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EN

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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) No 1331/2013

of 10 December 2013

adjusting, from 1 July 2012, the rate of contribution to the pension scheme of officials and other servants of the European Union

THE COUNCIL OF THE EUROPEAN UNION,

than one percentage point above or below the valid rate of the previous year (11,6 %).

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

- (3) In the interests of actuarial balance of the pension scheme of Officials and other Servants of the Union, and taking into account the 2011 and 2012 actuarial assessments, the Council considers that the rate of contribution should be adjusted to 10,6 % of the basic salary.

Having regard to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities ('Staff Regulations') laid down by Regulation (EEC, Euratom, ECSC) No 259/68 of the Council ⁽¹⁾, and in particular Article 83a thereof and Annex XII thereto,

- (4) However, in the light of recent and future judgments in the cases on the 2011 and 2012 adjustment of salaries and pensions and in the case on the 2011 adjustment of the rate of contribution to the pension scheme, the result of this adjustment may be subject to change. The implementation of those judgments may have an impact on the calculation of the rates of contribution for the years 2012 and 2013 and thus require the Council to re-adjust the said rates of contribution with retroactive effect. Where applicable, this may lead to a recovery of overpaid sums from staff,

Having regard to the proposal from the European Commission,

Whereas:

- (1) In accordance with Article 13 of Annex XII to the Staff Regulations, Eurostat submitted a report on the 2012 actuarial assessment of the pension scheme updating the parameters referred to in that Annex. According to this assessment, the rate of contribution required to maintain actuarial balance of the pension scheme would be 9,9 % of the basic salary.

HAS ADOPTED THIS REGULATION:

Article 1

With effect from 1 July 2012, the rate of the contribution referred to in Article 83(2) of the Staff Regulations shall be 10,6 %.

- (2) Under Article 2(1) of Annex XII to the Staff Regulations, the adjustment cannot lead to a contribution that is more

Article 2

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

⁽¹⁾ Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities (OJ L 56, 4.3.1968, p. 1).

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

Done at Brussels, 10 December 2013.

For the Council

The President

R. ŠADŽIUS

COUNCIL REGULATION (EU) No 1332/2013

of 13 December 2013

amending Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision 2013/255/CFSP of 31 May 2013 concerning restrictive measures against Syria ⁽¹⁾,

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

Whereas:

- (1) On 13 December 2013 the Council adopted Decision 2013/760/CFSP ⁽²⁾ amending Decision 2013/255/CFSP.
- (2) Derogation from the prohibition of financing and financial assistance relating to certain goods and technology should be provided with regard to activities undertaken by the Organisation for the Prohibition of Chemical Weapons (OPCW) in accordance with paragraph 10 of United Nations (UN) Security Council Resolution 2118(2013).
- (3) In order to facilitate the safe return to their legitimate owners of goods constituting Syrian cultural heritage which have been illegally removed from Syria, it is necessary to provide for additional restrictive measures in order to prohibit the import, export or transfer of such goods.
- (4) Derogation from the freezing of funds or economic resources necessary for humanitarian assistance should only be granted if funds or economic resources are released to the UN for the purpose of delivering such assistance in accordance with the Syria Humanitarian Assistance Response Plan (SHARP). When considering requests for authorisation, competent authorities should take into account the humanitarian principles of humanity, neutrality, impartiality and independence as set out in the European Consensus on Humanitarian Aid.
- (5) It is necessary to provide for an additional derogation from the asset freeze and the prohibition of making funds or economic resources available in order to allow transfers by a non-designated person or entity to a non-designated person or entity, through a designated entity,

in connection with a specific trade contract for medical supplies, food, shelter, sanitation or hygiene for civilian use.

- (6) The abovementioned measures fall within the scope of the Treaty and, therefore, in particular with a view to ensuring their uniform application by economic operators in all Member States, action at the level of the Union is necessary in order to implement them.
- (7) Council Regulation (EU) No 36/2012 ⁽³⁾ should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 36/2012 is amended as follows:

- (1) In Article 2a, the following paragraph is inserted:

"3. By way of derogation from paragraph 1(a), the competent authorities of the Member States, as identified on the websites listed in Annex III, may grant, under such conditions as they deem appropriate, an authorisation for sale, supply, transfer or export of equipment, goods or technology as listed in Annex IA undertaken in accordance with paragraph 10 of UN Security Council Resolution 2118(2013) and relevant decisions of the Executive Council of the Organisation for the Prohibition of Chemical Weapons (OPCW), consistent with the objective of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Chemical Weapons Convention) and after consultation with the OPCW.";

- (2) in Article 3, the following paragraph is inserted:

"5. By way of derogation from points (a) and (b) of paragraph 1, the competent authorities of the Member States, as identified on the websites listed in Annex III, may grant, under such conditions as they deem appropriate, an authorisation for the provision of technical assistance, brokering services, financing or financial assistance related to equipment, goods or technology as listed in Annex IA where such technical assistance, brokering services, financing or financial assistance is provided for the sale, supply, transfer or export of such equipment, goods or technology undertaken in accordance with paragraph 10 of UN Security Council Resolution 2118(2013) and relevant decisions of the Executive Council of the OPCW, consistent with the objective of Chemical Weapons Convention and after consultation with the OPCW.";

⁽¹⁾ OJ L 147, 1.6.2013, p. 14.

⁽²⁾ Council Decision 2013/760/CFSP of 13 December 2013 amending Decision 2013/255/CFSP concerning restrictive measures against Syria (see page 50 of this Official Journal).

⁽³⁾ Regulation (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria and repealing Regulation (EU) No 442/2011 (OJ L 16, 19.1.2012, p. 1).

(3) the following Article is inserted:

"Article 3b

Article 3a shall not apply to the provision of financing or financial assistance, including financial derivatives, as well as insurance and reinsurance and brokering services relating to insurance and reinsurance for any import or transport of goods and technology listed in the Common Military List if they originate in Syria, or are being exported from Syria to any other country, undertaken in accordance with paragraph 10 of UN Security Council Resolution 2118(2013) and relevant decisions of the Executive Council of the OPCW, consistent with the objective of the Chemical Weapons Convention.";

(4) the following Article is inserted:

"Article 11c

1. It shall be prohibited to import, export, transfer, or provide brokering services related to the import, export or transfer of, Syrian cultural property goods and other goods of archaeological, historical, cultural, rare scientific or religious importance, including those listed in Annex XI, where there are reasonable grounds to suspect that the goods have been removed from Syria without the consent of their legitimate owner or have been removed in breach of Syrian law or international law, in particular if the goods form an integral part of either the public collections listed in the inventories of the conservation collections of Syrian museums, archives or libraries, or the inventories of Syrian religious institutions.

2. The prohibition in paragraph 1 shall not apply if it is demonstrated that:

- (a) the goods were exported from Syria prior to 9 May 2011; or
- (b) the goods are being safely returned to their legitimate owners in Syria.";

(5) in the first paragraph of Article 16, point (f) is replaced by the following:

"(f) necessary for humanitarian purposes, such as delivering or facilitating the delivery of assistance, including medical supplies, food, humanitarian workers and related assistance, and provided that, in the case of release of frozen funds or economic resources, the funds or economic resources are released to the UN for the purpose of delivering or facilitating the delivery of assistance in Syria in accordance with the Syria Humanitarian Assistance Response Plan (SHARP);";

(6) in the first paragraph of Article 16, the following point is added:

"(h) necessary for evacuations from Syria.";

(7) the following Article is inserted:

"Article 16a

1. Authorisations granted under point (f) of the first paragraph of Article 16 before 15 December 2013 shall not be affected by the modifications to point (f) of the first paragraph of Article 16 provided for in Council Regulation (EU) No 1332/2013 ⁽¹⁾.

2. Requests for authorisations under point (f) of the first paragraph of Article 16 submitted before 15 December 2013 shall be considered withdrawn unless the person, entity or body confirms its intention to maintain the request after that date.

⁽¹⁾ Council Regulation (EU) No 1332/2013 of 13 December 2013 amending Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria (OJ L 335, 14.12.2013, p. 3)."

(8) the following Article is inserted:

"Article 21c

1. By way of derogation from Article 14, the competent authorities of the Member States, as identified on the websites listed in Annex III, may authorise, under such conditions as they deem appropriate:

- (a) a transfer by or through the Commercial Bank of Syria of funds or economic resources received from outside of the territory of the Union and frozen after the date of its designation where the transfer is related to a payment due in connection with a specific trade contract for medical supplies, food, shelter, sanitation or hygiene for civilian use; or
- (b) a transfer of funds or economic resources from outside of the territory of the Union to or through the Commercial Bank of Syria where the transfer is related to a payment due in connection with a specific trade contract for the purpose of meeting essential civilian needs, including medical supplies, food, shelter, sanitation or hygiene for civilian use;

provided that the competent authority of the relevant Member State has determined, on a case-by-case basis, that the payment will not directly or indirectly be received by any person or entity listed in Annex II or IIa and provided that the transfer is not otherwise prohibited by this Regulation.

2. The Member State concerned shall inform the other Member States and the Commission, within four weeks, of any authorisation granted under this Article.";

(9) the Annex to this Regulation is added as Annex XI.

Article 2

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, 13 December 2013.

For the Council

The President

V. MAZURONIS

ANNEX

'ANNEX XI

List of categories of goods referred to in Article 11c

ex CN code	Product description
9705 00 00	1. Archaeological objects more than 100 years old which are the products of:
9706 00 00	— excavations and finds on land or under water
	— archaeological sites
	— archaeological collections
9705 00 00 9706 00 00	2. Elements forming an integral part of artistic, historical or religious monuments which have been dismembered, of an age exceeding 100 years
9701	3. Pictures and paintings, other than those included in category 4 or 5, executed entirely by hand in any medium and on any material ⁽¹⁾
9701	4. Water-colours, gouaches and pastels executed entirely by hand on any material ⁽¹⁾
6914 9701	5. Mosaics in any material executed entirely by hand, other than those falling in category 1 or 2, and drawings in any medium executed entirely by hand on any material ⁽¹⁾
Chapter 49 9702 00 00 8442 50 80	6. Original engravings, prints, serigraphs and lithographs with their respective plates and original posters ⁽¹⁾
9703 00 00	7. Original sculptures or statuary and copies produced by the same process as the original ⁽¹⁾ other than those in category 1
3704 3705 3706 4911 91 00	8. Photographs, films and negatives thereof ⁽¹⁾
9702 00 00 9706 00 00 4901 10 00 4901 99 00 4904 00 00 4905 91 00 4905 99 00 4906 00 00	9. Incunabula and manuscripts, including maps and musical scores, singly or in collections ⁽¹⁾
9705 00 00 9706 00 00	10. Books more than 100 years old, singly or in collections
9706 00 00	11. Printed maps more than 200 years old
3704 3705 3706 4901 4906 9705 00 00 9706 00 00	12. Archives, and any elements thereof, of any kind or any medium which are more than 50 years old

ex CN code	Product description
9705 00 00	13. (a) Collections ⁽²⁾ and specimens from zoological, botanical, mineralogical or anatomical collections;
9705 00 00	(b) Collections ⁽²⁾ of historical, palaeontological, ethnographic or numismatic interest
9705 00 00 Chapters 86-89	14. Means of transport more than 75 years old
	15. Any other antique items not included in categories 1 to 14
	(a) between 50 and 100 years old:
Chapter 95	— toys, games
7013	— glassware
7114	— articles of goldsmiths' or silversmiths' wares
Chapter 94	— furniture
Chapter 90	— optical, photographic or cinematographic apparatus
Chapter 92	— musical instruments
Chapter 91	— clocks and watches and parts thereof
Chapter 44	— articles of wood
Chapter 69	— pottery
5805 00 00	— tapestries
Chapter 57	— carpets
4814	— wallpaper
Chapter 93	— arms
9706 00 00	(b) more than 100 years old.

⁽¹⁾ Which are more than 50 years old and do not belong to their originators.

⁽²⁾ As defined by the Court of Justice in its judgment in Case 252/84 as follows: 'Collectors' pieces within the meaning of heading No 97.05 of the Common Customs Tariff are articles which possess the requisite characteristics for inclusion in a collection, that is to say, articles which are relatively rare, are not normally used for their original purpose, are the subject of special transactions outside the normal trade in similar utility articles and are of high value.'

COMMISSION IMPLEMENTING REGULATION (EU) No 1333/2013

of 13 December 2013

amending Regulations (EC) No 1709/2003, (EC) No 1345/2005, (EC) No 972/2006, (EC) No 341/2007, (EC) No 1454/2007, (EC) No 826/2008, (EC) No 1296/2008, (EC) No 1130/2009, (EU) No 1272/2009 and (EU) No 479/2010 as regards the notification obligations within the common organisation of agricultural markets

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 192(2), in conjunction with Article 4 thereof,

Whereas:

- (1) Commission Regulation (EC) No 792/2009 ⁽²⁾ establishes common rules for notifying information and documents by Member States to the Commission. Those rules cover in particular the obligation for the Member States to use the information systems made available by the Commission and the validation of the access rights of the authorities or individuals authorised to send notifications. Regulation (EC) No 792/2009 also sets common principles applying to the information systems so that they guarantee the authenticity, integrity and legibility over time of the documents and provides for personal data protection. The obligation to use those information systems has to be provided for in each Regulation establishing a specific notification obligation.
- (2) The Commission has developed an information system that allows managing documents and procedures electronically in its own internal working procedures and in its relations with the authorities involved in the common agricultural policy.
- (3) Several communication and notification obligations can be fulfilled via that system, in particular those provided for in Commission Regulations (EC) No 1709/2003 ⁽³⁾,

(EC) No 1345/2005 ⁽⁴⁾, (EC) No 972/2006 ⁽⁵⁾, (EC) No 341/2007 ⁽⁶⁾, (EC) No 1454/2007 ⁽⁷⁾, (EC) No 826/2008 ⁽⁸⁾, (EC) No 1296/2008 ⁽⁹⁾, (EC) No 1130/2009 ⁽¹⁰⁾, (EU) No 1272/2009 ⁽¹¹⁾ and (EU) No 479/2010 ⁽¹²⁾.

- (4) In the interest of efficient administration and taking into account the experience acquired, some communications and notifications should be simplified or specified.
- (5) In order to enhance the monitoring of the market situation in the olive oil sector and considering the experience gained in the field, it is necessary to clarify some notification obligations of the Member States listed in Part A of Annex III to Regulation (EC) No 826/2008. For this purpose, the frequency of the provision of an estimate of the production and consumption of olive oil as well as ending stocks shall be increased but the obligation to notify shall be limited to Member States

⁽⁴⁾ Commission Regulation (EC) No 1345/2005 of 16 August 2005 laying down detailed rules for the application of the system of import licences for olive oil (OJ L 212, 17.8.2005, p. 13).

⁽⁵⁾ Commission Regulation (EC) No 972/2006 of 29 June 2006 laying down special rules for imports of Basmati rice and a transitional control system for determining their origin (OJ L 176, 30.6.2006, p. 53).

⁽⁶⁾ Commission Regulation (EC) No 341/2007 of 29 March 2007 opening and providing for the administration of tariff quotas and introducing a system of import licences and certificates of origin for garlic and certain other agricultural products imported from third countries (OJ L 90, 30.3.2007, p. 12).

⁽⁷⁾ Commission Regulation (EC) No 1454/2007 of 10 December 2007 laying down common rules for establishing a tender procedure for fixing export refunds for certain agricultural products (OJ L 325, 11.12.2007, p. 69).

⁽⁸⁾ Commission Regulation (EC) No 826/2008 of 20 August 2008 laying down common rules for the granting of private storage aid for certain agricultural products (OJ L 223, 21.8.2008, p. 3).

⁽⁹⁾ Commission Regulation (EC) No 1296/2008 of 18 December 2008 laying down detailed rules for the application of tariff quotas for imports of maize and sorghum into Spain and imports of maize into Portugal (OJ L 340, 19.12.2008, p. 57).

⁽¹⁰⁾ Commission Regulation (EC) No 1130/2009 of 24 November 2009 laying down common detailed rules for verifying the use and/or destination of products from intervention (OJ L 310, 25.11.2009, p. 5).

⁽¹¹⁾ Commission Regulation (EU) No 1272/2009 of 11 December 2009 laying down common detailed rules for the implementation of Council Regulation (EC) No 1234/2007 as regards buying-in and selling of agricultural products under public intervention (OJ L 349, 29.12.2009, p. 1).

⁽¹²⁾ Commission Regulation (EU) No 479/2010 of 1 June 2010 laying down rules for the implementation of Council Regulation (EC) No 1234/2007 as regards Member States' notifications to the Commission in the milk and milk products sector (OJ L 135, 2.6.2010, p. 26).

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ Commission Regulation (EC) No 792/2009 of 31 August 2009 laying down detailed rules for the Member States' notification to the Commission of information and documents in implementation of the common organisation of the markets, the direct payments' regime, the promotion of agricultural products and the regimes applicable to the outermost regions and the smaller Aegean islands (OJ L 228, 1.9.2009, p. 3).

⁽³⁾ Commission Regulation (EC) No 1709/2003 of 26 September 2003 on crop and stock declarations for rice (OJ L 243, 27.9.2003, p. 92).

producing olive oil. The amendment should be applicable from 1 January 2014 since that is the expected date of application of the new common organisation of the markets.

- (6) Regulations (EC) No 1709/2003, (EC) No 1345/2005, (EC) No 972/2006, (EC) No 341/2007, (EC) No 1454/2007, (EC) No 826/2008, (EC) No 1296/2008, (EC) No 1130/2009, (EU) No 1272/2009 and (EU) No 479/2010 should therefore be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1709/2003 is amended as follows:

- (1) Article 3 is replaced by the following:

'Article 3

1. Member States with rice producers or rice mills shall notify the Commission:

- (a) before 15 November, of the information shown in Annexes I and II resulting from a summary of the data provided in the declarations referred to in Article 1(a) and Article 2;
- (b) before 15 December, of the information shown in Annex III, resulting from a summary of the data provided in the crop declarations referred to in Article 1(b) and the estimated whole-grain yield forecast for the harvest.

The transmitted data may be amended up to 15 January at the latest.

2. The notifications referred to in paragraph 1 and in Article 4 shall be made in accordance with Commission Regulation (EC) No 792/2009 (*).

(* OJ L 228, 1.9.2009, p. 3.');

- (2) in Annexes I, II and III, in the introductory phrase, the words 'to the following e-mail address, in accordance with Article 3(2): AGRI-C2-RICE-STOCKS@CEC.EU.INT' are deleted.

Article 2

In Article 4 of Regulation (EC) No 1345/2005, paragraph 2 is replaced by the following:

'2. The notifications referred to in paragraph 1 shall be made in accordance with Commission Regulation (EC) No 792/2009 (*).

(* OJ L 228, 1.9.2009, p. 3.');

Article 3

Article 5 of Regulation (EC) No 972/2006 is replaced by the following:

'Article 5

Member States shall notify the Commission:

- (a) no later than two working days following a refusal, of the quantities in respect of which applications for import licences for Basmati rice have been refused, with an indication of the date of refusal and the grounds, the CN code, the country of origin, the issuing body and the number of the authenticity certificate, as well as the holder's name and address;
- (b) no later than two working days following their issue, of the quantities in respect of which applications for import licences for Basmati rice have been issued, with an indication of the date, the CN code, the country of origin, the issuing body and the number of the authenticity certificate, as well as the holder's name and address;
- (c) in the event of the cancellation of a licence, no later than two working days after cancellation, of the quantities in respect of which licences have been cancelled and the names and addresses of the holders of the cancelled licences;
- (d) on the last working day of each month following the month of release for free circulation, of the quantities actually released for free circulation, with an indication of the CN code, the country of origin, the issuing body and the number of the authenticity certificate.

The notifications shall be made in accordance with Commission Regulation (EC) No 792/2009 (*).

(* OJ L 228, 1.9.2009, p. 3.');

Article 4

Article 12 of Regulation (EC) No 341/2007 is amended as follows:

- (1) the title is replaced by the following:

'Notifications and communications to the Commission';

- (2) the last sentence of paragraph 2 is deleted;

- (3) the following paragraph 3 is added:

'3. The notifications and communications shall be made in accordance with Commission Regulation (EC) No 792/2009 (*).

(* OJ L 228, 1.9.2009, p. 3.');

Article 5

In Article 10 of Regulation (EC) No 1454/2007, the following paragraph 4 is added:

‘4. The notification of information referred to in paragraph 3 shall be made in accordance with Commission Regulation (EC) No 792/2009 (*).

 (*) OJ L 228, 1.9.2009, p. 3.’

Article 6

Regulation (EC) No 826/2008 is amended as follows:

(1) in Article 35, paragraph 2 is replaced by the following:

‘2. The notifications referred to in paragraph 1 shall be made in accordance with Regulation (EC) No 792/2009.’;

(2) in Annex III, Part A is amended as follows:

(a) the second paragraph of point (b) is deleted;

(b) point (c) is replaced by the following:

‘(c) From October to May of each marketing year, no later than the 15th day of each month the producing Member States shall notify the Commission:

(i) of a monthly estimate of quantities of olive oil produced since the start of the marketing year up to and including the preceding month;

(ii) of an estimate of the total production and internal consumption of olive oil for the whole marketing year and an estimate of the end-of-marketing-year stocks.’.

Article 7

Regulation (EC) No 1296/2008 is amended as follows:

(1) in Chapter IV, the following Article 21a is inserted:

‘Article 21a

The notifications referred to in Articles 3, 14 and 16 shall be made in accordance with Commission Regulation (EC) No 792/2009 (*).

 (*) OJ L 228, 1.9.2009, p. 3.’;

(2) in Annex I, the words ‘(form to be sent to the following address: agri-cl@ec.europa.eu)’ are deleted.

Article 8

In Article 25 of Regulation (EC) No 1130/2009, the following paragraph 4 is added:

‘4. The communications and notification of information referred to in Articles 2 and 7 and in this Article shall be made in accordance with Commission Regulation (EC) No 792/2009 (*).

 (*) OJ L 228, 1.9.2009, p. 3.’.

Article 9

Article 58 of Regulation (EU) No 1272/2009, is replaced by the following:

*‘Article 58***Method applicable to notification obligations**

1. The notifications referred to in this Regulation with the exception of Article 16(7), Articles 18 and 45, and Article 56(3) and (4) shall be made in accordance with Commission Regulation (EC) No 792/2009 (*).

2. The notifications referred to in Article 16(7), Articles 18 and 45, and Article 56(3) and (4) shall be made by electronic means using the form made available to the Member States by the Commission. The form and content of the notifications shall be defined on the basis of models or methods made available to the competent authorities by the Commission. Those models and methods shall be adapted and updated after the Committee referred to in Article 195(1) of Regulation (EC) No 1234/2007 and the competent authorities concerned, as appropriate, have been informed. The notifications shall be carried out under the responsibility of the competent authorities designated by the Member States.

 (*) OJ L 228, 1.9.2009, p. 3.’.

Article 10

Regulation (EU) No 479/2010 is amended as follows:

(1) in Article 7, paragraph 3 is deleted;

(2) Article 8 is replaced by the following:

‘Article 8

1. The notifications referred to in Articles 1, 3, 5 and 7 shall be made in accordance with Commission Regulation (EC) No 792/2009 (*).

2. The notifications referred to in Articles 2, 4 and 6 shall be made by the Member States by electronic means using the methods made available to them by the Commission. The form and content of the notifications shall be defined on the basis of models or methods made available to the competent authorities by the Commission. Those models and methods shall be adapted and updated after the Committee referred to in Article 195(1) of Regulation (EC) No 1234/2007 and the competent authorities concerned, as appropriate, have been informed.

 (*) OJ L 228, 1.9.2009, p. 3.’.

Article 11

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

It shall apply from 1 April 2014.

However, Article 3 shall apply from 1 September 2014, Article 6(2) shall apply from 1 January 2014 and Article 9 shall apply from 1 July 2014.

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

Done at Brussels, 13 December 2013.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 1334/2013

of 13 December 2013

amending Regulation (EC) No 1290/2008 as regards the name of the holder of the authorisation and as regards the recommended dose of a preparation of *Lactobacillus rhamnosus* (CNCM-I-3698) and *Lactobacillus farciminis* (CNCM-I-3699)

(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 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition⁽¹⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Danisco France SAS has submitted an application in accordance with Article 13(3) of Regulation (EC) No 1831/2003 proposing to change the name of the holder of the authorisation as regards Commission Regulation (EC) No 1290/2008⁽²⁾.
- (2) The applicant claims that it has transferred the marketing authorisation for the preparation *Lactobacillus rhamnosus* (CNCM-I-3698) and *Lactobacillus farciminis* (CNCM-I-3699) to Danisco (UK) Ltd and that the latter now owns the marketing rights for this additive.
- (3) The aim of the application is also to enable the marketing of the feed additive with a concentration five times higher than the minimum concentration. In order to ensure that the minimum and maximum contents set out in the Annex to Regulation (EC) No 1290/2008 are respected, the recommended dose per kilogram of complete feedingstuff has to be modified.
- (4) The proposed change of the authorisation holder is purely administrative in nature and does not entail a fresh assessment of the additive concerned. The latter has been authorised on the basis of a European Food

Safety Authority Opinion⁽³⁾. The subsequent request to change the recommended dose is in accordance with this same Opinion and does not entail a new assessment. The European Food Safety Authority was informed of the application.

- (5) In order to adapt to current practice the trade name should be deleted from Regulation (EC) No 1290/2008.
- (6) To allow Danisco (UK) Ltd to exploit its marketing rights it is necessary to change the terms of the respective authorisation.
- (7) Regulation (EC) No 1290/2008 should therefore be amended accordingly.
- (8) Since safety reasons do not require the immediate application of the amendments made by this Regulation to Regulation (EC) No 1290/2008, it is appropriate to provide for a transitional period during which existing stocks may be used up.
- (9) 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

Amendment to Regulation (EC) No 1290/2008

Regulation (EC) No 1290/2008 is amended as follows:

- (1) in the title, the word '(Sorbiflore)' is deleted;

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ Commission Regulation (EC) No 1290/2008 of 18 December 2008 concerning the authorisation of a preparation of *Lactobacillus rhamnosus* (CNCM-I-3698) and *Lactobacillus farciminis* (CNCM-I-3699) (Sorbiflore) as a feed additive (OJ L 340, 19.12.2008, p. 20).

⁽³⁾ Scientific Opinion of the Panel on Additives and Products or Substances used in Animal Feed (FEEDAP) on a request from the European Commission on the safety and efficacy of the product Sorbiflore, a preparation of *Lactobacillus rhamnosus* and *Lactobacillus farciminis*, as feed additive for piglets. *The EFSA Journal* (2008) 771, 1-13.

(2) the Annex is amended as follows:

- (a) in the second column, the words 'Danisco France SAS' are replaced by 'Danisco (UK) Ltd';
- (b) in the third column, the word '(Sorbiflore)' is deleted;
- (c) in the ninth column, point 2 is replaced as follows:

'2. Recommended dose per kilogram of complete feedingstuff: 5×10^8 FU'.

Article 2

Transitional measures

Existing stocks which have been produced and labelled before 3 January 2014 in accordance with the rules applicable before 3 January 2014 may continue to be placed on the market and used until 3 July 2014.

Article 3

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*.

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

Done at Brussels, 13 December 2013.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 1335/2013**of 13 December 2013****amending Implementing Regulation (EU) No 29/2012 on marketing standards for olive oil**

THE EUROPEAN COMMISSION,

storage conditions should therefore be clearly indicated on the label to ensure that the consumer is well-informed about the best conditions for preservation.

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 113(1)(a) and point (a) of the first paragraph of Article 121 in conjunction with Article 4 thereof,

Whereas:

(1) Commission Implementing Regulation (EU) No 29/2012 ⁽²⁾ lays down specific standards for retail-stage marketing of olive oils and olive-residue oils.

(2) Producers, traders and consumers should be provided with marketing standards for olive oils which guarantee product quality and combat fraud effectively. To that end, specific provisions should be laid down to supplement Regulation (EU) No 1169/2011 of the European Parliament and of the Council ⁽³⁾ and to improve the effective monitoring of marketing standards.

(3) Numerous scientific studies have demonstrated that light and heat adversely affect the quality of olive oils. Specific

(4) In order to help the consumer to select products, it is crucial that the mandatory particulars indicated on the label are easily readable. Rules should therefore be laid down on readability and the concentration of mandatory information within the main field of vision.

(5) In order to enable the consumer to be sure that the product is fresh, the optional marking of the harvest year should only appear on the label when 100 % of the packaging contents come from that harvest.

(6) In the interests of simplification, it should be laid down that the labelling of food products preserved exclusively in olive oil is no longer required to state the percentage of oil added in relation to the total net weight of the foodstuff.

(7) In order to ensure consistency between Commission Regulation (EEC) No 2568/91 ⁽⁴⁾ and Implementing Regulation (EU) No 29/2012, particularly as regards the tolerance for the result of checks, the relevant provision of that Implementing Regulation should be amended accordingly.

(8) Member States must carry out checks to ensure that the markings on the labels are correct and to ensure compliance with this Regulation. To that end, checks on the conformity of the product's sale name with the contents of the container should be reinforced and further harmonised on the basis of risk analysis, as should corresponding penalties. This approach should also help to combat fraud by introducing minimum control requirements for all Member States and by standardising the reports to be sent to the Commission.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) No 29/2012 of 13 January 2012 on marketing standards for olive oil (OJ L 12, 14.1.2012, p. 14).

⁽³⁾ Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18).

⁽⁴⁾ Commission Regulation (EEC) No 2568/91 of 11 July 1991 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis (OJ L 248, 5.9.1991, p. 1).

- (9) Member States should lay down penalties at national level. Those penalties should be effective, proportionate and dissuasive.
- (10) Products manufactured and labelled in the Union or imported into the Union before the application of this Regulation but in accordance with Implementing Regulation (EU) No 29/2012 should be covered by a transitional period so that operators can use up their existing stock of containers and sell products which are already packaged.
- (11) The Commission has developed an information system which makes it possible to manage documents and procedures electronically within the framework of its internal operation and in its relations with the authorities involved in the common agricultural policy. That system is regarded as fulfilling the communication requirements of Implementing Regulation (EU) No 29/2012 in accordance with Commission Regulation (EC) No 792/2009⁽¹⁾.
- (12) Implementing Regulation (EU) No 29/2012 should therefore be amended accordingly.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) No 29/2012 is amended as follows:

- (1) the following Articles 4a and 4b shall be inserted:

'Article 4a

Information on the special preservation conditions for oils subject to Article 1(1), namely that they must be stored away from light and heat, shall appear on their containers or on labels attached to them.

Article 4b

The mandatory particulars described in the first paragraph of Article 3 and, where applicable, those described in the first subparagraph of Article 4(1), shall be grouped together within the principal field of vision, as defined by Article 2(2)(l) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council (*), either on the same label or on several labels attached to the same

container, or directly on the same container. Those mandatory particulars must each be shown in full and in a homogeneous body of text.

(*) Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18).;

- (2) the following point (e) shall be added to the first paragraph of Article 5:

'(e) Regarding oils subject to point 1(a) and (b) of Annex XVI to Regulation (EC) No 1234/2007, the harvesting year may be shown only if 100 % of the contents of the container come from that harvest.;

- (3) the first subparagraph of Article 6(2) shall be replaced by the following:

'2. With the exception of solid foodstuffs preserved exclusively in olive oil, in particular the products referred to in Council Regulations (EEC) No 1536/92 (*) and (EEC) No 2136/89 (**), where the presence of oils as referred to in Article 1(1) of this Regulation in a foodstuff, other than those referred to in paragraph 1 of this Article, is stated on the labelling elsewhere than in the list of ingredients, using words, images or graphics, the trade description of the foodstuff shall be directly followed by the percentage of olive oil as referred to in Article 1(1) of this Regulation relative to the total net weight of the foodstuff.

(*) Council Regulation (EEC) No 1536/92 of 9 June 1992 laying down common marketing standards for preserved tuna and bonito (OJ L 163, 17.6.1992, p. 1).

(**) Council Regulation (EEC) No 2136/89 of 21 June 1989 laying down common marketing standards for preserved sardines and trade descriptions for preserved sardines and sardine-type products (OJ L 212, 22.7.1989, p. 79).;

- (4) in Article 7, the second paragraph shall be deleted;

- (5) the following Article 8a shall be inserted:

'Article 8a

Each Member State shall verify the accuracy of the labelling, in particular the conformity of the trade name of the product with the contents of the container, on the basis of risk analysis as referred to in Article 2a of Regulation (EEC) No 2568/91. If any irregularity is detected and the manufacturer, packager or seller shown on the label is located in another Member State, the control body of the Member State concerned shall ask for a verification pursuant to Article 8(2).;

⁽¹⁾ Commission Regulation (EC) No 792/2009 of 31 August 2009 laying down detailed rules for the Member States' notification to the Commission of information and documents in implementation of the common organisation of the markets, the direct payments regime, the promotion of agricultural products and the regimes applicable to the outermost regions and the smaller Aegean islands (OJ L 228, 1.9.2009, p. 3).

(6) the first subparagraph of Article 9(1) shall be replaced by the following:

'1. Without prejudice to the penalties laid down in Regulation (EC) No 1234/2007 and in Article 3 of Regulation (EEC) No 2568/91, Member States shall implement effective, proportionate and dissuasive penalties at national level if this Regulation is breached.;

(7) Article 10 shall be replaced by the following:

'Article 10

The Member States concerned shall forward to the Commission, no later than 31 May each year, a report containing the following information for the previous year:

- (a) requests for verifications received in accordance with Article 8(2);
- (b) verifications started and those started in previous marketing years and still ongoing;
- (c) verifications started in accordance with Article 8a using the model set out in Annex XXI to Regulation (EEC) No 2568/91;
- (d) the follow-up to the verifications carried out and the penalties applied.

The report shall present this information according to the calendar year in which the verifications were started and by category of infringement. Where applicable, it shall point out any specific difficulties encountered and propose improvements to controls.;

(8) the following Article 10a shall be inserted:

'Article 10a

The notifications referred to in this Regulation shall be made in accordance with Commission Regulation (EC) No 792/2009 (*).

(*) Commission Regulation (EC) No 792/2009 of 31 August 2009 laying down detailed rules for the Member States' notification to the Commission of information and documents in implementation of the common organisation of the markets, the direct payments regime, the promotion of agricultural products and the regimes applicable to the outermost regions and the smaller Aegean islands (OJ L 228, 1.9.2009, p. 3).;

Article 2

Products which comply with Implementing Regulation (EU) No 29/2012 and which have been manufactured and labelled in the Union or imported into the Union and put into free circulation before 13 December 2014 may be marketed until all stocks are used up.

Article 3

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

It shall apply from 13 December 2014. However, as regards Article 10 point (c) of Implementing Regulation (EU) No 29/2012, Article 1(7) of this Regulation shall apply from 1 January 2016.

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

Done at Brussels, 13 December 2013.

For the Commission
The President
José Manuel BARROSO

COMMISSION REGULATION (EU) No 1336/2013

of 13 December 2013

amending Directives 2004/17/EC, 2004/18/EC and 2009/81/EC of the European Parliament and of the Council in respect of the application thresholds for the procedures for the awards of contract

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors ⁽¹⁾, and in particular Article 69 thereof,

Having regard to Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts ⁽²⁾, and in particular Article 78 thereof,

Having regard to Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC ⁽³⁾, and in particular Article 68 thereof,

Whereas:

- (1) By Decision 94/800/EC ⁽⁴⁾ the Council concluded the Agreement on Government Procurement (hereinafter referred to as 'the Agreement'). The Agreement should be applied to any procurement contract with a value that reaches or exceeds the amounts (hereinafter referred to as 'thresholds') set in the Agreement and expressed as special drawing rights.
- (2) One of the objectives of Directives 2004/17/EC and 2004/18/EC is to allow the contracting entities and the contracting authorities which apply those Directives to comply at the same time with the obligations laid down in the Agreement. To achieve this, the thresholds

laid down by those Directives for public contracts which are also covered by the Agreement should be aligned in order to ensure that they correspond to the euro equivalents, rounded down to the nearest thousand, of the thresholds set out in the Agreement.

- (3) For reasons of coherence, it is appropriate to align also those thresholds in Directives 2004/17/EC and 2004/18/EC which are not covered by the Agreement. At the same time, the thresholds laid down by Directive 2009/81/EC should be aligned to the revised thresholds laid down in Article 16 of Directive 2004/17/EC.
- (4) Directives 2004/17/EC, 2004/18/EC and 2009/81/EC should therefore be amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Advisory Committee for Public Contracts,

HAS ADOPTED THIS REGULATION:

Article 1

Directive 2004/17/EC is amended as follows:

- (1) Article 16 is amended as follows:
 - (a) in point (a), the amount 'EUR 400 000' is replaced by 'EUR 414 000';
 - (b) in point (b), the amount 'EUR 5 000 000' is replaced by 'EUR 5 186 000';
- (2) Article 61 is amended as follows:
 - (a) in paragraph 1, the amount 'EUR 400 000' is replaced by 'EUR 414 000';
 - (b) in paragraph 2, the amount 'EUR 400 000' is replaced by 'EUR 414 000'.

⁽¹⁾ OJ L 134, 30.4.2004, p. 1.

⁽²⁾ OJ L 134, 30.4.2004, p. 114.

⁽³⁾ OJ L 216, 20.8.2009, p. 76.

⁽⁴⁾ Council Decision 94/800/EC of 22 December 1994 concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the agreements reached in the Uruguay Round multilateral negotiations (1986-1994) (OJ L 336, 23.12.1994, p. 1).

Article 2

Directive 2004/18/EC is amended as follows:

(1) Article 7 is amended as follows:

- (a) in point (a), the amount 'EUR 130 000' is replaced by 'EUR 134 000';
- (b) in point (b), the amount 'EUR 200 000' is replaced by 'EUR 207 000';
- (c) in point (c), the amount 'EUR 5 000 000' is replaced by 'EUR 5 186 000';

(2) the first paragraph of Article 8 is amended as follows:

- (a) in point (a), the amount 'EUR 5 000 000' is replaced by 'EUR 5 186 000';
- (b) in point (b), the amount 'EUR 200 000' is replaced by 'EUR 207 000';

(3) in Article 56, the amount 'EUR 5 000 000' is replaced by 'EUR 5 186 000';

(4) in the first subparagraph of Article 63(1), the amount 'EUR 5 000 000' is replaced by 'EUR 5 186 000';

(5) Article 67(1) is amended as follows:

- (a) in point (a), the amount 'EUR 130 000' is replaced by 'EUR 134 000';
- (b) in point (b), the amount 'EUR 200 000' is replaced by 'EUR 207 000';
- (c) in point (c), the amount 'EUR 200 000' is replaced by 'EUR 207 000'.

Article 3

Article 8 of Directive 2009/81/EC is amended as follows:

- (1) in point (a), the amount 'EUR 400 000' is replaced by 'EUR 414 000';
- (2) in point (b), the amount 'EUR 5 000 000' is replaced by 'EUR 5 186 000'.

Article 4

This Regulation shall enter into force on 1 January 2014.

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

Done at Brussels, 13 December 2013.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 1337/2013**of 13 December 2013****laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004⁽¹⁾, and in particular Article 26(8) thereof,

Whereas:

- (1) Article 26(2) of Regulation (EU) No 1169/2011 sets out the obligation to indicate the country of origin or place of provenance on the label of meat falling within the Combined Nomenclature codes listed in Annex XI to that Regulation, i.e. fresh, chilled and frozen meat of swine, sheep or goats and poultry.
- (2) A balance needs to be struck between the need of the consumers to be informed and the additional cost for operators and national authorities, which finally has an impact on the final price of the product. The impact assessment and a study commissioned by the Commission examined several options for indicating the country of origin or place of provenance with respect to the most relevant stages of the life of the animals. The results show that consumers require foremost the information on the place where the animal was reared. At the same time, providing mandatory information on the place of birth of the animal would require the establishment of new traceability systems at farm level with the respective costs stemming therefrom, while labelling the place of slaughter can be done at an affordable cost and gives valuable information to the consumer. As regards the geographical level there is evidence that indication of the Member State or third country would be the most relevant information for consumers.
- (3) Within Regulation (EU) No 1169/2011 the concept of 'country of origin' of a food is determined in accordance
- (4) For the cases in which the animal has been reared in several Member States or third countries and the rearing period cannot be met, an appropriate indication of the place of rearing should be provided for so that the consumer needs are better met and unnecessary complexity of the label is avoided.
- (5) In addition, rules should be laid down for packages containing pieces of meat of the same or different species obtained from animals reared and slaughtered in different Member States or third countries.
- (6) This labelling system requires traceability rules at all stages of production and distribution of the meat, from slaughtering until packaging to ensure the link between the labelled meat and the animal or group of animals from which that meat has been obtained.
- (7) Specific rules should be provided for meat imported from third countries where the information required for labelling is not available.
- (8) As regards minced meat and trimmings, given the characteristics of their production processes, operators should be allowed to make use of a simplified system of indications.

⁽¹⁾ OJ L 304, 22.11.2011, p. 18.

⁽²⁾ Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1).

- (9) In view of the commercial interest of the information to be provided under this Regulation, food business operators should be given the possibility to add to the mandatory indications on the label other elements referring to the provenance of the meat.
- (10) As the relevant provisions of Regulation (EU) No 1169/2011 are applicable from 13 December 2014, and Article 47 thereof provides for application of the implementing rules under that Regulation as from 1 April in each calendar year, this Regulation should start to apply on 1 April 2015.
- (11) 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

Subject matter and scope

This Regulation lays down rules on the indication of the country of origin or place of provenance on the label of fresh, chilled and frozen meat of swine, meat of sheep or goats and meat of poultry, falling within the respective Combined Nomenclature codes listed in Annex XI to Regulation (EU) No 1169/2011.

Article 2

Definitions

1. For the purposes of this Regulation, the definition of 'food business operator' in point (3) of Article 3 of Regulation (EC) No 178/2002 of the European Parliament and of the Council⁽¹⁾, the definition of 'establishment' in point (c) of Article 2(1) of Regulation (EC) No 852/2004 of the European Parliament and of the Council⁽²⁾, as well as the definitions of 'minced meat', 'slaughterhouse' and 'cutting plant' laid down respectively in points 1.13, 1.16 and 1.17 of Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council⁽³⁾ shall apply.
2. The following definitions shall also apply:

- (a) 'trimmings' means small pieces of meat, falling within the Combined Nomenclature codes listed in Annex XI to Regulation (EU) No 1169/2011, recognised as fit for human

consumption and produced exclusively during trimming operations, when boning of carcasses or when cutting up of meat;

- (b) 'batch' means meat, falling within the Combined Nomenclature codes listed in Annex XI to Regulation (EU) No 1169/2011, obtained from a single species, with or without bone, whether or not cut or minced, that has been cut, minced or packed under practically identical conditions.

Article 3

Traceability

1. Food business operators, at each stage of production and distribution of the meat referred to in Article 1, shall have in place and use an identification and registration system.
2. That system shall be applied in such a way as to ensure:
- (a) the link between the meat and the animal or group of animals from which it has been obtained, at the slaughter stage this link being the responsibility of the slaughterhouse; and
- (b) the transmission of the information relating to the indications referred to in Articles 5, 6 or 7, as appropriate, together with the meat, to the operators at the subsequent stages of production and distribution.

Each food business operator shall be responsible for the application of the identification and registration system, as laid down in the first subparagraph, within the stage of production and distribution at which it operates.

The food business operator who packs or labels the meat in accordance with Articles 5, 6 or 7 shall ensure the correlation between the batch code identifying the meat supplied to the consumer or mass caterer and the relevant batch or batches of meat from which the pack or labelled batch is constituted. All packs with the same batch code shall correspond to the same indications in accordance with Articles 5, 6 or 7.

3. The system referred to in paragraph 1 shall record, in particular, the arrival at and the departure from the establishment of the food business operator, of animals, carcasses or cuts, as appropriate, and ensure a correlation between arrivals and departures.

Article 4

Group of animals

1. The size of the group of animals referred to in Article 3 shall be defined by:
- (a) the number of carcasses cut together and constituting one batch for the cutting plant concerned in case of cutting of carcasses;

⁽¹⁾ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

⁽²⁾ Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (OJ L 139, 30.4.2004, p. 1).

⁽³⁾ Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004, p. 55).

(b) the number of carcasses the meat of which constitutes one batch for the cutting or mincing plant concerned in case of further cutting or mincing.

2. The size of a batch shall not exceed the production of one day in a single establishment.

3. Except the case where Article 7 is applied, when constituting the batches, the establishments in which meat is cut or minced shall ensure that all carcasses in a batch correspond to animals to the meat of which identical labelling indications apply in accordance with Article 5(1) or with Article 5(2).

Article 5

Labelling of meat

1. The label of meat referred to in Article 1 intended for supplying to the final consumer or to mass caterers shall contain the following indications:

(a) the Member State or third country in which the rearing took place indicated as 'Reared in: (name of the Member State or third country)', in accordance with the following criteria:

(i) for swine:

— in case the animal is slaughtered older than 6 months, the Member State or third country in which the last rearing period of at least 4 months took place,

— in case the animal is slaughtered younger than 6 months and with a live weight of at least 80 kilograms, the Member State or third country in which the rearing period after the animal has reached 30 kilograms took place,

— in case the animal is slaughtered younger than 6 months and with a live weight of less than 80 kilograms, the Member State or third country in which the whole rearing period took place;

(ii) for sheep and goats: the Member State or third country in which the last rearing period of at least 6 months took place or, in case the animal is slaughtered younger than 6 months, the Member State or third country in which the whole rearing period took place,

(iii) for poultry: the Member State or third country in which the last rearing period of at least one month took place or, in case the animal is slaughtered younger than one month, the Member State or third country in which the whole rearing period after the animal was placed for fattening took place;

(b) the Member State or third country in which the slaughter took place indicated as 'Slaughtered in: (name of the Member State or third country)'; and

(c) the batch code identifying the meat supplied to the consumer or mass caterer.

Where the rearing period referred to in point (a) is not attained in any of the Member States or third countries where the animal was reared, the indication referred to in point (a) shall be replaced by 'Reared in: several Member States of the EU' or, where the meat or the animals have been imported into the Union, by 'Reared in: several non-EU countries' or 'Reared in: several EU and non-EU countries'.

However, where the rearing period referred to in point (a) is not attained in any of the Member States or third countries where the animal was reared, the indication referred to in point (a) may be replaced by 'Reared in: (list of the Member States or third countries where the animal was reared)' if the food business operator proves to the satisfaction of the competent authority that the animal was reared in those Member States or third countries.

2. The indications referred to in points (a) and (b) of paragraph 1 may be replaced by the indication 'Origin: (name of Member State or third country)' if the food business operator proves to the satisfaction of the competent authority that the meat referred to in Article 1 has been obtained from animals born, reared and slaughtered in one single Member State or third country.

3. Where several pieces of meat, of the same or of different species, correspond to different labelling indications in accordance with paragraphs 1 and 2 and are presented in the same pack to the consumer or mass caterer, the label shall indicate:

(a) the list of the relevant Member States or third countries in accordance with paragraphs 1 or 2, for each species;

(b) the batch code identifying the meat supplied to the consumer or mass caterer.

Article 6

Derogation for meat from third countries

By way of derogation from point (a) of Article 5(1), the label of meat referred to in Article 1 imported for placing on the Union market, and for which the information provided for in point (a) of Article 5(1) is not available, shall contain the indication 'Reared in: non-EU' and 'Slaughtered in: (Name of the third country where the animal was slaughtered)'.

Article 7

Derogations for minced meat and trimmings

By way of derogation from points (a) and (b) of Article 5(1), from Article 5(2) and from Article 6, as regards minced meat and trimmings, the following indications may be applied:

(a) 'Origin: EU', where minced meat or trimmings are produced exclusively from meat obtained from animals born, reared and slaughtered in different Member States;

- (b) 'Reared and slaughtered in: EU', where minced meat or trimmings are produced exclusively from meat obtained from animals reared and slaughtered in different Member States;
- (c) 'Reared and slaughtered in: non-EU', where minced meat or trimmings are produced exclusively from meat imported into the Union;
- (d) 'Reared in: non-EU' and 'Slaughtered in: EU' where minced meat or trimmings are produced exclusively from meat obtained from animals imported into the Union as animals for slaughter and slaughtered in one or different Member States;
- (e) 'Reared and slaughtered in: EU and non-EU' where minced meat or trimmings are produced from:
- (i) meat obtained from animals reared and slaughtered in one or different Member States and from meat imported into the Union; or
 - (ii) meat obtained from animals imported into the Union and slaughtered in one or different Member States.

Article 8

Additional voluntary information on the label

Food business operators may supplement the indications referred to in Articles 5, 6 or 7 with additional information concerning the provenance of the meat.

The additional information referred to in the first paragraph shall not be contradictory to the indications referred to in Articles 5, 6 or 7, and shall comply with the rules of Chapter V of Regulation (EU) No 1169/2011.

Article 9

Entry into force and application

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

It shall apply from 1 April 2015. It shall not apply to meat which has been lawfully placed on the Union market before 1 April 2015 until the stocks are exhausted.

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

Done at Brussels, 13 December 2013.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 1338/2013**of 13 December 2013****amending for the 208th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al Qaida network**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al-Qaida network ⁽¹⁾, and in particular Article 7(1)(a) and 7a(5) thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.
- (2) On 4 December 2013, the Sanctions Committee of the United Nations Security Council (UNSC) decided to

remove one person from its list of persons, groups and entities to whom the freezing of funds and economic resources should apply.

- (3) Annex I to Regulation (EC) No 881/2002 should therefore be updated accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is amended in accordance with the Annex to this Regulation.

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

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

Done at Brussels, 13 December 2013.

*For the Commission,
On behalf of the President,
the Head of the Service for Foreign Policy Instruments*

⁽¹⁾ OJ L 139, 29.5.2002, p. 9.

ANNEX

Annex I to Regulation (EC) No 881/2002 is amended as follows:

The following entry under the heading 'Natural persons' is deleted:

'Youcef **Abbes** (*alias* Giuseppe). Date of birth: 5.1.1965. Place of birth: Bab el Oued, Algiers, Algeria. Nationality: Algerian. Other information: (a) Father's name is Mokhtar; (b) Mother's name is Abbou Aicha. Date of designation referred to in Article 2a (4) (b): 17.3.2004.'

COMMISSION IMPLEMENTING REGULATION (EU) No 1339/2013**of 13 December 2013****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 13 December 2013.

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

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	IL	200,7
	MA	80,3
	TN	120,9
	TR	88,6
	ZZ	122,6
0707 00 05	AL	41,5
	MA	141,7
	TR	139,6
	ZZ	107,6
0709 93 10	MA	147,0
	TR	150,4
	ZZ	148,7
0805 10 20	AR	27,1
	TR	58,5
	UY	27,9
	ZA	59,2
	ZW	19,7
	ZZ	38,5
0805 20 10	MA	61,5
	ZZ	61,5
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL	108,1
	JM	139,0
	TR	70,0
	ZZ	105,7
0805 50 10	TR	60,1
	ZZ	60,1
0808 10 80	BA	78,8
	CN	82,7
	MK	28,7
	NZ	153,0
	US	122,6
	ZZ	93,2
0808 30 90	TR	121,5
	US	237,6
	ZZ	179,6

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

COMMISSION IMPLEMENTING REGULATION (EU) No 1340/2013**of 13 December 2013****fixing the import duties in the cereals sector applicable from 16 December 2013**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,Having regard to Commission Regulation (EU) No 642/2010 of 20 July 2010 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of import duties in the cereals sector ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

(1) Article 136(1) of Regulation (EC) No 1234/2007 states that the import duty on products covered by CN codes 1001 19 00, 1001 11 00, ex 1001 91 20 (common wheat seed), ex 1001 99 00 (high quality common wheat other than for sowing), 1002 10 00, 1002 90 00, 1005 10 90, 1005 90 00, 1007 10 90 and 1007 90 00 is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.

(2) Article 136(2) of Regulation (EC) No 1234/2007 lays down that, in order to calculate the import duty

referred to in paragraph 1 of that Article, representative cif import prices are to be established on a regular basis for the products in question.

(3) Under Article 2(2) of Regulation (EU) No 642/2010, the price to be used for the calculation of the import duty on products covered by CN codes 1001 19 00, 1001 11 00, ex 1001 91 20 (common wheat seed), ex 1001 99 00 (high quality common wheat other than for sowing), 1002 10 00, 1002 90 00, 1005 10 90, 1005 90 00, 1007 10 90 and 1007 90 00 is the daily cif representative import price determined as specified in Article 5 of that Regulation.

(4) Import duties should be fixed for the period from 16 December 2013 and should apply until new import duties are fixed and enter into force.

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

HAS ADOPTED THIS REGULATION:

Article 1

From 16 December 2013, the import duties in the cereals sector referred to in Article 136(1) of Regulation (EC) No 1234/2007 shall be those fixed in Annex I to this Regulation on the basis of the information contained in Annex II.

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, 13 December 2013.

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

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 187, 21.7.2010, p. 5.

ANNEX I

Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 16 December 2013

CN code	Description	Import duties ⁽¹⁾ (EUR/t)
1001 19 00	Durum wheat, high quality	0,00
1001 11 00		
	medium quality	0,00
	low quality	0,00
ex 1001 91 20	Common wheat seed	0,00
ex 1001 99 00	High quality common wheat other than for sowing	0,00
1002 10 00	Rye	0,00
1002 90 00		
1005 10 90	Maize seed other than hybrid	0,00
1005 90 00	Maize other than seed ⁽²⁾	0,00
1007 10 90	Grain sorghum other than hybrids for sowing	0,00
1007 90 00		

⁽¹⁾ The importer may benefit, under Article 2(4) of Regulation (EU) No 642/2010, from a reduction in the duty of:

- EUR 3/t, where the port of unloading is located on the Mediterranean Sea (beyond the Strait of Gibraltar) or on the Black Sea, for goods arriving in the Union via the Atlantic Ocean or the Suez Canal,
- EUR 2/t, where the port of unloading is located in Denmark, Estonia, Ireland, Latvia, Lithuania, Poland, Finland, Sweden, the United Kingdom or on the Atlantic coast of the Iberian Peninsula, for goods arriving in the Union via the Atlantic Ocean.

⁽²⁾ The importer may benefit from a flat-rate reduction of EUR 24/t where the conditions laid down in Article 3 of Regulation (EU) No 642/2010 are met.

ANNEX II

Factors for calculating the duties laid down in Annex I

29.11.2013-12.12.2013

1. Averages over the reference period referred to in Article 2(2) of Regulation (EU) No 642/2010:

(EUR/t)

	Common wheat ⁽¹⁾	Maize	Durum wheat, high quality	Durum wheat, medium quality ⁽²⁾	Durum wheat, low quality ⁽³⁾
Exchange	Minneapolis	Chicago	—	—	—
Quotation	198,29	124,87	—	—	—
Fob price USA	—	—	217,73	207,73	187,73
Gulf of Mexico premium	—	24,29	—	—	—
Great Lakes premium	48,84	—	—	—	—

⁽¹⁾ Premium of EUR 14/t incorporated (Article 5(3) of Regulation (EU) No 642/2010).⁽²⁾ Discount of EUR 10/t (Article 5(3) of Regulation (EU) No 642/2010).⁽³⁾ Discount of EUR 30/t (Article 5(3) of Regulation (EU) No 642/2010).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EU) No 642/2010:

Freight costs: Gulf of Mexico-Rotterdam: 18,08 EUR/t

Freight costs: Great Lakes-Rotterdam: 52,28 EUR/t

COMMISSION IMPLEMENTING REGULATION (EU) No 1341/2013**of 13 December 2013****determining the extent to which the applications for import licences submitted in November 2013 for certain dairy products under certain tariff quotas opened by Regulation (EC) No 2535/2001 can be accepted**

THE EUROPEAN COMMISSION,

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

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

Whereas:

Import licence applications lodged from 20 to 30 November 2013 for certain tariff quotas referred to in Annex I to

Commission Regulation (EC) No 2535/2001 ⁽³⁾ relate to quantities greater than those available. The extent to which licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested,

HAS ADOPTED THIS REGULATION:

Article 1

For import licence applications lodged from 20 to 30 November 2013 for the tariff quotas referred to in parts I.A, I.F, I.H, I.I, I.J and I.K of Annex I to Regulation (EC) No 2535/2001, licences shall be issued for the quantities requested, multiplied by the allocation coefficient(s) set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 14 December 2013.

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

Done at Brussels, 13 December 2013.

*For the Commission,
On behalf of the President,*Jerzy PLEWA
*Director-General for Agriculture and
Rural Development*⁽¹⁾ OJ L 299, 16.11.2007, p. 1.⁽²⁾ OJ L 238, 1.9.2006, p. 13.⁽³⁾ Commission Regulation (EC) No 2535/2001 of 14 December 2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas (OJ L 341, 22.12.2001, p. 29).

ANNEX

I.A

Tariff quota number	Allocation coefficient
09.4590	—
09.4599	100 %
09.4591	—
09.4592	—
09.4593	—
09.4594	—
09.4595	3,495052 %
09.4596	100 %

‘—’: No licence applications have been sent to the Commission.

I.F

Products originating in Switzerland

Tariff quota number	Allocation coefficient
09.4155	100 %

I.H

Products originating in Norway

Tariff quota number	Allocation coefficient
09.4179	100 %

I.I

Products originating in Iceland

Tariff quota number	Allocation coefficient
09.4205	100 %
09.4206	100 %

I.J

Products originating in the Republic of Moldova

Tariff quota number	Allocation coefficient
09.4210	—

‘—’: No licence applications have been sent to the Commission.

I.K

Products originating in New Zealand

Tariff quota number	Allocation coefficient
09.4514	100 %
09.4515	100 %

DECISIONS

COUNCIL DECISION

of 2 December 2013

establishing the position to be taken on behalf of the European Union within the Committee on Government Procurement with respect to the decisions implementing certain provisions of the Protocol Amending the Agreement on Government Procurement

(2013/756/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) The negotiations on the revision of the WTO Agreement on Government Procurement (1994 GPA) were launched in January 1999 pursuant to Article XXIV:7(b) and (c) of the 1994 GPA.
- (2) Negotiations have been conducted by the Commission in consultation with the Special Committee established by Article 207(3) of the Treaty on the Functioning of the European Union.
- (3) In the context of those negotiations, the negotiators on 30 March 2012 reached an agreement on a Protocol Amending the Agreement on Government Procurement ('the Protocol'), as well as on seven decisions to be adopted by the Committee on Government procurement that would start the implementation of certain provisions of the Protocol immediately upon its entry into force. Those decisions are the following: (i) Decision of the Committee on Government Procurement on Notification requirements under Articles XIX and XXII of the Agreement; (ii) Decision of the Committee on Government procurement on adoption of work programmes; (iii) Decision of the Committee on Government procurement on a Work programme on SMEs; (iv) Decision of the Committee on Government Procurement on a work programme on collection and reporting of statistical data; (v) Decision of the Committee on Government Procurement on a work programme on sustainable procurement; (vi) Decision of the Committee on Government Procurement on a work programme on exclusions and restriction in parties' Annexes; (vii) Decision on a work programme on safety standards in International Procurement; (hereafter referred to collectively as 'the Decisions').

(4) The procedure for giving effect to the agreement reached on 30 March 2012 requires that the Committee on Government Procurement, at its first meeting following the entry into force of the Protocol, take a decision confirming the adoption of the Decisions and their entry into force as of the date of entry into force of the Protocol.

(5) In so far as the Decisions facilitate the implementation of principles of the 1994 GPA as revised, and contribute to the elimination of discriminatory practices, the adoption of the Decisions will facilitate the further opening-up of government procurement.

(6) It is appropriate to establish the position to be taken on the Union's behalf within the Committee on Government Procurement in relation to the Decisions implementing certain provisions of the Protocol,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on behalf of the European Union within the Committee on Government Procurement is to confirm the adoption of the following decisions:

- (i) Decision of the Committee on Government Procurement on Notification requirements under Articles XIX and XXII of the Agreement;
- (ii) Decision of the Committee on Government procurement on adoption of work programmes;
- (iii) Decision of the Committee on Government procurement on a Work programme on SMEs;
- (iv) Decision of the Committee on Government Procurement on a work programme on the collection and reporting of statistical data;
- (v) Decision of the Committee on Government Procurement on a work programme on sustainable procurement;
- (vi) Decision of the Committee on Government Procurement on a work programme on exclusions and restriction in parties' Annexes;

(vii) Decision on a work programme on safety standards in International Procurement;

Article 2

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

and to agree to the entry into effect of those decisions as of the date of entry into force of the Protocol amending the 1994 GPA.

Done at Brussels, 2 December 2013.

This position shall be expressed by the Commission.

For the Council

The President

The text of the decisions is attached to this Decision.

E. GUSTAS

ANNEX

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ANNEX A

Decision of the Committee on Government Procurement on Notification Requirements under Articles XIX and XXII of the Agreement**Decision of 30 March 2012**

THE COMMITTEE ON GOVERNMENT PROCUREMENT,

CONSIDERING the importance of transparency of laws and regulations relevant to this Agreement, including changes thereto as required by Article XXII:5 of the Agreement;

CONSIDERING also the importance of maintaining accurate lists of entities covered under a Party's Annexes to Appendix I of the Agreement, in accordance with Article XIX of the Agreement;

ACKNOWLEDGING the challenges to Parties of submitting timely notifications to the Committee of changes to their laws and regulations relevant to the Agreement, as required by Article XXII:5 of the Agreement, and of proposed rectifications to its Annexes to Appendix I, as required by Article XIX:1 of the Agreement;

CONSIDERING that the provisions of Article XIX of the Agreement distinguish between notifications of proposed rectifications that do not change the mutually agreed coverage provided for in the Agreement and other types of proposed modifications of its Annexes to Appendix I;

RECOGNISING that technological changes have allowed many Parties to make use of electronic means to provide information on their government procurement regimes and to notify Parties of changes to that regime;

HEREBY DECIDES AS FOLLOWS:

Annual Notifications of Changes in Laws and Regulations

1. Where a Party maintains officially designated electronic media that provide links to its current laws and regulations relevant to this Agreement and its laws and regulations are available in one of the WTO official languages, and such media are listed in Appendix II, the Party may fulfil the requirement in Article XXII:5 by notifying the Committee annually, at the end of the year, of any changes unless such changes are substantive, that is, they may affect the Party's obligations under the Agreement; and in such cases, a notification shall be made immediately.
2. The Parties shall have an opportunity to discuss the annual notification of a Party during the first informal meeting of the Committee in the following year.

Proposed Rectifications of a Party's Annexes to Appendix I

3. The following changes to a Party's Annexes to Appendix I shall be considered a rectification under Article XIX of the Agreement:
 - (a) a change in the name of an entity;
 - (b) merger of two or more entities listed within an Annex; and
 - (c) the separation of an entity listed in an Annex into two or more entities that are all added to the entities listed in the same Annex.
4. In the case of proposed rectifications to a Party's Annexes under Appendix I covered under paragraph 3, the Party shall notify the Committee every two years, commencing with the entry into force of the Protocol of Amendment to the Existing (1994) Agreement.
5. A Party may notify the Committee of an objection to a proposed rectification within 45 days from the date of the circulation to the Parties of the notification. In accordance with Article XIX:2, where a Party submits an objection, it shall set out the reasons for the objection, including the reasons why it believes the proposed rectification would affect the mutually agreed coverage under the Agreement and therefore the proposed rectification is not subject to paragraph 3. If there is no written objection, the proposed rectifications become effective 45 days after the circulation of the notification, as provided for in Article XIX:5(a).
6. Within four years of the adoption of this Decision, the Parties shall review its operation and effectiveness, and make any necessary adjustments.

ANNEX B

**Decision of the Committee on Government Procurement on Adoption of Work Programmes
Decision of 30 March 2012**

THE COMMITTEE ON GOVERNMENT PROCUREMENT,

NOTING that pursuant to Article XXII:8(b), the Committee may adopt a decision listing additional work programmes, which the Committee shall undertake to facilitate the implementation of the Agreement and the negotiations provided for in Article XXII:7 of the Agreement;

DECIDES AS FOLLOWS:

1. The following work programmes are added to the list of work programmes on which the Committee shall conduct future work:
 - (a) a review of the use, transparency and the legal frameworks of public-private partnerships, and their relationship to covered procurement;
 - (b) the advantages and disadvantages of developing common nomenclature for goods and services; and
 - (c) the advantages and disadvantages of developing standardised notices.
2. The Committee shall develop the scope and timetable for each such work programme at a later date.
3. The Committee shall periodically review this list of programmes and make appropriate adjustments.

—

ANNEX C

Decision of the Committee on Government Procurement on a Work Programme on SMEs**Decision of 30 March 2012**

THE COMMITTEE ON GOVERNMENT PROCUREMENT,

NOTING that Article XXII:8(a) of the Agreement on Government Procurement (Agreement) provides that the Parties shall adopt and periodically review a work programme, including a work programme on small and medium-sized enterprises (SMEs);

RECOGNISING the importance of facilitating the participation of SMEs in government procurement; and

RECOGNISING that Parties have agreed in Article XXII:6 to seek to avoid introducing or continuing discriminatory measures that distort open procurement;

HEREBY ADOPTS THE FOLLOWING WORK PROGRAMME WITH RESPECT TO SMEs:

1. Initiation of Work Programme on SMEs

At the first meeting of the Committee after the entry into force of the Protocol of Amendment to the Existing (1994) Agreement, the Committee shall initiate a Work Programme on SMEs. The Committee shall review measures and policies for SMEs that the Parties use to assist, promote, encourage, or facilitate participation by SMEs in government procurement and prepare a report of the results of the review.

2. Avoidance of Discriminatory SME Measures

The Parties shall avoid introducing discriminatory measures that favour only domestic SMEs and shall discourage the introduction of such measures and policies by acceding Parties.

3. Transparency Programme and SME Survey**3.1. Transparency Programme**

Upon entry into force of the Protocol of Amendment to the Existing (1994) Agreement, the Parties that maintain in their Appendix I specific provisions on SMEs, including set-asides, shall notify the Committee of such measures and policies. The notification should include a full description of the measures and policies, their relevant legal framework together with their operation and the value of the procurement subject to such measures. In addition, those Parties shall notify the Committee of any substantial change in such measures and policies, in accordance with Article XXII:5 of the Agreement.

3.2. SME Survey

(a) The Committee shall survey the Parties, through the use of a questionnaire seeking information regarding the measures and policies used to assist, promote, encourage, or facilitate participation by SMEs in government procurement. The questionnaire should seek information from each Party regarding:

- (i) a description of the measures and policies used by the Party, including the economic, social, and other goals of the measures and policies and how they are administered;
- (ii) how the Party defines SMEs;
- (iii) the extent to which the Party has specialised agencies or institutions to assist SMEs with respect to government procurement;
- (iv) the level of participation in government procurement in terms of both value and number of contracts awarded to SMEs;
- (v) a description of SME subcontracting measures and policies, including subcontracting goals, guarantees, and incentives;
- (vi) facilitation of SMEs participation in joint bidding (with other large or small suppliers);

(vii) measures and policies focused on providing opportunities for SMEs to participate in government procurement (such as enhanced transparency and availability of government procurement information to SMEs; simplifying qualifications for participation in tendering; reducing contract sizes; and ensuring timely payments for deliveries of goods and services); and

(viii) the use of government procurement measures and policies to stimulate SME innovation.

(b) *Compilation of SME Survey by the WTO Secretariat*

The WTO Secretariat shall fix a deadline for the transmission of the responses to the questionnaire by all Parties to the WTO Secretariat. Upon receipt of the responses, the Secretariat shall prepare a compilation of the responses and circulate the responses and the compilation to the Parties. The Secretariat shall include a list of Parties with outstanding responses.

(c) *Exchanges among Parties of Responses to SME Questionnaires*

On the basis of the document prepared by the WTO Secretariat, the Committee shall establish a period for the exchange of questions, requests for additional information, and comments on the responses of the other Parties.

4. Assessment of the Results of SME Survey and Implementation of Its Outcome

4.1. Assessment of the Results of SME Survey

The Committee shall identify the measures and policies that it considers to be best practices for promoting and facilitating the participation of SMEs of the Parties in government procurement and prepare a report that includes the best practices of the measures and policies and a list of the other measures.

4.2. Implementation of the Outcome of the SME Survey

(a) The Parties shall promote the adoption of the best practices identified in the assessment of the survey to encourage and facilitate participation of SMEs of the Parties in government procurement.

(b) With respect to other measures, the Committee shall encourage the Parties that maintain such measures to review them with a view to eliminating them or applying them to the SMEs of the other Parties. These Parties shall inform the Committee about the outcome of the review.

(c) The Parties that maintain other measures shall include the value of the procurement subject to such measures in the statistics that they submit to the Committee pursuant to Article XVI:4 of the Agreement.

(d) Parties may request the inclusion of such other measures in future negotiations under Article XXII:7 of the Agreement, and such requests shall be favourably considered by the Party maintaining such measures.

5. Review

Two years after the entry into force of the Protocol of Amendment to the Existing (1994) Agreement, the Committee shall review the effect of the best practices on expanding the participation of SMEs of the Parties in government procurement, and consider whether other practices would further enhance participation by SMEs. It may also consider the effect of other measures on the participation by SMEs of the other Parties in the government procurement of the Parties maintaining such measures.

ANNEX D

Decision of the Committee on Government Procurement on a Work Programme on the Collection and Reporting of Statistical Data
Decision of 30 March 2012

THE COMMITTEE ON GOVERNMENT PROCUREMENT,

NOTING that Article XXII:8(a) of the Agreement on Government Procurement (Agreement) provides that the Parties shall adopt and periodically review a work programme, including a work programme on the collection and reporting of statistical data;

CONSIDERING the importance of the collection and reporting of statistical data, as required by Article XVI:4 of the Agreement on Government Procurement (Agreement), in providing transparency of procurement covered under the Agreement;

CONSIDERING that statistical data that illustrate the extent to which the Parties procure goods and services covered by the Agreement from other Parties to the Agreement could be an important tool in encouraging other WTO Members to accede to the Agreement;

RECOGNISING the overall challenges of Parties to the Agreement in collecting data in the area of government procurement and in particular in determining the country of origin of the goods and services that they procure under the Agreement; and

RECOGNISING that Parties use different methodologies in their collection of statistics to meet the reporting requirements in Article XVI:4 of the Agreement, and may use different methodologies in the collection of data for central government entities and sub-central government entities;

HEREBY ADOPTS THE FOLLOWING WORK PROGRAMME WITH RESPECT TO THE COLLECTION AND REPORTING OF STATISTICAL DATA:

1. Initiation of Work Programme on the Collection and Reporting of Statistical Data

At the first meeting of the Committee after the entry into force of the Protocol of Amendment to the Existing (1994) Agreement, the Committee shall initiate a Work Programme on the Collection and Reporting of Statistical Data. The Committee shall review the collection and reporting of statistical data by the Parties, consider the potential of harmonising them, and prepare a report of the results.

2. Submission of Data by the Parties

The Committee shall agree on a date by which each Party shall submit to the Committee the following information with respect to statistical data on procurement covered by the Agreement:

- (a) a description of the methodology that it uses to collect, evaluate, and report statistical data, above and below Agreement thresholds and for procurement described in paragraph 4.2(c) of the SME Work Programme, including whether it bases the data on procurement covered by the Agreement on the full value of awarded contracts or the total expenditure for procurement in a given time-frame;
- (b) whether the statistical data that it collects includes the country of origin of the goods or services that are procured, and if so, how it determines or estimates the country of origin, and the technical impediments in collecting country of origin data;
- (c) an explanation of the classifications used in statistical reports; and
- (d) a description of the sources of data.

3. Compilation of Submissions

The Secretariat shall prepare a compilation of the submissions and circulate the submissions and the compilation to the Parties. The Secretariat shall include a list of Parties with outstanding submissions.

4. Recommendations

The Committee shall review the submissions of the Parties and make recommendations on:

- (a) whether the Parties should adopt a common method for collection of statistics;
- (b) whether the Parties are able to standardise the classifications in the statistical data reported to the Committee;
- (c) means for facilitating the collection of country of origin of goods and services covered by the Agreement; and
- (d) other technical issues in government procurement data reporting raised by any Party.

5. The Committee shall develop, as appropriate, recommendations relating to:

- (a) potential harmonisation of statistical reporting with the aim of including government procurement statistics in the annual reporting of the WTO;
- (b) the Secretariat's provision of technical assistance relating to statistical reporting to WTO Members that are in the process of acceding to the Agreement; and
- (c) means of ensuring that WTO Members that are acceding to the Agreement have the appropriate means for complying with statistical data collection and reporting requirements.

6. Analysis of data

The Committee shall consider how the statistical data submitted to the Secretariat annually by Parties may be used for further analyses to facilitate greater understanding of the economic importance of the Agreement, including the impact of thresholds on the performance of the Agreement.

ANNEX E

Decision of the Committee on Government Procurement on a Work Programme on Sustainable Procurement
Decision of 30 March 2012

THE COMMITTEE ON GOVERNMENT PROCUREMENT,

NOTING that Article XXII:8(a) of the Agreement on Government Procurement (Agreement) provides that the Parties shall adopt and periodically review a work programme, including a work programme on sustainable procurement;

RECOGNISING that several Parties have developed national and sub-national sustainable procurement policies;

AFFIRMING the importance of ensuring that all procurement is undertaken in accordance with the principles of non-discrimination and transparency as reflected in the Agreement;

HEREBY ADOPTS A WORK PROGRAMME WITH RESPECT TO SUSTAINABLE PROCUREMENT:

1. Initiation of Work Programme on Sustainable Procurement

At the first meeting of the Committee after the entry into force of the Protocol of Amendment to the Existing (1994) Agreement, the Committee shall initiate a Work Programme on Sustainable Procurement.

2. The work programme shall examine topics that include:

- (a) the objectives of sustainable procurement;
- (b) the ways in which the concept of sustainable procurement is integrated into national and sub-national procurement policies;
- (c) the ways in which sustainable procurement can be practiced in a manner consistent with the principle of 'best value for money'; and
- (d) the ways in which sustainable procurement can be practiced in a manner consistent with Parties' international trade obligations.

3. The Committee shall identify measures and policies that it considers to be sustainable procurement practiced in a manner consistent with the principle of 'best value for money' and with Parties' international trade obligations and prepare a report that lists the best practices of the measures and policies.

ANNEX F

Decision of the Committee on Government Procurement on a Work Programme on Exclusions and Restrictions in Parties' Annexes**Decision of 30 March 2012**

THE COMMITTEE ON GOVERNMENT PROCUREMENT,

NOTING that Article XXII:8(a) of the Agreement on Government Procurement (Agreement) provides that the Parties shall adopt and periodically review a work programme, including a work programme on exclusions and restrictions in Parties' Annexes;

RECOGNISING that Parties have included exclusions and restrictions in their respective Annexes to Appendix I of the Agreement (exclusions and restrictions);

RECOGNISING the importance of transparent measures regarding government procurement; and

CONSIDERING the importance of progressively reducing and eliminating exclusions and restrictions in future negotiations provided for in Article XXII:7 of the Agreement;

HEREBY ADOPTS THE FOLLOWING WORK PROGRAMME WITH RESPECT TO EXCLUSIONS AND RESTRICTIONS IN PARTIES' ANNEXES:

1. Initiation of Work Programme on Exclusions and Restrictions

At the first meeting of the Committee after the entry into force of the Protocol of Amendment to the Existing (1994) Agreement, the Committee shall initiate a Work Programme on Exclusions and Restrictions in Parties' Annexes with the objectives of:

- (a) enhancing transparency with respect to the scope and effect of exclusions and restrictions specified in Parties' Annexes to Appendix I to the Agreement; and
- (b) providing information relating to exclusions and restrictions to facilitate negotiations provided for in Article XXII:7 of the Agreement.

2. Transparency Programme

Each Party shall submit to the Committee, no later than six months following the initiation of the Work Programme, a list of:

- (a) country specific exclusions it maintains in its Annexes to Appendix I to the Agreement; and
- (b) any other exclusion or restriction specified in its Annexes to Appendix I to the Agreement that falls within the scope of Article II:2(e) of the Agreement, except for exclusions or restrictions under review in the Work Programme on SMEs or where a Party has a commitment to phase out an exclusion or restriction in an Annex to Appendix I to the Agreement.

3. Compilation of Submissions

The Secretariat shall prepare a compilation of the submissions and circulate the submissions and the compilation to the Parties. The Secretariat shall include a list of Parties with outstanding submissions.

4. Requests for Additional Information

Any Party may periodically request additional information concerning any exclusion or restriction within the scope of paragraph 2(a) and (b), including measures that fall within the scope of any exclusion or restriction, their legal framework, implementation policies and practices and the value of the procurement subject to such measures. A Party receiving such a request shall promptly provide the requested information.

5. Compilation of Additional Information

The Secretariat shall prepare a compilation of the additional information in respect of any Party and shall circulate it to the Parties.

6. Review by the Committee

At the annual meeting provided for in Article XXI:3(a) of the Agreement, the Committee shall review the information submitted by Parties with the view to determining whether it provides:

- (a) the fullest possible degree of transparency with respect to the exclusions and restrictions specified in Parties' Annexes to Appendix I to the Agreement; and
- (b) satisfactory information to facilitate the negotiations provided for in Article XXII:7 of the Agreement.

7. New Party Acceding to the Agreement

A new Party that accedes to the Agreement shall submit to the Committee the list in paragraph 2 within six months of its accession.

ANNEX G

Decision of the Committee on Government Procurement on a Work Programme on Safety Standards in International Procurement**Decision of 30 March 2012**

THE COMMITTEE ON GOVERNMENT PROCUREMENT,

NOTING that Article XXII:8(a) of the Agreement on Government Procurement (Agreement) provides that the Parties shall adopt and periodically review a work programme, including a work programme on safety standards in international procurement;

NOTING that Article X:1 of the Agreement provides that procuring entities 'shall not prepare, adopt or apply any technical specification with the purpose or the effect of creating unnecessary obstacles to international trade';

NOTING that Article III:2(a) of the Agreement does not prevent Parties from imposing or enforcing measures necessary to protect of public safety, provided that such measures are not applied in a manner that would constitute a means of arbitrary or unjustified discrimination or a disguised restriction on international trade;

RECOGNISING the need for a balanced approach between public safety and unnecessary obstacles to international trade;

RECOGNISING that diverging practices among the Parties as regards public safety may have an adverse effect on the performance of the Agreement;

HEREBY ADOPTS THE FOLLOWING WORK PROGRAMME WITH RESPECT TO SAFETY STANDARDS:

1. Initiation of Work Programme on Safety Standards in International Procurement: At the first meeting of the Committee after the entry into force of the Protocol of Amendment to the Existing (1994) Agreement, the Committee shall initiate a Work Programme on Safety Standards in International Procurement.
 2. The Work Programme shall examine topics with the view to sharing best practices on items that include:
 - (a) The manner in which public safety concerns are addressed in legislation, regulations and practices of the Parties and guidelines relating to the implementation of the Agreement by procuring entities;
 - (b) The relationship between the technical specifications provisions in Article X and protection of public safety in Article III of the Agreement and in the Parties' Annexes to Appendix 1;
 - (c) The best practices that may be adopted to protect public safety in light of the provisions on technical specifications and tender documentation in Article X.
 3. The Committee shall develop the scope and timetable for the examination of each topic identified in paragraph 2. The Committee shall prepare a report that summarises the outcome of its examination of these issues and lists the best practices identified in paragraph 2(c).
-

COUNCIL DECISION**of 9 December 2013****appointing a German member and a German alternate member of the Committee of the Regions**

(2013/757/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to the proposal of the German Government,

Whereas:

- (1) On 22 December 2009 and on 18 January 2010, the Council adopted Decisions 2009/1014/EU ⁽¹⁾ and 2010/29/EU ⁽²⁾ appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2010 to 25 January 2015.
- (2) A member's seat on the Committee of the Regions has become vacant following the end of the term of office of Ms Martina MICHELS.
- (3) An alternate member's seat will become vacant following the appointment of Mr Frank ZIMMERMANN as member of the Committee of the Regions,

HAS ADOPTED THIS DECISION:

Article 1

The following are hereby appointed to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2015:

(a) as member:

— Mr Frank ZIMMERMANN, *Mitglied des Abgeordnetenhauses von Berlin*;

and

(b) as alternate member:

— Mr Sven RISSMANN, *Mitglied des Abgeordnetenhauses von Berlin*.*Article 2*

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

Done at Brussels, 9 December 2013.

*For the Council**The President*

A. PABEDINSKIENĒ

⁽¹⁾ OJ L 348, 29.12.2009, p. 22.⁽²⁾ OJ L 12, 19.1.2010, p. 11.

COUNCIL DECISION

of 10 December 2013

establishing that no effective action has been taken by Poland in response to the Council Recommendation of 21 June 2013

(2013/758/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 126(8) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) According to Article 126 of the Treaty on the Functioning of the European Union (TFEU) Member States are to avoid excessive government deficits;
- (2) The Stability and Growth Pact is based on the objective of sound government finances as a means of strengthening the conditions for price stability and for strong sustainable growth conducive to employment creation.
- (3) On 7 July 2009, the Council decided, in accordance with Article 104(6) of the Treaty establishing the European Community (TEC), that an excessive deficit existed in Poland and issued a recommendation to correct the excessive deficit by 2012, in accordance with Article 104(7) TEC and Article 3 of Council Regulation (EC) No 1467/97⁽¹⁾. In order to bring the general government deficit at or below 3 % of GDP in a credible and sustainable manner, the Polish authorities were recommended to implement the fiscal stimulus measures in 2009 as planned, ensure an average annual structural budgetary adjustment of at least 1¼ % of GDP starting in 2010, provide detailed measures to bring the deficit below the reference value by 2012, and introduce reforms to contain primary current expenditure over the following years. The Council established a deadline of 7 January 2010 for effective action to be taken.
- (4) On 3 February 2010, the Commission concluded that, based on the Commission 2009 autumn forecast, Poland had taken necessary action to comply with the Council recommendation of 7 July 2009 to bring its government

deficit within the Treaty reference value and considered that no additional step in the excessive deficit procedure was therefore necessary. However, on the basis of its 2011 autumn forecast, the Commission considered that Poland was not on track and asked for additional measures, which Poland adopted and publicly announced up to 10 January 2012. Thus, on 11 January 2012 the Commission confirmed that the Polish authorities had taken effective action towards a timely and sustainable correction of the excessive deficit and no further steps in the excessive deficit procedure of Poland were needed at the time.

- (5) On 21 June 2013, the Council concluded that Poland had taken effective action but adverse economic events with major implications on public finances had occurred, and issued revised recommendations⁽²⁾. Thus, Poland fulfilled the conditions for the extension of the deadline for correcting the excessive general government deficit as laid down in Article 3(5) of Regulation (EC) No 1467/97. The Council recommended that Poland put an end to the excessive deficit situation by 2014. It also recommended that Poland reach a headline general government deficit target of 3,6 % of GDP in 2013 and 3,0 % of GDP in 2014, which is consistent with an annual improvement of the structural budget balance of at least 0,8 % of GDP and 1,3 % of GDP in 2013 and 2014, respectively, based on the Commission updated 2013 spring forecast. It recommended that Poland rigorously implement the measures already adopted, while complementing them with additional measures sufficient to achieve a correction of the excessive deficit by 2014. In addition, it recommended that Poland use all windfall gains for deficit reduction. The Council established the deadline of 1 October 2013 for Poland to take effective action and, in accordance with Article 3(4a) of Regulation (EC) No 1467/97, to report in detail the consolidation strategy that is envisaged to achieve the targets.
- (6) On 2 October 2013, Poland submitted a report on effective action. The macroeconomic scenario underpinning the report is similar to the one used for the Convergence Programme 2013. After recording an average real GDP growth of 4 % per year over 2001-2011, the pace of economic activity slowed down in 2012 to 1,9 %. The macroeconomic scenario underpinning the report on effective action projects real GDP growth to slow down further in 2013 to 1,5 % before rebounding in 2014 and 2015 with real GDP expanding by 2,5 % and 3,8 %, respectively. According to the Commission 2013 autumn forecast, real GDP is set to

⁽¹⁾ Council Regulation (EC) No 1467/97 of 7 July 1997 on speeding up and clarifying the implementation of the excessive deficit procedure (OJ L 209, 2.8.1997, p. 6).

⁽²⁾ Council Recommendation of 21 June 2013 with a view to bringing an end to the situation of an excessive government deficit in Poland.

grow at 1,3 % in 2013 and accelerate to 2,5 % in 2014 and 2,9 % in 2015. Compared to the Polish authorities, the Commission has a less optimistic view on domestic demand growth over the forecast horizon, private consumption and private investment in particular.

- (7) The Polish authorities foresee a general government deficit of 4,8 % of GDP in 2013, up from 3,9 % of GDP in 2012. This is worse than 3,5 % of GDP provided in the 2013 update of the Convergence Programme and is due to a significant revenue shortfall of 1,2 % of GDP and an expenditure slippage of 0,1 % of GDP. For 2014, the Polish Ministry of Finance has projected a surplus of 4,5 % of GDP on the back of the planned pension reform, which in particular results in a one-off transfer of assets worth 8,5 % of GDP. In 2015, the general government balance is expected to become a deficit of 3 % of GDP.
- (8) For 2013 and 2014, the Commission forecast is similar to the one of the Polish authorities. It also projects a deficit of 4,8 % of GDP in 2013. The deterioration compared to the 3,9 % of GDP in the EDP baseline scenario is mainly due to revenue shortfalls. In 2014, the general government balance is projected to be in surplus (+ 4,6 % of GDP) as a consequence of the planned pension reform. For 2015, the Commission is less optimistic than the Polish authorities and expects a general government deficit of 3,3 % of GDP. The 0,3 percentage points of GDP difference is mainly due to lower current revenues based on a lower projection of nominal GDP growth as well as higher government expenditure on intermediate consumption. The deficit targets are subject to implementation risks.
- (9) Both the Polish authorities and the Commission project the general government gross debt to remain below the 60 % threshold over the entire period under consideration. According to the Commission 2013 autumn forecast, the debt-to-GDP ratio is forecast to fall from 55,6 % in 2012 to 51 % in 2014, mainly as an effect of the announced transfer of pension funds' assets of 8,5 % of GDP, before edging up to 52,5 % in 2015.
- (10) Since, according to the Commission 2013 autumn forecast, the general government deficit in 2013 is projected to reach 4,8 % of GDP, Poland is set to miss the headline deficit target of 3,6 % of GDP recommended

by the Council. Also the annual adjusted structural effort in 2013 (0,3 % of GDP) is well below the recommended annual fiscal effort (0,8 % of GDP). The bottom-up analysis of new discretionary measures complemented by an assessment of expenditure developments, corrected for expenditure over- and under-execution which is outside the control of the government, shows an overall fiscal effort of 0,2 % of GDP. This falls short of the required additional measures of 0,4 % of GDP underlying the fiscal effort set in the Council Recommendation and confirms that Poland has not implemented the fiscal effort in 2013 as recommended by the Council.

- (11) In 2014, the Commission expect a general government surplus of 4,6 % of GDP. Thus, the headline deficit target is set to be fulfilled only due to the one-off transfer of pension funds' assets. The expected annual adjusted structural effort is with 1,4 % of GDP in 2014 above the recommended annual fiscal effort of 1,3 % of GDP.
- (12) Overall, Poland has not complied with fiscal targets recommended for 2013, while for 2014 the targets specified in the Council recommendation of 21 June 2013 are forecast to be met. However, the Commission projection for 2015 expect the correction of the excessive deficit in 2014 not to be sustainable as the deficit is set to reach 3,3 % of GDP,

HAS ADOPTED THIS DECISION:

Article 1

Poland has not taken effective action in 2013 in response to the Council Recommendation of 21 June 2013.

Article 2

This Decision is addressed to the Republic of Poland.

Done at Brussels, 10 December 2013.

For the Council
The President
 R. ŠADŽIUS

COUNCIL DECISION

of 12 December 2013

regarding transitional EDF management measures from 1 January 2014 until the entry into force of the 11th European Development Fund

(2013/759/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific (ACP) Group of States, of the one part and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000,

Having regard to the Council Decision 2001/822/EC of 27 November 2001 on the association of the Overseas Countries and Territories with the European Community ('Overseas Association Decision') ⁽¹⁾,

Having regard to the Internal Agreement between the Representatives of the Governments of the Member States, meeting within the Council, on the financing of Community aid under the multi-annual financial framework for the period 2008 to 2013 in accordance with the ACP-EC Partnership Agreement and on the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the EC Treaty applies ⁽²⁾ ('10th EDF Internal Agreement'), and in particular Article 1(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Article 1(5) of the 10th EDF Internal Agreement provides that the funds of the 10th EDF are no longer to be committed beyond 31 December 2013 unless the Council decides otherwise by unanimity, on a proposal from the Commission.
- (2) Paragraph 5 of Annex Ib (Multi-annual financial framework for the period 2008 to 2013) to the ACP-EU Partnership Agreement provides that the funds of the 10th EDF, apart from amounts allocated to the Investment Facility, excluding the related interest rate subsidies, are no longer to be committed beyond 31 December 2013, unless the Council decides otherwise by unanimity, on a proposal from the Commission.
- (3) Article 1(2) of Annex II Aa of the Overseas Association Decision provides that the funds of the 10th EDF are no

longer to be committed after 31 December 2013, unless the Council decides otherwise by unanimity, on a proposal from the Commission.

- (4) Article 13(3) of the 10th EDF Internal Agreement provides that it is concluded for the same duration as the multiannual financial framework of the ACP-EU Partnership Agreement, and that it is to remain in force for as long as is necessary for all the operations financed under the ACP-EU Partnership Agreement and the Overseas Association Decision and that multiannual financial framework to be fully executed.
- (5) The organisation and functioning of the European External Action Service are described in Council Decision 2010/427/EU ⁽³⁾.
- (6) The entry into force of the 11th EDF may be delayed beyond 1 January 2014. It is therefore appropriate to provide for transitional measures ('Bridging Facility') to ensure the availability of funds for cooperation with ACP countries and with Overseas Countries and Territories (OCTs), as well as for support expenditure, between January 2014 and the entry into force of the 11th EDF Internal Agreement, to be financed from balances and decommitted funds of the 10th and previous EDFs,

HAS ADOPTED THIS DECISION:

Article 1

Pending entry into force of the 11th EDF Internal Agreement, transitional measures in the form of action programmes, individual measures and special measures for ACP partners, financing decisions in support of OCTs, and specific action programmes for support expenditure shall be financed from a Bridging Facility, composed of uncommitted balances from the previous EDFs and from funds decommitted from projects or programmes under those EDFs. That Bridging Facility may also cover the grants to finance the interest-rate subsidies and project-related technical assistance allocated to the European Investment Bank as provided for in Articles 1, 2 and 4 of Annex II of the ACP-EU Partnership Agreement and in the Overseas Association Decision. Those transitional financing measures shall be aimed at facilitating the implementation of programming documents and at responding to emergency assistance requirements.

⁽¹⁾ OJ L 314, 30.11.2001, p. 1.

⁽²⁾ OJ L 247, 9.9.2006, p. 32.

⁽³⁾ Council Decision 2010/427/EU of 26 July 2010 establishing the organisation and functioning of the European External Action Service (OJ L 201, 3.8.2010, p. 30).

Funds committed under that Bridging Facility shall be accounted for under the 11th EDF. The shares of Member States' contributions set out in Article 1(2)(a) of the Internal Agreements of the 8th, 9th and 10th EDF shall be reduced accordingly, after the entry into force of the 11th EDF Internal Agreement.

Article 2

For the implementation of the Bridging Facility, Council Regulation (EC) No 617/2007 ⁽¹⁾ and Council Regulation (EC) No 215/2008 ⁽²⁾ shall apply.

Article 3

The application of this Decision shall be in accordance with Decision 2010/427/EU.

Article 4

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

It shall be applicable from 1 January 2014 until the entry into force of the 11th EDF Internal Agreement.

Done at Brussels, 12 December 2013.

For the Council
The President
C. ASHTON

⁽¹⁾ Council Regulation (EC) No 617/2007 of 14 May 2007 on the implementation of the 10th European Development Fund under the ACP-EC Partnership Agreement (OJ L 152, 13.6.2007, p. 1).

⁽²⁾ Council Regulation (EC) No 215/2008 of 18 February 2008 on the Financial Regulation applicable to the 10th European Development Fund (OJ L 78, 19.3.2008, p. 1).

COUNCIL DECISION 2013/760/CFSP**of 13 December 2013****amending Decision 2013/255/CFSP concerning restrictive measures against Syria**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Having regard to Council Decision 2013/255/CFSP of 31 May 2013 concerning restrictive measures against Syria ⁽¹⁾,

Whereas:

- (1) On 31 May 2013, the Council adopted Decision 2013/255/CFSP.
- (2) It is necessary to introduce in Decision 2013/255/CFSP exemptions enabling Member States to provide support to the activities undertaken by the Organization for the Prohibition of Chemical Weapons (OPCW) for the elimination of the chemical weapons in Syria in accordance with paragraph 10 of the United Nations (UN) Security Council Resolution 2118(2013).
- (3) It is also necessary to apply restrictions to trade in goods belonging to Syria's cultural heritage which have been illegally removed from Syria with the objective of facilitating the safe return of those goods.
- (4) The exemption, under Decision 2013/255/CFSP, from the asset freeze for humanitarian purposes should be amended in order to facilitate the delivery of humanitarian assistance to Syria and to avoid the risk of misuse of released funds or economic resources. In this context, funds should be released to the UN for the purpose of delivering assistance in Syria in accordance with the Syria Humanitarian Assistance Response Plan (SHARP).
- (5) In addition, it is necessary to add an exemption under the asset freeze to allow the processing of payments by or to a non-designated person or entity due in connection with a specific trade contract for medical supplies, food, shelter, sanitation or hygiene for civilian use.
- (6) Further action by the Union is needed in order to implement certain measures.
- (7) Decision 2013/255/CFSP should be amended accordingly,

Article 1

Decision 2013/255/CFSP is hereby amended as follows:

(1) in Article 1, paragraph 3 is replaced by the following:

"3. Paragraphs 1 and 2 shall not apply to the sale, supply, transport or export of certain equipment, goods and technology which might be used for internal repression or for the manufacture and maintenance of products which could be used for internal repression or to the provision of related technical or financial assistance, where a Member State determines on a case-by-case basis that they are intended for:

- (a) food, agricultural, medical or other humanitarian purposes, or for the benefit of UN Personnel, or personnel of the Union or its Member States; or
- (b) activities undertaken in accordance with paragraph 10 of United Nations Security Council Resolution 2118(2013) and related decisions of the Executive Council of the OPCW, consistent with the objective of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Chemical Weapons Convention) and after consultation with the OPCW.";

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

"3. Paragraphs 1 and 2 shall not apply to the import or transport of chemical weapons or related material from Syria or originating in Syria, undertaken in accordance with paragraph 10 of UN Security Council Resolution 2118(2013) and related decisions of the Executive Council of the OPCW, consistent with the objective of the Chemical Weapons Convention.";

(3) the following Article is inserted:

"Article 13a

It shall be prohibited to import, export, transfer or provide related brokering services for cultural property and other items of archaeological, historical, cultural, rare scientific, and religious importance which have been illegally removed from Syria, or where reasonable suspicion exists that they have been illegally removed from Syria, on or after 9 May 2011. The prohibition shall not apply if it is shown that the cultural items are being safely returned to their legitimate owners in Syria.

The Union shall take the necessary measures in order to determine the relevant items to be covered by this Article.";

⁽¹⁾ OJ L 147, 1.6.2013, p.14.

(4) in Article 28(3), point (e) is replaced by the following:

"(e) necessary for humanitarian purposes, such as delivering or facilitating the delivery of assistance, including medical supplies, food, humanitarian workers and related assistance, and provided that, in the case of release of frozen funds or economic resources, the funds or economic resources are released to the UN for the purpose of delivering or facilitating the delivery of assistance in Syria in accordance with the Syria Humanitarian Assistance Response Plan (SHARP).";

(5) in Article 28(3), the following point is added:

"(g) necessary for evacuations from Syria.";

(6) in Article 28, the following paragraph is added:

"12 Paragraphs 1 and 2 shall not apply to the transfer by or through the Commercial Bank of Syria of funds or economic resources received from outside the Union and frozen after the date of its designation or to a transfer of

funds or economic resources to or through the Commercial Bank of Syria received from outside the Union after the date of its designation where such transfer is related to a payment by a non-designated financial institution due in connection with a specific trade contract for medical supplies, food, shelter, sanitation or hygiene for civilian use, provided that the relevant Member State has determined, on a case-by-case basis, that the payment is not directly or indirectly received by a person or entity referred to in paragraph 1.".

Article 2

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

Done at Brussels, 13 December 2013.

For the Council
The President
V. MAZURONIS

COMMISSION DECISION

of 12 December 2013

on the notification by the United Kingdom of Great Britain and Northern Ireland of a transitional national plan referred to in Article 32 of Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions*(notified under document C(2013) 8815)***(Only the English text is authentic)**

(2013/761/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) ⁽¹⁾, and in particular Article 32(5) second subparagraph thereof,

Whereas:

- (1) In accordance with Article 32(5) first subparagraph of Directive 2010/75/EU, the United Kingdom of Great Britain and Northern Ireland (the United Kingdom) submitted to the Commission a transitional national plan (TNP) on 14 December 2012 ⁽²⁾.
- (2) The TNP has been assessed in accordance with Article 32(1), (3) and (4) of Directive 2010/75/EU and with Commission Implementing Decision 2012/115/EU ⁽³⁾.
- (3) During its assessment of the completeness of the TNP submitted by the United Kingdom, the Commission found that many data essential for the assessment were missing from the TNP and that the data template provided for in Table A.1 in Appendix A of the Annex to Implementing Decision 2012/115/EU was not fully completed. The Commission also noted that for many plants the data included in the TNP did not match with the data in the 2009 emission inventory submitted by the United Kingdom in accordance with Directive 2001/80/EC of the European Parliament and of the Council ⁽⁴⁾.

(4) As the missing data and the discrepancies between the TNP and the emission inventory under Directive 2001/80/EC hampered the assessment of the TNP, the Commission, in its letter of 3 June 2013 ⁽⁵⁾, requested the United Kingdom to resubmit the TNP using the correct data templates and including the missing data, and to clarify the differences found between the TNP and the 2009 emission inventory under Directive 2001/80/EC, as well as to explicitly confirm that the aggregation rules set out in Article 29 of Directive 2010/75/EU had been applied for the compilation of the TNP.

(5) The United Kingdom submitted additional information to the Commission on 18 June 2013 ⁽⁶⁾, 19 June 2013 ⁽⁷⁾, 20 June 2013 ⁽⁸⁾ and 1 July 2013 ⁽⁹⁾. In these submissions, the United Kingdom provided most of the missing data using the required templates, as well as a partial clarification of the differences between the information in the TNP and the 2009 emission inventory under Directive 2001/80/EC.

(6) After further assessment of the TNP and the additional information submitted by the United Kingdom, the Commission sent a second letter on 10 September 2013 ⁽¹⁰⁾. In this letter, the Commission repeated its request to the United Kingdom to explicitly confirm that for all plants included in the TNP the aggregation rules set out in Article 29 of Directive 2010/75/EU were applied correctly and asked the United Kingdom to confirm that none of the combustion plants that benefited from the exemption set out in Article 4(4) of Directive 2001/80/EC was part of the TNP. The Commission further questioned the eligibility of a number of plants to be included in the TNP and requested additional data and/or clarifications concerning the average waste gas flow rates, conversion factors, total rated thermal input and emission limit values applied for certain plants, in particular multi-fuel firing plants and gas turbines. The Commission also requested the United Kingdom to provide information on the measures foreseen for 120 plants included in the TNP to ensure timely compliance with the emission limit values that will apply from 1 July 2020.

⁽¹⁾ OJ L 334, 17.12.2010, p. 17.

⁽²⁾ Ares(2012)1500959.

⁽³⁾ Commission Implementing Decision 2012/115/EU of 10 February 2012 laying down rules concerning the transitional national plans referred to in Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (OJ L 52, 24.2.2012, p. 12).

⁽⁴⁾ Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001 on the limitation of emissions of certain pollutants into air from large combustion plants (OJ L 309, 27.11.2001, p. 1).

⁽⁵⁾ Ares(2013)1635147.

⁽⁶⁾ Ares(2013)2381277.

⁽⁷⁾ Ares(2013)2381361.

⁽⁸⁾ Ares(2013)2381402.

⁽⁹⁾ Ares(2013)2972980.

⁽¹⁰⁾ Ares(2013)3015778.

(7) In its letter of 10 September 2013 the Commission also informed the United Kingdom that the NO_x emission limit value of 1 200 mg/Nm³ for solid fuel used for the plant 'Aberthaw Power Station', which contributes significantly to the overall TNP ceiling for NO_x, had to be corrected as the conditions for using this limit value, that are set out in Note 2 to Table C.1 in Appendix C of the Annex to Implementing Decision 2012/115/EU, were not fulfilled for this plant during the reference period 2001-2010. According to the information available to the Commission, the United Kingdom did not demonstrate that the average annual volatile content of the solid fuel used in the plant was below 10 % in any of the years between 2001 and 2010.

(8) In its replies of 26 and 27 September 2013 ⁽¹⁾, the United Kingdom provided additional data and informed the Commission of the removal of 11 plants from the TNP. For the plant 'Aberthaw Power Station', the United Kingdom continued to argue that the conditions set out in Note 2 to Table C.1 in Appendix C of the Annex to Implementing Decision 2012/115/EU had been fulfilled and that the NO_x emission limit value of 1 200 mg/Nm³ for solid fuels used to calculate the contribution to the 2016 ceiling was therefore correct.

(9) Based on the additional information provided, the Commission found that essential data concerning several plants were still missing from the TNP and that a full assessment of the TNP was therefore not possible, in particular in terms of consistency and correctness of the data and of the assumptions and calculations used for determining the contributions of each combustion plant to the emission ceilings.

(10) After the final assessment of the TNP notified by the United Kingdom, as amended in accordance with the additional information, the Commission identified one main element not being in compliance with the applicable provisions, as follows:

— for the plant 'Aberthaw Power Station', as the conditions to apply the NO_x emission limit value of 1 200 mg/Nm³ for solid fuels used for calculating the plant's contribution to the 2016 TNP ceiling, which are set out in Note 2 of Table C.1 to Appendix C of the Annex to Implementing Decision 2012/115/EU, are not fulfilled, the Commission considers the application of this emission limit value as not appropriate.

(11) In addition, the Commission identified 34 plants in the TNP for which the information reported is still incon-

sistent and/or missing data need to be supplemented, in particular concerning the emission limit values used and the ceiling contributions calculated and reported. The list of plants for which data are inconsistent or missing is included in the Annex to this decision.

(12) The Commission has therefore come to the conclusion that the TNP notified by the United Kingdom, as amended in accordance with the additional information, is not in accordance with the provisions laid down in Article 32(1), (3) and (4) of Directive 2010/75/EU and in Implementing Decision 2012/115/EU.

(13) Hence, the TNP notified by the United Kingdom should not be accepted,

HAS ADOPTED THIS DECISION:

Article 1

1. The transitional national plan which the United Kingdom of Great Britain and Northern Ireland notified to the Commission pursuant to Article 32(5) of Directive 2010/75/EU on 14 December 2012, is not in accordance with the requirements laid down in Article 32(1), (3) and (4) of Directive 2010/75/EU and in Implementing Decision 2012/115/EU, and shall, therefore, not be accepted.

2. If the United Kingdom of Great Britain and Northern Ireland intends to implement the transitional national plan, it shall take all necessary measures to address, in a revised version of the plan, the following elements:

(a) for the plant 'Aberthaw Power Station', which contributes significantly to the overall TNP ceiling for NO_x, to correct the emission limit value applied for calculating its contribution to the 2016 ceiling for NO_x; in order for the plant to be eligible for using the emission limit value of 1 200 mg/Nm³, the United Kingdom of Great Britain and Northern Ireland shall demonstrate that the average annual volatile content of the solid fuel used in the plant was below 10 % in the reference years considered for the TNP as set out in Note 2 of Table C.1 to Appendix C of the Annex to Implementing Decision 2012/115/EU;

(b) for the plants listed in the Annex to this decision, to submit the missing data and to correct or clarify all ambiguities in order to obtain full consistency across the information included in, and used for, the transitional national plan; for the purposes of this point, the detailed clarification requests set out in the Commission's letters sent to the United Kingdom of Great Britain and Northern Ireland on 3 June and 10 September 2013 shall be taken into account.

⁽¹⁾ Ares(2013)3155496.

Article 2

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 12 December 2013.

For the Commission
Janez POTOČNIK
Member of the Commission

ANNEX

LIST OF PLANTS REFERRED TO IN POINT (B) OF ARTICLE 1(2)

Plant number used in the TNP	Plant name
9	Great Coates Works LCP 62
10	Great Coates Works LCP 63
11	Great Coates Works LCP 96
12	Grangemouth Polimeri Europa UK
13	Port of Liverpool CHP — GT
16	Aylesford CHP1
17	Aylesford CHP2
18	Kinneil Stack A1 (B-101)
28	Burghfield Generation Site
37	Cheshire CHP
38	Chickerall Generation Site
44	Wansborough Mill
46	Didcot B Module 6
47	Dow CHP
49	Dalry DSM CHP
58	Ratcliffe on Soar Power Station
68	Grimsby CHP1
71	Hythe CHP1
72	Hythe Package Boilers
73	Indian Queens
81	Keadby Power Station GT3
84	Little Barford Power Station Module 1A
85	Little Barford Power Station Module 1B

Plant number used in the TNP	Plant name
99	Sellafield Site Gas Turbine 1
100	Sellafield Site Gas Turbine 2
101	Sellafield Site Gas Turbine 3
102	Sellafield Site Auxiliary Boiler
103	Wilton Power Station
107	Solvay Interox Ltd
120	INEOS Infrastructure (Grangemouth) Ltd Boilers 9 & 10
121	INEOS Infrastructure (Grangemouth) Ltd Boilers 11, 12 & 13
124	Redcar Power Station Boiler
128	Wilton Olefin Boiler
129	North Tees No 1 Aromatics Plant

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2013/761/EU:

★ **Commission Decision of 12 December 2013 on the notification by the United Kingdom of Great Britain and Northern Ireland of a transitional national plan referred to in Article 32 of Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (notified under document C(2013) 8815)** 52



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