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

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

## II

(Non-legislative acts)

## REGULATIONS

## COMMISSION REGULATION (EU) No 982/2013

of 11 October 2013

establishing a prohibition of fishing for herring in EU and international waters of Vb, VIb and VIaN  
by vessels flying the flag of France

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Council Regulation (EU) No 40/2013 of 21 January 2013 fixing for 2013 the fishing opportunities available in EU waters and, to EU vessels, in certain non-EU waters for certain fish stocks and groups of fish stocks which are subject to international negotiations or agreements <sup>(2)</sup>, lays down quotas for 2013.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2013.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1*

**Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2013 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2*

**Prohibitions**

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

*Article 3*

**Entry into force**

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

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

Done at Brussels, 11 October 2013.

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

Lowri EVANS

*Director-General for Maritime Affairs and Fisheries*

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

<sup>(2)</sup> OJ L 23, 25.1.2013, p. 54.

## ANNEX

No	54/TQ40
Member State	France
Stock	HER/5B6ANB
Species	Herring ( <i>Clupea harengus</i> )
Zone	EU and international waters of Vb, VIb and VIaN
Date	23.9.2013

**COMMISSION REGULATION (EU) No 983/2013****of 11 October 2013****establishing a prohibition of fishing for tusk in EU and international waters of I, II and XIV by vessels flying the flag of France**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Council Regulation (EU) No 40/2013 of 21 January 2013 fixing for 2013 the fishing opportunities available in EU waters and, to EU vessels, in certain non-EU waters for certain fish stocks and groups of fish stocks which are subject to international negotiations or agreements <sup>(2)</sup>, lays down quotas for 2013.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2013.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2013 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

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

*Article 3***Entry into force**

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

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

Done at Brussels, 11 October 2013.

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

Lowri EVANS

*Director-General for Maritime Affairs and Fisheries*

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

<sup>(2)</sup> OJ L 23, 25.1.2013, p. 54.

## ANNEX

No	55/TQ40
Member State	France
Stock	USK/1214EI
Species	Tusk ( <i>Brosme brosme</i> )
Zone	EU and international waters of I, II and XIV
Date	23.9.2013

## COMMISSION REGULATION (EU) No 984/2013

of 14 October 2013

## establishing a Network Code on Capacity Allocation Mechanisms in Gas Transmission Systems and supplementing Regulation (EC) No 715/2009 of the European Parliament and of the Council

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 715/2009 of 13 July 2009 of the European Parliament and of the Council on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005 <sup>(1)</sup>, and in particular Article 6(11) thereof,

Whereas:

- (1) Regulation (EC) No 715/2009 sets non-discriminatory rules for access conditions to natural gas transmission systems with a view to ensuring the proper functioning of the internal market in gas.
- (2) Duplication of gas transmission systems is in most cases neither economic nor efficient. Competition in natural gas markets therefore requires a transparent and non-discriminatory access to gas infrastructure for all network users. However, in large parts of the Union the lack of equal and transparent access to transmission capacity remains a major obstacle for achieving effective competition on the wholesale market. Furthermore, the fact that national rules differ from one Member State to another hampers the creation of a well-functioning internal market for gas.
- (3) Inefficient use of and limited access to the Union's high-pressure gas pipelines lead to suboptimal market conditions. A more transparent, efficient and non-discriminatory system of allocation of scarce transmission capacities needs to be implemented for the Union's high-pressure gas grids, so that cross-border competition can further develop and market integration can progress. Developing such rules has been consistently supported by stakeholders.
- (4) Bringing about effective competition between suppliers from inside and outside the Union requires that they are able to flexibly use the existing transmission systems to ship their gas according to price signals. Only a well-functioning network of interconnected trans-

mission grids, offering equal access conditions to all, allows gas to flow freely across the Union. That in turn attracts more suppliers, increasing liquidity at the trading hubs and contributing to efficient price discovery mechanisms and consequently fair gas prices that are based on the principle of demand and supply.

- (5) This Regulation establishing a network code on capacity allocation mechanism in gas transmission systems aims to establish the necessary degree of harmonisation across Europe. The effective implementation of this Regulation furthermore relies on the introduction of tariff systems which are consistent with the capacity allocation mechanisms proposed in this Regulation, to ensure the implementation without detrimental effect on the revenues and cash flow positions of transmission system operators.
- (6) This Regulation has been adopted on the basis of Regulation (EC) No 715/2009 which it supplements and of which it forms an integral part. References to Regulation (EC) No 715/2009 in other legal acts shall be understood as also referring to this Regulation. This Regulation does not apply to natural gas transmission systems situated in Member States for the duration of derogations granted under Article 49 of Directive 2009/73/EC of the European Parliament and of the Council <sup>(2)</sup>. This Regulation does apply to non-exempted capacities in major new infrastructures which have received an exemption from Article 32 of Directive 2009/73/EC or from the former Article 18 of Directive 2003/55/EC of the European Parliament and of the Council <sup>(3)</sup> to the extent the application of this Regulation does not undermine such an exemption and taking into account the specific nature of interconnectors when bundling.
- (7) This Regulation was established according to the procedure as set out in Article 6 of Regulation (EC) No 715/2009. It further harmonises the rules laid down in Article 16 of Regulation (EC) No 715/2009 and supplements the principles of capacity allocation mechanisms and congestion management procedures concerning transmission system operators as laid down in point 2.1 of Annex I to Regulation (EC) No 715/2009.
- (8) This Regulation is without prejudice to application of EU and national competition rules, in particular the prohibitions of restrictive agreements (Article 101 of the Treaty

<sup>(1)</sup> OJ L 211, 14.8.2009, p. 36.

<sup>(2)</sup> OJ L 211, 14.8.2009, p. 94.

<sup>(3)</sup> OJ L 176, 15.7.2003, p. 57.

on the Functioning of the European Union) and of abuse of a dominant position (Article 102 of the Treaty on the Functioning of the European Union). The capacity allocation mechanisms put in place should be designed in such a way as to avoid foreclosure of downstream supply markets.

- (9) This Regulation is without prejudice to public service obligations of a transmission system operator in accordance with Article 3 of Directive 2009/73/EC.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Committee established pursuant to Article 51 of Directive 2009/73/EC.
- (11) National regulatory authorities and transmission system operators should have regard to best practices and endeavours to harmonise processes for the implementation of this Regulation. Acting in accordance with Article 7 of Regulation (EC) No 713/2009 of the European Parliament and of the Council<sup>(1)</sup> the Agency and the national regulatory authorities should ensure that capacity allocation mechanisms are implemented at the applicable interconnection points across the Union in the most effective way.

HAS ADOPTED THIS REGULATION:

#### CHAPTER I

#### GENERAL PROVISIONS

##### Article 1

##### Subject matter

This Regulation establishes a Network Code setting up standardised capacity allocation mechanisms in gas transmission systems. The standardised capacity allocation mechanism shall include an auction procedure for relevant interconnection points within the Union and the standard cross-border capacity products to be offered and allocated. This Regulation shall set out how adjacent transmission system operators cooperate in order to facilitate capacity sales, having regard to general commercial as well as technical rules related to capacity allocation mechanisms.

##### Article 2

##### Scope

1. This Regulation shall apply to interconnection points. It may also apply to entry points from and exit points to third countries, subject to the decision of the relevant national regulatory authority. This Regulation shall not apply to exit points to end consumers and distribution networks, entry points from 'liquefied natural gas' (LNG) terminals and production facilities, and entry-exit points to or from storage facilities.

2. This Regulation shall apply to all technical and interruptible capacity at interconnection points as well as to

additional capacity in the meaning of point 2.2.1 of Annex I of Regulation (EC) No 715/2009. This Regulation shall not apply to interconnection points between Member States where one of these Member States holds a derogation on the basis of Article 49 of Directive 2009/73/EC.

3. Articles 8(1) to (7), Articles 11 to 18, 19(2) and 21 to 27 shall not apply to new technical capacity to be allocated by means of open allocation procedures for new technical capacity, such as open season procedures, apart from capacity which remains unsold after it has been initially offered by means of such procedures..

4. Where implicit allocation methods are applied, national regulatory authorities may decide not to apply Articles 8 to 27.

5. In order to prevent foreclosure of downstream supply markets, competent national authorities may, after consulting network users, decide to take proportionate measures to limit up-front bidding for capacity by any single network user at interconnection points within a Member State.

##### Article 3

##### Definitions

For the purposes of this Regulation, the definitions in Article 2 of Regulation (EC) No 715/2009 and Article 2 Directive 2009/73/EC shall apply. In addition, the following definitions shall apply:

- (1) 'ascending clock auction' means an auction in which a network user places requested quantities against defined price steps, which are announced sequentially;
- (2) 'auction calendar' means a table displaying information relating to specific auctions which is published by ENTSOG by January of every calendar year for auctions taking place during the period of March until February of the following calendar year and consisting of all relevant timings for auctions, including starting dates and standard capacity products to which they apply;
- (3) 'bidding round' means the period of time during which network users can submit, amend and withdraw bids;
- (4) 'bundled capacity' means a standard capacity product offered on a firm basis which consists of corresponding entry and exit capacity at both sides of every interconnection point;
- (5) 'competing capacities' means capacities for which the available capacity in one of the concerned auctions cannot be allocated without fully or partly reducing the available capacity in the other concerned auction;

<sup>(1)</sup> OJ L 211, 14.8.2009, p. 1.



- (6) 'first time undersell' means an occurrence where the aggregate demand across all network users is less than the capacity offered at the end of the second bidding round or a subsequent bidding round;
- (7) 'gas day' means the period from 5:00 to 5:00 UTC the following day for winter time and from 4:00 to 4:00 UTC the following day when daylight saving is applied;
- (8) 'implicit allocation method' means an allocation method where, possibly by means of an auction, both transmission capacity and a corresponding quantity of gas are allocated at the same time;
- (9) 'interconnection agreement' means an agreement entered into by adjacent transmission system operators, whose systems are connected at a particular interconnection point, which specifies terms and conditions, operating procedures and provisions, in respect of delivery and/or withdrawal of gas at the interconnection point with the purpose of facilitating efficient interoperability of the interconnected transmission networks;
- (10) 'interconnection point' means a physical or virtual point connecting adjacent entry-exit systems or connecting an entry-exit system with an interconnector, in so far as these points are subject to booking procedures by network users;
- (11) 'large price step' means a fixed or variable amount that is defined per interconnection point and standard capacity product;
- (12) 'over-nomination' means the entitlement of network users who fulfil minimum requirements for submitting nominations to request interruptible capacity at any time within day by submitting a nomination which increases the total of their nominations to a level higher than their contracted capacity;
- (13) 'reserve price' means the eligible floor price in the auction;
- (14) 'small price step' means a fixed or variable amount that is defined per interconnection point and standard capacity product which is smaller than the large price step;
- (15) 'standard capacity product' means a certain amount of transport capacity over a given period of time, at a specified interconnection point;
- (16) 'uniform-price auction' means an auction in which the network user in a single bidding round bids price as well as quantity and all network users, who are successful in gaining capacity, pay the price of the lowest successful bid;
- (17) 'virtual interconnection point' means two or more interconnection points which connect the same two adjacent entry-exit systems, integrated together for the purposes of providing a single capacity service;

- (18) 'within-day capacity' means capacity offered and allocated after the closure of the day-ahead capacity auctions with respect to that day.

## CHAPTER II

### PRINCIPLES OF COOPERATION

#### Article 4

#### Coordination of maintenance

Where maintenance of a pipeline or part of a transmission network has an impact on the amount of transmission capacity which can be offered at interconnection points, the transmission system operator(s) shall fully cooperate with their adjacent transmission system operator(s) regarding their respective maintenance plans in order to minimise the impact on potential gas flows and capacity at an interconnection point.

#### Article 5

#### Standardisation of communication

1. Transmission system operators shall coordinate the implementation of standard communication procedures, coordinated information systems and compatible electronic on-line communications such as shared data exchange formats and protocols, as well as agree principles as to how this data is treated.

2. Standard communication procedures shall include, in particular, those relating to network users' access to the transmission system operators' auction system or a relevant booking platform and the review of auction information provided. The timing and content of the data to be exchanged shall be compliant with the provisions set out in Chapter III.

3. The standard communication procedures adopted by transmission systems operators shall include an implementation plan and duration of applicability, which shall be in line with the development of booking platform(s) as set out in Article 27. Transmission systems operators shall ensure confidentiality of commercially sensitive information.

#### Article 6

#### Capacity calculation and maximisation

1. The maximum technical capacity shall be made available to network users, taking into account system integrity, safety and efficient network operation.

(a) In order to maximise the offer of bundled capacity through the optimization of the technical capacity transmission system operators shall take the following measures at interconnection points, giving priority to those interconnection points where there is contractual congestion pursuant to point 2.2.3(1) of Annex I to Regulation (EC) No 715/2009: 4 February 2015, the transmission system operators shall establish and apply a joint method, setting out the specific steps to be taken by the respective transmission system operators to achieve the required optimization:

- (1) the joint method shall include an in-depth analysis of the technical capacities, including any discrepancies therein on both sides of an interconnection point, as well as the specific actions and detailed timetable – including possible implications and containing the regulatory approvals required to recover costs and adjust the regulatory regime – necessary to maximize the offer of bundled capacity. Such specific actions shall not be detrimental to the offer of capacity at other relevant points of the concerned systems and points to distribution networks relevant for security of supply to final customers, such as those to storages, LNG terminals and protected customers as defined in Regulation (EU) No 994/2010 of the European Parliament and of the Council <sup>(1)</sup>. This in-depth analysis should take into account assumptions made in the Union-wide ten-year network development plan pursuant to Article 8 of Regulation (EC) No 715/2009, national investment plans, relevant obligations under the applicable national laws and any relevant contractual obligations;
  - (2) the relevant transmission system operators shall apply a dynamic approach to re-calculating technical capacity, where appropriate in conjunction with the dynamic calculation applied for additional capacity on the basis of point 2.2.2(2) of Annex I to Regulation (EC) No 715/2009, jointly identifying the appropriate frequency for re-calculation per interconnection point and having regard to the particular specificities thereof;
  - (3) adjacent transmission system operators shall include other transmission system operators specifically affected by the interconnection point in the joint method;
  - (4) transmission system operators shall have regard to information that network users may provide with regard to expected future flows when re-calculating the technical capacity.
- (b) the transmission system operators shall jointly assess at least the following parameters and where appropriate adjust them:
- (1) pressure commitments;
  - (2) all relevant demand and supply scenarios, including details on reference climatic conditions and network configurations associated with extreme scenarios;
  - (3) calorific value.

2. Where the optimisation of technical capacity causes costs to the transmission system operators, particularly costs that unevenly impact transmission system operators on either side of an interconnection point, transmission system operators shall be allowed to recover such efficiently incurred costs via the

regulatory framework established by the relevant regulatory authorities in accordance with Article 13 of Regulation (EC) No 715/2009 or Article 42 of Directive 2009/73/EC. Article 8(1) of the Regulation (EC) No 713/2009 shall apply.

3. Where appropriate, national regulatory authorities shall consult network users on the applied calculation method and joint approach.

4. Changes in the amount of bundled capacity offered at interconnection points as a result of the process pursuant to paragraph 1 shall be included in the report of the Agency published pursuant to point 2.2.1(2) of Annex I to Regulation (EC) No 715/2009.

#### *Article 7*

### **Exchange of information between adjacent transmission system operators**

1. Adjacent transmission system operators shall exchange nomination, re-nomination, matching and confirmation information at relevant interconnection points on a regular basis.

2. Adjacent transmission system operators shall exchange information about the maintenance of their individual transmission network in order to contribute to the decision making process with regard to the technical use of interconnection points. The procedures to exchange data between transmission system operators shall be integrated in their respective interconnection agreement.

## CHAPTER III

### **ALLOCATION OF FIRM CAPACITY**

#### *Article 8*

### **Allocation methodology**

1. Auctions shall be used for the allocation of capacity at interconnection points.

2. At all interconnection points the same auction design shall apply. The relevant auction processes shall start simultaneously for all concerned interconnection points. Each auction process, relating to a single standard capacity product, shall allocate capacity independently of every other auction process except where, subject to the agreement of the directly involved transmission system operators and the approval of relevant national regulatory authorities, competing capacity is allocated.

3. The standard capacity products shall follow a logical order by which products covering yearly capacity shall be offered first, followed by the product with the next shortest capacity duration for use during the same period. The timing of the auctions provided for in Articles 11 to 15 shall be consistent with this principle.

<sup>(1)</sup> OJ L 295, 12.11.2010, p. 1.

4. The rules on standard capacity products as set out in Article 9 and auctions as set out in Articles 11 to 15 shall apply to bundled capacity and unbundled capacity at an interconnection point.

5. For a given auction, the availability of the relevant standard capacity products shall be communicated in accordance with Articles 11 to 15 and according to the auction calendar.

6. An amount at least equal to 20 % of the technical capacity at each interconnection point shall be set aside and offered in accordance with paragraph 7, provided that the available capacity, at the time this Regulation enters into force, is equal to or greater than the proportion of technical capacity to be set aside. If the available capacity, at the time this Regulation enters into force, is less than the proportion of technical capacity to be set aside, the whole of any available capacity shall be set aside. This capacity shall be offered in accordance with paragraph 7(b), while any remaining capacity set aside shall be offered in accordance with paragraph 7(a).

7. Any capacity set aside pursuant to paragraph 6 shall be offered, subject to the following provisions:

(a) an amount at least equal to 10 % of the technical capacity at each interconnection point shall be offered no earlier than in the annual yearly capacity auction as provided for in Article 11 held in accordance with the auction calendar during the fifth gas year preceding the start of the relevant gas year; and

(b) a further amount at least equal to 10 % of the technical capacity at each interconnection point shall first be offered no earlier than the annual quarterly capacity auction as provided for in Article 12, held in accordance with the auction calendar during the gas year preceding the start of the relevant gas year.

8. In the case of new capacity, an amount at least equal to 10 % of the technical capacity at each interconnection point shall be set aside and offered no earlier than the annual quarterly capacity auction as provided for in Article 12, held in accordance with the auction calendar during the gas year preceding the start of the relevant gas year.

9. The exact proportion of capacity to be set aside in relation to paragraphs 6 and 8 shall be subject to a stakeholder consultation, alignment between transmission system operators and approval by national regulatory authorities at each interconnection point. National regulatory authorities shall in particular consider setting aside higher shares of capacity with a shorter duration to avoid foreclosure of downstream supply markets.

#### Article 9

##### Standard capacity products

1. Transmission system operators shall offer yearly, quarterly, monthly, daily and within-day standard capacity products.

2. Yearly standard capacity products shall be the capacity, which may be applied for, in a given amount, by a network user for all gas days in a particular gas year (starting on the 1st of October).

3. Quarterly standard capacity products shall be the capacity, which may be applied for, in a given amount, by a network user for all gas days in a particular quarter (starting on the 1st of October, 1st of January, 1st of April or the 1st of July respectively).

4. Monthly standard capacity products shall be the capacity, which may be applied for, in a given amount, by a network user for all gas days in a particular calendar month (starting on the 1st day of each month).

5. Daily standard capacity products shall be the capacity, which may be applied for, in a given amount, by a network user for a single gas day.

6. Within-day standard capacity products shall be the capacity, which may be applied for, in a given amount, by a network user from a start time within a particular gas day until the end of the same gas day.

#### Article 10

##### Applied capacity unit

The capacity offered shall be expressed in energy units per unit of time. The following units shall be used: kWh/h or kWh/d. In case of kWh/d a flat flow rate over the gas day is assumed.

#### Article 11

##### Annual yearly capacity auctions

1. The yearly capacity auctions shall be held once a year.

2. Capacity for each yearly standard capacity product shall be auctioned through the annual yearly capacity auction using an ascending-clock auction algorithm in accordance with Article 17.

3. The auction process shall offer capacity for no longer than the upcoming 15 years.

4. Annual yearly capacity auctions shall start on the first Monday of March each year unless otherwise specified in the auction calendar.

5. During the annual yearly capacity auction network users shall be able to participate in one or several concurrent auctions in relation to each interconnection point in order to apply for standard capacity products.

6. The capacity to be offered during the annual yearly capacity auction shall be equal to:

$$A - B - C + D$$

Where:

A is the transmission system operator's technical capacity for each of the standard capacity products;

B for annual yearly auctions offering capacity for the next five years, is the amount of technical capacity (A) set aside in accordance with Article 8(7)(b); for annual yearly auctions for capacity beyond the first five years, is the amount of technical capacity (A) set aside in accordance with Article 8(7);

C is the previously sold technical capacity, adjusted by the capacity which is re-offered in accordance with applicable congestion management procedures;

D is additional capacity, for such year, if any.

7. The capacity to be offered may be either bundled capacity or unbundled capacity in accordance with Article 19. This also applies to all other auctions as set out in Articles 12 to 15.

8. One month before the auction starts, transmission system operators shall notify network users about the amount of technical capacity to be offered for each year for the upcoming annual yearly capacity auction. In addition the transmission system operators shall notify network users whether any additional capacity may be made available.

9. The bidding rounds of each auction shall take place between 08:00 UTC to 17:00 UTC (winter time) or 07:00 UTC to 16:00 UTC (daylight saving) on all relevant gas days. Bidding rounds shall be opened and closed within each gas day, as specified in Article 17(2)

10. The allocation results of the auction shall be published, as soon as reasonably possible, and no later than the next business day after the closing of the bidding round, simultaneously to individual network users participating in the respective auction.

11. Aggregated information on auction results shall be published to the market.

#### Article 12

##### Annual quarterly capacity auctions

1. The annual quarterly capacity auction shall be held once a year.

2. Capacity for each quarterly standard capacity product shall be auctioned through the annual quarterly capacity auction using an ascending-clock auction algorithm in accordance with Article 17.

3. Each gas year, capacity for each quarter from the first quarter (October-December) of the upcoming gas year to the last quarter (July-September) of the upcoming gas year (inclusive) shall be auctioned through the annual quarterly capacity auction.

4. During the annual quarterly capacity auction network users shall be able to participate in one to four concurrent auctions in relation to each interconnection point in order to apply for quarterly standard capacity products.

5. Annual quarterly capacity auctions shall start on the first Monday of June each year unless otherwise specified in the auction calendar.

6. The capacity to be offered in the annual quarterly capacity auction shall be equal to:

$$A - C + D$$

Where:

A is the transmission system operator's technical capacity for each of the standard capacity products;

C is the previously sold technical capacity, adjusted by the capacity which is re-offered in accordance with applicable congestion management procedures;

D is additional capacity, for such quarter, if any.

7. Two weeks before the auction starts, transmission system operators shall notify network users about the amount of capacity to be offered for each quarter for the upcoming annual quarterly capacity auction. In addition the transmission system operators shall notify network users whether any additional capacity may be made available.

8. The bidding rounds of each auction, shall take place between 08:00 UTC to 17:00 UTC (winter time) or 07:00 UTC to 16:00 UTC (daylight saving) on all relevant Gas Days. Bidding rounds shall be opened and closed within each gas day, as specified in Article 17(2).

9. The allocation results of the auction shall be published, as soon as reasonably possible, and no later than the next business day after the closing of the bidding round, simultaneously to individual network users participating in the respective auction.

10. Aggregated information on the auction results shall be published to the market.

#### Article 13

##### Rolling monthly capacity auctions

1. The rolling monthly capacity auction shall be held once a month.

2. Capacity for each monthly standard capacity product shall be auctioned through the rolling monthly capacity auction using an ascending-clock auction algorithm according to Article 17. Each month, the monthly standard capacity product for the following calendar month shall be auctioned.

3. During the rolling monthly capacity auction network users shall be able to apply for one monthly standard capacity product.

4. Rolling monthly capacity auctions shall start on the third Monday of each month for the following monthly standard capacity product unless otherwise specified in the auction calendar.

5. The capacity to be offered in the rolling monthly capacity auction shall be, each month, equal to:

$$A - C + D$$

Where:

A is the transmission system operator's technical capacity for each of the standard capacity products;

C is the previously sold technical capacity, adjusted by the capacity which is re-offered in accordance with applicable congestion management procedures;

D is additional capacity, for such month, if any.

6. One week before the auction starts, transmission system operators shall notify network users about the amount of capacity to be offered for the upcoming rolling monthly capacity auction. In addition the transmission system operators shall notify network users whether any additional capacity may be made available.

7. The bidding rounds of each auction shall take place between 08:00 UTC to 17:00 UTC (winter time) or 07:00 UTC to 16:00 UTC (daylight saving) on all relevant gas days. Bidding rounds shall be opened and closed within each gas day, as specified in Article 17(2).

8. The allocation results of the auction shall be published, as soon as reasonably possible, and no later than the next business

day after the closing of the bidding round, simultaneously to individual network users participating in the respective auction.

9. Aggregated information on the auction results shall be published to the market.

#### Article 14

##### Rolling day ahead capacity auctions

1. The rolling day ahead capacity auction shall be held once a day.

2. Every day, a standard capacity product for the following gas day shall be auctioned through the rolling day ahead capacity auction.

3. Capacity for each daily standard capacity product shall be auctioned through the rolling day-ahead capacity auction using a uniform price auction algorithm according to Article 18. Each day, the daily standard capacity product for the following gas day shall be auctioned.

4. During the rolling day-ahead capacity auction network users shall be able to apply for capacity for one daily standard capacity product.

5. The bidding round shall open every day at 15:30 UTC (winter time) or 14:30 UTC (daylight saving).

6. A capacity bid for the daily standard capacity product for the rolling day ahead capacity auction shall be handled as follows: submission, withdrawal or amendment from 15:30 UTC to 16:00 UTC (winter time) or 14:30 UTC to 15:00 UTC (daylight saving).

7. The capacity to be offered in the rolling day ahead capacity auction shall be, each day, equal to:

$$A - C + D$$

Where:

A is the transmission system operator's technical capacity for each of the standard capacity products;

C is the previously sold technical capacity, adjusted by the capacity which is re-offered in accordance with applicable congestion management procedures;

D is additional capacity, for such day, if any.

8. At the time the bidding round opens, transmission system operators shall notify network users about the amount of capacity to be offered for the upcoming rolling day-ahead capacity auction. In addition the transmission system operators shall notify network users whether any additional capacity may be made available.

9. The allocation results of the auction shall be published, no later than 30 minutes after the closing of the bidding round, simultaneously to individual network users participating in the respective auction.

10. Aggregated information on the auction results shall be published to the market.

#### Article 15

##### Within-day capacity auctions

1. Subject to capacity being made available, a within-day capacity auction shall be held every hour during gas day using a uniform price auction algorithm in accordance with Article 18.

2. The first bidding round shall open directly on the next hour bar following the publication of results of the last day-ahead auction (including interruptible if offered) in accordance with Article 14. The first bidding round closes at 01:30 UTC (winter time) or 00:30 UTC (daylight saving) before the gas day. The allocation of successful bids shall be effective from 05:00 UTC (winter time) or 04:00 UTC (daylight saving) on the relevant gas day.

3. The last bidding round shall close at 00:30 UTC (winter time) or 23:30 UTC (daylight saving) on the relevant gas day.

4. Network users shall be entitled to place, withdraw or amend bids from the opening of each bidding round until closure of that bidding round.

5. Each hour on the relevant gas day, capacity effective from the hour + 4 shall be auctioned as within-day capacity.

6. Each bidding round shall open at the start of every hour on the relevant gas day.

7. The duration of each bidding round shall be 30 minutes as of the opening of the bidding round.

8. The capacity to be offered in the within-day capacity auction shall be, each hour, equal to:

$$A - C + D$$

Where:

A is the transmission system operator's technical capacity for each of the standard capacity products;

C is the previously sold technical capacity, adjusted by the capacity which is re-offered in accordance with applicable congestion management procedures;

D is additional capacity, if any.

9. Transmission system operators shall publish the available amount of within-day firm capacity on offer, after closure of the last day-ahead auction and in accordance with Article 21(9).

10. Transmission system operators shall provide network users who bid in the day-ahead auctions with the option to have valid unsuccessful bids automatically entered into the subsequent within-day auction.

11. The capacity shall be allocated within 30 minutes of the closure of the bidding round provided that the bids are accepted and the transmission system operator runs the allocation process.

12. The results of the auction shall be made available simultaneously to individual network users.

13. Aggregated information on the auction results shall be published at least at the end of each day.

#### Article 16

##### Auction algorithms

1. If several standard capacity products are offered during an auction, the respective allocation algorithm shall be applied separately for each standard capacity product when it is being allocated. Bids for the different standard capacity products shall be considered independently from each other in the application of the auction algorithm.

2. For annual yearly, annual quarterly and rolling monthly capacity auctions, an ascending clock auction algorithm, with multiple bidding rounds, as provided for in Article 17, shall be applied.

3. For rolling day-ahead capacity auctions and within-day capacity auctions, a uniform-price auction algorithm, with a single bidding round, shall be applied in accordance with Article 18.

#### Article 17

##### Ascending Clock auction algorithm

1. Ascending Clock auctions shall enable network users to place volume bids against escalating prices announced in consecutive bidding rounds, starting at the Reserve Price  $P_0$ .

2. The first bidding round, with an associated price equal to the Reserve Price  $P_0$ , shall have a duration of 3 hours. Subsequent Bidding Rounds shall have a duration of 1 hour. There shall be a period of 1 hour between Bidding Rounds.

3. A bid shall specify:

(a) the identity of the network user applying;

(b) the concerned interconnection point and direction of the flow;

(c) the standard capacity product for which the capacity is applied for;

(d) per price-step, the amount of capacity for the respective standard capacity;

(e) product applied for.

4. A bid shall be considered valid if it is submitted by a network user and complies with all provisions of this Article.

5. In order for network users to participate in an auction, it shall be mandatory to place a volume bid in the first bidding round.

6. Transmission system operators shall provide network users with the option to enter bids automatically against any price step.

7. Once the relevant bidding round closes, no modification, withdrawal or variation to valid bids shall be accepted. All valid bids shall become binding commitments of a network user to book capacity to the amount requested per announced price, provided the clearing price of the auction is that announced in the relevant bidding round.

8. The volume bid in any bidding round per network user shall be equal or smaller to the capacity offered in a specific auction. The volume bid per network user at a specific price shall be equal to or less than the volume bid placed by this network user in the previous round, except where paragraph 16 applies.

9. Bids may be freely entered, modified and withdrawn during a Bidding Round, providing all bids comply with paragraph 8. Valid bids shall remain valid until modified or withdrawn.

10. A large price step and a small price step shall be defined per interconnection point and per standard capacity product and published in advance of the relevant auction. The small price step shall be set such that an increase by an integer number of small price steps is equal to an increase by a large price step.

11. The determination of the large price step shall seek to minimise, as far as reasonably possible, the length of the auction process. The determination of the small price step shall seek to minimise, as far as reasonably possible, the level of unsold capacity where the auction closes at a price higher than the reserve price.

12. If the aggregate demand across all network users is less than or equal to the capacity offered at the end of the first bidding round, the auction shall close.

13. If the aggregate demand across all network users is greater than the capacity offered at the end of the first bidding round or a subsequent bidding round, a further bidding round shall be opened with a price equal to the price in the previous bidding round, plus the large price step.

14. If the aggregate demand across all network users is equal to the capacity offered at the end of the second bidding round or a subsequent bidding round, the auction shall close.

15. If a first time undersell occurs, a price reduction shall take place and a further bidding round shall be opened. The further bidding round will have a price equal to the price applicable in the bidding round preceding the first time undersell, plus the small price step. Further bidding rounds with increments of the small price step shall then be opened until the aggregate demand across all network users is less than or equal to the capacity offered, at which point the auction shall close.

16. The volume bid per network user in the first bidding round where small price steps are applied shall be equal to or less than the volume bid placed by this network user in the bidding round which preceded the first-time undersell. The volume bid per network user in all bidding rounds where small price steps are applied shall be equal to or greater than the volume bid placed by this network user during the bidding round in which the first-time undersell occurred.

17. If the aggregate demand across all network users is greater than the capacity offered in the bidding round with a price equal to that which led to the first time undersell, minus one small price step, the auction shall close. The clearing price shall be the price that led to the first time undersell and the successful bids shall be those submitted during the original bidding round in which the first time undersell occurred.

18. After each bidding round, the demand of all network users in a specific auction shall be published as soon as reasonably possible in an aggregated form.

19. The price announced for the last bidding round in which the auction closes shall be considered as the clearing price of the specific auction, except cases where paragraph 17 applies.

20. All network users who have placed valid volume bids at the clearing price are allocated the capacity according to their volume bids at the clearing price. Successful network users shall pay the clearing price of the specific auction, which may be a fixed or a variable price as set out in Article 26(2), and any other possible charges applicable at the time when the capacity allocated to them can be used.

21. Following every closed auction, the final auction result including the aggregation of allocated capacities and the clearing price shall be published. Successful network users shall be informed about the amount of capacities they are allocated, individual information shall be communicated only to concerned parties.

22. If an ascending clock auction has not ended by the scheduled starting point (according to the auction calendar) of the next auction for capacity covering the same period, the first auction shall close and no capacity shall be allocated. The capacity shall be offered in the next relevant auction.

## Article 18

**Uniform-Price auction algorithm**

1. In a uniform price auction, there is a single bidding round in which the network user bids price as well as quantity.
2. During the bidding round of a given auction, network users may submit up to 10 bids. Each bid shall be treated independently from other bids. After the closure of the bidding round, remaining bids may not be amended or withdrawn.
3. A bid shall specify:
  - (a) the identity of the network user applying;
  - (b) the concerned interconnection point and direction of the flow;
  - (c) the standard capacity product for which the capacity is applied for;
  - (d) the amount of capacity for the respective standard capacity product applied for;
  - (e) the minimum amount of capacity for the respective standard capacity product which the network user is willing to be allocated according to the relevant algorithm in case the network user is not allocated the amount requested in accordance with point (d);
  - (f) the bid prices, which shall not be less than the reserve price applicable for the relevant standard capacity product, which the network user is willing to pay in respect of the capacity applied for. Bids with a bid price below the reserve price shall not be accepted.
4. The transmission system operator shall rank all bids relating to a given standard capacity product according to their bid price, the highest price ranking first.
5. All remaining bids at bidding round closing time shall be considered as binding on those network users that are allocated at least the minimum amount of capacity requested in accordance with point (e) of paragraph 3.
6. Following the ranking of the bids in accordance with paragraph 4, and subject to paragraphs 7 to 10, capacity shall be allocated to the bids in function of their price ranking. All bids for which capacity is allocated shall be considered as successful. After the allocation of capacity, the remaining unallocated capacity shall be reduced by such quantity.
7. Following the application of paragraph 6 and subject to paragraph 9, where the amount of capacity bid for by a network user exceeds the remaining unallocated capacity (after capacity has been allocated to network users placing higher bids), this network user shall be allocated capacity equal to the remaining unallocated capacity.
8. Following the application of paragraph 7 and subject to paragraph 9, where each of two or more bids specifies the same bid price, and the amount of relevant capacity remaining applied for in aggregate under such bids exceeds the

remaining unallocated amount, the remaining unallocated amount shall be allocated pro rata to the amounts applied for in each such bid.

9. Where the amount to be allocated in respect of a bid pursuant to paragraph 6, 7 or 8 is less than the minimum amount of capacity according to paragraph 3(e), the bid shall be disregarded and become null and void, and a revised allocation shall be made between remaining equal price bid(s) under paragraph 8, or (as the case may be) an allocation shall made in respect of the next priced bid, pursuant to paragraph 6.

10. Where the remaining amount to be allocated in respect of any bid pursuant to paragraphs 6, 7, 8 or 9 is equal to zero no further capacity shall be allocated to the remaining bids. Those bids shall be considered unsuccessful.

11. The clearing price shall be defined as the price of the lowest successful bid, if the demand exceeds the offer at the reserve price. In all other cases, the clearing price shall be equal to the reserve price. Successful network users shall pay the clearing price of the specific auction, which may be a fixed or a variable price as set out in Article 26(2) and any other possible charges applicable at the time when the capacity allocated to them can be used.

## CHAPTER IV

**BUNDLING OF CROSS-BORDER CAPACITY**

## Article 19

**Bundled Capacity products**

Adjacent transmission system operators shall jointly offer bundled capacity products, according to the following principles:

- (1) on both sides of an interconnection point all firm capacity shall be offered as bundled capacity, in so far as there is available firm capacity on both sides of the interconnection point;
- (2) transmission system operators shall offer capacity for the relevant standard capacity product on a booking platform, in accordance with Article 27 and in accordance with the applicable allocation procedure, as set out in Chapter III;
- (3) the bundled capacity to be offered by the transmission system operators concerned at an interconnection point shall be contracted through a single allocation procedure;
- (4) network users shall comply with applicable terms and conditions of the transport contract(s) of the transmission system operators concerned as from the time the transport capacity is contracted;
- (5) where there is more available firm capacity on one side of an interconnection point than on the other side for any period considered, the transmission system operator with



the most available firm capacity may offer such extra capacity to the network users as an unbundled product in accordance with the auction calendar and the following rules:

- (a) where there is an existing unbundled transport contract at the other side of the interconnection point, capacity may be offered on an unbundled basis not exceeding the amount and duration of the existing transport contract at the other side;
  - (b) where such extra capacity would not fall under paragraph 5 (a), it may be offered for a maximum period of one year;
- (6) any unbundled capacity allocated in accordance with paragraph 5 may be used and nominated as such. It may also be traded on the secondary market;
  - (7) adjacent transmission system operators shall establish a joint nomination procedure for bundled capacity, providing network users with the means to nominate the flows of their bundled capacity via a single nomination;
  - (8) the obligations to offer bundled capacity also apply, to the extent that they are relevant, to secondary capacity markets. Without prejudice to paragraph 1, capacity originally allocated as bundled capacity can only be resold as bundled capacity on the secondary market;
  - (9) where two or more interconnection points connect the same two adjacent entry-exit systems, the adjacent transmission system operators concerned shall offer the available capacities at the interconnection points at one virtual interconnection point. In case more than two transmission system operators are involved because capacity in one or both entry-exit systems is marketed by more than one transmission system operator, the virtual interconnection point shall include all of these transmission system operators, to the extent possible. In all cases a virtual interconnection point shall be established only if the following conditions are met:
    - (a) the total technical capacity at the virtual interconnection points shall be equal to or higher than the sum of the technical capacities at each of the interconnection points contributing to the virtual interconnection points;
    - (b) they facilitate the economic and efficient use of the system including but not limited to rules set out in Article 16 of Regulation (EC) No 715/2009.

Adjacent transmission system operators shall start the necessary analysis and, shall establish functional virtual interconnection points no later than 5 years after the entering into force of this Regulation.

#### Article 20

##### **Bundling in case of existing transport contracts**

1. The network users who are parties to existing transport contracts at the time of the entry into force of this Regulation

at respective interconnection points, should aim to reach an agreement on the bundling of the capacity via contractual arrangements ('bundling arrangement'), in compliance with the provisions set out in Article 19 of this Regulation. These network users and transmission system operators shall report to the relevant national regulatory authorities of all bundling arrangements reached by all parties to existing transport contracts. On that basis the national regulatory authority shall send a report to the Agency regarding the yearly progress on bundling capacity in the concerned Member State. The Agency shall, two years from the entry into force of this Regulation, publish a report on the progress made on bundling capacity.

2. The transmission system operators who are parties to the existing transport contracts may participate in the discussions regarding the bundling arrangement at any time, upon invitation of the network users who are parties to the existing transport contracts.

3. Where a bundling arrangement is agreed upon between respective network users, the transmission system operators involved at the interconnection point shall be informed by the parties of such intended bundling arrangement without undue delay and the transfer of the concerned capacity shall be implemented. In any case, the bundling arrangement shall be implemented subject to the applicable terms and conditions of existing related transport contracts. Once the bundling arrangement is implemented, the relevant capacity shall be treated as bundled capacity.

4. In any case, the duration of the bundling arrangements regarding the capacity bundled under the amendment of the existing contracts shall not exceed the duration of the original transport contracts.

5. All capacity shall be bundled at the earliest opportunity. Existing transport contracts for unbundled capacity cannot be renewed, prolonged or rolled over after their expiration date. Such capacity shall become available capacity as of the expiration date of the transport contracts.

#### CHAPTER V

#### INTERRUPTIBLE CAPACITY

##### Article 21

##### **Allocation of interruptible services**

1. Transmission system operators shall offer a daily capacity product for interruptible capacity in both directions at interconnection points where firm capacity has been offered but was sold out day-ahead. At unidirectional interconnection points where technical capacity is offered only in one direction, transmission system operators shall offer a daily product for interruptible capacity in the other direction. Transmission system operators may offer interruptible capacity products of longer duration as well.

2. If interruptible capacity is offered, this shall not be detrimental to the amount of firm capacity on offer. Transmission

system operators shall not set aside capacity that can be offered as firm capacity in order to offer it as interruptible capacity.

3. To the extent interruptible capacity products other than daily products are offered, the same standard capacity products for firm capacity shall also apply for interruptible capacity, in terms of duration of the products.

4. To the extent interruptible capacity is offered, it shall be allocated via an auction process with the exception of within-day interruptible capacity.

5. Within-day interruptible capacity shall be allocated by means of an over-nomination procedure.

6. Within-day interruptible capacity shall only be allocated when firm capacity, whether technical capacity or additional capacity, is sold out.

7. Where auctions are held for any interruptible products longer than within-day transmission system operators shall, if known, publish the amounts of interruptible capacity on offer before the start of the auction process.

8. If offered, interruptible capacity shall be allocated by means of a separate auction after firm capacity of equal duration has been allocated, but before the auction of firm capacity with a shorter duration starts, with the exception of within-day interruptible capacity.

9. If offered, interruptible capacity auctions shall be conducted in accordance with the same design principles and timescales as applied for firm capacity. The exact timescales applied for the interruptible capacity auctions shall be detailed within the auction calendar with the exception of within-day interruptible capacity.

#### Article 22

##### Minimum interruption lead times

1. Interruptible capacities shall have minimum interruption lead times, which shall be decided jointly by adjacent transmission system operators.

2. The default minimum interruption lead time for a given gas hour shall be forty five minutes after the start of the re-nomination cycle for that gas hour. Where two transmission system operators wish to shorten the lead time for interruptions, any related agreement entered into between the transmission system operators shall be subject to competent national regulatory authority approval.

#### Article 23

##### Coordination of interruption process

The transmission system operator that initiates the interruption shall notify the relevant adjacent transmission system operator. Adjacent transmission system operators shall notify their respective affected network users as soon as possible, but with due regard to the reliability of the information.

#### Article 24

##### Defined sequence of interruptions

1. The order in which interruptions shall be performed, if the total of nominations exceeds the quantity of gas that can flow

at a certain interconnection point, shall be determined based on the contractual timestamp of the respective transport contracts on an interruptible basis. In case of an interruption, transport contract coming into force earlier shall prevail over transport contract coming into force later.

2. If, after applying the procedure described in paragraph 1, two or more nominations are ranked at the same position within the interruption order and the transmission system operator does not interrupt all of them, a pro rata reduction of these specific nominations shall apply.

3. To accommodate the differences between the various interruptible capacity services within the Union, the adjacent transmission system operators shall implement and coordinate the joint procedures provided for in this Article on an interconnection point by interconnection point basis.

#### Article 25

##### Reasons for interruptions

Transmission system operators shall include reasons for interruptions either directly in their interruptible transport contracts or in the general terms and conditions that govern these contracts. Reasons for interruptions can include but are not limited to gas quality, pressure, temperature, flow patterns, use of firm contracts, maintenance, up- or downstream constraints, public service obligations and capacity management deriving from congestion management procedures.

#### CHAPTER VI

##### TARIFFS AND CAPACITY BOOKING PLATFORMS

#### Article 26

##### Tariffs

1. The tariff as calculated using the methodology set and/or approved by the national regulatory authority, or the tariff set and/or approved by the national regulatory authority, shall be used as the reserve price in all auctions for all standard capacity products for firm and interruptible capacity.

2. The payable price determined in a capacity auction can be either a fixed price or a variable price or be subject to other arrangements provided for in the applicable regulatory regime. The fixed price shall consist of the applicable tariff at the time of the auction plus the auction premium. The variable price shall consist of the applicable tariff at the time when the capacity can be used plus the auction premium. The arrangements can be different for the capacities in a bundled product on either side of an interconnection point.

3. The appropriate tariff arrangements for the implementation of this Regulation shall be set out on a Union and/or national level in due time. These arrangements shall enable the due implementation of the capacity allocation mechanisms

established by this Regulation, without incurring detrimental effects on the revenue and cash flow positions of transmission system operators, due to the implementation of this Regulation, in particular the provisions regarding the setting aside of a proportion of capacity, including new capacity, in accordance with Articles 2(3), 8(7), and 8(8) and Article 19(5)(b).

4. Auction revenues from bundled capacity need to be split between the transmission system operators placing capacities in bundled capacity. The reserve price of the bundled capacity shall be the sum of reserve prices of the capacities in the bundled capacity. All revenues from sales of bundled capacity shall be attributed to the contributing transmission system operators after each capacity transaction.

5. The revenues from the reserve price of bundled capacity shall be attributed to the transmission system operators in proportion to the reserve prices of their capacities in the bundled capacity. The revenues from the auction premium from bundled capacity above the reserve price shall be split according to agreement between the transmission system operators, approved by the relevant national regulatory authority, where appropriate, in advance of the auctions. Where no agreement is concluded before the auction, the revenues from the auction premium from bundled capacity shall be attributed to the transmission system operators in equal proportions.

6. National regulatory authorities shall approve over and under recovery mechanisms. Where a price cap regime is applied, the national regulatory authority shall approve the usage of revenues from capacity prices exceeding the respective tariff.

#### Article 27

#### Capacity booking platforms

1. Transmission system operators shall apply this Regulation by offering capacity by means of one or a limited number of joint web-based booking platforms. Transmission system operators can operate such platforms themselves or via an agreed party that, where necessary, acts on behalf of them towards the network users.

2. Joint booking platforms shall apply the following rules:

(a) the rules and procedures for the offer and allocation of all capacity in accordance with Chapter III shall apply;

(b) the establishment of a process to offer firm bundled capacity in accordance with Chapter IV shall have priority;

(c) functionalities for network users to offer and obtain secondary capacity shall be provided;

(d) in order to use the services of the booking platforms network users shall accede to and be compliant with all applicable legal and contractual requirements that enable them to book and use capacity on the relevant transmission system operators' network under a transport contract;

(e) capacity at any single interconnection point or virtual interconnection point shall be offered at not more than one booking platform.

3. The establishment of one or a limited number of joint booking platforms shall facilitate and simplify capacity booking at interconnection points across the Union for the benefit of network users. To that end, ENTSOG shall, within six months after the entry into force of this Regulation, carry out a public consultation to identify the market needs. The consultation process shall last no more than six months, including the publication by ENTSOG of a report with the results of the consultation. The report shall identify options to implement the indicated market needs, having regard to costs and time, with a view to implement the most appropriate option, by transmission system operators or third parties on behalf of them. Where appropriate, ENTSOG and the Agency shall facilitate this process.

#### CHAPTER VII

#### FINAL PROVISIONS

#### Article 28

#### 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*.

Without prejudice to Article 6(1)a, this Regulation shall apply from 1 November 2015.

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

Done at Brussels, 14 October 2013.

For the Commission  
The President  
José Manuel BARROSO

## COMMISSION REGULATION (EU) No 985/2013

of 14 October 2013

## amending and correcting Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council as regards certain flavouring substances

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC <sup>(1)</sup>, and in particular Article 11(3) thereof,

Having regard to Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings <sup>(2)</sup>, and in particular Article 7(5) thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 1334/2008 lays down a Union list of flavourings and source materials for use in food and their conditions of use.
- (2) Part A of the Union list contains both evaluated flavouring substances, which are assigned no footnotes and flavourings substances under evaluation, which are identified by footnote references 1 to 4 in that list.
- (3) The European Food Safety Authority has completed the assessment of 23 substances which are currently listed as flavouring substances under evaluation. Those flavouring substances were assessed by the EFSA in the following flavouring group evaluations: evaluation FGE.06rev4 <sup>(3)</sup> (substances FL Nos 02.229, 05.137, 09.562 and 09.854), evaluation FGE.07rev4 <sup>(4)</sup> (substances FL Nos 02.145, 02.194, 02.211, 07.198 and 07.204), evaluation FGE.08rev5 <sup>(5)</sup> (substance FL No 15.134), evaluation FGE.09rev4 <sup>(6)</sup> (substances FL Nos 07.202 and 07.255), evaluation FGE.12rev3 <sup>(7)</sup> (substance FL No 05.182),

evaluation FGE.20rev4 <sup>(8)</sup> (substances FL Nos 05.026, 05.028, 05.029 and 09.858), evaluation in FGE.23rev4 <sup>(9)</sup> (substance FL No 13.170), evaluation in FGE.63rev1 <sup>(10)</sup> (substances FL Nos 02.252, 07.190 and 09.936), evaluation FGE.94rev1 <sup>(11)</sup> (substance FL No 16.095) and evaluation FGE.304 <sup>(12)</sup> (substance FL No 16.123). The EFSA concluded that those flavouring substances do not give rise to safety concerns at the estimated levels of dietary intakes.

- (4) Therefore, the flavouring substances assessed in those flavouring group evaluations should be listed as evaluated substances by deleting footnote references 1 to 4 in the relevant entries of the Union list.
- (5) After publication of the Union list, certain errors have been identified in that list. Those errors are related to names, CAS-numbers, JECFA-numbers or secondary components of the followings substances: FL Nos 02.093, 02.110, 05.085, 08.004, 09.016, 09.131, 09.132, 09.266, 09.578, 09.596, 09.880, 12.075, 12.086, 12.273, 13.028, 13.190, 14.067 and 17.015. The errors should be corrected.
- (6) Part A of Annex I to Regulation (EC) No 1334/2008 should therefore be amended and corrected accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

*Article 1*

Part A of Annex I to Regulation (EC) No 1334/2008 is amended in accordance with the Annex to this Regulation.

*Article 2*

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

<sup>(1)</sup> OJ L 354, 31.12.2008, p. 34.

<sup>(2)</sup> OJ L 354, 31.12.2008, p. 1.

<sup>(3)</sup> EFSA Journal 2013; 11(2):3091.

<sup>(4)</sup> EFSA Journal 2012; 10(10):2899.

<sup>(5)</sup> EFSA Journal 2012; 10(7):2837.

<sup>(6)</sup> EFSA Journal 2012; 10(7):2836.

<sup>(7)</sup> EFSA Journal 2012; 10(12):2993.

<sup>(8)</sup> EFSA Journal 2012; 10(12):2994.

<sup>(9)</sup> EFSA Journal 2013; 11(2):3092.

<sup>(10)</sup> EFSA Journal 2012; 10(10):2900.

<sup>(11)</sup> EFSA Journal 2012; 10(6):2747.

<sup>(12)</sup> EFSA Journal 2012; 10(10):2903.

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

Done at Brussels, 14 October 2013.

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

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## ANNEX

Part A of Annex I to Regulation (EC) No 1334/2008 is amended as follows:

(1) the entry concerning FL No 02.093 is replaced by the following:

'02.093	(Z)-Non-6-en-1-ol	35854-86-5	324	10294				JECFA'
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(2) the entry concerning FL No 02.110 is replaced by the following:

'02.110	2,6-Dimethylhept-6-en-1-ol	36806-46-9	348		At least 90 %; secondary component 5-10 % 2,6-dimethyl-5-hepten-1-ol			JECFA'
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(3) the entry concerning FL No 02.145 is replaced by the following:

'02.145	2,6-Dimethylocta-1,5,7-trien-3-ol	29414-56-0						EFSA'
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(4) the entry concerning FL No 02.194 is replaced by the following:

'02.194	Octa-1,5-dien-3-ol	83861-74-9						EFSA'
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(5) the entry concerning FL No 02.211 is replaced by the following:

'02.211	Undeca-1,5-dien-3-ol	56722-23-7						EFSA'
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(6) the entry concerning FL No 02.229 is replaced by the following:

'02.229	(-)-3,7-Dimethyl-6-octen-1-ol	7540-51-4			At least 90 % cis-isomer; secondary components 2-6 % di-unsaturated and saturated C10 alcohols, 2-4 % citronellyl acetate and 2-3 % citro- nellal			EFSA'
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(7) the entry concerning FL No 02.252 is replaced by the following:

'02.252	4,8-Dimethyl-3,7-nonadien-2-ol	67845-50-5	1841					EFSA'
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(8) the entry concerning FL No 05.026 is replaced by the following:

'05.026	o-Tolualdehyde	529-20-4						EFSA'
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(9) the entry concerning FL No 05.028 is replaced by the following:

'05.028	m-Tolualdehyde	620-23-5						EFSA'
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(10) the entry concerning FL No 05.029 is replaced by the following:

'05.029	p-Tolualdehyde	104-87-0						EFSA'
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(11) the entry concerning FL No 05.085 is replaced by the following:

'05.085	(Z)-Hept-4-enal	6728-31-0	320	2124	At least 93 % of Z-form of hept-4-enal; secondary component 2-5 % of E-form of hept-4-enal.			JECFA'
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(12) the entry concerning FL No 05.137 is replaced by the following:

'05.137	Dec-4(cis)-enal	21662-09-9			At least 90 %; secondary component at least 5 % trans-isomer			EFSA'
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(13) the entry concerning FL No 05.182 is replaced by the following:

'05.182	2,6,6-Trimethylcyclohex-2-ene-1-carboxaldehyde	432-24-6						EFSA'
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(14) the entry concerning FL No 07.190 is replaced by the following:

'07.190	Octa-1,5-dien-3-one	65213-86-7	1848		Mixture of stereoisomers: 60-90 % E-form and 10-40 % Z-form			EFSA'
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(15) the entry concerning FL No 07.198 is replaced by the following:

'07.198	Pseudo-ionone	141-10-6		11191				EFSA'
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(16) the entry concerning FL No 07.202 is replaced by the following:

'07.202	2,6,6-Trimethylcyclohex-2-en-1-one	20013-73-4						EFSA'
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(17) the entry concerning FL No 07.204 is replaced by the following:

'07.204	3,3,6-Trimethylhepta-1,5-dien-4-one	546-49-6						EFSA'
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(18) the entry concerning FL No 07.255 is replaced by the following:

'07.255	l-Piperitone	4573-50-6	1856					EFSA'
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(19) the entry concerning FL No 08.004 is replaced by the following:

'08.004	Lactic acid	50-21-5	930	4				EFSA'
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(20) the entry concerning FL No 09.016 is replaced by the following:

'09.016	Menthyl acetate	16409-45-3	431	206				JECFA'
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(21) the entry concerning FL No 09.131 is replaced by the following:

'09.131	DL-Isobornyl propionate	2756-56-1	1391	412				EFSA'
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(22) the entry concerning FL No 09.132 is replaced by the following:

'09.132	Benzyl propionate	122-63-4	842	413				EFSA'
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(23) the entry concerning FL No 09.266 is replaced by the following:

'09.266	Hexyl 2-butenate	19089-92-0	1807	10688				EFSA'
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(24) the entry concerning FL No 09.562 is replaced by the following:

'09.562	trans-3-Hexenyl formate	56922-80-6						EFSA'
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(25) the entry concerning FL No 09.578 is replaced by the following:

'09.578	Hexyl (E)-but-2-enoate	1617-25-0		10688				EFSA'
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(26) the entry concerning FL No 09.596 is replaced by the following:

'09.596	Isopentyl-(Z)-but-2-enoate	10482-55-0						EFSA'
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(27) the entry concerning FL No 09.854 is replaced by the following:

'09.854	cis-3-Hexenyl 2-methylbutanoate	53398-85-9						EFSA'
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(28) the entry concerning FL No 09.858 is replaced by the following:

'09.858	Phenylmethyl 2-methyl-2-butenolate	67674-41-3			Mixture of stereoisomers: 60-90 % E-form and 10-40 % Z-form			EFSA'
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(29) the entry concerning FL No 09.880 is replaced by the following:

'09.880	(Z)-Hept-4-en-2-yl butanoate	94088-12-7						EFSA'
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(30) the entry concerning FL No 09.936 is replaced by the following:

'09.936	4,8-Dimethyl-3,7-nonadien-2-yl acetate	91418-25-6	1847					EFSA'
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(31) the entry concerning FL No 12.075 is replaced by the following:

'12.075	Methyl prop-1-enyl disulfide	5905-47-5	569	11712	At least 90 %; secondary components 3-4 % dimethyl disulfide and 3-4 % di-1-propenyl disulfide			JECFA'
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(32) the entry concerning FL No 12.086 is replaced by the following:

'12.086	S-Methyl 2-methylbutanethioate	42075-45-6	486					JECFA'
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(33) the entry concerning FL No 12.273 is replaced by the following:

'12.273	3-(Methylthio)heptanal	51755-70-5	1692		At least 92 %; secondary component 5-7 % (E)-hept-2-enal			EFSA'
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(34) the entry concerning FL No 13.028 is replaced by the following:

'13.028	2-Butyl-5 or 6-keto-1,4-dioxane	65504-95-2	1484	2206				EFSA'
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(35) the entry concerning FL No 13.170 is replaced by the following:

'13.170	2S-cis-Tetrahydro-4-methyl-2-(2-methyl-1-propenyl)-2H-pyran	3033-23-6						EFSA'
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(36) the entry concerning FL No 13.190 is replaced by the following:

'13.190	3-((2-methyl-3-furyl)thio)-2-butanone	61295-44-1	1525					EFSA'
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(37) the entry concerning FL No 14.067 is replaced by the following:

'14.067	2-Ethoxy-3-methylpyrazine	32737-14-7	793	11921	At least 82 % 2-ethoxy-3-methylpyrazine. Secondary components 15 % 2-ethoxy-5-methylpyrazine (CAS no 67845-34-5) or 2-ethoxy-6-methylpyrazine (CAS no 53163-97-6)			EFSA'
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(38) the entry concerning FL No 15.134 is replaced by the following:

'15.134	2,5-Dihydroxy-1,4-dithiane	40018-26-6	550		Mixture of diastereoisomers: 25-30 % of (2S,5S and 2R,5R) and 70-75 % (2S,5R and 2R,5S)			EFSA'
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(39) the entry concerning FL No 16.095 is replaced by the following:

'16.095	Cyclopropanecarboxamide, N-[(2E)-3,7-dimethyl-2,6-octadien-1-yl]-	744251-93-2	1779					EFSA'
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(40) the entry concerning FL No 16.123 is replaced by the following:

'16.123	(1R,2S,5R)-N-(4-Methoxyphenyl)-5-methyl-2-(1-methylethyl)cyclohexanecarboxamide	68489-09-8						EFSA'
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(41) the entry concerning FL No 17.015 is replaced by the following:

'17.015	DL-Methylmethioninesulphonium chloride	3493-12-7	1427	761				EFSA'
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**COMMISSION IMPLEMENTING REGULATION (EU) No 986/2013****of 14 October 2013****fixing the interest rates to be used for calculating the costs of financing intervention measures comprising buying-in, storage and disposal for the 2014 EAGF accounting year**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy <sup>(1)</sup>, and in particular Article 3(3) thereof,

Whereas:

- (1) Article 4(1)(a) of Commission Regulation (EC) No 884/2006 <sup>(2)</sup> provides that expenditure relating to the financing costs incurred by Member States in mobilising funds to buy in products is to be determined in accordance with the methods set out in Annex IV to that Regulation.
- (2) The first paragraph of point I.1 of Annex IV to Regulation (EC) No 884/2006 provides that the financing costs in question are to be calculated on the basis of a uniform interest rate for the Union fixed by the Commission at the beginning of every accounting year. This interest rate corresponds to the average of the three-month and 12-month forward Euribor rates, recorded in the six months preceding the notification from the Member States provided for in the first paragraph of point I.2 of that Annex, with a weighting of one third and two thirds respectively. That rate is to be fixed at the beginning of each accounting year of the EAGF.
- (3) However, in accordance with the second paragraph of point I.2 of Annex IV to Regulation (EC) No 884/2006, if the interest rate notified by a Member State is higher than the uniform interest rate fixed for the Union during the reference period, the uniform rate is to apply. If the interest rate notified by a Member State is lower than the uniform interest rate fixed for the Union during the reference period, the interest rate for that Member State is to be fixed at the level of the rate notified.
- (4) Furthermore, in accordance with the third paragraph of point I.2 of Annex IV to Regulation (EC) No 884/2006, in the absence of any notification from a Member State, in the form and by the deadline referred to in the first paragraph of point I.2 of that Annex, the interest rate borne by that Member State is to be considered as being 0 %. Where a Member State declares that it did not bear any interest costs because it did not have agricultural products in public storage during the reference period, the uniform interest rate fixed by the Commission applies to that Member State.
- (5) With the exception of France and Sweden, Member States have declared that they did not bear any interest costs as they did not have any agricultural products in public storage during the reference period. Moreover, during the reference period, such Member States had reference rates being higher than the uniform interest rate set for the Union. Finally, for Croatia the reference rates used were the ones for the months of July and August 2013.
- (6) Given the Member States' notifications to the Commission, the interest rates applicable for the 2014 EAGF accounting year should be fixed taking the various factors into account.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Committee on the Agricultural Funds,

HAS ADOPTED THIS REGULATION:

*Article 1*

For expenditure relating to the financing costs incurred by Member States in mobilising funds to buy in products chargeable to the 2014 accounting year of the European Agricultural Guarantee Fund (EAGF), the interest rates provided for in Annex IV to Regulation (EC) No 884/2006 in accordance with Article 4(1)(a) of that Regulation shall be the uniform interest rate fixed at 0,4 %.

*Article 2*

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

It shall apply from 1 October 2013.

<sup>(1)</sup> OJ L 209, 11.8.2005, p. 1.

<sup>(2)</sup> Commission Regulation (EC) No 884/2006 of 21 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 1290/2005 as regards the financing by the European Agricultural Guarantee Fund (EAGF) of intervention measures in the form of public storage operations and the accounting of public storage operations by the paying agencies of the Member States (OJ L 171, 23.6.2006, p. 35).

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

Done at Brussels, 14 October 2013.

*For the Commission*

*The President*

José Manuel BARROSO

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**COMMISSION IMPLEMENTING REGULATION (EU) No 987/2013****of 14 October 2013****entering a name in the register of protected designations of origin and protected geographical indications (Fenland Celery (PGI))**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs <sup>(1)</sup>, and in particular Article 52(2) thereof,

Whereas:

- (1) Regulation (EU) No 1151/2012 repealed and replaced Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs <sup>(2)</sup>.
- (2) Pursuant to Article 6(2) of Regulation (EC) No 510/2006, the United Kingdom's application to register

the name 'Fenland Celery' was published in the *Official Journal of the European Union* <sup>(3)</sup>.

- (3) As no statement of objection under Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, the name 'Fenland Celery' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

*Article 1*

The name contained in the Annex to this Regulation is hereby entered in the register.

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

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

Done at Brussels, 14 October 2013.

*For the Commission,  
On behalf of the President,  
Dacian CIOLOŞ  
Member of the Commission*

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<sup>(1)</sup> OJ L 343, 14.12.2012, p. 1.

<sup>(2)</sup> OJ L 93, 31.3.2006, p. 12.

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<sup>(3)</sup> OJ C 353, 17.11.2012, p. 9.

## ANNEX

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

**Class 1.6. Fruit, vegetables and cereals, fresh or processed**

UNITED KINGDOM

Fenland Celery (PGI)

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**COMMISSION IMPLEMENTING REGULATION (EU) No 988/2013****of 14 October 2013****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round 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, 14 October 2013.

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

Jerzy PLEWA  
*Director-General for Agriculture and  
Rural Development*

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

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

## ANNEX

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

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	MK	41,5
	ZZ	41,5
0707 00 05	MK	50,7
	TR	121,6
	ZZ	86,2
0709 93 10	TR	121,5
	ZZ	121,5
0805 50 10	AR	112,1
	CL	118,6
	IL	100,2
	TR	85,0
	ZA	111,5
	ZZ	105,5
0806 10 10	BR	257,9
	MK	32,3
	TR	137,1
	ZZ	142,4
0808 10 80	BA	56,1
	BR	89,2
	CL	146,7
	NZ	125,2
	US	178,1
	ZA	135,6
	ZZ	121,8
0808 30 90	TR	128,9
	US	162,0
	ZZ	145,5

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



# DECISIONS

## COUNCIL DECISION

of 7 October 2013

### **establishing the position to be taken by the European Union within the General Council of the World Trade Organization on the request for extending the WTO waiver on additional autonomous trade preferences granted by the Union to the Republic of Moldova**

(2013/500/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Article IX of the Marrakesh Agreement establishing the World Trade Organization ('WTO Agreement') sets out the procedures for the granting of waivers concerning the Multilateral Trade Agreements in Annex 1A, 1B or 1C to the WTO Agreement and their annexes.
- (2) Council Regulation (EC) No 55/2008 <sup>(1)</sup> was amended by Regulation (EU) No 581/2011 of the European Parliament and of the Council <sup>(2)</sup>, to extend the autonomous trade preferences granted to the Republic of Moldova ('Moldova') until 31 December 2015 and adjust the tariff rate quotas for certain agricultural products. Regulation (EC) No 55/2008 provides free access to the Union market of all products originating in Moldova, except certain agricultural products listed in Annex I to that Regulation. The products listed in that Annex benefit from limited concessions in the form of exemption from customs duties within the limit of tariff quotas or reduction of customs duties. Further extensions of the scope of the preferences set out in Regulation (EC) No 55/2008 may be adopted to liberalise import of wine from Moldova.

- (3) In the absence of a waiver from the Union's obligations under paragraph 1 of Article I and Article XIII of the General Agreement on Tariffs and Trade 1994, to the extent necessary, the treatment provided by these autonomous trade preferences would need to be extended to all other Members of the WTO.
- (4) It is in the interest of the Union to request an extension of the WTO waiver on autonomous trade preferences granted by the Union to Moldova pursuant to paragraph 3 of Article IX of the WTO Agreement to permit the Union to afford duty-free or preferential treatment to products originating in Moldova, including certain agricultural products for which limited concessions are given as defined in the Annex to this Decision, without being required to extend the same duty-free or preferential treatment to like products of any other WTO Member until 31 December 2015.
- (5) The Union is to submit such a request to the WTO.
- (6) It is appropriate, therefore, to establish the position to be taken by the Union within the WTO General Council concerning the request,

HAS ADOPTED THIS DECISION:

#### *Article 1*

The position to be taken on behalf of the Union within the General Council of the World Trade Organization is to request an extension, until 31 December 2015, of the WTO waiver on autonomous trade preferences granted by the Union to Moldova to products originating in Moldova, including certain agricultural products for which limited concessions, as set out in the Annex, are given.

This position shall be expressed by the Commission.

<sup>(1)</sup> Council Regulation (EC) No 55/2008 of 21 January 2008 introducing autonomous trade preferences for the Republic of Moldova and amending Regulation (EC) No 980/2005 and Commission Decision 2005/924/EC (OJ L 20, 24.1.2008, p. 1).

<sup>(2)</sup> Regulation (EU) No 581/2011 of the European Parliament and of the Council of 8 June 2011 on amending Council Regulation (EC) No 55/2008 introducing autonomous trade preferences for the Republic of Moldova (OJ L 165, 24.6.2011, p. 5).

*Article 2*

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

Done at Luxembourg, 7 October 2013.

*For the Council*  
*The President*  
J. BERNATONIS

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## ANNEX

## PRODUCTS SUBMITTED TO QUANTITATIVE LIMITS OR PRICE THRESHOLDS

## 1. Products subject to annual duty free tariff quotas

Order No	CN Code	Description	2013 <sup>(1)</sup>	2014 <sup>(1)</sup>	2015 <sup>(1)</sup>
09.0504	0201 to 0204	Fresh, chilled and frozen meat of bovine animals, swine and sheep and goats	4 000 <sup>(2)</sup>	4 000 <sup>(2)</sup>	4 000 <sup>(2)</sup>
09.0505	ex 0207	Meat and edible offal of the poultry of heading 0105, fresh, chilled or frozen, other than fatty livers of subheading 0207 34	500 <sup>(2)</sup>	500 <sup>(2)</sup>	500 <sup>(2)</sup>
09.0506	ex 0210	Meat and edible meat offal of swine and bovine animals, salted, in brine, dried or smoked; edible flours and meals of meat or meat offals of domestic swine and bovine animals	500 <sup>(2)</sup>	500 <sup>(2)</sup>	500 <sup>(2)</sup>
09.4210	0401 to 0406	Dairy products	1 500 <sup>(2)</sup>	1 500 <sup>(2)</sup>	1 500 <sup>(2)</sup>
09.0507	0407 00	Birds' eggs, in shell	120 <sup>(3)</sup>	120 <sup>(3)</sup>	120 <sup>(3)</sup>
09.0508	ex 0408	Bird's eggs, not in shell and egg yolks, other than unfit for human consumption	300 <sup>(2)</sup>	300 <sup>(2)</sup>	300 <sup>(2)</sup>
09.0509	1001 90 91 1001 90 99	Other Spelt (other than spelt for sowing), common wheat and meslin	55 000 <sup>(2)</sup>	60 000 <sup>(2)</sup>	65 000 <sup>(2)</sup>
09.0510	1003 00 90	Barley	50 000 <sup>(2)</sup>	55 000 <sup>(2)</sup>	60 000 <sup>(2)</sup>
09.0511	1005 90	Maize	45 000 <sup>(2)</sup>	50 000 <sup>(2)</sup>	55 000 <sup>(2)</sup>
09.0512	1601 00 91 and 1601 00 99	Sausages and similar products, of meat, meat offal or blood; food preparations based on these products	600 <sup>(2)</sup>	600 <sup>(2)</sup>	600 <sup>(2)</sup>
	ex 1602	Other prepared or preserved meat, meat offal or blood: — of fowls of the species <i>Gallus domesticus</i> , uncooked, — of domestic swine, — of bovine animals, uncooked			
09.0513	1701 99 10	White Sugar	34 000 <sup>(2)</sup>	34 000 <sup>(2)</sup>	34 000 <sup>(2)</sup>

<sup>(1)</sup> From 1 January until 31 December.

<sup>(2)</sup> Tonnes (net weight).

<sup>(3)</sup> Million units.

2. Products for which the *ad valorem* component of the import duty is exempted

CN Code	Description
0702	Tomatoes, fresh or chilled
0703 20	Garlic, fresh or chilled
0707	Cucumbers and gherkins, fresh or chilled
0709 90 70	Courgettes, fresh or chilled
0709 90 80	Globe artichokes
0806	Grapes, fresh or dried

CN Code	Description
0808 10	Apples, fresh
0808 20	Pears and quinces
0809 10	Apricots
0809 20	Cherries
0809 30	Peaches, including nectarines
0809 40	Plums and sloes

## COMMISSION IMPLEMENTING DECISION

of 4 October 2013

**rejecting a refusal of the authorisation of a biocidal product containing difenacoum notified by the Netherlands in accordance with Directive 98/8/EC of the European Parliament and of the Council***(notified under document C(2013) 6409)***(Only the Dutch text is authentic)**

(2013/501/EU)

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<sup>(1)</sup>, and in particular Article 4(4) thereof,

Whereas:

- (1) Annex I to Directive 98/8/EC contains the list of active substances approved at Union level for inclusion in biocidal products. Commission Directive 2008/81/EC of 29 July 2008 amending Directive 98/8/EC of the European Parliament and of the Council to include difenacoum as an active substance in Annex I thereto<sup>(2)</sup> added the active substance difenacoum for use in products belonging to product-type 14, Rodenticides, as defined in Annex V to Directive 98/8/EC.
- (2) The company Edialux France submitted an application to France for authorisation of a product containing difenacoum as a paraffin block formulation ('the contested product') in accordance with Article 8 of Directive 98/8/EC. The name and reference numbers of the contested product in the Register for Biocidal Products ('R4BP') are indicated in the Annex to this Decision.
- (3) France authorised the contested product on 23 February 2012. The authorisation has subsequently been mutually recognised by Germany, Luxembourg, Belgium and Switzerland.
- (4) On 3 July 2012, Denka Registrations BV ('the applicant') submitted a complete application to the Netherlands for mutual recognition of the French authorisation of the contested product.
- (5) On 24 January 2013, the Netherlands notified the Commission, the other Member States and the applicant of its proposal to refuse the authorisation in accordance with Article 4(4) of Directive 98/8/EC. The Netherlands considered that the contested product does

not meet the requirement of being sufficiently effective in accordance with Article 5(1) of Directive 98/8/EC, as its efficacy was not demonstrated in field or semi-field trials. According to the notification, efficacy of rodenticide products is a matter of particular concern for the Netherlands, as resistance problems have been reported both in rats and mice.

- (6) The Commission invited the other Member States and the applicant to submit comments to the notification in writing within 90 days in accordance with Article 27(1) of Directive 98/8/EC. Comments were submitted within that deadline by France, Belgium and the applicant. The notification was also discussed between Commission representatives and representatives of Member States' Competent Authorities for biocidal products in the meeting of the Product Authorisation and Mutual Recognition Facilitation Group of 25-26 February 2013, where the applicant was present.
- (7) From the comments received, it follows that France assessed the product's efficacy in accordance with the available EU guidance on efficacy evaluation of rodenticidal biocidal products<sup>(3)</sup>. Although both laboratory and field studies performed with the product to be authorised are normally required when applying for authorisation of a rodenticide, field trials can be waived by read-across to data generated with another product authorised in accordance with Directive 98/8/EC containing the same active substance and already authorised for the same field of use.
- (8) The conclusions on the efficacy of the contested product were therefore based on the read-across to data generated with another grain formulation rodenticide (Sorkil Avoine Speciale<sup>(4)</sup>) meeting the characteristics required by the abovementioned guidance document, for which field and semi-field tests on the target species proved the efficacy of the product.
- (9) As requested by the guidance document, bait choice tests also demonstrated that palatability was not affected by

<sup>(1)</sup> OJ L 123, 24.4.1998, p. 1.

<sup>(2)</sup> OJ L 201, 30.7.2008, p. 46.

<sup>(3)</sup> See *Technical Notes for Guidance on Product Evaluation. Appendices to Chapter 7. Product Type 14: Efficacy Evaluation of Rodenticidal Biocidal Products*, available on the website [http://ihcp.jrc.ec.europa.eu/our\\_activities/public-health/risk\\_assessment\\_of\\_Biocides/doc/TNsG/TNsG\\_PRODUCT\\_EVALUATION/Revised\\_Appendix\\_Chapter\\_7\\_PT14\\_2009.pdf](http://ihcp.jrc.ec.europa.eu/our_activities/public-health/risk_assessment_of_Biocides/doc/TNsG/TNsG_PRODUCT_EVALUATION/Revised_Appendix_Chapter_7_PT14_2009.pdf)

<sup>(4)</sup> French application reference number in the Register for Biocidal Products: 2010/6309/6308/FR/AA/7742. Date of authorisation: 1 October 2011.

the bait formulation and that the contested product was more palatable for mice and equally palatable for rats than the product Sorkil Avoine Speciale.

(10) In the light of the above arguments, the Commission supports the conclusions of the assessment carried out by France and the other Member States having mutually recognised the French authorisation, considering the contested product sufficiently effective as required by Article 5(1) of Directive 98/8/EC. The Commission therefore considers that the request by the Netherlands to refuse the authorisation cannot be justified on the grounds put forward.

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

HAS ADOPTED THIS DECISION:

*Article 1*

The proposal by the Netherlands to refuse the authorisation granted by France on 23 February 2012 of the product mentioned in the Annex, is rejected.

*Article 2*

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 4 October 2013.

*For the Commission*

Janez POTOČNIK

*Member of the Commission*

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ANNEX

Product for which the proposal by the Netherlands, to refuse the authorisation granted in accordance with Article 4 of Directive 98/8/EC, is rejected:

Product name in France	French application reference number in the Register for Biocidal Products	Product name in the Netherlands	Dutch application reference number in the Register for Biocidal Products
Sorkil Bloc	2010/6309/6327/FR/AA/7767	Sorkil Bloc	2012/6309/6327/NL/MA/31585

## COMMISSION IMPLEMENTING DECISION

of 11 October 2013

**amending Decision 2005/7/EC authorising a method for grading pig carcasses in Cyprus as regards the alternative presentation of such carcasses***(notified under document C(2013) 6583)***(Only the Greek text is authentic)**

(2013/502/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) <sup>(1)</sup>, and in particular Article 43(m), in conjunction with Article 4 thereof,

Whereas:

- (1) By Commission Decision 2005/7/EC <sup>(2)</sup>, the use of an alternative presentation of pig carcasses in Cyprus was authorised.
- (2) Cyprus has requested the Commission to be authorised to provide for a presentation of pig carcasses different from the alternative presentation authorised in Article 2 of Decision 2005/7/EC and different from the standard presentation defined in the first paragraph of point B.III of Annex V to Regulation (EC) No 1234/2007.
- (3) In accordance with the second paragraph of point B.III of Annex V to Regulation (EC) No 1234/2007, Member States may be authorised to provide for a presentation of pig carcasses different from the standard presentation defined in the first paragraph of that point, where normal commercial practice in their territory differs from that standard presentation. In its request, Cyprus specified that in its territory it is commercial practice that carcasses can be presented with tongue, kidneys and flare fat. This presentation that differs from the standard presentation should therefore be authorised in Cyprus.
- (4) In order to establish quotations for pig carcasses on a comparable basis, this different presentation should be taken into account by adjusting the weight recorded in such cases in relation to the weight for standard presentation.

(5) Decision 2005/7/EC should therefore be amended accordingly.

(6) The measures provided for in this Decision are in accordance with the opinion of the Management Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS DECISION:

*Article 1*

Article 2 of Decision 2005/7/EC is replaced by the following:

*'Article 2*

Notwithstanding the standard presentation laid down in the first paragraph of point B.III of Annex V to Regulation (EC) No 1234/2007, pig carcasses in Cyprus may be presented without removing the tongue, kidneys and flare fat before the carcass is weighed and graded.

In the case of such presentation the recorded hot carcass weight shall be adjusted in accordance with the following formula:

hot carcass weight = weight of the hot carcass with tongue, kidney and flare fat – 2,6 %.'

*Article 2*

This Decision is addressed to the Republic of Cyprus.

Done at Brussels, 11 October 2013.

*For the Commission*

Dacian CIOLUȘ

*Member of the Commission*

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<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.<sup>(2)</sup> Commission Decision 2005/7/EC of 27 December 2004 authorising a method for grading pig carcasses in Cyprus (OJ L 2, 5.1.2005, p. 19).

## COMMISSION IMPLEMENTING DECISION

of 11 October 2013

**recognising parts of the Union as free from varroosis in bees and establishing additional guarantees required in intra-Union trade and imports for the protection of their varroosis-free status**

(notified under document C(2013) 6599)

(Text with EEA relevance)

(2013/503/EU)

THE EUROPEAN COMMISSION,

surveillance results that the region is indeed free from varroosis and that, to maintain the status, the introduction of live bees and brood is strictly controlled.

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

Having regard to Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC <sup>(1)</sup>, and in particular Article 15(2) thereof,

Whereas:

- (1) Directive 92/65/EEC lays down the animal health requirements governing trade in and imports into the Union of animals, semen, ova and embryos not subject to the animal health requirements laid down in the specific acts of the Union referred to in Annex F thereto.
- (2) Varroosis in bees is listed in Annex B to Directive 92/65/EEC. It is caused by ectoparasitic mites of the genus *Varroa* and has been reported worldwide.
- (3) Article 15 of Directive 92/65/EEC provides that, where a Member State considers that its territory or part of its territory is free from one of the diseases listed in Annex B thereto, it is to submit to the Commission appropriate documentation, on the basis of which a Decision is to be adopted.
- (4) Varroosis spreads through movement of bee brood and direct contact between infested adult bees. The latter is only possible within the bee's fly range. Consequently, only territories where the movement of bee hives and brood can be controlled and which are geographically isolated enough to prevent the migration of bees from the outside can be recognised as disease-free. Moreover, the competent authorities must prove through extended

- (5) Finland has asked the Commission to recognise the Åland Islands as a part of its territory that is free from varroosis. Article 355(4) of the Treaty on the Functioning of the European Union provides that the provisions of the Treaties are to apply to the Åland Islands in accordance with the provisions set out in Protocol 2 to the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden.
- (6) The Åland Islands are a group of islands situated between the Gulf of Bothnia and the Baltic Sea and they are therefore geographically sufficiently separated from potentially varroosis-infected areas.
- (7) Varroosis is a notifiable disease in the Åland Islands and no capped brood and hatched, adult live honey bees can be moved from mainland Finland to the Åland Islands. Finland has for several years observed the island's bee population. On the basis of that surveillance Finland can now confirm the absence of the disease on the Åland Islands. As a result, that part of the Finnish territory can be considered free from that disease.
- (8) The additional guarantees required in trade should therefore be defined, taking into account the measures already put in place by Finland in its national legislation.
- (9) To establish the preconditions for the model health certificates for intra-Union movements of live bees between territories of the Union free of *Varroa*, an additional certification should be established in the health certificate set out in Part 2 of Annex E to Directive 92/65/EEC. Moreover, the local veterinary unit of the varroosis-free area or areas should be identified with a TRACES Code in accordance with Commission Decision 2009/821/EC <sup>(2)</sup>.

<sup>(1)</sup> OJ L 268, 14.9.1992, p. 54.

<sup>(2)</sup> Commission Decision 2009/821/EC of 28 September 2009 drawing up a list of approved border inspection posts, laying down certain rules on the inspections carried out by Commission veterinary experts and laying down the veterinary units in Traces (OJ L 296, 12.11.2009, p. 1).



- (10) The introduction of live bees into the Union is only authorised under the conditions provided for in Commission Regulation (EU) No 206/2010<sup>(1)</sup>. In addition to the requirements laid down in that Regulation, in order to protect the varroosis-free status of the territories recognised as such, it is appropriate to prohibit the introduction of consignments of queen bees and their accompanying attendants into the Union, where the declared final destination of the consignments is a varroosis-free territory.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

*Article 1*

The Member States or territories thereof listed in the third column of the table set out in the Annex are recognised as free from varroosis.

*Article 2*

1. The Member States listed in the Annex shall ensure that in the territories listed in the third column of the table set out in the Annex, the following conditions are complied with:

- (a) varroosis is compulsorily notifiable under national law;
- (b) regular surveillance is carried out to substantiate the absence of ectoparasitic mites of the genus *Varroa*.

2. The Member States listed in the Annex shall report the results of the surveillance referred to in paragraph 1(b) to the Commission by 31 May each year.

3. The Member States listed in the Annex shall notify, without delay, to the Commission and to the other Member States the detection of ectoparasitic mites of the genus *Varroa* in the territories listed in the third column of the table set out in the Annex.

*Article 3*

1. The introduction of consignments of the commodities listed in the fifth column of the table set out in the Annex into the territories listed in the third column of that table shall be prohibited.

2. By way of derogation from paragraph 1, the introduction of the commodities listed in the fifth column of the table in the

Annex into the territories listed in the third column of that table shall be authorised where the following conditions are complied with:

- (a) the commodities originate in another Member State or territory thereof recognised as free from varroosis pursuant to Article 15(2) of Directive 92/65/EEC;
- (b) the consignments are accompanied by an health certificate drawn up in accordance with the health certificate set out in Part 2 of Annex E to Directive 92/65/EEC, in which the following information shall be added in Part II.2:

‘commodities listed in the fifth column of the table set out in the Annex to Commission Implementing Decision 2013/503/EU coming from Member States or parts thereof recognised as free from varroosis pursuant to Article 15(2) of Directive 92/65/EEC and in which no case of varroosis has been reported during the past 30 days.’

- (c) every precaution was taken to avoid contamination with varroosis of the consignments during transport.

*Article 4*

1. Member States shall not authorise the introduction of consignments of bees referred to in Article 7(3)(a) of Regulation (EC) No 206/2010 into the Union, where their final destination, as indicated in box references I.9, I.10 or I.12 of the health certificate accompanying the consignments, is a territory listed in the third column of the table set out in the Annex.

2. By way of derogation from paragraph 1 and subject to the health requirements for imports laid down in Regulation (EU) No 206/2010, Member States may authorise the introduction into the Union of the consignments referred to in paragraph 1, provided that their final destination is changed to a territory not listed in the third column of the table set out in the Annex.

*Article 5*

This Decision is addressed to the Member States.

Done at Brussels, 11 October 2013.

*For the Commission*

Tonio BORG

*Member of the Commission*

<sup>(1)</sup> Commission Regulation (EU) No 206/2010 of 12 March 2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the European Union of certain animals and fresh meat and the veterinary certification requirements (OJ L 73, 20.3.2010, p. 1).

## ANNEX

**Member States or territories thereof which are recognised as free from varroosis**

1	2	3	4	5
ISO-Code	Member State	Territory recognised as free from varroasis	TRACES Code Local Veterinary Unit	Commodities the introduction of which is prohibited into the territory listed in the third column
FI	Finland	Åland islands	FI00300 AHVENANMAAN VALTIONVIRASTO	Capped brood and hatched, adult live honey bees

# RULES OF PROCEDURE

## DECISION OF THE EUROPEAN DATA PROTECTION SUPERVISOR

of 17 December 2012

### on the adoption of Rules of Procedure

(2013/504/EU)

THE EUROPEAN DATA PROTECTION SUPERVISOR,

HAS ADOPTED THESE RULES OF PROCEDURE:

Having regard to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by Community institutions and bodies and on the free movement of such data<sup>(1)</sup>, and in particular Article 46(k) thereof,

Whereas:

- (1) Article 8 of the Charter of Fundamental Rights and Article 16 of the Treaty on the Functioning of the European Union provide that compliance with the rules relating to the protection of individuals with regard to the processing of personal data concerning them by Union institutions, bodies, offices and agencies shall be subject to control by an independent authority.
- (2) Regulation (EC) No 45/2001 provides for the establishment of an independent authority, referred to as the European Data Protection Supervisor, responsible for ensuring that the fundamental rights and freedoms of natural persons, and in particular their right to privacy, with respect to the processing of personal data, are respected by the Union institutions and bodies.
- (3) Regulation (EC) No 45/2001 also provides for the duties and powers of the European Data Protection Supervisor, as well as for the appointment of the European Data Protection Supervisor and an Assistant Supervisor.
- (4) Regulation (EC) No 45/2001 further provides that the European Data Protection Supervisor shall be assisted by a Secretariat and lays down a number of provisions concerning staff and budgetary matters.
- (5) Decision No 1247/2002/EC of the European Parliament, of the Council and of the Commission of 1 July 2002 on the regulations and general conditions governing the performance of the European Data Protection Supervisor's duties<sup>(2)</sup>, lays down a number of additional provisions on this subject.
- (6) Other provisions of Union law provide for additional duties and powers for the European Data Protection Supervisor,

#### CHAPTER I

#### GENERAL PROVISIONS

##### Article 1

#### Execution of duties and powers

The European Data Protection Supervisor shall execute the duties and powers imposed by Regulation (EC) No 45/2001 and other provisions of Union law.

##### Article 2

#### Definitions

In these Rules:

- (a) 'the Regulation' means Regulation (EC) No 45/2001;
- (b) 'the institution' means a Union institution, body, office or agency subject to Regulation (EC) No 45/2001;
- (c) 'the EDPS' means the European Data Protection Supervisor as an institution;
- (d) 'the Supervisor' means, unless otherwise specified, the persons holding the office of European Data Protection Supervisor and Assistant Supervisor;
- (e) 'administrative measure' means a decision or any other act of the Union administration of general application relating to the processing of personal data carried out by the institution.

#### CHAPTER II

#### INSTITUTION AND SECRETARIAT

##### Article 3

#### Independence, good governance and good administrative behaviour

1. In accordance with Article 44 of the Regulation, the Supervisor shall act in complete independence in the performance of his or her duties.

<sup>(1)</sup> OJ L 8, 12.1.2001, p. 1.

<sup>(2)</sup> OJ L 183, 12.7.2002, p. 1.

2. The Supervisor shall ensure the proper functioning of the services available for the performance of the tasks referred to in Article 1, taking into account the principles of good governance, good administrative behaviour and good management.

#### Article 4

##### **Roles of Supervisor and Assistant Supervisor**

1. The Supervisor and the Assistant Supervisor shall be, as members of the institution, responsible for the adoption of strategies, policies and decisions, and shall work together in the performance of the tasks referred to in Article 1. The Assistant Supervisor shall carry out those tasks, in case of the absence or inability to act of the Supervisor and vice versa.

2. The Supervisor and the Assistant Supervisor shall aim to reach a consensus on general strategies and policies and other important matters, including those related to the Secretariat. The Supervisor shall decide where a consensus cannot be reached and the matter is urgent.

3. The Supervisor, acting in close cooperation with the Assistant Supervisor, shall determine a division of work between them, including which of them is to have prime responsibility for the preparation, adoption and follow up of decisions and the delegation of tasks to the Assistant Supervisor, where appropriate.

#### Article 5

##### **Secretariat**

1. In accordance with Article 43(4) of the Regulation, the Supervisor shall be assisted by a Secretariat, the tasks and working methods of which shall be defined by the Supervisor.

2. The Supervisor may delegate certain tasks to individual members of staff, with the possibility of replacement by other staff members.

3. The Supervisor shall establish a number of Units and Sectors forming the Secretariat to assist in the preparation and performance of the tasks referred to in Article 1. Each Unit or Sector shall be headed by a Head of Unit or Sector.

#### Article 6

##### **Director**

1. The Secretariat shall be headed by a Director, who shall take all measures necessary to ensure the proper functioning of the Secretariat and the efficient use of resources, including replacement of the Director in case of absence or inability to act.

2. The Director shall be responsible for:

- (a) the preparation and implementation of strategies and policies;
- (b) contributing to their evaluation and development;

(c) the coordination and planning of activities, the measurement of performance and the representation of the institution in relations with other institutions and bodies, where appropriate.

#### Article 7

##### **Management Board**

1. The Management Board shall comprise the Supervisor, the Assistant Supervisor and the Director. The Board shall meet at regular intervals, normally once a week, to discuss general strategies and policies and other important matters and contribute to a good coordination of relevant activities.

2. The Director shall ensure the proper functioning of the secretariat of the Management Board.

#### Article 8

##### **Director's Meeting**

The Director shall meet at regular intervals, normally once a week, with the Heads of Unit and Sector to ensure coordination and planning of activities and the preparation and implementation of strategies and policies. The Director shall ensure the proper functioning of the secretariat of the Director's Meeting.

#### Article 9

##### **Appointing authority**

1. The Director shall exercise the powers vested in the appointing authority within the meaning of Article 2 of the Staff Regulations of officials of the European Union and the powers vested in the authority authorised to conclude contracts of employment within the meaning of Article 6 of the Conditions of Employment of other servants of the European Union and any other related powers resulting from other administrative decisions both internal to the EDPS or of an inter-institutional nature, insofar as the decision of the Supervisor on the exercise of the powers vested in the appointing authority and in the authority authorised to conclude contracts of employment does not provide otherwise.

2. The Director may delegate the exercise of the powers referred to in paragraph 1 to the official responsible for the management of human resources.

#### Article 10

##### **Authorising officer and accounting officer**

1. The powers of authorising officer shall be exercised by the Supervisor. The powers of authorising officer by delegation and authorising officer by sub-delegation shall be exercised by those appointed in the charter of tasks and responsibilities of authorising officers by delegation and the charter of tasks and responsibilities of authorising officers by sub-delegation.

2. The accounting officer of the European Commission shall be the accounting officer of the EDPS.

## CHAPTER III

**DELEGATION AND DEPUTISING***Article 11***Delegations**

1. The Supervisor may delegate to the Director the power to adopt and sign the definitive text of any decision or opinion, the substance of which has already been determined.

2. Where powers have been delegated to the Director pursuant to paragraph 1, the Director may sub-delegate power to exercise those powers in his or her absence to the Head of Unit or Sector concerned.

3. Paragraphs 1 and 2 shall be without prejudice to the rules concerning delegation in respect of the powers conferred on the appointing authority or of those concerning financial matters as provided for in Articles 9 and 10.

*Article 12***Deputising**

1. In the absence of the Supervisor and the Assistant Supervisor or where they are prevented from exercising their functions, the Director shall where appropriate act as a replacement for matters requiring urgent attention during such absence or inability to act.

2. Where the Director is prevented from exercising his or her functions or the post is vacant and no official has been designated by the Supervisor, the Director's functions shall be exercised by the Head of Unit or Sector present with the highest grade or, in the event of equal grade, by the Head of Unit or Sector with the greatest seniority within the grade or, in the event of equal seniority, by the eldest.

3. If there is no Head of Unit or Sector present and no official has been designated, the official present within that Unit or Sector with the highest grade or, in the event of equal grade, the official with the greatest seniority in the grade or, in the event of equal seniority, the one who is eldest, shall deputise.

4. Where any other hierarchical superior is prevented from exercising his or her duties, or where the post is vacant, the Director shall designate an official in agreement with the Supervisor. If no replacement has been designated, the official present in the Unit or Sector concerned with the highest grade, or in the event of equal grade, the subordinate official with the greatest seniority in the grade or, in the event of equal seniority, the one who is eldest, shall deputise.

5. Paragraphs 1 to 4 shall be without prejudice to the rules concerning delegation in respect of the powers conferred on the appointing authority or of those concerning financial matters as provided for in Articles 9 and 10.

## CHAPTER IV

**PLANNING***Article 13***Annual Management Plan**

1. In accordance with the principles of good administration and good financial management, the EDPS shall establish each year an Annual Management Plan. That plan shall translate the long term strategy of the EDPS into general and specific objectives. Performance indicators and targets shall be defined and measured twice a year to monitor and track achievements.

2. A risk analysis of EDPS planned activities shall be incorporated in the Annual Management Plan, which shall include identified risks and risk mitigation planning.

*Article 14***Annual Report**

1. In accordance with Article 48 of the Regulation, the EDPS shall submit an annual activities report ('Annual Report') to the European Parliament, the Council and the Commission and forward it to the other institutions.

2. The Annual Report shall be submitted and published on the EDPS website no later than 1 July of the following year.

3. The EDPS shall consider the comments which are submitted by the other institutions referred to in paragraph 1 under Article 48(2) of the Regulation with a view to subsequent possible examination of the report in the European Parliament.

## CHAPTER V

**SPECIFIC PROCEDURES**

## SECTION 1

**General provisions***Article 15***Guiding principles and core values**

1. The EDPS shall act in the public interest as an expert, independent, reliable and authoritative body in the field of data protection, at the level of the Union. The interventions of the EDPS shall be based on impartiality, integrity, transparency and pragmatism.

2. The EDPS shall engage constructively with stakeholders in order to ensure a fair balance between data protection and privacy and other interests and policies.

3. Supervision of the institutions shall be based on the principle that accountability for compliance lies primarily with the controllers themselves.

*Article 16***Policy on activities**

The EDPS shall adopt policy papers in order to set out the main elements of EDPS policy concerning specific activities, where this is relevant for giving guidance on the positioning of the EDPS in relation to a specific activity. Policy papers shall be regularly updated.

*Article 17***Monitoring compliance with the Regulation**

The EDPS shall carry out regular monitoring exercises in order to ensure an adequate overview of data protection compliance within institutions. Those exercises may be general or more targeted, based on the knowledge and evidence gathered in the performance of supervisory activities.

*Article 18***Enforcement**

The EDPS shall enforce data protection obligations using the powers granted in Article 47 of the Regulation. Those powers shall be used to their fullest extent in cases of serious, deliberate or repeated instances of non-compliance.

## SECTION 2

**Prior checks***Article 19***Request for a prior check**

1. In accordance with Article 27 of the Regulation, processing operations likely to present specific risks to the rights and freedoms of data subjects by virtue of their nature, their scope or their purposes shall be subject to prior checking by the EDPS upon notification from the Data Protection Officer of an institution.

2. In case of doubt as to the need for prior checking, the EDPS shall determine upon the request of the Data Protection Officer whether or not the processing operation presents specific risks and, if so, invite the Data Protection Officer to notify the case accordingly.

3. If the processing operation does not present specific risks, the EDPS may nevertheless address certain recommendations to the institution.

4. Notifications for prior checking shall be sent to the EDPS secretariat by email using the standard EDPS form.

5. Any relevant additional information relating to the notified processing operation may be annexed to the notification form.

*Article 20***Prior check opinions**

1. The EDPS shall adopt an opinion in which the relevant grounds and conclusions of the prior check are presented.

2. If the notified processing involves a possible breach of a provision of the Regulation, the EDPS shall where appropriate make proposals to avoid such breach.

*Article 21***Deadlines and suspensions for adopting the prior check opinion**

1. In accordance with Article 27(4) of the Regulation, the EDPS shall deliver the prior check opinion within two months following receipt of the notification. The EDPS may request any further information considered necessary. The period of two months may be suspended until the EDPS has obtained the information that has been requested. When the complexity of the matter so requires, the two months period may be extended once for a further two months.

2. If the opinion has not been delivered by the end of the period of two months, or any extension thereof, it shall be deemed to be favourable.

3. The starting date for calculating the deadline shall be the day following the date on which the notification form was received.

4. If the final date is a public holiday or another day on which the EDPS' services are closed, the next working day shall be considered as the final date for delivering the opinion.

*Article 22***Deadlines and suspensions**

1. Prior to the adoption of an opinion, the EDPS shall send a draft of the opinion to the institution for feedback on practical aspects and factual inaccuracies. The institution shall submit its feedback within 10 days of receipt of the draft. This period may be extended upon reasoned request from the controller. The request for feedback shall suspend the period referred to in Article 21(1). If no feedback is received by the deadline, the EDPS shall proceed with the adoption of the opinion.

2. The EDPS shall give the institution three months from the date of adoption of the opinion to provide information on implementation of the recommendations made in the opinion. The information shall be subject to follow-up by the EDPS.

*Article 23***Prior check register**

1. In accordance with Article 27(5) of the Regulation, the EDPS shall keep a register of all processing operations that have been notified pursuant to Article 27 of the Regulation.

2. The register shall exclude any reference to security measures. It shall contain a link to the EDPS opinion and information on the deadline for the provision of information by the institution pursuant to Article 22(2). The register shall be available on the EDPS website.

## SECTION 3

**Administrative consultation**

## Article 24

**Administrative consultation**

1. In accordance with Article 28(1) of the Regulation, the EDPS shall be informed by the institutions when they draw up administrative measures which relate to the processing of personal data.

2. In accordance with Article 46(d) of the Regulation, the EDPS shall advise institutions, in response to a consultation, on all matters concerning the processing of personal data, in particular before they draw up internal rules relating to the protection of fundamental rights and freedoms with regard to the processing of personal data.

3. In principle, the EDPS shall only take into consideration consultations which have been submitted for consultation to the Data Protection Officer of the institution concerned first.

## Article 25

**Opinions**

1. The EDPS shall in principle deliver an opinion within two months following receipt of the consultation. The EDPS may request any further information considered necessary. The period of two months may be suspended until the EDPS has obtained the information that has been requested.

2. The EDPS shall give the institution three months from the date of adoption of the opinion to provide information on implementation of the recommendations made in the opinion. The information shall be subject to follow-up by the EDPS.

## SECTION 4

**Legislative and policy consultation**

## Article 26

**Scope of consultation**

1. In accordance with Article 41 and 28(2) of the Regulation, the EDPS shall advise on legislative proposals based on the Treaties and on other acts and documents, such as:

- (a) decisions under the common foreign and security policy;
- (b) implementing and delegated acts;
- (c) documents relating to agreements with third countries and international organisations;
- (d) legislative initiatives of the Member States under the Treaties;
- (e) initiatives for enhanced cooperation;

- (f) non-binding acts such as recommendations and communications relating to the protection of individuals' rights and freedoms with regard to the processing of personal data.

The EDPS shall provide such advice following a consultation of the Commission under Article 28(2) of the Regulation, following any other request of an institution, or on own initiative.

2. The EDPS shall be available for consultation by the institutions involved during all stages of the legislative process.

## Article 27

**Informal consultation**

1. As agreed with the Commission, the EDPS should be consulted before the College of Commissioners takes a final decision to adopt a measure or a legislative proposal or policy document. In response to such consultation, the EDPS shall provide the responsible service of the Commission with informal comments on the draft of a proposal or related document.

2. The informal comments provided pursuant to paragraph 1 shall respect the confidentiality of the internal decision-making process of the Commission, subject to applicable rules under the Treaties and secondary legislation. The EDPS shall endeavour to respect the deadlines proposed by the Commission services, so far as is reasonable and practicable.

## Article 28

**Legislative opinions and formal comments**

1. The advice of the EDPS on a legislative proposal or related document may take the form of an opinion, formal comments or any other instrument deemed appropriate.

2. An opinion of the EDPS shall analyse the data protection aspects of a proposal or related document. In principle, it shall be issued within three months of the adoption of the proposal or related document.

3. A summary of the opinion shall be published in the *Official Journal of the European Union* (C Series), while the full version shall be published on the EDPS website.

4. Formal comments of the EDPS shall focus on specific aspects of a proposal or related document. In principle, they shall be issued within two months after the adoption of the document. They shall be published on the EDPS website.

## Article 29

**Annual priorities and inventory**

1. The EDPS shall publish annual priorities on the EDPS website.

2. The EDPS shall publish on the website three times a year an inventory with proposals for legislation and related documents in respect of which it intends to provide advice. The inventory shall classify those documents according to their priority.

3. The inventory shall be based on the Annual Work Programme of the Commission and its updated annexes, and any other pertinent information available.

#### Article 30

##### Follow up of legislative opinions and formal comments

1. The EDPS shall actively follow the developments in the European Parliament, the Council and the Commission after providing advice.

2. The Supervisor shall be available to orally present and discuss the EDPS' advice in a meeting with the legislator or to provide any other requested contribution.

3. Where substantial changes are made to a legislative measure under discussion, the EDPS may consider submitting a further opinion, further comments or any other instrument deemed appropriate.

#### SECTION 5

##### Complaints

#### Article 31

##### Complaints

1. In accordance with Article 46(a) of the Regulation, the EDPS shall hear complaints and investigate them to the extent appropriate, and shall inform the data subject of the outcome within a reasonable period.

2. Complaints submitted to the EDPS shall not affect time-limits for appeals in parallel administrative or judicial proceedings.

#### Article 32

##### Lodging a complaint

1. A complaint shall identify the person making the complaint.

2. A complaint shall be submitted in writing in any official language of the Union and provide all information necessary to understand its subject matter.

3. A complaint shall in principle be lodged within two years of the date on which the complainant had knowledge of the facts on which it is based.

4. If a complaint relating to the same facts has been lodged with the European Ombudsman, the EDPS shall examine its admissibility in the light of the provisions of the Memorandum of Understanding concluded between the EDPS and the European Ombudsman.<sup>(1)</sup>

#### Article 33

##### Handling of complaints

1. The EDPS shall decide on the most appropriate form and means to handle a complaint taking into account:

- (a) the nature and gravity of the alleged breach of data protection rules;
- (b) the importance of the prejudice that one or more data subjects have or may have suffered as result of the breach;
- (c) the potential overall importance of the case, also in relation to the other public and/or private interests involved;
- (d) the likelihood of establishing that the breach has occurred;
- (e) the exact date when events happened, any conduct which is no longer yielding effects, the removal of those effects or an appropriate guarantee of such a removal.

2. EDPS actions may consist, in particular of written requests to provide information, interviews with relevant persons, on the spot inspections or forensic examination of the relevant devices.

3. The EDPS shall disclose the content of a complaint and the identity of the complainant only to the extent necessary for the proper conduct of the inquiry. During and after the inquiry, no documents related to the complaint, including the final decision, shall be disclosed by the EDPS to third parties, unless the persons concerned consent to such disclosure or if the EDPS is under a legal obligation to do so.

4. Information about the complaint shall be published by the EDPS only in a form which does not allow the complainant or other data subjects involved to be identified.

#### Article 34

##### Outcome of complaints

1. The EDPS shall inform the complainant as soon as possible of the outcome of a complaint and the action taken.

2. Where a complaint is found to be inadmissible or its consideration is terminated, the EDPS shall, where appropriate, advise the complainant to refer to another authority.

3. In accordance with Article 32(2) of the Regulation, in the absence of a response by the EDPS within six months, the complaint shall be deemed to have been rejected.

<sup>(1)</sup> OJ C 27, 7.2.2007, p. 21



*Article 35***Review and judicial remedies**

1. The complainant and the institution concerned may request the EDPS in writing to review the decision on a complaint.

2. A request for review shall be lodged within one month of the date of receipt of the decision and shall be limited to new elements or legal arguments which have not been taken into account by the EDPS.

3. Independently of the possibility to request the EDPS to review the decision on a complaint, the decision may be challenged before the Court of Justice of the European Union in accordance with the conditions laid down in Article 263 of the Treaty on the Functioning of the European Union.

## SECTION 6

**Inspections and visits***Article 36***Inspections**

1. The EDPS shall decide to carry out an inspection, whenever on the spot verification is considered necessary for the performance of supervisory tasks or for compliance with a legal obligation.

2. The performance of an inspection shall be announced in writing to the institution concerned four weeks prior to the planned inspection date. The communication shall describe the purpose and scope of the inspection, establish the date of the inspection and set a deadline for the institution to request a revision of the date and to provide the EDPS with any requested information.

3. The EDPS shall then issue a decision on an inspection, establishing the purpose, scope, date(s) and time and place(s) of the inspection and setting forth the legal basis for the inspection activities. The decision shall be accompanied by the mandates for any members of staff participating in the inspection.

4. The members of staff performing an inspection shall collect any documentary evidence in a selective and proportionate manner. All documentary evidence shall be appropriately secured.

5. Interviews and information obtained during an inspection and the procedure followed shall be recorded in minutes sent to the institution for comments. Should comments not be received within a set period, the minutes shall be deemed to have been approved. A list of evidence collected during the inspection shall be annexed to the minutes.

6. The EDPS shall set forth in an inspection report the findings made during an inspection. The report shall include any actions to be undertaken by the institution inspected and shall be subject to follow-up by the EDPS.

*Article 37***Visits**

1. Visits shall be carried out by the EDPS with the purpose of engaging commitment from senior management of an institution to fostering compliance with the Regulation.

2. The launch of a visit shall in principle be based on a lack of commitment to comply with the Regulation, a lack of communication or to raise awareness.

3. Where appropriate, a visit shall be concluded with an agreement on a schedule ('roadmap') committing the management of the institution to respect specific obligations under the Regulation within a set deadline. The agreed schedule shall be subject to follow-up by the EDPS.

## SECTION 7

**Monitoring Technology***Article 38***Technology and research**

1. In accordance with Article 46(e) of the Regulation, the EDPS shall monitor the development of information and communication technologies. In carrying out that task, the EDPS shall aim at identifying emerging trends with a potential impact on data protection, establishing contacts with stakeholders, raising awareness of possible data protection aspects and providing advice on how to include data protection concerns in relevant projects, promoting the principles of privacy by design and privacy by default, and where necessary adapting supervision methodologies to technological evolution.

2. The EDPS shall contribute to the Union's Framework Programmes, by participating in advisory committees in research, assisting the Commission in the evaluation process of proposals or any other means, where appropriate.

3. The EDPS may decide to contribute to individual EU funded research, technological development and demonstration activities by adopting an opinion on the activity, upon request or on own initiative.

## SECTION 8

**Court proceedings***Article 39***Actions against institutions**

In accordance with Article 47(1)(h) of the Regulation, the EDPS may refer a matter to the Court of Justice of the European Union, under the conditions provided for in the Treaty. The EDPS shall make use of that power, where necessary, in case of non-compliance by an institution with the Regulation, and in case of failure to effectively respond to subsequent enforcement action taken by the EDPS under Article 47 of the Regulation.

*Article 40***Actions against EDPS decisions**

In accordance with Article 32(3) of the Regulation, actions against decisions of the EDPS shall be brought before the Court of Justice of the European Union.

*Article 41***Interventions**

1. In accordance with Article 47(1)(i) of the Regulation, the EDPS may intervene in actions brought before the Court of Justice of the European Union.

2. The EDPS shall apply for leave to intervene in proceedings if the case is of general data protection importance or if the EDPS has been directly involved in the facts of the case in the performance of supervisory tasks.

3. Other elements which may influence the decision to request leave to intervene are whether the data protection issue constitutes a substantial part of the case and whether an intervention by the EDPS is likely to add value to the proceedings.

4. Unless there are strong reasons not to intervene, the EDPS shall apply for leave to intervene if formally invited to do so by the Court.

## CHAPTER VI

**DATA PROTECTION OFFICERS***Article 42***Cooperation with Data Protection Officers**

1. The EDPS shall cooperate with Data Protection Officers, both on a bilateral basis and by participating in the meetings organised by the network of Data Protection Officers.

2. The EDPS shall provide support and guidance to Data Protection Officers, where necessary for the performance of their duties.

*Article 43***Register of appointed Data Protection Officers**

In accordance with Article 24(5) of the Regulation, the EDPS shall keep a register of the appointments of Data Protection Officers notified to the EDPS. The register shall include, in particular, information on the duration of the mandate of each Data Protection Officer.

## CHAPTER VII

**COOPERATION WITH DATA PROTECTION AUTHORITIES***Article 44***Cooperation with Data Protection Authorities**

1. In accordance with Article 46(f)(i) of the Regulation, the EDPS shall cooperate with national data protection authorities and other supervisory bodies to the extent necessary for the performance of their respective duties.

2. Cooperation shall include:

- (a) the exchange of all relevant information, such as information relating to best practices, as well as requests to the relevant authority to exercise its powers and responses to a request by such authority;
- (b) developing and maintaining contacts with relevant members and staff of the authorities;
- (c) cooperation with Joint Supervisory Authorities and Bodies set up under Union law, including where relevant participation in the meetings of such authorities and bodies, with the aim of ensuring a consistent practice.

*Article 45***Article 29 Working Party**

1. In accordance with Article 46(g) of the Regulation, the EDPS shall participate in the activities of the Working Party set up 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. <sup>(1)</sup>

2. The EDPS shall contribute actively to the discussions and drafting of documents published by the Working Party which aim at providing a common interpretation of data protection legislation and giving expert advice to the European Commission. In such cases, the EDPS shall put forward the Union perspective, where appropriate.

3. The EDPS shall participate on a regular basis in the plenary and subgroup meetings of the Working Party.

4. The EDPS shall promote regular discussions, if possible at least once a year, with the Chairman of the Working Party on their respective priorities, with a view to good cooperation in practice.

*Article 46***Coordinated supervision of large scale IT systems**

1. The EDPS shall take part with national supervisory authorities in the coordinated supervision of large scale IT systems, as provided under Union law.

2. The EDPS shall organise coordination meetings and provide the secretariat of the coordination groups.

3. The EDPS shall cooperate with individual national supervisory authorities to the extent necessary and according to their priorities, with a view to ensuring coordinated supervision of the national and central parts of large scale IT systems.

*Article 47***International cooperation**

1. The EDPS shall take part in the annual Spring Conference of European Data Protection Commissioners, the annual International Conference of Data Protection and Privacy Commissioners, and the International Working Group on Data Protection and Telecommunications.

<sup>(1)</sup> OJ L 281, 23.11.1995, p. 31.

2. The EDPS shall participate in relevant international privacy enforcement networks.

3. The EDPS shall organise regular workshops with representatives of international organisations with a view to sharing best practices and developing a data protection culture in those organisations.

4. The EDPS shall promote cooperation and dialogue at international level with other stakeholders from third countries.

## CHAPTER VIII

### ADMINISTRATION

#### Article 48

##### Security

1. In accordance with Article 45 of the Regulation, the Supervisor and members of staff shall, both during and after their term of office, be subject to a duty of professional secrecy with regard to any confidential information which has come to their knowledge in the course of the performance of their official duties.

2. The EDPS shall appoint one or more staff members with specific responsibility for security issues, concerning the various fields of activities. They shall be responsible in particular for staff related security issues, physical security and IT security. When they consider it necessary to avoid security risks for the EDPS, the staff members so appointed shall report directly to the Director.

#### Article 49

##### IT Steering Committee

A Steering Committee on Information Technologies shall be established to advise the Management Board on the implications of information technology for the security and internal development of the EDPS.

#### Article 50

##### Quality management

The EDPS shall put in place appropriate mechanisms to ensure adequate quality management, such as Internal Control Standards, an annual Activity Report and risk management.

#### Article 51

##### Data Protection Officer

In accordance with Article 24 of the Regulation, the EDPS shall appoint a Data Protection Officer who shall report directly to the Director.

#### Article 52

##### Information to the public

1. The EDPS shall raise awareness of data protection and inform individuals on the existence and content of their

rights. To this end, the EDPS shall use a number of communication tools (e.g. website, newsletter, social media and awareness-raising events), liaise with interested parties (e.g. study visits to the EDPS office, replies to information requests) and participate in public events, meetings and conferences.

2. The EDPS shall inform the media about major events related to data protection and important opinions or publications, through press releases, interviews and press conferences.

#### Article 53

##### Documentation

1. Accurate and authentic records shall be kept of all EDPS activities ensuring a reliable and legally verifiable source of evidence of decisions and actions.

2. Documents related to specific activities shall be grouped together in case files. Case files shall be logically accessible according to type of activity in a filing plan established by the EDPS.

3. Different types of case files shall be preserved for a specific period according to a retention schedule established by the EDPS. After expiration of the retention period, case files shall be assessed and archived according to the archiving policy adopted by the EDPS.

#### Article 54

##### Active disclosure of documents

1. In principle, all key policy documents, thematic guidelines, legislative opinions, formal comments, pleading notes of Court hearings and prior check opinions shall be made public on the EDPS website.

2. Opinions following an administrative consultation shall be made public on the EDPS website if they have broader relevance, contain a new interpretation or application of the law or concern the impact of new technologies on data subjects' rights.

#### Article 55

##### Publication in the Official Journal

The following documents shall be published in the *Official Journal of the European Union*:

- (a) summaries of legislative opinions as referred to in Article 28(3);
- (b) decisions and opinions of the EDPS, or summaries thereof, referred to in Article 9(7), in Article 10(2)(b), 10(4), 10(5) and 10(6), in Article 12(2), in Article 19, and in Article 37(2) of the Regulation;
- (c) other documents considered relevant by the EDPS.

*Article 56***Public access to documents**

The public shall have access to documents held by the EDPS in accordance with the principles laid down by Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents. <sup>(1)</sup>

*Article 57***Authentication of decisions**

1. Decisions shall be authenticated by the apposition of the Supervisor's signature on the original language version.
2. Such signature may be written or in electronic form.

*Article 58***Languages and working languages**

1. The language of proceedings conducted by the EDPS shall be one of the languages mentioned in Article 55(1) of the Treaty on European Union. In the case of a complaint, this shall be the language in which it is written.
2. Reports, opinions, papers and other documents, also designed for publication on the EDPS website, shall be drawn up at least in English, French and German.

*Article 59***Staff**

1. The Members of staff of the EDPS shall be recruited in accordance with and subject to the Staff Regulations and the conditions of employment of other servants of the European Union.
2. In order to increase cooperation with national authorities, in particular national data protection authorities, a programme for the secondment of staff shall be put in place at the EDPS.
3. A traineeship program shall be put in place, to enable recent university graduates to acquire practical experience on the workings of the EDPS and of the Union in general.
4. Interim staff and other external assistance may be hired to cover temporary needs.

*Article 60***Staff Committee**

1. A Staff Committee representing the staff of the EDPS shall be consulted in good time on draft decisions relating to the implementation of the Staff Regulations of officials of the European Union and may be consulted on any other question of general interest concerning the staff. The Staff Committee shall be informed of any question related to the execution of its tasks. It shall issue its opinions within 15 days of being consulted.
2. The Staff Committee shall contribute to the good functioning of the EDPS by making proposals on organisational matters and working conditions.
3. The Staff Committee shall be composed of three members and three deputies, and elected for a period of two years by the General Assembly.

*Article 61***Administrative cooperation with other institutions**

1. The Director, as Head of the Secretariat, shall represent the EDPS in the various interinstitutional fora, and may delegate this representation to the officials in charge of human resources, budget and administration.
2. Given the size of the EDPS in comparison with the other institutions, and with a view to good management and budgetary economy, the EDPS shall actively pursue cooperation agreements, memoranda of understanding and service level agreements with other institutions.

## CHAPTER IX

**FINAL PROVISIONS***Article 62***Entry into force**

These Rules of Procedure shall enter into force on the day following their signature and shall be published in the *Official Journal of the European Union*.

Done at Brussels, 17 December 2012.

Peter HUSTINX  
European Data Protection Supervisor

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<sup>(1)</sup> OJ L 145, 31.5.2001, p. 43.







EUR-Lex (<http://new.eur-lex.europa.eu>) offers direct access to European Union legislation free of charge. The *Official Journal of the European Union* can be consulted on this website, as can the Treaties, legislation, case-law and preparatory acts.

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