br>— 29 = Name of consignee<br>— 30 = Name of consignor<br>— 31 = Name of guarantor<br>— 32 = (reserved)<br>— 33 = Name of place of delivery<br>— 34 = Name of tax warehouse of dispatch<br>— 35 = Name of transporter<br>— 36 = Number of invoice<br>— 37 = Postal code of consignee<br>— 38 = Postal code of consignor<br>— 39 = Postal code of guarantor<br>— 40 = (reserved)<br>— 41 = Postal code of place of delivery<br>— 42 = Postal code of tax warehouse of dispatch<br>— 43 = Postal code of transporter<br>— 44 = Quantity of goods (in an e-AD body)<br>— 45 = Local Reference Number, being a serial number, assigned by the consignor<br>— 46 = Type of transport<br>— 47 = (reserved)<br>— 48 = (reserved)<br>— 49 = VAT number of the consignee<br>— 50 = (reserved)<br>— 51 = VAT number of the transporter<br>— 52 = Change of destination (sequence number ≥ 2) | |
| **2.1.1** | | **RA_PRIMARY VALUE** | O | | | 99x |
| | *a* | Value | R | | | an..255 |
| **3** | | **STA_REQUEST** | C | — 'R' if <Request Type> is '8'<br>— Does not apply otherwise<br>*(see Request Type in box 1a)* | | |
| | *a* | Statistic Type | R | | The possible values are:<br>— 1 = Active and inactive economic operators<br>— 2 = Pending expirations | n1 |

| A | B | C | D | E | F | G |
|---|---|---|---|---|---|---|
| | | | | | — 3 = Economic operators by type and tax warehouses<br>— 4 = Excise activity<br>— 5 = Changes to excise authorisations | |
| **3.1** | | **LIST OF MEMBER STATES CODE** | R | | | 99x |
| | *a* | Member State Code | R | | *(see Code list 3 in Annex II to Regulation (EC) No 684/2009)* | a2 |
| **4** | | **STA_PERIOD** | C | — 'R' if <Request Type> is '8'<br>— Does not apply otherwise<br>*(see Request Type in box 1a)* | | |
| | *a* | Year | R | | | n4 |
| | *b* | Semester | C | For 4 *b*, *c*, and *d*:<br>The three following data fields are optional and exclusive:<br>— <Semester><br>— <Quarter><br>— <Month><br>i.e. If one of these data fields is given then the two other data fields do not apply | The possible values are:<br>— 1 = First semester<br>— 2 = Second semester | n1 |
| | *c* | Quarter | C | | The possible values are:<br>— 1 = First quarter<br>— 2 = Second quarter<br>— 3 = Third quarter<br>— 4 = Fourth quarter | n1 |
| | *d* | Month | C | | The possible values are:<br>— 1 = January<br>— 2 = February<br>— 3 = March<br>— 4 = April<br>— 5 = May<br>— 6 = June<br>— 7 = July<br>— 8 = August<br>— 9 = September | n..2 |

| A | B | C | D | E | F | G |
|---|---|---|---|---|---|---|
| | | | | | — 10 = October<br>— 11 = November<br>— 12 = December | |
| **5** | | **REF_REQUEST** | C | — 'R' if <Request Type> is '2' or '3'<br>— Does not apply otherwise<br>*(see Request Type in box 1a)* | | |
| **5.1** | | **LIST OF CODES CODE** | O | | | 99x |
| | *a* | Requested List of Code | O | | The possible values are:<br>— 1 = Units of measure<br>— 2 = Events types<br>— 3 = Evidence types<br>— 4 = (reserved)<br>— 5 = (reserved)<br>— 6 = Language codes<br>— 7 = Member states<br>— 8 = Country codes<br>— 9 = Packaging codes<br>— 10 = Reasons for unsatisfactory receipt or control report<br>— 11 = Reasons for interruption<br>— 12 = (reserved)<br>— 13 = Transport modes<br>— 14 = Transport units<br>— 15 = Wine-growing zones<br>— 16 = Wine operation codes<br>— 17 = Excise product categories<br>— 18 = Excise products<br>— 19 = CN codes<br>— 20 = Correspondences CN code — Excise product<br>— 21 = Cancellation reasons<br>— 22 = Alert or rejection of e-AD reasons<br>— 23 = Delay explanations<br>— 24 = (reserved)<br>— 25 = Event submitting persons<br>— 26 = History refusal reasons | n..2 |

| A | B | C | D | E | F | G |
|---|---|---|---|---|---|---|
| | | | | | — 27 = Reasons for delayed result<br>— 28 = Administrative cooperation actions<br>— 29 = Administrative cooperation request reasons<br>— 30 = (reserved)<br>— 31 = (reserved)<br>— 32 = (reserved)<br>— 33 = (reserved)<br>— 34 = Administrative cooperation action not possible reasons<br>— 35 = Common request rejection reasons<br>— 36 = (reserved) | |

*Table 2*

**Operations on the register of economic operators**

(referred to in Articles 3, 4 and 6)

| A | B | C | D | E | F | G |
|---|---|---|---|---|---|---|
| **1** | | **ATTRIBUTES** | R | | | |
| | *a* | Message Type | R | | The possible values are:<br>— 1 = Update of economic operators (Notification of changes to CD/RD)<br>— 2 = Dissemination of updates of economic operators<br>— 3 = Retrieval of economic operators<br>— 4 = Extraction of economic operators | n1 |
| | *b* | Request Correlation Identifier | C | — 'R' if <Message Type> is '3' or '4'<br>— Does not apply otherwise<br>*(see Message Type in box 1a)* | The value of <Request Correlation Identifier> is unique per Member State | an..16 |
| **2** | | **TRADER AUTHORISATION** | O | | | 999999x |
| | *a* | Trader Excise Number | R | | *(See Code list 1 in Annex II* The <Trader Excise Number> must be unique in the list of <TRADER AUTHORISATION>. | an13 |
| | *b* | VAT Number | O | | | an..14 |

| A | B | C | D | E | F | G |
|---|---|---|---|---|---|---|
| | *c* | Authorisation Start Date | R | | | date |
| | *d* | Authorisation End Date | O | | | date |
| | *e* | Operator Type Code | R | | The possible values are:<br>— 1 = Authorised warehouse keeper<br>— 2 = Registered consignee<br>— 3 = Registered consignor<br>The value of the <Operator Type Code> data item cannot be changed after the creation of the TRADER AUTHORISATION | n1 |
| | *f* | Excise Office Reference Number | R | | *(see Code list 5 in Annex II to Regulation (EC) No 684/2009)* | an8 |
| **2.1** | | **ACTION** | R | | | |
| | *a* | Operation | R | | The possible values are:<br>— C = Create<br>— U = Update<br>— I = Invalidate | a1 |
| | *b* | Activation Date | C | — 'R' if <Operation> is 'C' or 'U'<br>— 'O' otherwise<br>*(see Operation in box 2.1a)* | If <Activation Date> is not entered the Activation Date of the Invalidate operation is considered to be the date that the Invalidate operation is incorporated into the central register. | date |
| | *c* | Responsible Data Manager | O | | | an..35 |
| **2.2** | | **NAME AND ADDRESS** | R | | | 99x |
| | *a* | Name | R | | | an..182 |
| | *b* | NAD_LNG | R | | *(see Code list 1 in Annex II to Regulation (EC) No 684/2009)* | a2 |
| **2.2.1** | | **ADDRESS** | R | | | |
| | *a* | Street Name | R | | | an..65 |
| | *b* | Street Number | O | | | an..11 |

<table>
<tr><th>A</th><th>B</th><th>C</th><th>D</th><th>E</th><th>F</th><th>G</th></tr>
<tr><td></td><td>c</td><td>Postcode</td><td>R</td><td></td><td></td><td>an..10</td></tr>
<tr><td></td><td>d</td><td>City</td><td>R</td><td></td><td></td><td>an..50</td></tr>
<tr><td></td><td>e</td><td>Member State Code</td><td>R</td><td></td><td>(see Code list 3 in Annex II to Regulation (EC) No 684/2009)</td><td>a2</td></tr>
<tr><td colspan="2">2.3</td><td>OPERATOR ROLE CODE</td><td>O</td><td></td><td></td><td>9x</td></tr>
<tr><td></td><td>a</td><td>Operator Role Code</td><td>R</td><td></td><td>The possible values are:<br>— 1 = Allowed to practise direct delivery<br>— 2 = Allowed to leave empty the destination fields according to point (f) of Article 19(2) of Regulation (EU) No 389/2012.<br>The couplings <Operator Type / Operator Role Code> are as follows:
<table>
<tr><th>OP/OR TYPE / OP/OR ROLE</th><th>AUTH. WH KEEPER</th><th>REG. CON/EE</th><th>REG. CON/OR</th></tr>
<tr><td>Allowed to practise direct delivery</td><td>X</td><td>X</td><td></td></tr>
<tr><td>Allowed to leave empty the destination fields according to point (f) of Article 19(2) of Regulation (EU) No 389/2012</td><td>X</td><td></td><td></td></tr>
</table></td><td>n1</td></tr>
<tr><td colspan="2">2.4</td><td>EXCISE PRODUCTS CATEGORY CODE</td><td>C</td><td>At least one of the <EXCISE PRODUCTS CATEGORY code> or <EXCISE PRODUCT code> data groups must be present</td><td></td><td>999x</td></tr>
<tr><td></td><td>a</td><td>Excise Products Category Code</td><td>R</td><td></td><td>(see Code list 3 in Annex II)<br>The <Excise Products Category Code> must be unique in the list of <EXCISE PRODUCTS CATEGORY Code> inside the same <TRADER AUTHORISATION> or <TAX WAREHOUSE></td><td>a1</td></tr>
</table>

| A | B | C | D | E | F | G |
|---|---|---|---|---|---|---|
| **2.5** | | **EXCISE PRODUCT CODE** | C | At least one of the <EXCISE PRODUCTS CATEGORY code> or <EXCISE PRODUCT code> data groups must be present | | 999x |
| | *a* | Excise Product Code | R | | *(see Code list 11* in *Annex II to* Regulation (EC) No 684/2009)<br><br>The <Excise Products Category Code> of the <Excise Product Code> must not exist inside the same <TRADER AUTHORISATION> or <TAX WAREHOUSE><br><br>The <Excise Product Code> must be unique in the list of <EXCISE PRODUCT Code> inside the same <TRADER AUTHORISATION>, <TAX WAREHOUSE>, or <TEMPORARY AUTHORISATION> | an..4 |
| **2.6** | | **(USING) TAX WAREHOUSE** | C | — 'R' if <Operator Type Code> is 'Authorised warehouse keeper'<br><br>— Does not apply otherwise<br><br>*(see Operator Type Code in box 2e)* | | 99x |
| | *a* | Tax Warehouse Reference | R | | *(see Code list 1 in Annex II)*<br><br>The 'Tax Warehouse Reference' shall be one of the <TAX WAREHOUSE. Tax Warehouse Reference> such that there exists at least one Active version having its Validity Interval intersecting the Validity Interval of the <TRADER AUTHORISATION>, after the Activation Date of the latter, by at least one day<br><br>The <Tax Warehouse Reference> must be unique in the list of <TAX WAREHOUSE>. | an13 |
| **3** | | **TAX WAREHOUSE** | O | | | 999999x |
| | *a* | Tax Warehouse Reference | R | | *(see Code list 1 in Annex II)*<br><br>The <Tax Warehouse Reference> must be unique in the list of <TAX WAREHOUSE>.<br><br>The 'Tax Warehouse Reference' shall be the same as one of the <(USING) TAX WAREHOUSE. Tax Warehouse Reference> within one or more <TRADER AUTHORISATION> data groups of 'Authorised Warehouse Keeper' type satisfying also Rule 204 | an13 |

| A | B | C | D | E | F | G |
|---|---|---|---|---|---|---|
| | *b* | Validity Begin Date | R | | | date |
| | *c* | Validity End Date | O | | | date |
| | *d* | Excise Office Reference Number | R | | *(see Code list 5 in Annex II to Regulation (EC) No 684/2009)* | an8 |
| **3.1** | | **ACTION** | R | | | |
| | *a* | Operation | R | | The possible values are:<br>— C = Create<br>— U = Update<br>— I = Invalidate | a1 |
| | *b* | Activation Date | C | — 'R' if <Operation> is 'C' or 'U'<br>— 'O' otherwise<br>*(see Operation in box 3.1a)* | If <Activation Date> is not entered the Activation Date of the Invalidate operation is considered to be the date that the Invalidate operation is incorporated into the central register. | date |
| | *c* | Responsible Data Manager | O | | | an..35 |
| **3.2** | | **NAME AND ADDRESS** | R | | | 99x |
| | *a* | Name | R | | | an..182 |
| | *b* | NAD_LNG | R | | *(see Code list 1* in *Annex II to Regulation (EC) No 684/2009)* | a2 |
| **3.2.1** | | **ADDRESS** | R | | | |
| | *a* | Street Name | R | | | an..65 |
| | *b* | Street Number | O | | | an..11 |
| | *c* | Postcode | R | | | an..10 |
| | *d* | City | R | | | an..50 |
| | *e* | Member State Code | R | | *(see Code list 3* in *Annex II to Regulation (EC) No 684/2009)* | a2 |

| A | B | C | D | E | F | G |
|---|---|---|---|---|---|---|
| **3.4** | | **EXCISE PRODUCTS CATEGORY CODE** | C | At least one of the <EXCISE PRODUCTS CATEGORY code> or <EXCISE PRODUCT code> data groups must be present | | 999x |
| | *a* | Excise Products Category Code | R | | *(see Code list 3 in Annex II)*<br>The <Excise Products Category Code> must be unique in the list of <EXCISE PRODUCTS CATEGORY Code> inside the same <TRADER AUTHORISATION> or <TAX WAREHOUSE> | an1 |
| **3.5** | | **EXCISE PRODUCT CODE** | C | At least one of the <EXCISE PRODUCTS CATEGORY code> or <EXCISE PRODUCT code> data groups must be present | | 999x |
| | *a* | Excise Product Code | R | | *(see Code list 11 in Annex II to Regulation (EC) No 684/2009)*<br>The <Excise Products Category Code> of the <Excise Product Code> must not exist inside the same <TRADER AUTHORISATION> or <TAX WAREHOUSE><br>The <Excise Product Code> must be unique in the list of <EXCISE PRODUCT Code> inside the same <TRADER AUTHORISATION>, <TAX WAREHOUSE>, or <TEMPORARY AUTHORISATION> | an..4 |
| **4** | | **TEMPORARY AUTHORISATION** | O | | | 999999x |
| | *a* | Temporary Authorisation Reference | R | | *(see Code list 2 in Annex II,)* | an13 |
| | *b* | Office Reference Number of Issuance | R | | *(see Code list 5 in Annex II to Regulation (EC) No 684/2009)* | an8 |
| | *c* | Date of Expiry | R | | | date |

| A | B | C | D | E | F | G |
|---|---|---|---|---|---|---|
| | *d* | Re-usable Temporary Authorisation flag | R | | The possible values are:<br>— 0 = No or False<br>— 1 = Yes or True | n1 |
| | *e* | VAT Number | O | | | an..14 |
| | *f* | Authorisation Start Date | R | | | date |
| | *g* | Small Wine Producer flag | O | | The possible values are:<br>— 0 = No or False<br>— 1 = Yes or True | n1 |
| **4.1** | | **ACTION** | R | | | |
| | *a* | Operation | R | | The possible values are:<br>— C = Create<br>— U = Update<br>— I = Invalidate | a1 |
| | *b* | Activation Date | C | — 'R' if <Operation> is 'C' or 'U'<br>— 'O' otherwise<br>*(see Operation in box 4.1a)* | If <Activation Date> is not entered the Activation Date of the Invalidate operation is considered to be the date that the Invalidate operation is incorporated into the central register. | date |
| | *c* | Responsible Data Manager | O | | | an..35 |
| **4.2** | | **TRADER CONSIGNOR** | R | | | |
| | *a* | Trader Excise Number | C | — 'R' if <Temporary Authorisation — Small Wine Producer flag> is not present or is False<br>— 'O' otherwise | For TRADER Consignor<br>An existing identifier <Trader Excise Number> in the set of <TRADER AUTHORISATION><br>The <Operator Type Code> of the referred <TRADER> must be:<br>— 'Authorised warehouse keeper'; OR<br>— 'Registered consignor' | an13 |
| | *b* | Trader Name | R | | | an..182 |
| | *c* | Street Name | R | | | an..65 |

| A | B | C | D | E | F | G |
|---|---|---|---|---|---|---|
| | *d* | Street Number | O | | | an..11 |
| | *e* | Postcode | R | | | an..10 |
| | *f* | City | R | | | an..50 |
| | *g* | NAD_LNG | R | | *(see Code list 1 in Annex II to Regulation (EC) No 684/2009)* | a2 |
| **4.3** | | **TEMPORARY AUTHORISATION DETAILS** | R | | | 999x |
| | *a* | Excise Product Code | R | | *(see Code list 11 in Annex II to Regulation (EC) No 684/2009)*<br>The <Excise Product Code> must be unique in the list of <EXCISE PRODUCT Code> inside the same <TRADER AUTHORISATION>, <TAX WAREHOUSE>, or <TEMPORARY AUTHORISATION><br>If <Temporary Authorisation — Small Wine Producer> is present and is True THEN the <Excise Product Code> must be either:<br>— 'W200'; OR<br>— 'W300' | an..4 |
| | *b* | Quantity | R | | | n..15,3 |
| **4.4** | | **NAME AND ADDRESS** | R | | | 99x |
| | *a* | Name | R | | | an..182 |
| | *b* | NAD_LNG | R | | *(see Annex II, Code list 1 of Regulation (EC) No 684/2009)* | a2 |
| **4.4.1** | | **ADDRESS** | R | | | |
| | *a* | Street Name | R | | | an..65 |
| | *b* | Street Number | O | | | an..11 |
| | *c* | Postcode | R | | | an..10 |
| | *d* | City | R | | | an..50 |
| | *e* | Member State Code | R | | *(see Code list 3 in Annex II to Regulation (EC) No 684/2009)* | a2 |

*Table 3*

**Refusal of update of economic operators**

(referred to in Article 4)

| A | B | C | D | E | F | G |
|---|---|---|---|---|---|---|
| **1** | | **Operations on the Register of Economic Operators Message Submission** | R | | (see Table 2 for details) | |
| **2** | | **REJECTION** | R | | | 9999x |
| | *a* | Rejection Date and Time | R | | | dateTime |
| | *b* | Rejection Reason Code | R | | The possible values are:<br>— 1 = Missing operation<br>— 2 = Unknown operation<br>— 3 = Economic operator Excise number incorrect format<br>— 4 = Tax warehouse reference incorrect format<br>— 5 = Temporary authorisation incorrect format<br>— 6 = Office reference number incorrect format<br>— 7 = Missing name<br>— 8 = Economic operator already exists (creation)<br>— 9 = Tax warehouse already exists (creation)<br>— 10 = Temporary authorisation already exists (creation)<br>— 11 = Economic operator not found (Update / Deletion)<br>— 12 = Tax warehouse not found (Update / Deletion)<br>— 13 = Temporary authorisation not found (Update / Deletion)<br>— 14 = Unknown Economic operator<br>— 18 = Missing operator type<br>— 19 = Unknown operator type<br>— 20 = Missing operator role<br>— 21 = Unknown operator role<br>— 22 = Inconsistency between operator type and operator role<br>— 23 = Missing or incorrect format of the authorisation start date<br>— 24 = Incorrect format of the authorisation end date<br>— 25 = Missing or incorrect format of the date of expiry<br>— 26 = Missing or unknown office reference number<br>— 27 = Inconsistency between Excise number and Excise office | n..2 |

| A | B | C | D | E | F | G |
|---|---|---|---|---|---|---|
| | | | | | — 28 = A tax warehouse can not belong to more than one authorised warehouse keeper<br>— 29 = The Excise number of an authorised warehouse keeper cannot be the same as the excise number of an economic operator, unless this latter is its own authorised warehouse keeper<br>— 30 = Missing Excise product category<br>— 31 = Unknown Excise product category<br>— 32 = Missing Excise product<br>— 33 = Unknown Excise product<br>— 34 = Incomplete address<br>— 35 = Missing language code<br>— 36 = Unknown language code<br>— 37 = At least the phone number, the fax number or the email address must be given<br>— 38 = Missing owner/manager of the tax warehouse<br>— 39 = Unknown owner/manager of the tax warehouse<br>— 40 = The owner/manager of the tax warehouse must be a warehouse keeper<br>— 41 = Only a warehouse keeper may be allowed to use a tax warehouse<br>— 42 = Invalid Reference of Tax Warehouse (Rule 204 violation)<br>— 43 = Missing Authorised Warehouse Keeper referencing Tax Warehouse (Rule 205 violation)<br>— 44 = <Trader Excise Number> is missing (Cond 157 violation)<br>— 45 = Invalid value for <Excise Product Code> (Rule 212 violation) | |

*Table 4*

**SEED statistics**

(referred to in Article 7)

| A | B | C | D | E | F | G |
|---|---|---|---|---|---|---|
| **1** | | **ATTRIBUTES** | R | | | |
| | *a* | Request Correlation Identifier | R | | The value of <Request Correlation Identifier> is unique per Member State. | an..16 |
| **2** | | **STA_PERIOD** | R | | | |

| A | B | C | D | E | F | G |
|---|---|---|---|---|---|---|
| | *a* | Year | R | | | n4 |
| | *b* | Semester | C | For 2 *b*, *c*, and *d*:<br>The three following data fields are optional and exclusive:<br>— <Semester><br>— <Quarter><br>— <Month><br>i.e. If one of these data fields is given then the two other data fields do not apply | The possible values are:<br>— 1 = First semester<br>— 2 = Second semester | n1 |
| | *c* | Quarter | C | | The possible values are:<br>— 1 = First quarter<br>— 2 = Second quarter<br>— 3 = Third quarter<br>— 4 = Fourth quarter | n1 |
| | *d* | Month | C | | The possible values are:<br>— 1 = January<br>— 2 = February<br>— 3 = March<br>— 4 = April<br>— 5 = May<br>— 6 = June<br>— 7 = July<br>— 8 = August<br>— 9 = September<br>— 10 = October<br>— 11 = November<br>— 12 = December | n..2 |
| **3** | | **STA_PER_MS** | O | | | 99x |
| | *a* | Member State Code | R | | *(see Code list 3 in Annex II to Regulation (EC) No 684/2009)* | a2 |
| | *b* | Number of Active Economic Operators | O | | | n..15 |
| | *c* | Number of Inactive Economic Operators | O | | | n..15 |
| | *d* | Number of Pending Expirations | O | | | n..15 |

| A | B | C | D | E | F | G |
|---|---|---|---|---|---|---|
| | *e* | Number of Tax Warehouses | O | | | n..15 |
| | *f* | Number of Excise Authorisation Changes | O | | | n..15 |
| **3.1** | | **OPERATOR_TYPE** | O | | | 9x |
| | *a* | Operator Type Code | R | | The possible values are:<br>— 1 = Authorised warehouse keeper<br>— 2 = Registered consignee<br>— 3 = Registered consignor | n1 |
| | *b* | Number of Economic Operators | R | | | n..15 |
| **3.2** | | **EXCISE_PRODUCT_ CATEGORY_ACTIVITY** | O | | | 9x |
| | *a* | Excise Products Category Code | R | | *(see Code list 3 in Annex II)* | a1 |
| | *b* | Number of Economic Operators | R | | | n..15 |
| **3.3** | | **EXCISE_PRODUCT_ACTIVITY** | O | | | 9999x |
| | *a* | Excise Product Code | R | | *(see Code list 11 in Annex II to Regulation (EC) No 684/2009)* | an..4 |
| | *b* | Number of Economic Operators | R | | | n..15 |
| **4** | | **STA_ALL_MS** | O | | | |
| | *a* | Total Number of Active Economic Operators | O | | | n..15 |
| | *b* | Total Number of Inactive Economic Operators | O | | | n..15 |
| | *c* | Total Number of Pending Expirations | O | | | n..15 |

| A | B | C | D | E | F | G |
|---|---|---|---|---|---|---|
| | *d* | Total Number of Tax Warehouses | O | | | n..15 |
| | *e* | Total Number of Excise Authorisation Changes | O | | | n..15 |
| **4.1** | | **OPERATOR_TYPE_ALL_MS** | O | | | 9x |
| | *a* | Operator Type Code | R | | The possible values are:<br>— 1 = Authorised warehouse keeper<br>— 2 = Registered consignee<br>— 3 = Registered consignor | n1 |
| | *b* | Total Number of Economic Operators | R | | | n..15 |
| **4.2** | | **EXCISE_PRODUCT_CATEGORY_ACTIVITY_ALL_MS** | O | | | 9x |
| | *a* | Excise Products Category Code | R | | *(see Code list 3 in Annex II)* | a1 |
| | *b* | Total Number of Economic Operators | R | | | n..15 |
| **4.3** | | **EXCISE_PRODUCT_ACTIVITY_ALL_MS** | O | | | 9999x |
| | *a* | Excise Product Code | R | | *(see Code list 11 in Annex II to Regulation (EC) No 684/2009)* | an..4 |
| | *b* | Total Number of Economic Operators | R | | | n..15 |

*ANNEX II*

**LIST OF CODES**

Code list 1: Trader Excise Number/Tax Warehouse Reference

| Field | Content | Field type | Examples |
|---|---|---|---|
| 1 | Identifier of the MS where the economic operator or tax warehouse is registered | Alphabetic 2 | PL |
| 2 | Nationally assigned, unique code | Alphanumeric 11 | 2005764CL78 |

Field 1 is taken from the list of <MEMBER STATES> (point 3 of Lists of Codes, Annex II to Regulation (EC) No 684/2009,).

Field 2 must be filled with a unique identifier for the Excise registered operator (authorised warehouse keeper, registered consignee and registered consignor) or for the tax warehouse. The way this value is assigned falls under the responsibility of Member States' authorities, but each Excise registered operator (authorised warehouse keeper, registered consignee and registered consignor) and each tax warehouse must have a unique excise number.

Code list 2: Temporary Authorisation Reference

| Field | Content | Field type | Examples |
|---|---|---|---|
| 1 | Identifier of the MS where the economic operator or tax warehouse is registered | Alphabetic 2 | PL |
| 2 | Nationally assigned, unique code | Alphanumeric 11 | 2005764CL78 |

The temporary authorisation reference has the same structure as the Trader Excise Number/Tax Warehouse Reference

Field 1 is taken from the list of <MEMBER STATES> (point 3 of Lists of Codes, Annex II to Regulation (EC) No 684/2009).

Field 2 must be filled with a unique identifier for the Excise registered operator (authorised warehouse keeper, registered consignee and registered consignor) or for the tax warehouse. The way this value is assigned falls under the responsibility of Member States' authorities, but each Excise registered operator (authorised warehouse keeper, registered consignee and registered consignor) and each tax warehouse must have a unique excise number.

Code list 3: Excise Product Categories

| Excise Product Category Code | Description |
|---|---|
| T | Manufactured tobacco products |
| B | Beer |
| W | Wine and fermented beverages other than wine and beer |
| I | Intermediate products |
| S | Ethyl alcohol and spirits |
| E | Energy products |

# COMMISSION REGULATION (EU) No 613/2013

## of 25 June 2013

## amending Regulation (EC) No 1451/2007 as regards additional active substances of biocidal products to be examined under the review programme

THE EUROPEAN COMMISSION,

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

Having regard to Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market [1], and in particular Article 16(2) thereof,

Whereas:

(1) Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market [2] sets out, in Annex II, an exhaustive list of existing active substances to be evaluated under the work programme for the systematic examination of active substances already on the market (hereinafter referred to as the 'review programme') and prohibits the placing on the market of biocidal products containing active substance/product-type combinations which are not listed in that Annex or in Annex I or IA to Directive 98/8/EC, or for which the Commission has taken a non-inclusion decision.

(2) The list in Annex II to Regulation (EC) No 1451/2007 includes existing active substance/product-type combinations which were notified in accordance with Article 4(1) of Commission Regulation (EC) No 1896/2000 of 7 September 2000 on the first phase of the programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council on biocidal products [3], in which a Member State has indicated an interest in accordance with Article 5(3) of Regulation (EC) No 1896/2000, or for which a dossier was submitted by 1 March 2006 and accepted as complete.

(3) The definitions of 'biocidal products' in point (a) of Article 2(1) of Directive 98/8/EC and of active substance in point (d) of Article 2(1) of that Directive, and the product-type descriptions in Annex V to that Directive, have been interpreted differently. In some cases, the common understanding shared between the Commission and the competent authorities designated in accordance with Article 26 of Directive 98/8/EC has changed over time. In particular, the judgment of the Court of Justice of the European Union of 1 March 2012 in case C-420/10, *Söll GmbH* v *Tetra GmbH* [4], clarified that the concept of 'biocidal products' must be interpreted as including certain products which act only by indirect means on the target harmful organisms.

(4) Persons relying on guidance notes published, or written advice given, by the Commission or by a competent authority designated in accordance with Article 26 of Directive 98/8/EC may therefore have failed to notify the existing active substance/product-type combination in a product placed on the market, or to take over the role of participant, in the objectively justified belief that the product is excluded from the scope of Directive 98/8/EC or that it falls under a different product-type.

(5) Those persons should have the possibility of submitting a dossier for examination under the review programme in such cases, subject, where relevant, to prior notification, in order to avoid the market withdrawal of products for which a justified interpretation as regards its character as a biocidal product or its correct product-type is subsequently contested by Member States or the Commission.

(6) In addition, in cases where, for the same reasons, active substances have not yet been identified as existing, Annex I to Regulation (EC) No 1451/2007 should be updated to correctly reflect all existing active substances.

(7) The situation of persons wishing to notify an active substance/product-type combination on the basis of this Regulation will be similar to that of persons wishing to take over the role of participant in accordance with Article 12 of Regulation (EC) No 1451/2007. It is therefore appropriate to provide for similar procedure and deadlines for informing stakeholders and allowing declarations of intention to the Commission.

(8) Furthermore, it is appropriate to align the deadlines and other requirements for notification with those set out in Article 4(1) of Regulation (EC) No 1896/2000 for the first notifications of existing active substances to the extent possible, while taking account of the current working methods of the European Chemicals Agency established by Regulation (EC) No 1907/2006 of the European Parliament and of the Council [5].

(9) In cases where no Rapporteur Member State has been designated for the active substance concerned by a notification, and in order to ensure that the substance will be evaluated for approval, confirmation is to be required from the notifier that a competent authority agrees to evaluate the forthcoming application for approval of the active substance.

[1] OJ L 123, 24.4.1998, p. 1.
[2] OJ L 325, 11.12.2007, p. 3.
[3] OJ L 228, 8.9.2000, p. 6.
[4] Not yet published in the European Court Reports.
[5] OJ L 396, 30.12.2006, p. 1.

(10) Regulation (EC) No 1451/2007 should therefore be amended accordingly.

(11) In order to ensure a smooth transition from Directive 98/8/EC to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products [1], certain parts of this Regulation should apply from the same date as Regulation (EU) No 528/2012.

(12) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 1451/2007 is amended as follows:

(1) in Article 2, the second subparagraph is replaced by the following:

'In addition, "participant" means a person which has submitted a notification that has been accepted by the Commission in accordance with Article 4(2) of Regulation (EC) No 1896/2000 or with Article 3c(1) of this Regulation, or a Member State which has indicated an interest in accordance with Article 5(3) of Regulation (EC) No 1896/2000.';

(2) in Article 3(2), the following point (d) is added:

'(d) existing active substances notified in accordance with Article 3b.';

(3) the following Article 3a is inserted:

'*Article 3a*

**Procedure for the declaration of intention to notify**

1. A person or a Member State considering that a biocidal product being placed on the market and containing only existing active substances is covered by Directive 98/8/EC and falls under one or more product-types for which Article 4 prohibits the placing on the market may submit a request to the Commission to allow the notification of the active substances contained in that product for the relevant product-types.

The request shall indicate the relevant active substance/product-type combinations, and a justification for the failure to submit a notification in accordance with Article 4(1) of Regulation (EC) No 1896/2000, or to indicate an interest in accordance with Article 5(3) of that Regulation, or to take over the role of participant in accordance with Article 12 of this Regulation, or to submit a complete dossier in accordance with Article 9(1) of this Regulation.

2. Upon receipt of a request in accordance with paragraph 1, the Commission shall consult Member States on whether the request is acceptable.

The request shall be acceptable if the biocidal product is covered by Directive 98/8/EC and falls under one or more product-types for which Article 4 of this Regulation prohibits the placing on the market and, prior to submitting that request, the applicant held an objectively justified belief, induced by guidance published or written advice given by the Commission or by a competent authority designated in accordance with Article 26 of Directive 98/8/EC, that the product was excluded from the scope of Directive 98/8/EC or that it fell under a different product-type.

However, the request shall not be acceptable if the active substance/product-type combination concerned has already been the subject of a decision not to include it in Annex I or IA to Directive 98/8/EC based on an assessment report reviewed by the Standing Committee on Biocidal Products in accordance with Article 15(4) of this Regulation.

3. Where, following a consultation in accordance with paragraph 2, the Commission finds the request acceptable, it shall accept it and allow the notification of the active substance for the relevant product-types.

However, where the dossier submitted to the Rapporteur Member State for the relevant active substance already contains all the data required for the evaluation of the relevant product-types for which Article 4 prohibits the placing on the market, and the participant which has submitted that dossier wishes to be considered as having notified the active substance for those product-types, the Rapporteur Member State shall inform the Commission thereof, and no additional notification shall be allowed pursuant to the first subparagraph.

The Commission shall inform the Member States thereof and publish that information electronically.

4. A person intending to notify the active substance/product-type combination included in the electronic publication referred to in the third subparagraph of paragraph 3 shall declare that intention to the Commission no later than three months from the date of that electronic publication.';

(4) the following Article 3b is inserted:

'*Article 3b*

**Notification procedure**

1. Following the declaration of intention to notify, the person referred to in Article 3a(4) shall submit a notification of the active substance/product-type combination to the European Chemicals Agency established by Regulation (EC) No 1907/2006 (hereinafter referred to as the 'Agency') no later than 18 months from the date of the electronic publication referred to in the third subparagraph of Article 3a(3).

The notification shall be made through the Register for Biocidal Products referred to in Article 71 of Regulation (EU) No 528/2012 of the European Parliament and of the Council (*).

[1] OJ L 167, 27.6.2012, p. 1.

2. The notification shall be submitted in IUCLID format. It shall contain all the information referred to in points 1 to 3 and the table in Annex II to Regulation (EC) No 1896/2000, and proof that the substance was on the market as an active substance of a biocidal product falling under the relevant product-type on the date of the electronic publication referred to in the third subparagraph of Article 3a(3).

3. Unless a Rapporteur Member State has already been designated for the active substance in question, the notifier shall indicate to which competent authority of a Member State it intends to submit a dossier, and provide written confirmation that that competent authority agrees to evaluate the dossier.

4. Upon receipt of a notification, the Agency shall inform the Commission thereof, and inform the notifier of the fees payable under the Regulation adopted pursuant to Article 80(1) of Regulation (EU) No 528/2012. If the notifier fails to pay the fee within 30 days from the receipt of that information, the Agency shall reject the notification and inform the notifier thereof.

5. Upon receipt of payment of the fees, the Agency shall verify within 30 days whether the notification complies with the requirements of paragraph 2. If the notification does not comply with those requirements, the Agency shall grant the notifier a period of 30 days in which to complete or correct the notification. After the expiry of that 30-day period, the Agency shall, within 30 days, either declare that the notification complies with the requirements of paragraph 2 or reject the notification, and inform the notifier thereof.

6. Appeals against decisions of the Agency taken pursuant to paragraph 4 or paragraph 5 shall lie with the Board of Appeal established by Regulation (EC) No 1907/2006. Article 92(1) and (2), and Articles 93 and 94 of Regulation (EC) No 1907/2006 shall apply to such appeal procedures. An appeal shall have suspensive effect.

7. The Agency shall without delay inform the Commission of whether the notification complies with the requirements of paragraph 2 or has been rejected.

(*) OJ L 167, 27.6.2012, p. 1.';

(5) the following Article 3c is inserted:

'*Article 3c*

**Inclusion in, or exclusion from, the review programme**

1. Where an active substance is considered notified in accordance with the second subparagraph of Article 3a(3), or where the Agency informs the Commission in accordance with Article 3b(7) that a notification complies with the requirements of Article 3b(2), the Commission shall accept the notification and:

(a) where the active substance/product-type combination concerned is not included in Annex II to this Regulation, include the active substance/product-type combination therein and, where relevant, the active substance in Annex I to this Regulation;

(b) where the active substance/product-type combination concerned is included in Annex II to this Regulation but has been the subject of a Commission decision not to include it in Annex I or IA of Directive 98/8/EC, annul that decision.

2. Where a declaration of intention to notify has not been received within the deadline referred to in Article 3a(4), where a notification has not been received within the deadline referred to in Article 3b(1), or where the Agency informs the Commission in accordance with Article 3b(7) that a notification submitted in accordance with Article 3b(1) has been rejected, the Commission shall inform the Member States thereof and publish that information electronically.';

(6) in Article 4, the following paragraph 4 is added:

'4. By way of derogation from paragraphs 1 and 2, biocidal products containing an active substance for which the Commission has published electronically the relevant information in accordance with the third subparagraph of Article 3a(3) for the relevant product-types may be placed on the market in accordance with Article 16(1) of Directive 98/8/EC until the date when the Commission has taken a decision to include the active substance/product-type combination in Annex II in accordance with point (a) of Article 3c(1) or to annul a previous non-inclusion decision in accordance with point (b) of Article 3c(1), or for a period of six months from the date when the Commission has published electronically the relevant information in accordance with Article 3c(2).';

(7) in Article 9, the following paragraph 3 is added:

'3. By way of derogation from paragraph 2, for active substance/product-type combinations listed in Annex II in accordance with point (a) of Article 3c(1), or for which a decision has been annulled in accordance with point (b) of Article 3c(1), applications for approval of an active substance in accordance with Article 7 of Regulation (EU) No 528/2012 shall be submitted no later than two years from the date of the decision adopted in accordance with points (a) or (b) of Article 3c(1).'.

*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*.

However, points 2, 4 and 7 of Article 1 shall apply from 1 September 2013.

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

Done at Brussels, 25 June 2013.

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

# COMMISSION IMPLEMENTING REGULATION (EU) No 614/2013

## of 25 June 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) [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 multilateral 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, 25 June 2013.

*For the Commission,*
*On behalf of the President,*
Jerzy PLEWA
*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 | MK | 49,2 |
| | TR | 98,7 |
| | ZZ | 74,0 |
| 0707 00 05 | MK | 27,7 |
| | TR | 116,3 |
| | ZZ | 72,0 |
| 0709 93 10 | MA | 102,6 |
| | TR | 127,8 |
| | ZZ | 115,2 |
| 0805 50 10 | AR | 97,3 |
| | BR | 96,4 |
| | TR | 78,7 |
| | ZA | 103,0 |
| | ZZ | 93,9 |
| 0808 10 80 | AR | 165,4 |
| | BR | 114,4 |
| | CL | 130,5 |
| | CN | 96,0 |
| | NZ | 144,5 |
| | US | 156,1 |
| | ZA | 124,6 |
| | ZZ | 133,1 |
| 0809 10 00 | IL | 342,4 |
| | TR | 214,9 |
| | ZZ | 278,7 |
| 0809 29 00 | TR | 340,7 |
| | ZZ | 340,7 |
| 0809 30 | TR | 179,1 |
| | ZZ | 179,1 |
| 0809 40 05 | CL | 216,3 |
| | IL | 308,9 |
| | ZA | 377,0 |
| | ZZ | 300,7 |

(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

## COUNCIL IMPLEMENTING DECISION

**of 21 June 2013**

**amending Implementing Decision 2011/77/EU on granting Union financial assistance to Ireland**

(2013/313/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) No 407/2010 of 11 May 2010 establishing a European financial stabilisation mechanism ([1]), and in particular Article 3(2) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) Upon a request by Ireland, the Council granted financial assistance to it by means of Implementing Decision 2011/77/EU ([2]) in support of a strong economic and reform programme aiming at restoring confidence, enabling the return of the economy to sustainable growth, and safeguarding financial stability in Ireland, the euro area and the Union.

(2) The Commission completed the ninth review of the Irish economic reform programme on 22 April 2013.

(3) An extension of the maximum average maturity of the EU loan would be beneficial as it would support Ireland's efforts to regain full market access and successfully exit its programme. In order to take full benefit from the extension of the maximum average maturity of the EU loan, the Commission should be authorised to extend the maturity of instalments and tranches.

(4) In light of those developments, Implementing Decision 2011/77/EU should be amended,

HAS ADOPTED THIS DECISION:

*Article 1*

Article 1 of Implementing Decision 2011/77/EU is amended as follows:

(1) paragraph 1 is replaced by the following:

'1. The Union shall make available to Ireland a loan amounting to a maximum of EUR 22,5 billion, with a maximum average maturity of 19,5 years. The maturity of individual tranches of the loan facility may be up to 30 years.';

(2) the following paragraph is added:

'9. At the request of Ireland, the Commission may extend the maturity of an instalment or a tranche, provided that the maximum average maturity as set out in paragraph 1 is respected. The Commission may refinance all or part of its borrowing for that purpose. Any amounts borrowed in advance shall be kept on an account with the ECB that the Commission has opened for the administration of the financial assistance.'.

*Article 2*

This Decision is addressed to Ireland.

*Article 3*

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

Done at Luxembourg, 21 June 2013.

*For the Council*
*The President*
M. NOONAN

([1]) OJ L 118, 12.5.2010, p. 1.
([2]) OJ L 30, 4.2.2011, p. 34.

# COUNCIL DECISION

## of 21 June 2013

## abrogating Decision 2010/286/EU on the existence of an excessive deficit in Italy

(2013/314/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 126(12) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

(1) On 2 December 2009, following a recommendation from the Commission, the Council decided, in Decision 2010/286/EU [1], that an excessive deficit existed in Italy. The Council noted that the general government deficit planned for 2009 was 5,3 % of GDP, thus above the 3 % of GDP Treaty reference value, while the general government gross debt was planned to reach 115,1 % of GDP in 2009, thus above the 60 % of GDP Treaty reference value [2].

(2) On 2 December 2009, in accordance with Article 126(7) of the Treaty and Article 3(4) of Council Regulation (EC) No 1467/97 of 7 July 1997 on speeding up and clarifying the implementation of the excessive deficit procedure [3], the Council, based on a Recommendation from the Commission, addressed a recommendation to Italy with a view to bringing the excessive deficit situation to an end by 2012 at the latest. That Recommendation was made public.

(3) In accordance with Article 4 of the Protocol on the excessive deficit procedure annexed to the Treaties, the Commission provides the data for the implementation of the procedure. As part of the application of this Protocol, Member States are to notify data on government deficits and debt, and other associated variables twice a year, namely before 1 April and before 1 October, in accordance with Article 3 of Council Regulation (EC) No 479/2009 of 25 May 2009 on the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Community [4].

(4) When considering whether a decision on the existence of an excessive deficit ought to be abrogated, the Council has to take a decision on the basis of notified data. Moreover, a decision on the existence of an excessive deficit should be abrogated only if the Commission forecasts indicate that the deficit will not exceed the 3 %-of-GDP threshold over the forecast horizon.

(5) Based on data provided by the Commission (Eurostat), in accordance with Article 14 of Regulation (EC) No 479/2009, following the notification by Italy before 1 April 2013, the 2013 Stability Programme, the Commission services' 2013 spring forecast, and the assessment of additional measures adopted in decree-law 54 of 21 May 2013, the following conclusions are justified:

— After peaking at 5,5 % of GDP in 2009, Italy's general government deficit was steadily brought down and reached 3,0 % of GDP in 2012, which was the deadline set by the Council. The improvement was driven by significant fiscal consolidation, while in 2012 interest expenditure was 0,8 percentage point of GDP higher than in 2009 and the composition of economic activity was tax poorer.

— The stability programme for 2013-17, adopted by the Italian government on 10 April 2013 and endorsed by parliament on 7 May, plans the deficit to decline slightly to 2,9 % of GDP in 2013 and then fall to 1,8 % of GDP in 2014. Based on the no-policy-change assumption, the Commission services' 2013 Spring forecast projects a deficit of 2,9 % of GDP in 2013 and, 2,5 % of GDP in 2014. Both the stability programme and the Spring forecast include the impact of decree-law 35 of 8 April 2013, which provides for the settlement of trade debt arrears owed by the general government sector to private suppliers, for an overall amount of EUR 40 billion (or around 2,5 % of GDP) over 2013-14. While this amount translates into a corresponding increase of the general government debt, it affects the deficit only for the part that is related to capital expenditure. The decree law sets these payments at 0,5 % of GDP in 2013, with a corresponding increase in the deficit. It also includes a safeguard clause that authorises the government to delay the settlement of deficit-increasing trade debt arrears or adopt other corrective measures, in order to ensure the achievement of the 2013 budgetary target.

[1] OJ L 125, 21.5.2010, p. 40.
[2] After the adoption of Decision 2010/286/EU, the general government deficit and debt for 2009 were revised to 5,5 % and 116,4 % of GDP respectively.
[3] OJ L 209, 2.8.1997, p. 6.
[4] OJ L 145, 10.6.2009, p. 1.

— The Italian Parliament formally endorsed the budgetary objectives put forward in the 2013 stability programme on 7 May. On 17 May, namely after the spring forecast, the new government issued a formal declaration to confirm these commitments and announce the adoption of new measures in the full respect of the budgetary objectives in the stability programme. Decree-law 54, adopted on the same date, sets out the new measures. These include:

  — the suspension of the June instalment of the property tax on owner-occupied houses, excluding luxury residences, as well as agricultural property, while committing the government to an overall redesign of the legislation on real estate taxation. A safeguard clause ensures that the redesign has to be made in the full respect of the budgetary targets in primary terms; furthermore, if the budgetary-neutral reform fails to be approved by the end of August 2013, the suspended property tax instalment will have to be paid by 16 September.

  — the extension of the wage supplementation scheme to workers not already covered for the year 2013, by reallocating available budgetary resources over and above those set aside with the 2012 labour-market reform.

— Overall, the new provisions are assessed to have no significant impact on the deficit, if consistently implemented. Therefore, the deficit is set to remain below the reference value of 3 % of GDP in a durable way.

— After improving by nearly 2¾ percentage points of GDP in cumulative terms between 2009 and 2012, the structural balance, namely adjusted for the economic cycle and net of one-off and other temporary measures, is forecast to further improve by nearly 1 percentage point in 2013 (to around -½ % of GDP) and worsen slightly in 2014, based on a no-policy-change assumption.

— The debt-to-GDP ratio rose by 10,6 percentage points between 2009 and 2012, to 127,0 %, also due to Italy's contribution to financial assistance to the Member States of the euro area. As cyclical conditions remain negative, the gross government debt is forecast to increase to 131,4 % of GDP in 2013 and 132,2 % in 2014 also due to the 2,5 percentage points of GDP settlement of trade debt arrears planned over 2013-14 and further contributions to financial assistance to the Member States of the euro area.

(6) Starting in 2013, which is the year following the correction of the excessive deficit, Italy should progress towards its medium-term budgetary objective at an appropriate pace, including respecting the expenditure benchmark, and make sufficient progress towards compliance with the debt criterion in accordance with Article 2(1a) of Regulation (EC) 1467/97.

(7) In accordance with Article 126(12) TFEU, a Council Decision on the existence of an excessive deficit is to be abrogated when the excessive deficit in the Member State concerned has, in the view of the Council, been corrected.

(8) In the view of the Council, the excessive deficit in Italy has been corrected and Decision 2010/286/EU should therefore be abrogated,

HAS ADOPTED THIS DECISION:

*Article 1*

From an overall assessment it follows that the excessive deficit situation in Italy has been corrected.

*Article 2*

Decision 2010/286/EU is hereby abrogated.

*Article 3*

This Decision is addressed to the Italian Republic.

Done at Luxembourg, 21 June 2013.

*For the Council*
*The President*
M. NOONAN

# COUNCIL DECISION

## of 21 June 2013

## abrogating Decision 2004/918/EC on the existence of an excessive deficit in Hungary

(2013/315/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 126(12) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

(1) On 5 July 2004, in accordance with Article 104(6) of the Treaty establishing the European Community (TEC), the Council decided, in Decision 2004/918/EC [1], that an excessive deficit existed in Hungary and adopted a Recommendation under Article 104(7) TEC with a view to bringing the excessive deficit situation to an end by 2008.

(2) On 18 January 2005, in accordance with Article 104(8) TEC, the Council considered that Hungary had not taken effective action in response to its Recommendation and adopted another Recommendation under Article 104(7) TEC on 8 March 2005, confirming the 2008 deadline for the correction of the excessive deficit. On 8 November 2005, the Council decided that Hungary had for the second time failed to comply with its Recommendation under Article 104(7) TEC. Accordingly, it addressed a third Recommendation under Article 104(7) TEC to Hungary on 10 October 2006, postponing the deadline for the correction of the excessive deficit to 2009. On 7 July 2009 the Council concluded that the Hungarian authorities could be considered to have taken effective action in response to the Council Recommendation of 10 October 2006 and, against the background of the severe economic downturn, issued a revised Recommendation under Article 104(7) TEC ("the Council Recommendation of 7 July 2009"), setting once more a new deadline for correction, namely, 2011. On 27 January 2010 the Commission concluded that Hungary had taken effective action in response to the Council Recommendation of 7 July 2009, with which the Council concurred in its conclusions on 16 February 2010, but alerted about considerable risks.

(3) According to the provisions of Article 126(8) of the Treaty on the Functioning of the European Union (TFEU), the Council decided on 24 January 2012 that Hungary had not taken effective action in response to the Council Recommendation of 7 July 2009 within the period laid down in that Recommendation. While the 3 % GDP Treaty reference value was not breached in 2011, this was not based on a structural and sustainable correction and hinged upon substantial one-off revenues. This was accompanied by an estimated cumulative structural deterioration of over 2 % of GDP in both 2010 and 2011 compared to a recommended cumulative fiscal improvement of 0,5 % of GDP. Moreover, while the authorities were implementing structural measures in 2012, which were expected to largely offset the previous deterioration, the 3 % GDP Treaty reference value would again be respected in 2012 only thanks to one-off measures of close to 1 % of GDP and would be breached in 2013.

(4) On 13 March 2012, the Council adopted a new Recommendation in accordance with Article 126(7) TFEU ("the Council Recommendation of 13 March 2012") for Hungary to bring the excessive deficit to an end by 2012. The Hungarian authorities were asked to undertake the following steps in particular: (i) to put an end to the excessive deficit situation by 2012 in a credible and sustainable manner; (ii) to undertake an additional fiscal effort of at least ½ % of GDP to ensure the attainment of the 2012 deficit target of 2,5 % of GDP; and (iii) to take the necessary additional measures of a structural nature to ensure that the deficit in 2013 remains well below the 3 % of GDP threshold. At the same time, the government debt ratio was recommended to be brought back on a declining path as soon as possible so that it represents sufficient progress towards compliance with the debt reduction benchmark. The budgetary adjustment also needed to be supported by the proposed improvements in the fiscal governance framework. The Council established the deadline of 13 September 2012 for the Hungarian government to take effective action. Also on 13 March 2012, the Council decided [2] to suspend a part of the Cohesion Fund commitment appropriations for the year 2013 for Hungary.

(5) On 30 May 2012, based on the Convergence Programme for 2011 to 2015 and further specification of the savings measures, the Commission concluded that Hungary had taken effective action regarding the correction of the excessive deficit. In particular, the general government deficit was expected to reach 2,5 % of GDP in 2012 and remained well below the 3 % GDP Treaty reference value in 2013 as recommended in the Council Recommendation of 13 March 2012. Moreover, it was

[1] OJ L 389, 30.12.2004, p. 27.

[2] Council Implementing Decision 2012/156/EU of 13 March 2012 suspending commitments from the Cohesion Fund for Hungary with effect from 1 January 2013 (OJ L 78, 17.3.2012, p. 19).

acknowledged that some progress had been made on enhancing the fiscal governance framework even though in this area overall progress could have been considered slow. Against this background, on 22 June 2012, the Council, following a proposal from the Commission of 30 May 2012, adopted Implementing Decision 2012/323/EU [1] lifting the suspension of the Cohesion Fund commitment appropriations.

(6) In accordance with Article 4 of the Protocol on the excessive deficit procedure annexed to the Treaties, the Commission provides the data for the implementation of the procedure. As part of the application of this Protocol, Member States have to notify data on government deficits and debt, and other associated variables, twice a year, namely before 1 April and before 1 October, in accordance with Article 3 of Council Regulation (EC) No 479/2009 of 25 May 2009 on the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Community [2].

(7) When considering whether a decision on the existence of an excessive deficit ought to be abrogated, the Council has to take a decision on the basis of notified data. Moreover, a decision on the existence of an excessive deficit should be abrogated only if the Commission forecasts indicate that the deficit will not exceed the 3 % GDP Treaty reference value over the forecast horizon.

(8) Based on data provided by the Commission (Eurostat), in accordance with Article 14 of Regulation (EC) No 479/2009, following the notification by Hungary before 1 April 2013, the Commission services 2013 spring forecast and the assessment of additional corrective measures adopted on 13 May 2013 in a Government decree, the following conclusions are justified:

— In 2012, on the basis of a considerable fiscal effort, the general government deficit reached 1,9 % of GDP. This was also due to one-off revenues amounting to ¾ % of GDP, including the higher than budgeted one-off revenues of 0,2 % of GDP related to further transfer of assets from the private to the public pension pillar. The adopted 2012 budget targeted a deficit of 2,5 % of GDP on the basis of a 0,5 % growth. The budget contained an extraordinary reserve of 1,1 % of GDP and numerous consolidation measures, in particular: (i) revenue-increasing measures of around 1¾ % of GDP, including hikes in indirect taxes and social security contributions; (ii) structural measures on the expenditure side of ¾ % of GDP, such as a review of social benefits; and (iii) expenditure constraints of ¼ % of GDP in the public sector, including a nominal wage freeze in most sectors. In order to counterbalance the constantly deteriorating growth outlook, the Government adopted two main additional corrective packages in April and October 2012 (totalling 0,7 % of GDP), comprising mainly further cuts in the appropriations of the budgetary institutions, of which around half was implemented. In addition, the balance of the local government sector improved by around 0,7 % of GDP compared to the budgeted plans, mainly due to their low investment activity.

In the context of the October 2012 Excessive Deficit Procedure Progress Report, the official 2012 deficit target was revised upwards from 2,5 % to 2,7 % of GDP. Overall, effectively implemented corrective measures of around 3 % of GDP adopted by the central government and the improvement of the local government sector's balance eventually resulted in a deficit of 1,9 % of GDP, namely, an over-achievement of the original deficit target by 0,6 % of GDP. The activation of the budgeted extraordinary reserves counterbalanced the budgetary slippages, partly related to the worse than earlier expected macroeconomic environment.

— The Convergence Programme for 2012 to 2016 projects the general government deficit to stay at 2,7 % of GDP in both 2013 and 2014. However, the Commission services 2013 spring forecast foresees a deficit of 3,0 % of GDP in 2013 and 3,3 % of GDP in 2014, which suggests that the excessive deficit has not been brought to an end in a durable way. On 13 May 2013, following the release of the Commission services 2013 spring forecast, the Government adopted further corrective measures amounting in gross terms to about 0,3 % and 0,7 % of GDP for 2013 and 2014, respectively. The Commission services updated fiscal assessment, which takes into account the net deficit improving effect of these additional corrective measures, projects a deficit of 2,7 % of GDP and 2,9 % of GDP in 2013 and 2014, respectively. Thus, the deficit is expected to remain below the 3 % GDP Treaty reference value over the Commission services 2013 spring forecast horizon. In addition, according to the Commission services estimation, the cyclically-adjusted budget balance, net of one-off and other temporary measures, will stand at – ¾ % and – 1½ % of GDP in 2013 and 2014, respectively, and hence will be consistent with the Hungarian medium-term budgetary objective of – 1,7 % of GDP.

— The debt-to-GDP ratio was reduced from a peak of close to 82 % in 2010 to 79,2 % in 2012, thanks to substantial one-off capital transfers linked to the abolition of the mandatory private pension pillar and a number of consolidation measures. According to the Convergence Programme, the debt-to-GDP ratio will continue to decline, falling to 78,1 % and 77,2 % in 2013 and 2014, respectively, and remaining on a downward path thereafter. Even

[1] OJ L 165, 26.6.2012, p. 46.
[2] OJ L 145, 10.6.2009, p. 1.

after incorporating the impact of the new corrective measurres adopted on 13 May 2013, the Commission forecasts a higher trajectory for the debt-to-GDP ratio by around 1 percentage point for both 2013 and 2014.

(9) As to fiscal governance, the Council asked the Hungarian authorities to establish a truly binding medium-term framework and broaden the analytical remit of the Fiscal Council in view of its veto right over the annual budget. The Convergence Programme for 2012 to 2016 announces the intention to move forward in this area in autumn 2013. Progress will continue to be closely monitored in the context of the European Semester.

(10) Starting from 2013, which is the year following the correction of the excessive deficit, Hungary should maintain a fiscal stance in line with its medium-term budgetary objective, including respecting the expenditure benchmark, and make sufficient progress towards compliance with the debt criterion in accordance with Article 2(1a) of Regulation (EC) No 1467/97 of 7 July 1997 on speeding up and clarifying the implementation of the excessive deficit procedure [1].

(11) In accordance with Article 126(12) TFEU, a Council Decision on the existence of an excessive deficit is to be abrogated when the excessive deficit in the Member State concerned has, in the view of the Council, been corrected.

(12) In the view of the Council, the excessive deficit in Hungary has been corrected and Decision 2004/918/EC should therefore be abrogated,

HAS ADOPTED THIS DECISION:

*Article 1*

From an overall assessment it follows that the excessive deficit situation in Hungary has been corrected.

*Article 2*

Decision 2004/918/EC is hereby abrogated.

*Article 3*

This Decision is addressed to Hungary.

Done at Luxembourg, 21 June 2013.

*For the Council*
*The President*
M. NOONAN

[1] OJ L 209, 2.8.1997, p. 6.

# COUNCIL DECISION

## of 21 June 2013

## abrogating Decision 2009/588/EC on the existence of an excessive deficit in Lithuania

(2013/316/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 126(12) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

(1) On 7 July 2009, following a recommendation from the Commission in accordance with Article 104(6) of the Treaty establishing the European Community (TEC), the Council decided, in Decision 2009/588/EC [1], that an excessive deficit existed in Lithuania. The Council noted that the general government deficit had reached 3,2 % of GDP in 2008, above the 3%-of-GDP Treaty reference value and would according to the Commission services 2009 spring forecast widen to 5,4 % of GDP in 2009 and further to 8 % of GDP in 2010. The general government gross debt was 15,6 % of GDP in 2008, well below the 60 %-of-GDP Treaty reference value.

(2) On 7 July 2009, in accordance with Article 104(7) TEC and Article 3(4) of Council Regulation (EC) No 1467/97 of 7 July 1997 on speeding up and clarifying the implementation of the excessive deficit procedure [2], the Council, based on a recommendation from the Commission, addressed a Recommendation to Lithuania with a view to bringing the excessive deficit situation to an end by 2011('Council Recommendation of 7 July 2009'). The Council Recommendation of 7 July 2009 was made public.

(3) On 9 February 2010, in accordance with Article 126(7) of the Treaty on the Functioning of the European Union (TFEU) and Article 3(4) of Regulation (EC) No 1467/97, the Council, based on a recommendation from the Commission, acknowledging that the Lithuanian authorities had taken effective action in compliance with the Council Recommendation of 7 July 2009 and that unexpected adverse economic events with major unfavourable consequences for government finances had occurred in Lithuania, addressed a revised Recommendation to Lithuania with a view to bringing the excessive deficit situation to an end by 2012. This revised Recommendation was made public.

(4) In accordance with Article 4 of the Protocol on the excessive deficit procedure annexed to the Treaties, the Commission provides the data for the implementation of the procedure. As part of the application of this Protocol, Member States are to notify data on government deficits and debt and other associated variables twice a year, namely before 1 April and before 1 October, in accordance with Article 3 of Council Regulation (EC) No 479/2009 of 25 May 2009 on the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Community [3].

(5) When considering whether a decision on the existence of an excessive deficit ought to be abrogated, the Council has to take a decision on the basis of notified data. Moreover, a decision on the existence of an excessive deficit should be abrogated only if the Commission services forecasts indicate that the deficit will not exceed the 3 %-of-GDP threshold over the forecast horizon [4].

(6) Based on data provided by the Commission (Eurostat) in accordance with Article 14 of Regulation (EC) No 479/2009 following the notification by Lithuania before 1 April 2013 and on the Commission services 2013 spring forecast, the following conclusions are justified:

— Having peaked at 9,4 % of GDP in 2009 the general government deficit in Lithuania has been brought down to 7,2 % of GDP in 2010, then to 5,5 % of GDP in 2011, and to 3,2 % of GDP in 2012. This improvement was driven by consolidation measures on the expenditure side, in particular a continued restriction of expenditure growth in accordance with Lithuania's Law on Fiscal Discipline, and favourable cyclical conditions.

— Since the deficit of 3,2 % of GDP can be considered to be close to the reference value and Lithuania's debt-to-GDP ratio is below the 60 %-of-GDP reference value in a sustained manner, Lithuania is eligible to for the application of the Stability and Growth Pact provisions in Regulation (EC) No 1467/97 regarding systemic pension reforms. Thus, the direct net cost of the pension reform should be taken into account when assessing the correction of the excessive deficit. As the net costs of Lithuania's systemic pension reform have been 0,2 % of GDP

[1] OJ L 202, 4.8.2009, p. 44.
[2] OJ L 209, 2.8.1997, p. 6.
[3] OJ L 145, 10.6.2009, p. 1.
[4] In line with the 'Specifications on the implementation of the Stability and Growth Pact and Guidelines on the format and content of Stability and Convergence Programmes', of 3 September 2012. See: http://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/coc/code_of_conduct_en.pdf

in 2012, as confirmed by the Commission (Eurostat), these costs explain the excess over the 3 %-of-GDP Treaty reference value in 2012.

— Lithuania's Convergence Programme for 2012 to 2016 projects the general government deficit to continue falling to 2, 5% of GDP in 2013 and 1,5 % of GDP in 2014, while the Commission services 2013 spring forecast projects an improvement, albeit a slower one, of the general government deficit to 2,9 % of GDP in 2013 and to 2,4 % of GDP in 2014, based on a no-policy-change assumption. Thus, the deficit is set to remain below the 3 %-of-GDP Treaty reference value over the forecast horizon.

— The Commission services 2013 spring forecast project the general government gross debt to decrease slightly from 40,7 % of GDP in 2013 to 40,1 % of GDP in 2014.

(7) Starting from 2013, which is the year following the correction of the excessive deficit, Lithuania should progress towards its medium-term budgetary objective at an appropriate pace, including respecting the expenditure benchmark.

(8) In accordance with Article 126(12) TFEU, a Council Decision on the existence of an excessive deficit is to be abrogated when the excessive deficit in the Member State concerned has, in the view of the Council, been corrected.

(9) In the view of the Council, the excessive deficit in Lithuania has been corrected and Decision 2009/588/EC should therefore be abrogated,

HAS ADOPTED THIS DECISION:

*Article 1*

From an overall assessment it follows that the excessive deficit situation in Lithuania has been corrected.

*Article 2*

Decision 2009/588/EC is hereby abrogated.

*Article 3*

This Decision is addressed to the Republic of Lithuania.

Done at Luxembourg, 21 June 2013.

*For the Council*

*The President*

M. NOONAN

# COUNCIL DECISION

## of 21 June 2013

## abrogating Decision 2009/591/EC on the existence of an excessive deficit in Latvia

(2013/317/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 126(12) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

(1) On 7 July 2009, following a recommendation from the Commission in accordance with Article 104(6) of the Treaty establishing the European Community (TEC), the Council decided, in Decision 2009/591/EC [1], that an excessive deficit existed in Latvia. The Council noted that the general government deficit had reached 4,0 % of GDP in 2008, above the 3 %-of-GDP Treaty reference value, while the general government gross debt stood at 19,5 % of GDP in 2008, well below the 60 %-of-GDP Treaty reference value [2].

(2) On 7 July 2009, in accordance with Article 104(7) TEC and Article 3(4) of Council Regulation (EC) No 1467/97 of 7 July 1997 on speeding up and clarifying the implementation of the excessive deficit procedure [3], the Council, based on a recommendation from the Commission, addressed a Recommendation to Latvia with a view to bringing the excessive deficit situation to an end by 2012. The Recommendation was made public.

(3) In accordance with Article 4 of the Protocol on the excessive deficit procedure annexed to the Treaties, the Commission provides the data for the implementation of the procedure. As part of the application of this Protocol, Member States are to notify data on government deficits and debt and other associated variables twice a year, namely before 1 April and before 1 October, in accordance with Article 3 of Council Regulation (EC) No 479/2009 of 25 May 2009 on the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Community [4].

(4) When considering whether a decision on the existence of an excessive deficit ought to be abrogated, the Council has to take a decision on the basis of notified data. Moreover, a decision on the existence of an excessive deficit should be abrogated only if the Commission services forecasts indicate that the deficit will not exceed the 3 %-of-GDP threshold over the forecast horizon.

(5) Based on data provided by the Commission (Eurostat), in accordance with Article 14 of Regulation (EC) No 479/2009, following the notification by Latvia before 1 April 2013 and on the Commission services 2013 spring forecast, the following conclusions are justified:

— Following high general government deficits in 2009 and 2010 (respectively at 9,8 % and 8,1 % of GDP), which partly reflected measures to stabilise the financial sector, the deficit started rapidly declining in 2011, when it reached 3,6 % of GDP. This improvement reflected sizeable and broad-based fiscal consolidation implemented over the period of 2009-2011 in the context of the economic adjustment programme supported by the balance-of-payments assistance, as well as improving cyclical conditions; the adjustment programme was successfully completed in January 2012. In 2012, the general government deficit declined further to 1,2 % of GDP, thus overachieving the deficit target of 2,1 % of GDP set in the Convergence Programme for 2012 to 2016 and well below the 3 %-of-GDP Treaty reference value. On the revenue side, this reflected favourable cyclical conditions and improving tax efficiency, while expenditure growth remained substantially below the nominal GDP growth. As a result, in 2012, the share of government revenue in GDP increased by ¼ percentage points, while the share of government expenditure declined by 2 percentage points.

— The Convergence Programme for 2012 to 2016 envisages that the headline deficit will be 1,1 % of GDP in 2013, stabilising thereafter at the level of 0,9 % of GDP until 2016. The Commission services 2013 spring forecast projects that the general government deficit will remain broadly unchanged in 2013 at 1,2 % of GDP and will decrease to 0,9 % of GDP in 2014, thus staying well below the reference value of 3 % of GDP.

— The general government debt stood at 40,7 % of GDP in 2012. The Commission services 2013 spring forecast projects the general government gross debt to increase to 43,2 % of GDP in 2013, as the

[1] OJ L 202, 4.8.2009, p. 50.
[2] After the adoption of Decision 2009/591/EC, the general government deficit and debt for 2008 were revised to currently 4,2 % of GDP and 19,8 % of GDP respectively.
[3] OJ L 209, 2.8.1997, p. 6.
[4] OJ L 145, 10.6.2009, p. 1.

Government accumulates assets for large debt repayments scheduled for 2014-2015. As these repayments take effect, the debt is expected to decline again to around 40 % of GDP in 2014.

(6) The Council recalls that, starting from 2013, which is the year following the correction of the excessive deficit, Latvia should ensure compliance with the requirements of the preventive arm of the Stability and Growth Pact, including respecting the expenditure benchmark.

(7) In accordance with Article 126(12) of the Treaty on the Functioning of the European Union, a Council Decision on the existence of an excessive deficit is to be abrogated when the excessive deficit in the Member State concerned has, in the view of the Council, been corrected.

(8) In the view of the Council, the excessive deficit in Latvia has been corrected and Decision 2009/591/EC should therefore be abrogated,

HAS ADOPTED THIS DECISION:

*Article 1*

From an overall assessment it follows that the excessive deficit situation in Latvia has been corrected.

*Article 2*

Decision 2009/591/EC is hereby abrogated.

*Article 3*

This Decision is addressed to the Republic of Latvia.

Done at Luxembourg, 21 June 2013.

*For the Council*
*The President*
M. NOONAN

# COUNCIL DECISION

## of 21 June 2013

## abrogating Decision 2009/590/EC on the existence of an excessive deficit in Romania

(2013/318/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 126(12) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

(1) On 7 July 2009, following a recommendation from the Commission in accordance with Article 104(6) of the Treaty establishing the European Community (TEC), the Council decided, in Decision 2009/590/EC [1], that an excessive deficit existed in Romania. The Council noted that the general government deficit reached 5,4 % of GDP in 2008, thus above the 3 %-of-GDP Treaty reference value, while the general government gross debt was 13,6 % of GDP, well below the 60 %-of-GDP Treaty reference value [2].

(2) On 7 July 2009, in accordance with Article 104(7) TEC and Article 3(4) of Council Regulation (EC) No 1467/97 of 7 July 1997 on speeding up and clarifying the implementation of the excessive deficit procedure [3], the Council, based on a recommendation from the Commission, addressed a Recommendation to Romania with a view to bringing the excessive deficit situation to an end by 2011('Council Recommendation of 7 July 2009'). The Council Recommendation of 7 July 2009 was made public.

(3) On 12 February 2010, in accordance with Article 126(7) of the Treaty on the Functioning of the European Union (TFEU) and Article 3(4) of Regulation (EC) No 1467/97, the Council, based on a recommendation from the Commission, acknowledging that the Romanian authorities had taken effective action in compliance with the Council Recommendation of 7 July 2009 and that unexpected adverse economic events with major unfavourable consequences for government finances had occurred in Romania, addressed a revised Recommendation to Romania with a view to bringing the excessive deficit situation to an end by 2012. This revised Recommendation was made public.

(4) In accordance with Article 4 of the Protocol on the excessive deficit procedure annexed to the Treaties, the Commission provides the data for the implementation of the procedure. As part of the application of this Protocol, Member States are to notify data on government deficits and debt, and other associated variables, twice a year, namely before 1 April and before 1 October, in accordance with Article 3 of Council Regulation (EC) No 479/2009 of 25 May 2009 on the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Community [4].

(5) When considering whether a decision on the existence of an excessive deficit ought to be abrogated, the Council has to take a decision on the basis of notified data. Moreover, a decision on the existence of an excessive deficit should be abrogated only if the Commission services forecasts indicate that the deficit will not exceed the 3 %-of-GDP threshold over the forecast horizon.

(6) Based on data provided by the Commission (Eurostat), in accordance with Article 14 of Regulation (EC) No 479/2009, following the notification by Romania before 1 April 2013 and on the Commission services' 2013 spring forecast, the following conclusions are justified:

— The larger-than-expected recession in 2009 resulted in a significant shortfall in government revenue, which pushed the general government deficit to 9 % of GDP despite efforts to reduce government expenditure. Following this unexpected development and the extension of the deadline for the correction of the excessive deficit by one year, the general government deficit was subsequently reduced to 6,8 % of GDP in 2010, to 5,6 % of GDP in 2011 and to 2,9 % of GDP in 2012, which is below the 3 % of GDP Treaty reference value. The correction of the deficit has been driven mainly by strict control of expenditure growth, including through control of the public sector wage bill, a freeze in pensions and a reduction in all social benefits except pensions. It was also supported by revenue measures such as an increase in the VAT rates by 5 percentage points and a broadening of the personal income tax base. The fiscal adjustment was implemented in the context of two consecutive economic adjustment programmes supported by balance-of-payments assistance.

— The Convergence Programme for 2012 to 2016 projects the deficit to continue falling to 2,4 % of GDP in 2013 and 2,0 % of GDP in 2014. In the Commission services' 2013 spring forecast, the general government deficit is projected to decrease

[1] OJ L 202, 4.8.2009, p. 48.
[2] After the adoption of Decision 2009/590/EC, the general government deficit and debt for 2008 were revised to currently 5,8 % of GDP and 13,4 % of GDP respectively.
[3] OJ L 209, 2.8.1997, p. 8.
[4] OJ L 145, 10.6.2009, p. 1.

to 2,6 % of GDP in 2013 and to 2,4 % of GDP in 2014, based on a no-policy-change assumption, which remains below the Treaty reference value.

— The Commission services 2013 spring forecast projects the general government gross debt to increase slightly from 37,8 % of GDP in 2012 to 38,5 % of GDP in 2014.

(7) Starting from 2013, which is the year following the correction of the excessive deficit, Romania should progress towards its medium-term budgetary objective at an appropriate pace, including respecting the expenditure benchmark.

(8) In accordance with Article 126(12) TFEU, a Council Decision on the existence of an excessive deficit is to be abrogated when the excessive deficit in the Member State concerned has, in the view of the Council, been corrected.

(9) In the view of the Council, the excessive deficit in Romania has been corrected and Decision 2009/590/EC should therefore be abrogated,

HAS ADOPTED THIS DECISION:

*Article 1*

From an overall assessment it follows that the excessive deficit situation in Romania has been corrected.

*Article 2*

Decision 2009/590/EC is hereby abrogated.

*Article 3*

This Decision is addressed to Romania.

Done at Luxembourg, 21 June 2013.

*For the Council*
*The President*
M. NOONAN

# COUNCIL DECISION

## of 21 June 2013

## on the existence of an excessive deficit in Malta

(2013/319/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Having regard to the observations made by Malta,

Whereas:

(1) According to Article 126 of the Treaty on the Functioning of the European Union (TFEU) Member States are to avoid excessive government deficits.

(2) The Stability and Growth Pact is based on the objective of sound government finances as a means of strengthening the conditions for price stability and for strong sustainable growth conducive to employment creation.

(3) The excessive deficit procedure (EDP) under Article 126 TFEU, as clarified by Council Regulation (EC) No 1467/97 of 7 July 1997 on speeding up and clarifying the implementation of the excessive deficit procedure [1] (which is part of the Stability and Growth Pact), provides for a decision on the existence of an excessive deficit. The Protocol on the excessive deficit procedure annexed to the Treaties sets out further provisions relating to the implementation of the EDP. Council Regulation (EC) No 479/2009 [2] lays down detailed rules and definitions for the application of the provisions of the said Protocol.

(4) According to Article 126(5) TFEU, if the Commission considers that an excessive deficit in a Member State exists or may occur, it is to address an opinion to the Member State concerned and inform the Council accordingly. Having taken into account its report in accordance with Article 126(3) TFEU and having regard to the opinion of the Economic and Financial Committee in accordance with Article 126(4) TFEU, the Commission concluded that an excessive deficit exists in Malta. The Commission therefore addressed such an opinion to Malta and informed the Council thereof on 29 May 2013 [3].

(5) Article 126(6) TFEU states that the Council is to consider any observations which the Member State concerned may wish to make before deciding, after an overall assessment, whether an excessive deficit exists. In the case of Malta, this overall assessment leads to the following conclusions.

(6) According to data notified by the Maltese authorities in April 2013, the general government deficit in Malta reached 3,3 % of GDP in 2012, thus exceeding the 3 %-of-GDP reference value. The Commission report under Article 126(3) TFEU considers that the deficit was close to the 3 %-of-GDP reference value, but the excess over the reference value could not be qualified as exceptional within the meaning of the TFEU and the Stability and Growth Pact. In particular, it does not result from a severe economic downturn in the sense of the Treaty and the Stability and Growth Pact. In 2010 and 2011, real GDP growth was, on average, above 2 % annually, higher than potential growth. Preliminary GDP data published by the national statistics office on 11 March 2013 show that economic growth slowed down in 2012, but remained positive at 0,8 %. The positive output gap in 2011 is estimated to have turned slightly negative in 2012. The planned excess over the reference value cannot be considered temporary. According to the Commission services 2013 spring forecast, the deficit would increase to 3,7 % of GDP in 2013 and reach 3,6 % of GDP in 2014. The deficit criterion in the Treaty is not fulfilled.

(7) Notified data also show that the general government gross debt stood at 72,1 % of GDP in 2012, above the 60 %-of-GDP reference value. The Commission services 2013 spring forecast projects the debt ratio to increase to 74,9 % of GDP in 2014. Following the abrogation of the EDP in December 2012 [4], Malta benefitted from a three-year transition period to comply with the debt reduction benchmark, starting in 2012. In 2012, Malta did not make sufficient progress towards compliance with the debt reduction benchmark, as its structural deficit worsened whereas it was required to improve it. It can therefore be concluded that the debt criterion of the TFEU is not fulfilled.

(8) In line with the provisions in the TFEU and in the Stability and Growth Pact, the Commission also analysed in its report relevant factors. As specified in the Stability and Growth Pact, for countries with a debt ratio above 60 % of GDP (such as Malta), these factors can only be taken into account in the steps leading to the decision on the existence of an excessive deficit, when assessing compliance on the basis of the

[1] OJ L 209, 2.8.1997, p. 6.

[2] Council Regulation (EC) No 479/2009 of 25 May 2009 on the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Community (OJ L 145, 10.6.2009, p. 1).

[3] All EDP-related documents for Malta can be found on the following website: http://ec.europa.eu/economy_finance/sgp/deficit/countries/malta_en.htm.

[4] Council Decision 2012/778/EU of 4 December 2012 abrogating Decision 2009/587/EC on the existence of an excessive deficit in Malta (OJ L 342, 14.12.2012, p. 43).

deficit criterion, if the general government deficit remains close to the reference value and its excess over the reference value is temporary, which is not the case for Malta [1]. At the same time, such factors have been taken into account when assessing the breach of the debt criterion, but they do not seem to question the decision on the existence of an excessive deficit either. In particular, progress towards compliance with the debt reduction benchmark has been assessed in light of the debt- and deficit-increasing impact of financial assistance to euro area Member States. For Malta, the cumulative impact of the Greek loan facility, European Financial Stability Facility disbursements, capital contributions to the European Stability Mechanism, and operations under the Greek programme over the period 2011-2014 would be 3,9 % of GDP on debt, and 0,1 % of GDP on deficit. When taking into account the impact of these operations, the structural effort for 2012 required for Malta to comply with the debt criterion would have been lower, but still well above the structural effort actually implemented by Malta in 2012,

HAS ADOPTED THIS DECISION:

*Article 1*

From an overall assessment it follows that an excessive deficit exists in Malta.

*Article 2*

This Decision is addressed to Malta.

Done at Luxembourg, 21 June 2013.

*For the Council*
*The President*
M. NOONAN

[1] Article 2(4) of Regulation (EC) No 1467/97.

# COUNCIL DECISION 2013/320/CFSP

## of 24 June 2013

## in support of physical security and stockpile management activities to reduce the risk of illicit trade in small arms and light weapons (SALW) and their ammunition in Libya and its region

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 26(2) and 31(1) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

(1) After the popular uprising in Libya in February 2011 and the ensuing armed conflict, Libya is challenged by a massive volume of stockpiles of conventional weapons and ammunition, including large numbers of unserviceable and hazardous items. The uncontrolled spread of small arms and light weapons (SALW) and ammunition has fuelled insecurity in Libya, in neighbouring countries and in the broader region, exacerbating conflict and undermining post-conflict peace building and, thus, posing a serious threat to peace and security.

(2) Following up on its support to the Libyan people during and after the conflict, the Union is committed to further cooperate with Libya on a wide range of issues, including security issues, and to support the transition process to democracy, sustainable peace and security.

(3) On 15 and 16 December 2005, the European Council adopted the EU Strategy to combat the illicit accumulation and trafficking of SALW and their ammunition. That Strategy acknowledges that the abundance of stocks of SALW and ammunition makes such arms easily obtainable by civilians, criminals, terrorists and combatants alike and stresses the need to pursue preventive action to tackle the illegal supply of conventional weapons and their demand. It also singles out Africa as the continent most affected by the impact of internal conflicts aggravated by the destabilising influx of SALW.

(4) On 23 May 2012, Libya, Sudan, the Central African Republic, Chad, and the Democratic Republic of Congo signed the Khartoum Declaration On the Control of Small Arms and Light Weapons across the Neighbouring Countries of Western Sudan. In that Declaration, Libya and the other signatories committed themselves, inter alia, to strengthening national capacities and institutions in order to develop and implement comprehensive SALW control strategies, National Action Plans and interventions, including physical security and stockpile management ("PSSM") of State-held SALW and ammunition, in accordance with international standards.

(5) The Khartoum Declaration calls upon regional and international organisations to provide technical and financial support in coordination with the international community to implement the outcomes of the conference held in Khartoum on 22 and 23 May 2012 and all subsequent activities and initiatives to address the SALW issue in each country.

(6) On 18 June 2004, Libya ratified the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.

(7) The German Agency for International Cooperation, Deutsche Gesellschaft für internationale Zusammenarbeit (GIZ) GmbH ("GIZ"), is in the process of establishing a project on conventional arms control in Libya. On 2 May 2012, GIZ and the Libyan Mine Action Centre, as part of the Ministry of Defence, agreed on a programme outline on Mine Action and Conventional Arms Control. The overall Programme on Conventional Arms Control in Libya (the "Programme") consists of two specific modules and is co-financed by the Union and the German Federal Foreign Office.

(8) It is necessary to ensure, to the greatest extent possible, Libyan ownership in implementing PSSM activities, in line with the core principles of national ownership and effective empowerment of local partners. Accordingly, the Programme seeks to involve relevant Libyan stakeholders, including, as appropriate, the Ministry of the Interior, the Ministry of Defence, the Armed Forces and other relevant actors, in PSSM activities. GIZ will provide operational support and technical advice to the key partners of the Programme.

(9) The Programme acknowledges the current dynamics in Libya and the necessity to involve all stakeholders and potential national partners from the outset. It aims at forging partnerships with international non-governmental organisations specialised in mine action and PSSM issues that have already proven their operational capabilities in Libya. It also places emphasis on fostering regional cooperation with neighbouring countries. The Union considers that financial assistance to GIZ would contribute to reducing the risks related to the potential illicit spread of conventional weapons and ammunition in and from Libya and the broader region,

HAS ADOPTED THIS DECISION:

*Article 1*

1. The Union shall pursue the promotion of peace and security in Libya and the broader region by supporting measures aimed at ensuring sound physical security and stockpile management of the Libyan weapons arsenals by the Libyan state institutions in order to reduce the risks posed to peace and security by the illicit spread and excessive accumulation of SALW and their ammunition, including the fostering of effective multilateralism at the regional level in this context.

2. The activities to be supported by the Union shall have the following specific objectives:

— to assist the Libyan state institutions in developing a national strategy and standard operating procedures for PSSM;

— to support the Libyan state institutions in the establishment of a training framework on PSSM issues;

— to support the rehabilitation and security management of ammunition storage areas according to national standards;

— to provide temporary storage units for conventional weapons and ammunition stockpiles;

— to support the relocation of ammunition storage areas that are based in populated areas;

— to conduct a feasibility study on options for reducing the available stockpiles of ammunition through recycling;

— to foster regional cooperation with neighbouring countries on PSSM issues;

— to establish a resilient risk management system to ensure programme delivery in a rapidly changing implementation environment.

3. In order to achieve the objective referred to in paragraph 1, the Union shall aim to support the Libyan state institutions in rehabilitating unsecured ammunition storage facilities which were damaged during the conflict, and ensuring sound physical security and stockpile management of the arsenals. The project shall be implemented following the principle of national ownership with the goal of long-term sustainability. Accordingly, all activities shall be coordinated with the respective Libyan state institutions and other relevant stakeholders. Moreover, the project shall follow the "do no harm" approach in the context of conflict sensitivity.

A detailed description of the project is set out in the Annex.

*Article 2*

1. The High Representative of the Union for Foreign Affairs and Security Policy ("HR") shall be responsible for implementing this Decision.

2. The technical implementation of the project referred to in Article 1(3) shall be carried out by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH ("GIZ").

3. GIZ shall perform its tasks under the responsibility of the HR. For this purpose, the HR shall enter into the necessary arrangements with GIZ.

*Article 3*

1. The financial reference amount for the implementation of the project referred to in Article 1 shall be EUR 5 000 000 The total estimated budget of the overall project shall be EUR 6 600 000, which shall be provided through co-financing with the German Federal Foreign Office.

2. The expenditure financed by the amount set out in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the Union budget.

3. The Commission shall supervise the proper management of the expenditure referred to in paragraph 1. For this purpose, it shall conclude the necessary agreement with GIZ. The agreement shall stipulate that GIZ has to ensure the visibility of the Union's contribution, appropriate to its size.

4. The Commission shall endeavour to conclude the agreement referred to in paragraph 3 as soon as possible after the entry into force of this Decision. It shall inform the Council of any difficulties in that process and of the date of conclusion of the agreement.

*Article 4*

1. The HR shall report to the Council on the implementation of this Decision on the basis of regular reports by the GIZ. These reports shall form the basis for the evaluation carried out by the Council.

2. The Commission shall report on the financial aspects of the project referred to in Article 1.

*Article 5*

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

It shall be reviewed and revised in the light of the political situation in Libya no later than 24 months after the date of conclusion of the agreement referred to in Article 3(3).

2. This Decision shall expire 60 months after the date of conclusion of the agreement referred to in Article 3(3) unless otherwise decided as a result of the review conducted pursuant to paragraph 2. Notwithstanding this, it shall expire six months after the date of its entry into force if no agreement has been concluded within that period.

Done at Luxembourg, 24 June 2013.

*For the Council*
*The President*
C. ASHTON

*ANNEX*

**Programme on Conventional Arms Control in Libya**

## 1. BACKGROUND AND RATIONALE

### 1.1 Background

In the course of the Libyan revolution in 2011 the Gaddafi regime lost control over large parts of its conventional weapons arsenal. As a result, weapons storage sites were accessible to opposition fighters, civilians and soldiers alike. Since the end of the fighting, central control over the weapons arsenal has not been fully re-established and the spread and trafficking of arms is affecting conflicts in neighbouring regions. In addition, conventional weapons found their way into civilian homes, leading to widespread private possession of conventional weapons within Libyan society. Moreover, explosive remnants of war ("ERW") contaminate areas around weapons and ammunition storage areas, farmland and public spaces.

According to Libyan government institutions, there is an urgent need for more enhanced and central control of conventional weapons and ammunition throughout Libya. In order to provide this control effectively, Libyan government institutions have identified a need for knowledge transfer, equipment and technical capacities. In addition, Libyan civil society organisations working in this area lack financial means and need to improve their technical capacities. In response to these challenges, Deutsche Gesellschaft für internationale Zusammenarbeit (GIZ) GmbH ("GIZ") and the leadership of the Libyan Mine Action Centre ("LMAC"), under the auspices of the Libyan Ministry of Defense, reached an agreement over a support programme in the area of conventional arms control, including physical security and stockpile management ("PSSM").

On the basis of a project proposal submitted by GIZ, in October 2012 the German Federal Foreign Office (the "FFO") commissioned GIZ to implement the Programme on Conventional Arms Control in Libya (the "Programme"). The project duration is 5 years (60 months), divided into 4 phases. The total estimated budget of the project is EUR 6 600 000 provided through joint co-financing by two donors, the FFO and the Union. The contribution of the FFO is EUR 1 600 000 and the contribution of the Union is up to EUR 5 000 000. The responsibility for managing implementation will rest with GIZ.

The implementation of activities started on 1 November 2012 and will end on 31 October 2017. The Federal Foreign Office will cover the costs of the capacity development module as well as any costs of the PSSM module deemed ineligible by the Union.

The support to the Libyan partners will be delivered in the form of knowledge transfer by long-term and short-term experts organising and conducting specialized trainings, supply of material and equipment and some financial contributions for the implementation of measures through government institutions and specialized agencies, including grants.

Cooperation arrangements between GIZ and the Federal Foreign Office are detailed in a framework agreement signed by GIZ and the Federal Foreign Office in 2005.

Cooperation arrangements between GIZ and the Commission will be detailed in the agreement signed by GIZ and the Commission.

### 1.2 Rationale for CFSP support, visibility and sustainability

The uncontrolled spread of conventional weapons and their ammunition in Libya in the wake of the events in February 2011 and thereafter has fuelled insecurity in Libya, its neighbouring countries and the broader region, exacerbating conflict and undermining post-conflict peace building, thus posing a serious threat to peace and security. Furthermore, the EU Strategy to combat the illicit accumulation and trafficking of SALW and their ammunition singles out Africa as the continent most affected by the impact of internal conflicts aggravated by the destabilizing influx of small arms and light weapons ("SALW"). The Union's support to the Programme seeks to respond to those threats. It also ensures that its security and its development policy are consistent. Following up on the Union's support to the Libyan people during and after the conflict, in particular the support by the Instrument for Stability's short-term component to the Danish Refugee Council, DanishChurchAid and the Mines Advisory Group for UXO clearance, and increased risk awareness of SALW and ERW among the civilian population, the Union is committed to further cooperate with Libya on a wide range of issues, including security issues.

In order to fully exploit the means available to the Union, within the Union and in its bilateral relations, the Union will support the Programme through joint co-financing to deliver its support effectively by sharing technical and management capacity and systems, and to encourage the use of common monitoring, evaluation and accounting procedures.

As one of the leading organisations in international cooperation services for sustainable development, GIZ has longstanding experience in ensuring its own visibility together with that of its partners. To that end, GIZ has its own corporate communications department with specialized external communications tools at its disposal. Thus,

Union visibility will be ensured with appropriate branding and publicity, highlighting the role of the Union, ensuring the transparency of the its actions and raising the awareness of specific or general audiences of the reasons for the Programme as well as Union support for the Programme and the results of this support. Publicity may take the form of publications and reports, events, photographs, video documentation, etc. Material produced by the project will prominently display the Union flag in accordance with Union guidelines for the accurate use and reproduction of the flag.

The project aims at achieving sustainability of the envisioned measures through its particular structure and multi-level approach. It is designed as a medium-term project of five years, thereby bridging the gap between short-term emergency operations and long-term projects for fostering sustainable development. From the start, the Libyan partners will be involved in the design of the project ensuring national ownership to the greatest possible extent and, through a six-month handover phase at the end, they will be prepared to take over full responsibility after five years. Moreover, GIZ will work at different levels, collaborating with state institutions, non-governmental organisations and civil society as well as international donors. In order to ensure the continuation of project activities in a volatile country like Libya the project is equipped with a risk management component. Sustainability of measures beyond the project duration is specifically fostered by integrating human capacity development, institutional development and regional networking elements into the project design. This means that capacities will be increased to ensure that the Libyan state institutions can undertake the necessary related initiatives as required in the future.

## 2. OBJECTIVES

### 2.1 Overall objective

The Programme seeks to support Libyan state institutions to exercise effective national control over their conventional weapons and ammunition, to minimize the risk of the illicit spread of conventional weapons and their ammunition, and to manage the security related consequences of the Libyan armed conflict. In particular, the project seeks to strengthen Libyan state institutions and non-governmental organisations in the area of conventional arms and ammunition control. The project will also seek to foster regional cooperation.

### 2.2 Specific objectives

(i) to support Libyan state institutions tasked with oversight and coordination in the area of conventional arms control and mine action (the LMAC) to fulfil their tasks;

(ii) to strengthen Libyan non-governmental organisations, active in the area of conventional arms control and mine action, in their advocacy, awareness raising as well as technical tasks;

(iii) to support Libyan state institutions tasked with coordination and oversight in the area of PSSM to develop, coordinate and implement PSSM measures;

(iv) to directly support the implementation of stockpile management activities, including the relocation of storage sites away from populated areas, the rehabilitation of ammunition storage sites to national standards and the provision and installation of temporary ammunition storage units;

(v) to foster regional cooperation, knowledge sharing, and peer-to-peer learning on PSSM and the spread and illicit accumulation of conventional weapons.

## 3. PROJECT MODULES AND EXPECTED RESULTS

This project is composed of two specific modules:

3.1 Capacity development (financed by the FFO); and

3.2 PSSM (financed by the Union)

### 3.1 Capacity development (financed by the FFO)

This module aims at strengthening the capacities of the Libyan state institutions tasked with oversight and coordination in the area of conventional arms control and mine action as well as Libyan non-governmental organisations involved in arms control and mine action. This includes promoting organisational development, improving financial management and quality management as well as development of technical skills.

In line with the overall objectives of the programme, this module puts the principle of national ownership into action and aims to strengthen Libyan institutions and capabilities with the goal of long-term sustainability. The focus of capacity development will be twofold. The primary attention will be placed on the national authority for mine action in Libya, the LMAC as part of the Ministry of Defence. The second focus will be on Libyan civil society organisations engaged in clearance activities and awareness-raising.

Result 1: The needs for training and equipment of the LMAC, the national Libyan institution appointed by the Libyan Ministry of Foreign Affairs to be in charge of oversight and coordination in the area of conventional arms control and mine action, will be identified and qualified. Strategies for strengthening institutional capacity in the area of organisational development and financial and quality management, amongst others, will be developed by the LMAC.

*Activity 1:* Drafting and analysing a needs assessment on institutional capacities;

*Activity 2:* Development of a business plan and quality management system;

*Activity 3:* Setting up of a framework programme for education and training for those staffing the weapons and ammunition storage facilities;

*Activity 4:* Supporting the installation of coordination offices of the partner institution, (LMAC).

Outcome:

— Conducting and documenting a needs assessment regarding institutional capacity development of the LMAC by the end of the eighteenth month of the project;

— Development by the respective institution (LMAC) of a business plan and quality management process by the end of the thirtieth month of the project;

— Adequately equipping the respective institution (LMAC) by the thirtieth month of the project;

— Development of the training framework in collaboration with the partner institution (LMAC).

Further outcome(s) of these activities will be specified by the end of the sixth month of the project in cooperation with the LMAC. Considering the recent appointment of the partner institution by the Libyan Ministry of Foreign Affairs, the relevant indicators will be specified as soon as possible.

Result 2: The training and equipment needs of Libyan non-governmental organisations working in the area of conventional arms control and mine action will be identified and qualified. Capacities of these non-governmental organisations, in particular in management, financial management and technical skills, will be strengthened.

*Activity 1:* Training in management and financial management;

*Activity 2:* Technical training measures in the area of mine action.

Outcome:

— Implementation of three non-governmental organisations management trainings per year in 2013, 2014 and 2015.

3.2 **PSSM (financed by the Union)**

*Activity 1:* Development of a national strategy and standard operating procedures for PSSM;

*Activity 2:* Establishment of a training framework on PSSM issues;

*Activity 3:* Rehabilitation and security management of ammunition storage areas;

*Activity 4:* Provision of temporary storage units;

*Activity 5:* Relocation of ammunition storage areas;

*Activity 6:* Recycling options for ammunition stockpiles;

*Activity 7:* Regional cooperation on PSSM issues;

*Activity 8:* Establishment of a resilient risk management system.

3.2.1 *Development of a national strategy and standard operating procedures for PSSM*

Objectives:

This activity will enhance coordination among Libyan institutions involved in stockpile management and result in a higher quality of implementation of stockpile management procedures, thereby raising the security and safety of conventional weapons and ammunition stockpiles. Libyan state institutions tasked with coordination and oversight in the area of PSSM will be able to develop, coordinate and implement PSSM measures.

Description:

— Research and review of existing national strategies and standard operating procedures ("SOPs") in fields related to PSSM and generation of lessons learned for the development of a new national strategy and revised SOPs;

— Dissemination and discussion of the lessons learned and the broad outlines of a national strategy in a participatory consultation process with all relevant stakeholders including, for instance, the Ministry of Internal Affairs, the Ministry of Defence, the Ministry of Foreign Affairs, the Libyan Armed Forces, the National Guard and national NGOs;

— Provision of organisational support and technical expertise to the Libyan authority responsible for the drafting of the national strategy and the development of SOPs;

— Support to a responsible national institution for the facilitation of a strategy review and consensus building process with relevant stakeholders for the finalisation of the national strategy and of SOPs on PSSM.

Outcome:

— Drafting of a national strategy covering PSSM;

— Drafting of SOPs for PSSM.

3.2.2 *Establishment of a training framework on PSSM issues*

Objectives:

The activity will result in improved training for those staffing the weapons and ammunition storage facilities and, thereby, contribute to enhanced security at those sites.

Description:

— Review of existing training needs assessments in fields related to PSSM and generation of lessons learned for the development of a new training framework;

— Conducting a survey of existing and planned partner entities and training institutions for PSSM training courses;

— Facilitation of a stakeholder consultation process with the aim to generate a broad outline and key objectives for a future national training framework on PSSM;

— Facilitation of the drafting process for a training framework by an expert team including Libyan and international experts. The training framework should include a definition of the target group, a strategy for reaching and selecting the target group, the drafting of a training curriculum, definition of training methods, a timeframe, a staffing concept, calculation of costs as well as the drafting of a documentation and evaluation system.

Outcome:

— Implementation of workshops for the stakeholder consultation process and of the drafting process;

— Developmet of the training framework.

3.2.3 *Rehabilitation and security management of ammunition storage areas*

Objectives:

Significant reduction of the risk of theft, looting and of unauthorised access to conventional weapons and ammunition storage sites.

Description:

— Review of existing surveys of ammunition storage areas ("ASAs") as well as community reports on unsecured weapons and ammunition dumps in populated areas and drafting of a report detailing the results of the review;

— Facilitation of the prioritisation process undertaken by relevant Libyan institutions for the selection of ASAs to be rehabilitated as a pilot project;

— Commissioning of a technical feasibility study and construction survey teams for the generation of cost-efficient rehabilitation options;

— Facilitation of consensus building on which ASAs to rehabilitate. The following selection criteria will be included into the decision-making process: national selection priorities, security threats to the local population, provision of access by the respective security actors (military councils, etc.), operational and financial constraints and community preferences;

— Facilitation of the outsourcing of a technical survey and development of terms of reference (ToR) and facilitation of contracting procedure for respective rehabilitation projects;

— Facilitation of joint monitoring and quality assessment;

— Facilitation of development of a safety and security concept for pilot ASAs;

— Provision of security equipment for pilot ASAs;

— Provision of training to prospective staff of storage sites.

Outcome:

— Rehabilitation of a set number of ammunition storage facilities (number to be determined at the end of phase 1).

3.2.4 *Provision of temporary storage units*

Objectives:

This activity will result in better control of selected Libyan conventional weapons arsenals, decreasing the risk of theft and improving the protection of civilians from uncontrolled explosions.

Description:

— Commissioning a survey of potential sites for temporary storage units and a feasibility study on cost-efficient options for the implementation of temporary storage units. The results of the survey will be detailed in a report on where to place temporary storage units and their technical specifications;

— Facilitation of consensus building on where to build temporary storage units. The following selection criteria will be included into the decision-making process: national priorities, security threats to the local population, provision of access by the respective security actors (military councils, etc.), operational and financial constraints and community preferences;

— Facilitation of the outsourcing of a technical survey and development of ToR and facilitation of contracting procedure for respective construction projects;

— Facilitation of joint monitoring and quality assessment;

— Facilitation of the development of a safety and security concept for each temporary storage unit;

— Provision of security equipment for selected temporary storage units;

— Provision of training to prospective staff at storage units.

Outcome:

— Establishment of a set number of temporary ammunition storage facilities (number to be determined at the end of phase 1).

3.2.5. *Relocation of ammunition storage areas*

Objectives:

The implementation of this activity will result in improved security of the storage areas and in an improved security situation in populated neighbourhoods.

Description:

— Commissioning a survey of sites across Libya in need of relocation;

— Commissioning a feasibility study and associated report on cost-efficient options for transport/relocation and on options for locations to relocate the ASAs to;

— Facilitation of consensus building on selection of ASAs for relocation. The following selection criteria will be included into the decision-making process: national priorities, security threats to the local population, provision of access by the respective security actors (military councils, etc.), operational and financial constraints and community preferences;

— Facilitation of the outsourcing of a technical survey and development of ToR and facilitation of contracting procedure for respective relocation/transport projects;

— Facilitation of joint Monitoring and quality assessment.

Outcome:

— Relocation of a set number of ammunition storage facilities (number to be determined at the end of phase 1).

3.2.6 *Recycling options for ammunition stockpiles*

Objective:

Completion of a feasibility study on options for reducing available stockpiles of ammunition through recycling and the resulting creation of an incentive for conventional weapons destruction.

Description:

— Drafting of ToR together with the respective Libyan authorities;

— Facilitation of international tender and selection process;

— Commissioning of the feasibility study;

— Facilitation of joint quality control of the feasibility study;

— Dissemination of study results to respective Libyan stakeholders;

— Facilitation of translation and printing of study.

Outcome:

— Report of the feasibility study on options for reducing available stockpiles of ammunition through recycling;

— Workshop for dissemination.

3.2.7 *Regional cooperation on PSSM issues*

Objective:

The activity will enhance regional interaction and coordination, and thereby increase expertise and capacities of the relevant state institutions and non-governmental organisations involved in conventional arms control and stockpile management in the region.

Description:

— Support the organisation of up to two regional two-day conferences as fora for regional dialogue, information, knowledge sharing and peer-to-peer learning with a three-track approach: i) high profile participants from state institutions; ii) technical implementers in the area of stockpile management; and iii) non-governmental organisations in the organisation of a number of presentations and workshops;

— Facilitate the decision-making process on topics of presentations and workshops;

— Facilitate the identification of potential participants as well as speakers with assistance from the Union, Libyan partners and neighbouring countries;

— Facilitation of the development of ToR and of the contracting procedure of a company for conference management, public communication and documentation.

Outcome:

— Up to two two-day conferences within a time frame of two and a half years with up to 45 participants.

3.2.8 *Establishing a resilient risk management system*

Objective:

To foster the successful and conflict-sensitive implementation of project activities in a challenging risk environment, including fragile public security, multiple armed groups and a volatile security threat situation.

Description:

— Development of project guidelines for conflict-sensitive programming in line with the "do no harm" approach which refers to the implementation of project activities in a way that minimizes unintended negative effects;

— Conducting a risk and threat analysis and development of a security concept including standard operating procedures for the programme in order to maximise the security of staff and project assets;

— Constant on-site risk and threat monitoring and on the ground risk advisory services to project staff and operations;

— Security equipment to protect project staff and project assets;

— Development of a flexible project management tool to ensure project implementation in case of a deteriorating security environment, specifically, remote management capabilities.

Outcome:

— Security concept for project in place;

— Development of guidelines for conflict-sensitive programming;

— Risk management advisor in place.

## 4. IMPLEMENTATION

### 4.1 General set-up

On the basis of a project proposal submitted by GIZ to the FFO, GIZ was commissioned in October 2012 by the FFO to implement the module capacity development of the Programme on Conventional Arms Control in Libya. The implementation of activities started on 1 November 2012 and will end on 31October 2017. The Union's contribution will extend this project by supporting an additional module on PSSM. The PSSM module will be implemented alongside the capacity development module with activities starting in 2013 and running until October 2017.

GIZ will implement the two modules relating to capacity development and PSSM through the provision of long-term and short-term experts as well as in cooperation with international and national partners, in part through subcontracting arrangements.

GIZ's main partner for the module capacity development is the LMAC. In a note verbale to the German Embassy in Tripoli dated 17 December 2012, the Libyan Ministry of Foreign Affairs confirmed the LMAC as the Libyan national institution responsible for oversight and coordination in the field of conventional arms control and mine action and welcomed Programme to be implemented by GIZ.

GIZ has been selected as the implementing agency for this project in view of its specific expertise and experience across the globe as well as its presentation to the CODUN Working Group on GIZ's appraisal mission to Libya and its recommendations and suggested strategy for action, in particular, ensuring the participation and ownership of all relevant stakeholders and its emphasis on sustainable impact.

### 4.2 Partners

The Programme activities in Libya for both modules will be implemented in collaboration with international partners. There are several partners that GIZ will cooperate with and collaborates with already: the United Nations Mission in Libya (UNSMIL) supports Libyan agencies, inter alia, through provision of strategic and technical consultancy in the area of security and arms control. UNSMIL has been mandated under United Nations Security Council Resolution 2040 of 12 March 2012 in the areas of mine action, munitions management and weapons management. GIZ is cooperating with other donors in the field of arms control and mine action in Libya, in particular the United States and the United Kingdom.

While the overall responsibility for the management of the programme will remain with GIZ, the programme will also forge partnerships with international NGOs specialized in PSSM and mine action to provide further specialized expertise in the two respective modules and implement clearance activities on the ground. Due to the modular approach of the programme, the Programme will engage with several NGOs, which will be chosen based on their regional presence, strengths and weaknesses and previous experience and operational capabilities in Libya.

### 4.3 Action Management

Programme Design: A Modular Platform Approach

The programme is set up so that specific modules can be added or taken out in the course of the programme in order to be able to adapt to changing environments in a conflict sensitive and flexible way. The structure allows for different donors to fund parts of the Programme and for each donor's contribution to be visible. Finally, the programme includes a setup that provides capacity for reliable risk management and sound project management. Accordingly, GIZ delivers a project platform that ensures the management of the programme and that implements both project modules.

Programme Strategy: Four Phases in Five Years

The programme is designed to bridge the gap between emergency operations that are coming to an end in Libya and national development strategies and programmes that are expected to be launched and implemented by the Libyan government in the coming years.

It is therefore guided by a five-year medium-term strategy that exceeds the length of typical emergency planning cycles. The Capacity Development module, in particlular, will require time and a dependable partnership between the Programme and national partners to deliver tangible results and ensure that, by the end of Phase 4, national ownership is matched by national capacities.

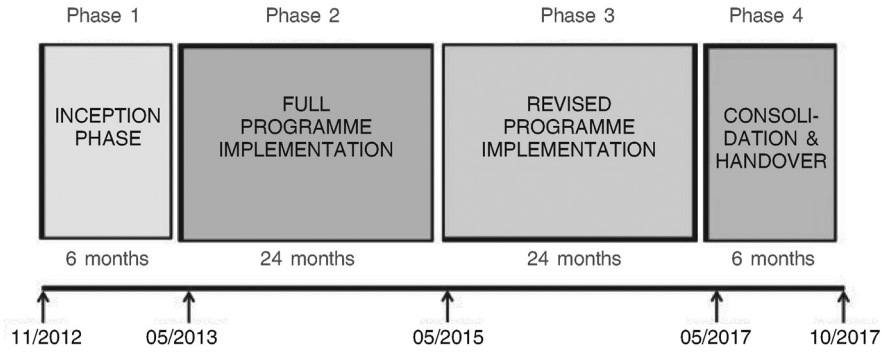
The four-phase approach ensures that Programme modules can be adapted during the course of the Programme, due to either different needs on the partner's side or changed funding realities. It would also allow for the Programme to include additional modules in Phase 3, if the conditions by that time are more favourable for these areas of engagement than they are now.

Donors' arrangements:

The Programme is a multi-donor project co-funded by the Union and the FFO.

The FFO will regularly monitor the whole project implemented by GIZ, including both the capacity development component and the component on PSSM through the established FFO procedures.

Programme duration and phases:



# RULES OF PROCEDURE

## AMENDMENT OF THE RULES OF PROCEDURE OF THE COURT OF JUSTICE

THE COURT OF JUSTICE

Having regard to the Treaty on the Functioning of the European Union, and in particular the sixth paragraph of Article 253 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 106a(1) thereof,

Having regard to the second paragraph of Article 64 of the Protocol on the Statute of the Court of Justice of the European Union,

Whereas, on the accession of the Republic of Croatia, Croatian becomes an official language of the European Union and should be added to the list of languages of a case set out in the Rules of Procedure,

With the approval of the Council given on 7 June 2013,

HAS ADOPTED THE FOLLOWING AMENDMENT TO ITS RULES OF PROCEDURE:

*Article 1*

Article 36 of the Rules of Procedure of the Court of Justice of 25 September 2012 [1] shall be replaced by the following:

'*Article 36*

The language of a case shall be Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish or Swedish.'

*Article 2*

1. This amendment to the Rules of Procedure shall be published in the *Official Journal of the European Union*. It shall enter into force at the same time as the Treaty concerning the accession of the Republic of Croatia to the European Union.

2. The text of the Rules of Procedure in Croatian shall be adopted after the entry into force of the Treaty referred to in the preceding paragraph.

Done at Luxembourg, 18 June 2013.

[1] OJ L 265, 29.9.2012, p. 1.

# AMENDMENT OF THE RULES OF PROCEDURE OF THE GENERAL COURT

THE GENERAL COURT,

Having regard to the Treaty on the Functioning of the European Union, and in particular the fifth paragraph of Article 254 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 106a(1) thereof,

Having regard to the second paragraph of Article 64 of the Protocol on the Statute of the Court of Justice of the European Union,

Having regard to the agreement of the Court of Justice,

Whereas, on the accession of the Republic of Croatia, Croatian becomes an official language of the European Union and should be added to the list of languages of a case set out in the Rules of Procedure,

With the approval of the Council given on 7 June 2013,

HAS ADOPTED THE FOLLOWING AMENDMENT TO ITS RULES OF PROCEDURE:

*Article 1*

The Rules of Procedure of the General Court of 2 May 1991 (OJ L 136, 30 May 1991, p. 1, with corrigendum in OJ L 317, 19 November 1991, p. 34) [1] are hereby amended as follows:

Article 35(1) shall be replaced by the following:

'The language of a case shall be Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovene, Spanish or Swedish.'.

*Article 2*

1. This amendment to the Rules of Procedure shall be published in the *Official Journal of the European Union*. It shall enter into force at the same time as the Treaty concerning the accession of the Republic of Croatia to the European Union.

2. The text of the Rules of Procedure in Croatian shall be adopted after the entry into force of the Treaty referred to in the preceding paragraph.

Done at Luxembourg, 19 June 2013.

E. COULON
*Registrar*

M. JAEGER
*President*

[1] Amended on 15 September 1994 (OJ L 249, 24 September 1994, p. 17), 17 February 1995 (OJ L 44, 28 February 1995, p. 64), 6 July 1995 (OJ L 172, 22 July 1995, p. 3), 12 March 1997 (OJ L 103, 19 April 1997, p. 6, corrigendum in OJ L 351, 23 December 1997, p. 72), 17 May 1999 (OJ L 135, 29 May 1999, p. 92), 6 December 2000 (OJ L 322, 19 December 2000, p. 4), 21 May 2003 (OJ L 147, 14 June 2003, p. 22), 19 April 2004 (OJ L 132, 29 April 2004, p. 3), 21 April 2004 (OJ L 127, 29 April 2004, p. 108), 12 October 2005 (OJ L 298, 15 November 2005, p. 1), 18 December 2006 (OJ L 386, 29 December 2006, p. 45), 12 June 2008 (OJ L 179, 8 July 2008, p. 12), 14 January 2009 (OJ L 24, 28 January 2009, p. 9), 16 February 2009 (OJ L 60, 4 March 2009, p. 3), 7 July 2009 (OJ L 184, 16 July 2009, p. 10), 26 March 2010 (OJ L 92, 13 April 2010, p. 14) and 24 May 2011 (OJ L 162, 22 June 2011, p. 18).

# ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

## DECISION No 1/2013 OF THE ACP-EU COUNCIL OF MINISTERS

**of 7 June 2013**

**adopting a protocol on the multiannual financial framework for the period 2014-2020 under the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part**

(2013/321/EU)

THE ACP-EU COUNCIL OF MINISTERS,

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 ([1]) as amended in Luxembourg on 25 June 2005 ([2]) and in Ouagadougou on 22 June 2010 ([3]) (the 'ACP-EU Partnership Agreement'), and in particular Articles 95(2) and 100 thereof,

Whereas:

(1) The European Union and its Member States together with the ACP States conducted a performance review, in accordance with Article 7 of Annex Ib to the ACP-EU Partnership Agreement, assessing among other things the degree of realisation of commitments and disbursements.

(2) The European Union and its Member States have agreed to lay down the financing mechanism, namely the 11th EDF, the exact period to be covered (2014-2020), and the amount of funds to be allocated to that mechanism.

(3) The protocol establishing the multiannual financial framework for the period 2014 to 2020 should be inserted into the Agreement as Annex Ic,

HAS ADOPTED THIS DECISION:

*Article 1*

The Annex to this Decision is adopted as a new Annex Ic to the Partnership Agreement between the members of the African, Caribbean and Pacific group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000, as revised in Luxembourg on 25 June 2005 and in Ouagadougou on 22 June 2010.

*Article 2*

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

Done at Brussels, 7 June 2013.

*For the ACP-EU Council of Ministers*
*The President*
P. T. C. SKELEMANI

([1]) OJ L 317, 15.12.2000, p. 3. Agreement as rectified by OJ L 385, 29.12.2004, p. 88.
([2]) OJ L 209, 11.8.2005, p. 27.
([3]) OJ L 287, 4.11.2010, p. 3.

*ANNEX*

The following Annex shall be inserted in the ACP-EU Partnership Agreement:

"*ANNEX Ic*

Multiannual financial framework for the period 2014-2020

1. For the purposes set out in this Agreement and for a period starting on 1 January 2014, the overall amount of financial assistance available to the ACP States within this multiannual financial framework shall be EUR 31 589 million, as specified in points 2 and 3.

2. The sum of EUR 29 089 million under the 11th European Development Fund (EDF), shall be made available from the date of entry into force of the multiannual financial framework. It shall be allocated between the cooperation instruments as follows:

   (a) EUR 24 365 million to finance national and regional indicative programmes. This allocation will be used to finance:

      (i) the national indicative programmes of individual ACP States in accordance with Articles 1 to 5 of Annex IV to this Agreement concerning implementation and management procedures;

      (ii) the regional indicative programmes of support for regional and inter-regional cooperation and regional integration of ACP States in accordance with Articles 6 to 11 of Annex IV to this Agreement concerning implementation and management procedures;

   (b) EUR 3 590 million to finance intra-ACP and inter-regional cooperation with many or all of the ACP States in accordance with Articles 12 to 14 of Annex IV to this Agreement concerning implementation and management procedures. This envelope shall include support to joint institutions and bodies created under this Agreement. It shall also cover assistance with the operating expenditure of the ACP Secretariat referred to in points 1 and 2 of Protocol No 1 on the operating expenditure of the joint institutions;

   (c) EUR 1 134 million to finance the Investment Facility in accordance with the terms and conditions set out in Annex II (Terms and conditions of financing) to this Agreement, comprising an additional contribution to EUR 500 million to the resources of the Investment Facility, managed as a revolving fund, and EUR 634 million under the form of grants for the financing of the interest rate subsidies and project-related technical assistance provided for in Articles 1, 2 and 4 of that Annex over the period of the 11th EDF.

3. The operations financed under the Investment Facility, including the corresponding interest rate subsidies, shall be managed by the European Investment Bank (EIB). An amount of up to EUR 2 500 million in addition to the funds available from the 11th EDF shall be made available by the EIB in the form of loans from own resources. These resources shall be granted for the purposes set out in Annex II to this Agreement, in accordance with the conditions laid down in the statutes of the EIB and the relevant provisions of the terms and conditions for investment financing in that Annex. All other financial resources under this multiannual financial framework shall be administered by the Commission.

4. After 31 December 2013 or after the date of entry into force of this multiannual financial framework, whichever is the later, balances from the 10th EDF or from previous EDFs and funds decommitted from projects under these EDFs shall no longer be committed, unless the Council of the European Union decides otherwise by unanimity, with the exception of the remaining balances and reimbursements of the amounts allocated for the financing of the Investment Facility, excluding the related interest rate subsidies, and the remaining balances of the primary agricultural export receipt stabilisation guarantee system (STABEX) under the EDFs prior to the 9th EDF.

5. The overall amount of this multiannual financial framework shall cover the period from 1 January 2014 to 31 December 2020. The funds of the 11th EDF, and, in the case of the Investment Facility, the funds stemming from reflows, shall no longer be committed beyond 31 December 2020, unless the Council of the European Union decides otherwise by unanimity, on a proposal from the Commission. However, the funds subscribed by Member States under the 9th, 10th and 11th EDF to finance the Investment Facilities shall remain available after 31 December 2020 for disbursement.

6. The Committee of Ambassadors, acting on behalf of the ACP-EU Council of Ministers, may, within the overall amount of the multiannual financial framework, take appropriate measures in order to meet programming requirements under one of the allocations provided for in point 2, including the reassignment of funds between these allocations.

7. At the request of either Side, the Parties may decide to conduct a performance review, at a mutually agreeable time, assessing the degree of realisation of commitments and disbursements, as well as the results and impact of the aid provided. This review would be undertaken on the basis of a proposal prepared by the Commission. It could contribute to the negotiations provided for in Article 95(4) of this Agreement.

8. Any Member State may provide the Commission or the EIB with voluntary contributions to support the objectives of the ACP-EU Partnership Agreement. Member States may also co-finance projects or programmes, for example in the framework of specific initiatives to be managed by the Commission or the EIB. ACP ownership of such initiatives at the national level must be guaranteed."

# DECISION No 2/2013 OF THE ACP-EU COUNCIL OF MINISTERS

## of 7 June 2013

## concerning the request made by the Federal Republic of Somalia for observer status with regard to, and subsequent accession to, the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part

(2013/322/EU)

THE ACP-EU COUNCIL OF MINISTERS,

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 ([1]), as amended in Luxembourg on 25 June 2005 ([2]) and as amended in Ouagadougou on 22 June 2010 ([3]) ('the ACP-EU Agreement'), and in particular Article 94 thereof,

Having regard to Decision No 1/2005 of 8 March 2005 of the ACP-EU Council of Ministers concerning the adoption of the Rules of Procedure of the ACP-EU Council of Ministers ([4]) and, in particular, Article 8(2) thereof,

Whereas

(1) The Cotonou Agreement entered into force on 1 July 2008 in accordance with Article 93(3) thereof. It was first amended in Luxembourg on 25 June 2005, and for a second time in Ouagadougou on 22 June 2010. The second revision has provisionally been applied since 31 October 2010 ([5]).

(2) Article 94 of the ACP-EU Agreement stipulates that any request for accession by a State is to be presented to, and approved by, the ACP-EU Council of Ministers.

(3) On 25 February 2013, the Federal Republic of Somalia presented a request for observership and subsequent accession in accordance with Article 94 of the ACP-EU Agreement.

(4) The Federal Republic of Somalia should deposit the Act of Accession with the Depositaries of the ACP-EU Agreement, namely the Secretariat General of the Council of the European Union and the Secretariat of the ACP States,

HAS ADOPTED THIS DECISION:

*Article 1*

**Approval of request for accession and observer status**

The request made by the Federal Republic of Somalia to accede to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000, as amended in Luxembourg on 25 June 2005 and as amended in Ouagadougou on 22 June 2010, is hereby approved.

The Federal Republic of Somalia shall deposit its Act of Accession with the Depositaries of the ACP-EU Agreement, namely, the Secretariat General of the Council of the European Union and the Secretariat of the ACP States.

Pending its accession, the Federal Republic of Somalia may attend Council sessions as an observer.

*Article 2*

**Entry into force**

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

Done at Brussels, 7 June 2013.

*For the ACP-EU Council of Ministers*
*The President*
P. T. C. SKELEMANI

([1]) OJ L 317, 15.12.2000, p. 3.
([2]) Agreement amending the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 (OJ L 209, 11.8.2005, p. 27).
([3]) Agreement amending for the second time the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000, as first amended in Luxembourg on 25 June 2005 (OJ L 287, 4.11.2010, p. 3).
([4]) OJ L 95, 14.4.2005, p. 44.
([5]) Decision No 2/2010 of the ACP-UE Council of Ministers of 21 June 2010, OJ L 287, 4.11.2010, p. 68.

## CORRIGENDA

### Corrigendum to Commission Implementing Decision 2012/830/EU of 7 December 2012 on an additional financial contribution towards Member States' fisheries control, inspection and surveillance programmes for 2012

*(Official Journal of the European Union L 356 of 22 December 2012)*

Annexes I, III and V to Commission Implementing Decision 2012/830/EU should read as follows:

*'ANNEX I*

**NEW TECHNOLOGIES & IT NETWORKS**

*(EUR)*

| Member State & project code | Expenditure planned in the national fisheries control additional programme | Expenditure for projects selected under this Decision | Maximum Union contribution |
|---|---|---|---|
| **Belgium:** | | | |
| BE/12/08 | 30 000 | 30 000 | 27 000 |
| BE/12/09 | 4 250 | 4 250 | 3 825 |
| BE/12/10 | 100 000 | 0 | 0 |
| ***Sub-Total*** | ***134 250*** | ***34 250*** | ***30 825*** |
| **Bulgaria:** | | | |
| BG/12/02 | 30 678 | 30 678 | 27 610 |
| ***Sub-Total*** | ***30 678*** | ***30 678*** | ***27 610*** |
| **Denmark:** | | | |
| DK/12/20 | 336 419 | 0 | 0 |
| DK/12/22 | 269 136 | 0 | 0 |
| DK/12/23 | 538 271 | 0 | 0 |
| DK/12/24 | 134 568 | 134 568 | 121 110 |
| DK/12/25 | 95 637 | 0 | 0 |
| DK/12/26 | 158 911 | 0 | 0 |
| DK/12/27 | 275 864 | 275 864 | 248 278 |
| DK/12/28 | 272 500 | 272 500 | 245 250 |
| DK/12/29 | 281 265 | 281 265 | 250 000 |
| DK/12/30 | 282 592 | 282 592 | 250 000 |
| DK/12/31 | 280 439 | 280 439 | 250 000 |
| DK/12/32 | 296 049 | 296 049 | 250 000 |
| DK/12/33 | 262 407 | 138 936 | 125 043 |
| DK/12/34 | 269 136 | 0 | 0 |
| DK/12/35 | 22 000 | 0 | 0 |
| DK/12/36 | 405 000 | 0 | 0 |
| DK/12/37 | 375 000 | 0 | 0 |
| DK/12/38 | 163 500 | 0 | 0 |
| ***Sub-Total*** | ***4 718 694*** | ***1 962 213*** | ***1 739 681*** |

*(EUR)*

| Member State & project code | Expenditure planned in the national fisheries control additional programme | Expenditure for projects selected under this Decision | Maximum Union contribution |
|---|---|---|---|
| **Germany:** | | | |
| DE/12/23 | 400 000 | 400 000 | 360 000 |
| DE/12/24 | 165 000 | 0 | 0 |
| DE/12/25 | 250 000 | 0 | 0 |
| DE/12/27 | 358 000 | 0 | 0 |
| DE/12/28 | 110 000 | 0 | 0 |
| DE/12/29 | 350 000 | 0 | 0 |
| DE/12/30 | 95 000 | 0 | 0 |
| DE/12/31 | 443 100 | 0 | 0 |
| DE/12/32 | 650 000 | 0 | 0 |
| DE/12/33 | 970 000 | 0 | 0 |
| DE/12/34 | 275 000 | 0 | 0 |
| DE/12/35 | 420 000 | 0 | 0 |
| ***Sub-Total*** | ***4 486 100*** | ***400 000*** | ***360 000*** |
| **Ireland:** | | | |
| IE/12/06 | 20 000 | 0 | 0 |
| IE/12/08 | 70 000 | 0 | 0 |
| ***Sub-Total*** | ***90 000*** | *0* | *0* |
| **Greece:** | | | |
| EL/12/11 | 180 000 | 180 000 | 162 000 |
| EL/12/12 | 750 000 | 750 000 | 675 000 |
| EL/12/13 | 180 000 | 180 000 | 162 000 |
| EL/12/14 | 26 750 | 26 750 | 24 075 |
| EL/12/15 | 110 000 | 110 000 | 99 000 |
| ***Sub-Total*** | ***1 246 750*** | ***1 246 750*** | ***1 122 075*** |
| **Spain:** | | | |
| ES/12/02 | 939 263 | 939 263 | 845 336 |
| ES/12/03 | 974 727 | 974 727 | 877 255 |
| ES/12/05 | 795 882 | 795 883 | 716 294 |
| ES/12/06 | 759 305 | 759 305 | 683 375 |
| ES/12/08 | 163 250 | 163 250 | 146 925 |
| ES/12/09 | 72 000 | 72 000 | 64 800 |
| ES/12/10 | 100 000 | 100 000 | 90 000 |
| ES/12/11 | 379 000 | 379 000 | 341 100 |
| ES/12/12 | 490 000 | 490 000 | 441 000 |
| ES/12/13 | 150 000 | 150 000 | 135 000 |
| ES/12/15 | 150 000 | 0 | 0 |
| ES/12/18 | 54 000 | 54 000 | 48 600 |
| ES/12/19 | 290 440 | 290 440 | 261 396 |
| ES/12/21 | 17 500 | 17 500 | 15 750 |
| ES/12/22 | 681 000 | 0 | 0 |

*(EUR)*

| Member State & project code | Expenditure planned in the national fisheries control additional programme | Expenditure for projects selected under this Decision | Maximum Union contribution |
|---|---|---|---|
| ES/12/23 | 372 880 | 372 880 | 335 592 |
| ES/12/24 | 415 254 | 0 | 0 |
| ***Sub-Total*** | ***6 804 501*** | ***5 558 247*** | ***5 002 423*** |
| **France:** | | | |
| FR/12/08 | 777 600 | 777 600 | 699 840 |
| FR/12/09 | 870 730 | 870 730 | 783 656 |
| FR/12/10 | 229 766 | 229 766 | 206 789 |
| FR/12/11 | 277 395 | 277 395 | 249 656 |
| FR/12/12 | 230 363 | 230 363 | 207 327 |
| FR/12/13 | 197 403 | 197 403 | 177 663 |
| FR/12/14 | 450 000 | 450 000 | 405 000 |
| FR/12/15 | 211 500 | 0 | 0 |
| FR/12/16 | 274 330 | 274 330 | 246 897 |
| FR/12/17 | 254 350 | 0 | 0 |
| ***Sub-total*** | ***3 773 437*** | ***3 307 587*** | ***2 976 828*** |
| **Italy:** | | | |
| IT/12/13 | 135 000 | 135 000 | 121 500 |
| IT/12/15 | 125 000 | 125 000 | 112 500 |
| IT/12/16 | withdrawn | 0 | 0 |
| IT/12/17 | 250 000 | 250 000 | 225 000 |
| IT/12/18 | 250 000 | 0 | 0 |
| IT/12/19 | 630 000 | 630 000 | 567 000 |
| IT/12/21 | 1 500 000 | 1 500 000 | 1 350 000 |
| IT/12/22 | 311 000 | 0 | 0 |
| IT/12/23 | 38 000 | 0 | 0 |
| IT/12/26 | 1 900 000 | 0 | 0 |
| ***Sub-Total*** | ***5 139 000*** | ***2 640 000*** | ***2 376 000*** |
| **Latvia:** | | | |
| LV/12/02 | 6 732 | 6 732 | 6 058 |
| LV/12/03 | 58 350 | 58 350 | 52 515 |
| ***Sub-Total*** | ***65 082*** | ***65 082*** | ***58 573*** |
| **Lithuania:** | | | |
| LT/12/04 | 150 462 | 150 462 | 135 416 |
| ***Sub-Total*** | ***150 462*** | ***150 462*** | ***135 416*** |
| **Malta:** | | | |
| MT/12/04 | 30 000 | 30 000 | 27 000 |
| MT/12/07 | 261 860 | 261 860 | 235 674 |
| ***Sub-Total*** | ***291 860*** | ***291 860*** | ***262 674*** |
| **Netherlands:** | | | |
| NL/12/07 | 250 000 | 250 000 | 225 000 |
| NL/12/08 | 278 172 | 0 | 0 |

*(EUR)*

| Member State & project code | Expenditure planned in the national fisheries control additional programme | Expenditure for projects selected under this Decision | Maximum Union contribution |
|---|---|---|---|
| NL/12/09 | 277 862 | 0 | 0 |
| NL/12/10 | 286 364 | 0 | 0 |
| NL/12/11 | 276 984 | 0 | 0 |
| NL/12/12 | 129 398 | 0 | 0 |
| NL/12/13 | 129 500 | 0 | 0 |
| NL/12/14 | 200 000 | 0 | 0 |
| NL/12/15 | 230 000 | 0 | 0 |
| NL/12/16 | 136 329 | 0 | 0 |
| NL/12/17 | 19 300 | 0 | 0 |
| NL/12/18 | 36 120 | 0 | 0 |
| NL/12/19 | 89 860 | 0 | 0 |
| NL/12/20 | 299 550 | 0 | 0 |
| ***Sub-Total*** | ***2 639 439*** | ***250 000*** | ***225 000*** |
| **Austria:** | | | |
| AT/12/01 | 128 179 | 128 179 | 115 361 |
| AT/12/02 | 280 923 | 0 | 0 |
| ***Sub-Total*** | ***409 102*** | ***128 179*** | ***115 361*** |
| **Poland:** | | | |
| PL/12/02 | 103 936 | 0 | 0 |
| PL/12/04 | 41 028 | 0 | 0 |
| PL/12/06 | 15 955 | 0 | 0 |
| PL/12/07 | 40 500 | 0 | 0 |
| PL/12/08 | 1 000 000 | 1 000 000 | 900 000 |
| PL/12/09 | 172 600 | 0 | 0 |
| PL/12/10 | 1 505 000 | 0 | 0 |
| PL/12/11 | 208 760 | 0 | 0 |
| PL/12/12 | 227 350 | 0 | 0 |
| PL/12/13 | 240 300 | 0 | 0 |
| PL/12/14 | 323 000 | 323 000 | 290 700 |
| PL/12/15 | 181 000 | 0 | 0 |
| PL/12/16 | 416 000 | 0 | 0 |
| ***Sub-Total*** | ***4 475 429*** | ***1 323 000*** | ***1 190 700*** |
| **Portugal:** | | | |
| PT/12/08 | 25 000 | 25 000 | 22 500 |
| PT/12/10 | 150 000 | 150 000 | 135 000 |
| PT/12/11 | 150 000 | 0 | 0 |
| ***Sub-Total*** | ***325 000*** | ***175 000*** | ***157 500*** |
| **Finland:** | | | |
| FI/12/11 | 1 000 000 | 1 000 000 | 900 000 |
| FI/12/12 | 1 000 000 | 1 000 000 | 900 000 |

*(EUR)*

| Member State & project code | Expenditure planned in the national fisheries control additional programme | Expenditure for projects selected under this Decision | Maximum Union contribution |
|---|---|---|---|
| FI/12/13 | 280 000 | 280 000 | 252 000 |
| FI/12/14 | 280 000 | 0 | 0 |
| ***Sub-Total*** | ***2 560 000*** | ***2 280 000*** | ***2 052 000*** |
| **Sweden:** | | | |
| SE/12/07 | 850 000 | 850 000 | 765 000 |
| SE/12/08 | 750 000 | 750 000 | 675 000 |
| SE/12/09 | 300 000 | 300 000 | 270 000 |
| SE/12/10 | 1 000 000 | 1 000 000 | 900 000 |
| SE/12/11 | 80 000 | 0 | 0 |
| ***Sub-Total*** | ***2 980 000*** | ***2 900 000*** | ***2 610 000*** |
| **United Kingdom:** | | | |
| UK/12/51 | 122 219 | 122 219 | 109 997 |
| UK/12/52 | 564 086 | 0 | 0 |
| UK/12/54 | 50 141 | 50 141 | 45 127 |
| UK/12/55 | 43 873 | 43 873 | 39 486 |
| UK/12/56 | 122 219 | 122 219 | 109 997 |
| UK/12/73 | 12 535 | 12 535 | 11 282 |
| UK/12/74 | 162 958 | 162 958 | 146 662 |
| ***Sub-Total*** | ***1 078 032*** | ***513 945*** | ***462 551*** |
| **Total** | **41 397 816** | **23 257 253** | **20 905 217**’ |

‘*ANNEX III*

**ELECTRONIC RECORDING AND REPORTING SYSTEMS**

*(EUR)*

| Member State & project code | Expenditure planned in the national fisheries control additional programme | Expenditure for projects selected under this Decision | Maximum Union contribution |
|---|---|---|---|
| **Belgium:** | | | |
| BE/12/07 | 60 000 | 60 000 | 54 000 |
| ***Sub-Total*** | ***60 000*** | ***60 000*** | ***54 000*** |
| **Denmark:** | | | |
| DK/12/19 | 201 852 | 201 852 | 181 666 |
| DK/12/21 | 134 567 | 0 | 0 |
| ***Sub-Total*** | ***336 419*** | ***201 852*** | ***181 666*** |
| **Ireland:** | | | |
| IE/12/05 | 1 000 000 | 1 000 000 | 900 000 |
| ***Sub-Total*** | ***1 000 000*** | ***1 000 000*** | ***900 000*** |
| **Spain:** | | | |
| ES/12/04 | 1 207 352 | 1 207 352 | 1 086 617 |
| ES/12/07 | 263 488 | 263 488 | 237 139 |
| ***Sub-Total*** | ***1 470 840*** | ***1 470 840*** | ***1 323 756*** |

*(EUR)*

| Member State & project code | Expenditure planned in the national fisheries control additional programme | Expenditure for projects selected under this Decision | Maximum Union contribution |
|---|---|---|---|
| **France:** | | | |
| FR/12/18 | 42 000 | 42 000 | 37 800 |
| ***Sub-Total*** | ***42 000*** | ***42 000*** | ***37 800*** |
| **Latvia:** | | | |
| LV/12/01 | 11 273 | 11 273 | 10 146 |
| ***Sub-Total*** | ***11 273*** | ***11 273*** | ***10 146*** |
| **Malta:** | | | |
| MT/12/06 | 260 000 | 260 000 | 234 000 |
| ***Sub-Total*** | ***260 000*** | ***260 000*** | ***234 000*** |
| **Poland:** | | | |
| PL/12/03 | 170 948 | 170 948 | 153 853 |
| PL/12/05 | 22 793 | 22 793 | 20 514 |
| ***Sub-Total*** | ***193 741*** | ***193 741*** | ***174 367*** |
| **Portugal:** | | | |
| PT/12/09 | 75 000 | 75 000 | 67 500 |
| ***Sub-Total*** | ***75 000*** | ***75 000*** | ***67 500*** |
| **Total** | **3 449 274** | **3 314 706** | **2 983 235**’ |

‘*ANNEX V*

**TRAINING & EXCHANGE PROGRAMMES**

*(EUR)*

| Member State & project code | Expenditure planned in the national fisheries control additional programme | Expenditure for projects selected under this Decision | Maximum Union contribution |
|---|---|---|---|
| **Ireland:** | | | |
| IE/12/07 | 15 000 | 0 | 0 |
| ***Sub-Total*** | ***15 000*** | ***0*** | ***0*** |
| **Spain:** | | | |
| ES/12/16 | 40 000 | 0 | 0 |
| ***Sub-Total*** | ***40 000*** | ***0*** | ***0*** |
| **United Kingdom:** | | | |
| UK/12/58 | 2 507 | 0 | 0 |
| UK/12/59 | 14 416 | 0 | 0 |
| UK/12/60 | 1 253 | 0 | 0 |
| UK/12/61 | 877 | 0 | 0 |
| UK/12/62 | 2 507 | 0 | 0 |
| UK/12/63 | 3 384 | 0 | 0 |
| UK/12/64 | 11 282 | 0 | 0 |
| UK/12/65 | 17 549 | 0 | 0 |
| UK/12/66 | 11 282 | 0 | 0 |
| UK/12/67 | 9 401 | 9 401 | 8 461 |

*(EUR)*

| Member State & project code | Expenditure planned in the national fisheries control additional programme | Expenditure for projects selected under this Decision | Maximum Union contribution |
|---|---|---|---|
| UK/12/68 | 9 401 | 0 | 0 |
| UK/12/69 | 11 281 | 0 | 0 |
| UK/12/70 | 9 401 | 9 401 | 8 461 |
| UK/12/71 | 9 401 | 0 | 0 |
| UK/12/72 | 12 536 | 12 536 | 11 282 |
| ***Sub-Total*** | ***144 030*** | ***31 338*** | ***28 204*** |
| **Total** | **199 030** | **31 338** | **28 204**' |

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