

Official Journal

of the European Union

L 343



English edition

Legislation

Volume 54

23 December 2011

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I

(Legislative acts)

DIRECTIVES

DIRECTIVE 2011/98/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 13 December 2011

on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular points (a) and (b) of Article 79(2) thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Having regard to the opinion of the Committee of the Regions ⁽²⁾,

Acting in accordance with the ordinary legislative procedure ⁽³⁾,

Whereas:

(1) For the gradual establishment of an area of freedom, security and justice, the Treaty on the Functioning of the European Union (TFEU) provides for measures to be adopted in the fields of asylum, immigration and protection of the rights of third-country nationals.

(2) The European Council, at its special meeting in Tampere on 15 and 16 October 1999, acknowledged the need for harmonisation of national law governing the conditions for admission and residence of third-country nationals. In this context, it stated in particular that the European Union should ensure fair treatment of third-country

nationals who are legally residing in the territory of the Member States and that a more vigorous integration policy should aim to grant them rights and obligations comparable to those of citizens of the Union. The European Council accordingly asked the Council to adopt the legal instruments on the basis of Commission proposals. The need for achieving the objectives defined at Tampere was reaffirmed by the Stockholm Programme, which was adopted by the European Council at its meeting of 10 and 11 December 2009.

(3) Provisions for a single application procedure leading to a combined title encompassing both residence and work permits within a single administrative act will contribute to simplifying and harmonising the rules currently applicable in Member States. Such procedural simplification has already been introduced by several Member States and has made for a more efficient procedure both for the migrants and for their employers, and has allowed easier controls of the legality of their residence and employment.

(4) In order to allow initial entry into their territory, Member States should be able to issue a single permit or, if they issue single permits only after entry, a visa. Member States should issue such single permits or visas in a timely manner.

(5) A set of rules governing the procedure for examination of the application for a single permit should be laid down. That procedure should be effective and manageable, taking account of the normal workload of the Member States' administrations, as well as transparent and fair, in order to offer appropriate legal certainty to those concerned.

(6) The provisions of this Directive should be without prejudice to the competence of the Member States to regulate the admission, including the volumes of admission, of third-country nationals for the purpose of work.

⁽¹⁾ OJ C 27, 3.2.2009, p. 114.

⁽²⁾ OJ C 257, 9.10.2008, p. 20.

⁽³⁾ Position of the European Parliament of 24 March 2011 (not yet published in the Official Journal) and position of the Council at first reading of 24 November 2011 (not yet published in the Official Journal). Position of the European Parliament of 13 December 2011 (not yet published in the Official Journal).

- (7) Posted third-country nationals should not be covered by this Directive. This should not prevent third-country nationals who are legally residing and working in a Member State and posted to another Member State from continuing to enjoy equal treatment with respect to nationals of the Member State of origin for the duration of their posting, in respect of those terms and conditions of employment which are not affected by the application of Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services ⁽¹⁾.
- (8) Third-country nationals who have acquired long-term resident status in accordance with Council Directive 2003/109/EC of 25 November 2003 on the status of third-country nationals who are long-term residents ⁽²⁾ should not be covered by this Directive given their more privileged status and their specific type of residence permit 'long-term resident-EU'.
- (9) Third-country nationals who have been admitted to the territory of a Member State to work on a seasonal basis should not be covered by this Directive given their temporary status.
- (10) The obligation on the Member States to determine whether the application is to be made by a third-country national or by his or her employer should be without prejudice to any arrangements requiring both to be involved in the procedure. The Member States should decide whether the application for a single permit is to be made in the Member State of destination or from a third country. In cases where the third-country national is not allowed to make an application from a third country, Member States should ensure that the application may be made by the employer in the Member State of destination.
- (11) The provisions of this Directive on the single application procedure and on the single permit should not concern uniform or long-stay visas.
- (12) The designation of the competent authority under this Directive should be without prejudice to the role and responsibilities of other authorities and, where applicable, the social partners, with regard to the examination of, and the decision on, the application.
- (13) The deadline for adopting a decision on the application should not include the time required for the recognition of professional qualifications or the time required for issuing a visa. This Directive should be without prejudice to national procedures on the recognition of diplomas.
- (14) The single permit should be drawn up in accordance with Council Regulation (EC) No 1030/2002, of 13 June 2002 laying down a uniform format for residence permits for third-country nationals ⁽³⁾, enabling Member States to enter further information, in particular as to whether or not the person is permitted to work. A Member State should indicate, inter alia, for the purpose of better control of migration, not only on the single permit but also on all the issued residence permits, the information relating to the permission to work, irrespective of the type of the permit or the residence title on the basis of which the third-country national has been admitted to the territory and has been given access to the labour market of that Member State.
- (15) The provisions of this Directive on residence permits for purposes other than work should apply only to the format of such permits and should be without prejudice to Union or national rules on admission procedures and on procedures for issuing such permits.
- (16) The provisions of this Directive on the single permit and on the residence permit issued for purposes other than work should not prevent Member States from issuing an additional paper document in order to be able to give more precise information on the employment relationship for which the format of the residence permit leaves insufficient space. Such a document can serve to prevent the exploitation of third-country nationals and combat illegal employment but should be optional for Member States and should not serve as a substitute for a work permit thereby compromising the concept of the single permit. Technical possibilities offered by Article 4 of Regulation (EC) No 1030/2002 and point (a)16 of the Annex thereto can also be used to store such information in an electronic format.
- (17) The conditions and criteria on the basis of which an application to issue, amend or renew a single permit can be rejected, or on the basis of which the single permit can be withdrawn, should be objective and should be laid down in national law including the obligation to respect the principle of Union preference as expressed in particular in the relevant provisions of the 2003 and 2005 Acts of Accession. Rejection and withdrawal decisions should be duly reasoned.
- (18) Third-country nationals who are in possession of a valid travel document and a single permit issued by a Member State applying the Schengen *acquis* in full, should be allowed to enter into and move freely within the territory of the Member States applying the Schengen *acquis* in full, for a period up to three months in any six-month period in accordance with Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community

⁽¹⁾ OJ L 18, 21.1.1997, p. 1.

⁽²⁾ OJ L 16, 23.1.2004, p. 44.

⁽³⁾ OJ L 157, 15.6.2002, p. 1.

Code on the rules governing the movement of persons across borders (Schengen Borders Code)⁽¹⁾ and Article 21 of the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders⁽²⁾ (Schengen Convention).

(19) In the absence of horizontal Union legislation, the rights of third-country nationals vary, depending on the Member State in which they work and on their nationality. With a view to developing further a coherent immigration policy and narrowing the rights gap between citizens of the Union and third-country nationals legally working in a Member State and complementing the existing immigration *acquis*, a set of rights should be laid down in order, in particular, to specify the fields in which equal treatment between a Member State's own nationals and such third-country nationals who are not yet long-term residents is provided. Such provisions are intended to establish a minimum level playing field within the Union, to recognise that such third-country nationals contribute to the Union economy through their work and tax payments and to serve as a safeguard to reduce unfair competition between a Member State's own nationals and third-country nationals resulting from the possible exploitation of the latter. A third-country worker in this Directive should be defined, without prejudice to the interpretation of the concept of employment relationship in other provisions of Union law, as a third-country national who has been admitted to the territory of a Member State, who is legally residing and who is allowed, in the context of a paid relationship, to work there in accordance with national law or practice.

(20) All third-country nationals who are legally residing and working in Member States should enjoy at least a common set of rights based on equal treatment with the nationals of their respective host Member State, irrespective of the initial purpose of or basis for admission. The right to equal treatment in the fields specified by this Directive should be granted not only to those third-country nationals who have been admitted to a Member State to work but also to those who have been admitted for other purposes and have been given access to the labour market of that Member State in accordance with other provisions of Union or national law, including family members of a third-country worker who are admitted to the Member State in accordance with Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification⁽³⁾; third-country nationals who are admitted to the territory of a Member State in accordance with Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service⁽⁴⁾; and researchers admitted in

accordance with Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research⁽⁵⁾.

(21) The right to equal treatment in specified fields should be strictly linked to the third-country national's legal residence and the access given to the labour market in a Member State, which are enshrined in the single permit encompassing the authorisation to reside and work and in residence permits issued for other purposes containing information on the permission to work.

(22) Working conditions as referred to in this Directive should cover at least pay and dismissal, health and safety at the workplace, working time and leave taking into account collective agreements in force.

(23) A Member State should recognise professional qualifications acquired by a third-country national in another Member State in the same way as those of citizens of the Union and should take into account qualifications acquired in a third country in accordance with Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications⁽⁶⁾. The right to equal treatment accorded to third-country workers as regards recognition of diplomas, certificates and other professional qualifications in accordance with the relevant national procedures should be without prejudice to the competence of Member States to admit such third-country workers to their labour market.

(24) Third-country workers should enjoy equal treatment as regards social security. Branches of social security are defined in Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems⁽⁷⁾. The provisions on equal treatment concerning social security in this Directive should also apply to workers admitted to a Member State directly from a third country. Nevertheless, this Directive should not confer on third-country workers more rights than those already provided in existing Union law in the field of social security for third-country nationals who are in cross-border situations. This Directive, furthermore, should not grant rights in relation to situations which lie outside the scope of Union law, such as in relation to family members residing in a third country. This Directive should grant rights only in relation to family members who join third-country workers to reside in a Member State on the basis of family reunification or family members who already reside legally in that Member State.

⁽¹⁾ OJ L 105, 13.4.2006, p. 1.

⁽²⁾ OJ L 239, 22.9.2000, p. 19.

⁽³⁾ OJ L 251, 3.10.2003, p. 12.

⁽⁴⁾ OJ L 375, 23.12.2004, p. 12.

⁽⁵⁾ OJ L 289, 3.11.2005, p. 15.

⁽⁶⁾ OJ L 255, 30.9.2005, p. 22.

⁽⁷⁾ OJ L 166, 30.4.2004, p. 1.

- (25) Member States should ensure at least equal treatment of third-country nationals who are in employment or who, after a minimum period of employment, are registered as unemployed. Any restrictions to the equal treatment in the field of social security under this Directive should be without prejudice to the rights conferred pursuant to Regulation (EU) No 1231/2010 of the European Parliament and of the Council of 24 November 2010 extending Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 to nationals of third countries who are not already covered by these Regulations solely on the ground of their nationality⁽¹⁾.
- (26) Union law does not limit the power of the Member States to organise their social security schemes. In the absence of harmonisation at Union level, it is for each Member State to lay down the conditions under which social security benefits are granted, as well as the amount of such benefits and the period for which they are granted. However, when exercising that power, Member States should comply with Union law.
- (27) Equal treatment of third-country workers should not apply to measures in the field of vocational training which are financed under social assistance schemes.
- (28) This Directive should be applied without prejudice to more favourable provisions contained in Union law and applicable international instruments.
- (29) Member States should give effect to the provisions of this Directive without discrimination on the basis of sex, race, colour, ethnic or social origin, genetic characteristics, language, religion or beliefs, political or other opinions, membership of a national minority, fortune, birth, disabilities, age or sexual orientation in particular in accordance with Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin⁽²⁾ and Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation⁽³⁾.
- (30) Since the objectives of this Directive, namely laying down a single application procedure for issuing a single permit for third-country nationals to work in the territory of a Member State and a common set of rights for third-country workers legally residing in a Member State, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.
- (31) This Directive respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union in accordance with Article 6(1) of the TEU.
- (32) In accordance with the Joint Political Declaration of Member States and the Commission on explanatory documents of 28 September 2011, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified.
- (33) In accordance with Articles 1 and 2 of the Protocol (No 21) on the position of the United Kingdom and Ireland, annexed to the TEU and to the TFEU, and without prejudice to Article 4 of that Protocol, those Member States are not taking part in the adoption of this Directive and are not bound by it or subject to its application.
- (34) In accordance with Articles 1 and 2 of the Protocol (No 22) on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.

HAVE ADOPTED THIS DIRECTIVE:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

1. This Directive lays down:
 - (a) a single application procedure for issuing a single permit for third-country nationals to reside for the purpose of work in the territory of a Member State, in order to simplify the procedures for their admission and to facilitate the control of their status; and
 - (b) a common set of rights to third-country workers legally residing in a Member State, irrespective of the purposes for which they were initially admitted to the territory of that Member State, based on equal treatment with nationals of that Member State.
2. This Directive is without prejudice to the Member States' powers concerning the admission of third-country nationals to their labour markets.

⁽¹⁾ OJ L 344, 29.12.2010, p. 1.

⁽²⁾ OJ L 180, 19.7.2000, p. 22.

⁽³⁾ OJ L 303, 2.12.2000, p. 16.

Article 2

Definitions

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

- (a) 'third-country national' means a person who is not a citizen of the Union within the meaning of Article 20(1) TFEU;
- (b) 'third-country worker' means a third-country national who has been admitted to the territory of a Member State and who is legally residing and is allowed to work in the context of a paid relationship in that Member State in accordance with national law or practice;
- (c) 'single permit' means a residence permit issued by the authorities of a Member State allowing a third-country national to reside legally in its territory for the purpose of work;
- (d) 'single application procedure' means any procedure leading, on the basis of a single application made by a third-country national, or by his or her employer, for the authorisation of residence and work in the territory of a Member State, to a decision ruling on that application for the single permit.

Article 3

Scope

1. This Directive shall apply to:

- (a) third-country nationals who apply to reside in a Member State for the purpose of work;
- (b) third-country nationals who have been admitted to a Member State for purposes other than work in accordance with Union or national law, who are allowed to work and who hold a residence permit in accordance with Regulation (EC) No 1030/2002; and
- (c) third-country nationals who have been admitted to a Member State for the purpose of work in accordance with Union or national law.

2. This Directive shall not apply to third-country nationals:

- (a) who are family members of citizens of the Union who have exercised, or are exercising, their right to free movement within the Union in accordance with Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States ⁽¹⁾;
- (b) who, together with their family members, and irrespective of their nationality, enjoy rights of free movement

equivalent to those of citizens of the Union under agreements either between the Union and the Member States or between the Union and third countries;

- (c) who are posted for as long as they are posted;
 - (d) who have applied for admission or have been admitted to the territory of a Member State to work as intra-corporate transferees;
 - (e) who have applied for admission or have been admitted to the territory of a Member State as seasonal workers or au pairs;
 - (f) who are authorised to reside in a Member State on the basis of temporary protection, or who have applied for authorisation to reside there on that basis and are awaiting a decision on their status;
 - (g) who are beneficiaries of international protection under Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted ⁽²⁾ or who have applied for international protection under that Directive and whose application has not been the subject of a final decision;
 - (h) who are beneficiaries of protection in accordance with national law, international obligations or the practice of a Member State or have applied for protection in accordance with national law, international obligations or the practice of a Member State and whose application has not been the subject of a final decision;
 - (i) who are long-term residents in accordance with Directive 2003/109/EC;
 - (j) whose removal has been suspended on the basis of fact or law;
 - (k) who have applied for admission or who have been admitted to the territory of a Member State as self-employed workers;
 - (l) who have applied for admission or have been admitted as seafarers for employment or work in any capacity on board of a ship registered in or sailing under the flag of a Member State.
3. Member States may decide that Chapter II does not apply to third-country nationals who have been either authorised to work in the territory of a Member State for a period not exceeding six months or who have been admitted to a Member State for the purpose of study.

⁽¹⁾ OJ L 158, 30.4.2004, p. 77.

⁽²⁾ OJ L 304, 30.9.2004, p. 12.

4. Chapter II shall not apply to third-country nationals who are allowed to work on the basis of a visa.

CHAPTER II

SINGLE APPLICATION PROCEDURE AND SINGLE PERMIT

Article 4

Single application procedure

1. An application to issue, amend or renew a single permit shall be submitted by way of a single application procedure. Member States shall determine whether applications for a single permit are to be made by the third-country national or by the third-country national's employer. Member States may also decide to allow an application from either of the two. If the application is to be submitted by the third-country national, Member States shall allow the application to be introduced from a third country or, if provided for by national law, in the territory of the Member State in which the third-country national is legally present.

2. Member States shall examine an application made under paragraph 1 and shall adopt a decision to issue, amend or renew the single permit if the applicant fulfils the requirements specified by Union or national law. A decision to issue, amend or renew the single permit shall constitute a single administrative act combining a residence permit and a work permit.

3. The single application procedure shall be without prejudice to the visa procedure which may be required for initial entry.

4. Member States shall issue a single permit, where the conditions provided for are met, to third-country nationals who apply for admission and to third-country nationals already admitted who apply to renew or modify their residence permit after the entry into force of the national implementing provisions.

Article 5

Competent authority

1. Member States shall designate the authority competent to receive the application and to issue the single permit.

2. The competent authority shall adopt a decision on the complete application as soon as possible and in any event within four months of the date on which the application was lodged.

The time limit referred to in the first subparagraph may be extended in exceptional circumstances, linked to the complexity of the examination of the application.

Where no decision is taken within the time limit provided for in this paragraph, any consequences shall be determined by national law.

3. The competent authority shall notify the decision to the applicant in writing in accordance with the notification procedures laid down in the relevant national law.

4. If the information or documents in support of the application are incomplete according to the criteria specified in national law, the competent authority shall notify the applicant in writing of the additional information or documents required, setting a reasonable deadline to provide them. The time limit referred to in paragraph 2 shall be suspended until the competent authority or other relevant authorities have received the additional information required. If the additional information or documents is not provided within the deadline set, the competent authority may reject the application.

Article 6

Single permit

1. Member States shall issue a single permit using the uniform format as laid down in Regulation (EC) No 1030/2002 and shall indicate the information relating to the permission to work in accordance with point (a)7.5-9 of the Annex thereto.

Member States may indicate additional information related to the employment relationship of the third-country national (such as the name and address of the employer, place of work, type of work, working hours, remuneration) in paper format, or store such data in electronic format as referred to in Article 4 of Regulation (EC) No 1030/2002 and in point (a)16 of the Annex thereto.

2. When issuing the single permit Member States shall not issue additional permits as proof of authorisation to access the labour market.

Article 7

Residence permits issued for purposes other than work

1. When issuing residence permits in accordance with Regulation (EC) No 1030/2002 Member States shall indicate the information relating to the permission to work irrespective of the type of the permit.

Member States may indicate additional information related to the employment relationship of the third-country national (such as the name and address of the employer, place of work, type of work, working hours, remuneration) in paper format, or store such data in electronic format as referred to in Article 4 of Regulation (EC) No 1030/2002 and point (a)16 of the Annex thereto.

2. When issuing residence permits in accordance with Regulation (EC) No 1030/2002, Member States shall not issue additional permits as proof of authorisation to access the labour market.

*Article 8***Procedural guarantees**

1. Reasons shall be given in the written notification of a decision rejecting an application to issue, amend or renew a single permit, or a decision withdrawing a single permit on the basis of criteria provided for by Union or national law.

2. A decision rejecting the application to issue, amend or renew or withdrawing a single permit shall be open to legal challenge in the Member State concerned, in accordance with national law. The written notification referred to in paragraph 1 shall specify the court or administrative authority where the person concerned may lodge an appeal and the time limit therefor.

3. An application may be considered as inadmissible on the grounds of volume of admission of third-country nationals coming for employment and, on that basis, need not to be processed.

*Article 9***Access to information**

Member States shall provide, upon request, adequate information to the third-country national and the future employer on the documents required to make a complete application.

*Article 10***Fees**

Member States may require applicants to pay fees, where appropriate, for handling applications in accordance with this Directive. The level of such fees shall be proportionate and may be based on the services actually provided for the processing of applications and the issuance of permits.

*Article 11***Rights on the basis of the single permit**

Where a single permit has been issued in accordance with national law, it shall authorise, during its period of validity, its holder at least to:

- (a) enter and reside in the territory of the Member State issuing the single permit, provided that the holder meets all admission requirements in accordance with national law;
- (b) have free access to the entire territory of the Member State issuing the single permit within the limits provided for by national law;
- (c) exercise the specific employment activity authorised under the single permit in accordance with national law;

- (d) be informed about the holder's own rights linked to the permit conferred by this Directive and/or by national law.

CHAPTER III

RIGHT TO EQUAL TREATMENT*Article 12***Right to equal treatment**

1. Third-country workers as referred to in points (b) and (c) of Article 3(1) shall enjoy equal treatment with nationals of the Member State where they reside with regard to:

- (a) working conditions, including pay and dismissal as well as health and safety at the workplace;
- (b) freedom of association and affiliation and membership of an organisation representing workers or employers or of any organisation whose members are engaged in a specific occupation, including the benefits conferred by such organisations, without prejudice to the national provisions on public policy and public security;
- (c) education and vocational training;
- (d) recognition of diplomas, certificates and other professional qualifications in accordance with the relevant national procedures;
- (e) branches of social security, as defined in Regulation (EC) No 883/2004;
- (f) tax benefits, in so far as the worker is deemed to be resident for tax purposes in the Member State concerned;
- (g) access to goods and services and the supply of goods and services made available to the public including procedures for obtaining housing as provided by national law, without prejudice to the freedom of contract in accordance with Union and national law;
- (h) advice services afforded by employment offices.

2. Member States may restrict equal treatment:

- (a) under point (c) of paragraph 1 by:
 - (i) limiting its application to those third-country workers who are in employment or who have been employed and who are registered as unemployed;
 - (ii) excluding those third-country workers who have been admitted to their territory in conformity with Directive 2004/114/EC;
 - (iii) excluding study and maintenance grants and loans or other grants and loans;

- (iv) laying down specific prerequisites including language proficiency and the payment of tuition fees, in accordance with national law, with respect to access to university and post-secondary education and to vocational training which is not directly linked to the specific employment activity;
- (b) by limiting the rights conferred on third-country workers under point (e) of paragraph 1, but shall not restrict such rights for third-country workers who are in employment or who have been employed for a minimum period of six months and who are registered as unemployed.

In addition, Member States may decide that point (e) of paragraph 1 with regard to family benefits shall not apply to third-country nationals who have been authorised to work in the territory of a Member State for a period not exceeding six months, to third-country nationals who have been admitted for the purpose of study, or to third-country nationals who are allowed to work on the basis of a visa.

- (c) under point (f) of paragraph 1 with respect to tax benefits by limiting its application to cases where the registered or usual place of residence of the family members of the third-country worker for whom he/she claims benefits, lies in the territory of the Member State concerned.
- (d) under point (g) of paragraph 1 by:
 - (i) limiting its application to those third-country workers who are in employment;
 - (ii) restricting access to housing;

3. The right to equal treatment laid down in paragraph 1 shall be without prejudice to the right of the Member State to withdraw or to refuse to renew the residence permit issued under this Directive, the residence permit issued for purposes other than work, or any other authorisation to work in a Member State.

4. Third-country workers moving to a third country, or their survivors who reside in a third country and who derive rights from those workers, shall receive, in relation to old age, invalidity and death, statutory pensions based on those workers' previous employment and acquired in accordance with the legislation referred to in Article 3 of Regulation (EC) No 883/2004, under the same conditions and at the same rates as the nationals of the Member States concerned when they move to a third country.

CHAPTER IV

FINAL PROVISIONS

Article 13

More favourable provisions

1. This Directive shall apply without prejudice to more favourable provisions of:

- (a) Union law, including bilateral and multilateral agreements between the Union, or the Union and its Member States, on the one hand and one or more third countries on the other; and
- (b) bilateral or multilateral agreements between one or more Member States and one or more third countries.

2. This Directive shall be without prejudice to the right of Member States to adopt or maintain provisions that are more favourable to the persons to whom it applies.

Article 14

Information to the general public

Each Member State shall make available to the general public a regularly updated set of information concerning the conditions of third-country nationals' admission to and residence in its territory in order to work there.

Article 15

Reporting

1. Periodically, and for the first time by 25 December 2016, the Commission shall present a report to the European Parliament and the Council on the application of this Directive in the Member States and shall propose amendments it deems necessary.

2. Annually, and for the first time by 25 December 2014, Member States shall communicate to the Commission statistics on the volumes of third-country nationals who have been granted a single permit during the previous calendar year, in accordance with Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection⁽¹⁾.

Article 16

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 25 December 2013. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

⁽¹⁾ OJ L 199, 31.7.2007, p. 23.

*Article 17***Entry into force**

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

*Article 18***Addressees**

This Directive is addressed to the Member States in accordance with the Treaties.

Done at Strasbourg, 13 December 2011.

For the European Parliament

The President

J. BUZEK

For the Council

The President

M. SZPUNAR

II

(Non-legislative acts)

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) No 1375/2011

of 22 December 2011

implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Implementing Regulation (EU) No 687/2011

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism ⁽¹⁾, and in particular Article 2(3) thereof,

Whereas:

- (1) On 18 July 2011, the Council adopted Implementing Regulation (EU) No 687/2011 implementing Article 2(3) of Regulation (EC) No 2580/2001 ⁽²⁾, establishing an updated list of persons, groups and entities to which Regulation (EC) No 2580/2001 applies.
- (2) The Council has provided all the persons, groups and entities for which it was practically possible with statements of reasons explaining why they were listed in Implementing Regulation (EU) No 687/2011.
- (3) By way of a notice published in the *Official Journal of the European Union* ⁽³⁾, the Council informed the persons, groups and entities listed in Implementing Regulation (EU) No 687/2011 that it had decided to keep them on the list. The Council also informed the persons, groups and entities concerned that it was possible to request a statement of the Council's reasons for putting them on the list where one had not already been communicated to them. In the case of certain person and groups an amended statement of reasons was made available.
- (4) The Council has carried out a complete review of the list of persons, groups and entities to which Regulation (EC)

No 2580/2001 applies, as required by Article 2(3) of that Regulation. When doing so it took account of observations submitted to the Council by those concerned.

- (5) The Council has concluded that the persons, groups and entities listed in the Annex to this Regulation have been involved in terrorist acts within the meaning of Article 1(2) and (3) of Council Common Position 2001/931/CFSP of 27 December 2001 on the application of specific measures to combat terrorism ⁽⁴⁾, that a decision has been taken with respect to them by a competent authority within the meaning of Article 1(4) of that Common Position, and that they should continue to be subject to the specific restrictive measures provided for in Regulation (EC) No 2580/2001.
- (6) The list of the persons, groups and entities to which Regulation (EC) No 2580/2001 applies should be updated accordingly and Implementing Regulation (EU) No 687/2011 should be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

The list provided for in Article 2(3) of Regulation (EC) No 2580/2001 shall be replaced by the list set out in the Annex to this Regulation.

Article 2

Implementing Regulation (EU) No 687/2011 is hereby repealed.

Article 3

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

⁽¹⁾ OJ L 344, 28.12.2001, p. 70.

⁽²⁾ OJ L 188, 19.7.2011, p. 2.

⁽³⁾ OJ C 212, 19.7.2011, p. 20.

⁽⁴⁾ OJ L 344, 28.12.2001, p. 93.

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

Done at Brussels, 22 December 2011.

For the Council
The President
M. DOWGIELEWICZ

ANNEX

List of persons, groups and entities referred to in Article 1**1. PERSONS**

1. ABDOLLAHI Hamed (a.k.a. Mustafa Abdullahi), born August 11, 1960 in Iran. Passport: D9004878.
2. ABOU, Rabah Naami (a.k.a. Naami Hamza, a.k.a. Mihoubi Faycal, a.k.a. Fellah Ahmed, a.k.a. Dafri Rème Lahdi), born 1.2.1966 in Algiers (Algeria) – member of "al-Takfir" and "al-Hijra"
3. ABOUD, Maisi (a.k.a. The Swiss Abderrahmane), born 17.10.1964 in Algiers (Algeria), – member of "al-Takfir" and "al-Hijra"
4. AL-NASSER, Abdelkarim Hussein Mohamed, born in Al Ihsa (Saudi Arabia), citizen of Saudi Arabia
5. AL YACOUB, Ibrahim Salih Mohammed, born 16.10.1966 in Tarut (Saudi Arabia), citizen of Saudi Arabia
6. ARBABSAR Manssor (a.k.a. Mansour Arbabsar), born March 6 or 15, 1955 in Iran. Iranian and US national. Passport: C2002515 (Iran); Passport: 477845448 (USA). National ID no.: 07442833, expiry date 15 March 2016 (USA driving licence).
7. ARIOUA, Kamel (a.k.a. Lamine Kamel), born 18.8.1969 in Costantine (Algeria) – member of "al-Takfir" and "al-Hijra"
8. ASLI, Mohamed (a.k.a. Dahmane Mohamed), born 13.5.1975 in Ain Taya (Algeria) – member of "al-Takfir" and "al-Hijra"
9. ASLI, Rabah, born 13.5.1975 in Ain Taya (Algeria) – member of "al-Takfir" and "al-Hijra"
10. BOUYERI, Mohammed (a.k.a. Abu ZUBAIR, a.k.a. SOBIAR, a.k.a. Abu ZOUBAIR), born 8.3.1978 in Amsterdam (The Netherlands) – member of the "Hofstadgroep"
11. DARIB, Noureddine (a.k.a. Carreto, a.k.a. Zitoun Mourad), born 1.2.1972 in Algeria – member of "al-Takfir" and "al-Hijra"
12. DJABALI, Abderrahmane (a.k.a. Touil), born 1.6.1970 in Algeria – member of "al-Takfir" and "al-Hijra"
13. FAHAS, Sofiane Yacine, born 10.9.1971 in Algiers (Algeria) – member of "al-Takfir" and "al-Hijra"
14. IZZ-AL-DIN, Hasan (a.k.a. GARBAYA, Ahmed, a.k.a. SA-ID, a.k.a. SALWWAN, Samir), Lebanon, born 1963 in Lebanon, citizen of Lebanon
15. MOHAMMED, Khalid Shaikh (a.k.a. ALI, Salem, a.k.a. BIN KHALID, Fahd Bin Adballah, a.k.a. HENIN, Ashraf Refaat Nabith, a.k.a. WADOOD, Khalid Adbul), born 14.4.1965 or 1.3.1964 in Pakistan, passport No 488555
16. MOKTARI, Fateh (a.k.a. Ferdi Omar), born 26.12.1974 in Hussein Dey (Algeria) – member of "al-Takfir" and "al-Hijra"
17. NOUARA, Farid, born 25.11.1973 in Algiers (Algeria) – member of "al-Takfir" and "al-Hijra"
18. RESSOUS, Hoari (a.k.a. Hallasa Farid), born 11.9.1968 in Algiers (Algeria) – member of "al-Takfir" and "al-Hijra"
19. SEDKAOUI, Noureddine (a.k.a. Nounou), born 23.6.1963 in Algiers (Algeria) – member of "al-Takfir" and "al-Hijra"
20. SELMANI, Abdelghani (a.k.a. Gano), born 14.6.1974 in Algiers (Algeria) – member of "al-Takfir" and "al-Hijra"
21. SENOUCI, Sofiane, born 15.4.1971 in Hussein Dey (Algeria) – member of "al-Takfir" and "al-Hijra"
22. SHAHLAI Abdul Reza (a.k.a. Abdol Reza Shala'i, a.k.a. Abd-al Reza Shalai, a.k.a. Abdorreza Shahlai, a.k.a. Abdolreza Shahla'i, a.k.a. Abdul-Reza Shahlaee, a.k.a. Hajj Yusef, a.k.a. Haji Yusif, a.k.a. Hajji Yasir, a.k.a. Hajji Yusif, a.k.a. Yusuf Abu-al-Karkh), born circa 1957 in Iran. Addresses: (1) Kermanshah, Iran, (2) Mehran Military Base, Ilam Province, Iran.

23. SHAKURI Ali Gholam, born circa 1965 in Tehran, Iran
24. SOLEIMANI Qasem (a.k.a. Ghasem Soleymani, a.k.a. Qasmi Sulayman, a.k.a. Qasem Soleymani, a.k.a. Qasem Solaimani, a.k.a. Qasem Salimani, a.k.a. Qasem Solemani, a.k.a. Qasem Sulaimani, a.k.a. Qasem Sulemani), born March 11, 1957 in Iran. Iranian national. Passport: 008827 (Iran Diplomatic), issued 1999. Title: Major General.
25. TINGUALI, Mohammed (a.k.a. Mouh di Kouba), born 21.4.1964 in Blida (Algeria) – member of "al-Takfir" and "al-Hijra"
26. WALTERS, Jason Theodore James (a.k.a. Abdullah, a.k.a. David), born 6.3.1985 in Amersfoort (The Netherlands), passport (The Netherlands) No. NE8146378 – member of the "Hofstadgroep"

2. GROUPS AND ENTITIES

1. "Abu Nidal Organisation" – "ANO" (a.k.a. "Fatah Revolutionary Council", a.k.a. "Arab Revolutionary Brigades", a.k.a. "Black September", a.k.a. "Revolutionary Organisation of Socialist Muslims")
 2. "Al-Aqsa Martyrs' Brigade"
 3. "Al-Aqsa e.V."
 4. "Al-Takfir" and "Al-Hijra"
 5. "Babbar Khalsa"
 6. "Communist Party of the Philippines", including "New People's Army" – "NPA", Philippines
 7. "Gama'a al-Islamiyya" (a.k.a. "Al-Gama'a al-Islamiyya") ("Islamic Group" – "IG")
 8. "İslami Büyük Doğu Akıncılar Cephesi" – "IBDA-C" ("Great Islamic Eastern Warriors Front")
 9. "Hamas", including "Hamas-Izz al-Din al-Qassem"
 10. "Hizbul Mujahideen" – "HM"
 11. "Hofstadgroep"
 12. "Holy Land Foundation for Relief and Development"
 13. "International Sikh Youth Federation" – "ISYF"
 14. "Khalistan Zindabad Force" – "KZF"
 15. "Kurdistan Workers' Party" – "PKK", (a.k.a. "KADEK", a.k.a. "KONGRA-GEL")
 16. "Liberation Tigers of Tamil Eelam" – "LTTE"
 17. "Ejército de Liberación Nacional" ("National Liberation Army")
 18. "Palestinian Islamic Jihad" – "PIJ"
 19. "Popular Front for the Liberation of Palestine" – "PFLP"
 20. "Popular Front for the Liberation of Palestine – General Command" (a.k.a. "PFLP – General Command")
 21. "Fuerzas armadas revolucionarias de Colombia" – "FARC" ("Revolutionary Armed Forces of Colombia")
 22. "Devrimci Halk Kurtuluş Partisi-Cephesi" – "DHKP/C" (a.k.a. "Devrimci Sol" ("Revolutionary Left"), a.k.a. "Dev Sol") ("Revolutionary People's Liberation Army/Front/Party")
 23. "Sendero Luminoso" – "SL" ("Shining Path")
 24. "Stichting Al Aqsa" (a.k.a. "Stichting Al Aqsa Nederland", a.k.a. "Al Aqsa Nederland")
 25. "Teyrbazen Azadiya Kurdistan" – "TAK" (a.k.a. "Kurdistan Freedom Falcons", a.k.a. "Kurdistan Freedom Hawks")
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COMMISSION IMPLEMENTING REGULATION (EU) No 1376/2011**of 20 December 2011****entering a name in the register of protected designations of origin and protected geographical indications (Mongeta del Ganxet (PDO))**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 6(2) of Regulation (EC) No 510/2006, Spain's application to register the name 'Mongeta del Ganxet' was published in the *Official Journal of the European Union* ⁽²⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

*Article 2*This Regulation shall enter into force on the 20th day following 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, 20 December 2011.

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

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ C 124, 27.4.2011, p. 16.

ANNEX

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

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

SPAIN

Mongeta del Ganxet (PDO)

COMMISSION IMPLEMENTING REGULATION (EU) No 1377/2011**of 20 December 2011****entering a name in the register of protected designations of origin and protected geographical indications [Salva Cremasco (PDO)]**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 6(2) of Regulation (EC) No 510/2006, Italy's application to register the name 'Salva Cremasco' was published in the *Official Journal of the European Union* ⁽²⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

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

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

Done at Brussels, 20 December 2011.

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

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ C 124, 27.4.2011, p. 20.

ANNEX

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

Class 1.3. Cheese

ITALY

Salva Cremasco (PDO)

COMMISSION IMPLEMENTING REGULATION (EU) No 1378/2011**of 20 December 2011****entering a name in the register of protected designations of origin and protected geographical indications (Rheinisches Apfelkraut (PGI))**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 6(2) of Regulation (EC) No 510/2006, Germany's application to register the name 'Rheinisches Apfelkraut' was published in the *Official Journal of the European Union* ⁽²⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on the 20th day following 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, 20 December 2011.

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

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ C 129, 30.4.2011, p. 23.

ANNEX

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

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

GERMANY

Rheinisches Apfelkraut (PGI)

COMMISSION IMPLEMENTING REGULATION (EU) No 1379/2011

of 20 December 2011

amending Regulations (EC) No 382/2008, (EU) No 1178/2010 and (EU) No 90/2011 as regards the CN codes and the product codes of the agricultural product nomenclature for export refunds in the beef and veal, egg and poultrymeat sectors

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 Articles 134, 161(3), 170 and 192(2), in conjunction with Article 4 thereof,

Whereas:

- (1) Commission Regulations (EC) No 382/2008 ⁽²⁾, (EU) No 1178/2010 ⁽³⁾ and (EU) No 90/2011 ⁽⁴⁾ lay down rules for the system of export licences in relation to export refunds in the beef and veal, egg and poultrymeat sectors respectively. Those Regulations refer to CN codes and product codes of the agricultural product nomenclature for export refunds in order to indicate the products which are subject, or not subject, to the presentation of an export licence when an export refund is requested.
- (2) Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽⁵⁾ was amended by Commission Regulation (EU) No 1006/2011 ⁽⁶⁾.
- (3) Commission Regulation (EEC) No 3846/87 of 17 December 1987 establishing an agricultural product nomenclature for export refunds ⁽⁷⁾ was amended by Commission Implementing Regulation (EU) No 1334/2011 ⁽⁸⁾.
- (4) Consequently, the CN codes and product codes used in Regulations (EC) No 382/2008, (EU) No 1178/2010 and (EU) No 90/2011 need to be adapted to those used in Annex I to Regulation (EEC) No 2658/87 as amended by Regulation (EU) No 1006/2011 and in Regulation (EEC) No 3846/87 as amended by Implementing Regulation (EU) No 1334/2011.
- (5) Regulation (EC) No 382/2008 also uses CN codes in the framework of import licences. For consistency reasons, it is appropriate to amend those codes as well.

(6) Regulations (EC) No 382/2008, (EU) No 1178/2010 and (EU) No 90/2011 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 382/2008 is amended as follows:

- (1) in Article 2(2), 'CN codes 0102 90 05 to 0102 90 49' is replaced by 'CN codes 0102 29 10 to 0102 29 49, ex 0102 39 10 of a weight not exceeding 300 kg and ex 0102 90 91 of a weight not exceeding 300 kg';
- (2) Article 10 is amended as follows:
 - (a) in point (a) of paragraph 1, 'CN code 0102 10' is replaced by 'CN codes 0102 21, 0102 31 00 and 0102 90 20'; and 'CN codes 0102 90 and ex 1602' is replaced by 'CN codes 0102 29, 0102 39 10, 0102 90 91 and ex 1602';
 - (b) in point (a) of paragraph 2, 'CN code 0102 10' is replaced by 'CN codes 0102 21, 0102 31 00 and 0102 90 20';
 - (c) in paragraph 3, 'CN code 0102 10' is replaced by 'CN codes 0102 21, 0102 31 00 and 0102 90 20';
- (3) Annex I is replaced by the text in Annex I to this Regulation;
- (4) in Annex V, the first group of product categories is replaced by the following:

Product category	CN code
110.	0102 29 10, ex 0102 39 10 of a weight not exceeding 80 kg and ex 0102 90 91 of a weight not exceeding 80 kg
120.	0102 29 21 and 0102 29 29, ex 0102 39 10 of a weight exceeding 80 kg but not exceeding 160 kg and ex 0102 90 91 of a weight exceeding 80 kg but not exceeding 160 kg

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 115, 29.4.2008, p. 10.

⁽³⁾ OJ L 328, 14.12.2010, p. 1.

⁽⁴⁾ OJ L 30, 4.2.2011, p. 1.

⁽⁵⁾ OJ L 256, 7.9.1987, p. 1.

⁽⁶⁾ OJ L 282, 28.10.2011, p. 1.

⁽⁷⁾ OJ L 366, 24.12.1987, p. 1.

⁽⁸⁾ OJ L 336, 20.12.2011, p. 35.

Product category	CN code
130.	0102 29 41 and 0102 29 49, ex 0102 39 10 of a weight exceeding 160 kg but not exceeding 300 kg and ex 0102 90 91 of a weight exceeding 160 kg but not exceeding 300 kg
140.	0102 29 51 to 0102 29 99, ex 0102 39 10 of a weight exceeding 300 kg and ex 0102 90 91 of a weight exceeding 300 kg;

(5) in Annex VI, the first group of product categories is replaced by the following:

'Category	Product code
011.	0102 21 10 9140, 0102 21 30 9140, 0102 31 00 9100, 0102 90 20 9100, 0102 31 00 9200 and 0102 90 20 9200
021.	0102 21 10 9150, 0102 21 30 9150, 0102 21 90 9120, 0102 31 00 9150, 0102 31 00 9250, 0102 31 00 9300, 0102 90 20 9150, 0102 90 20 9250 and 0102 90 20 9300
031.	0102 29 91 9000, 0102 39 10 9350 and 0102 90 91 9350
041.	0102 29 41 9100, 0102 29 51 9000, 0102 29 59 9000, 0102 29 61 9000, 0102 29 69 9000, 0102 29 99 9000, 0102 39 10 9100, 0102 39 10 9150, 0102 39 10 9200, 0102 39 10 9250, 0102 39 10 9400, 0102 90 91 9100, 0102 90 91 9150, 0102 90 91 9200, 0102 90 91 9250, 0102 90 91 9300 and 0102 90 91 9400'.

Article 2

Regulation (EU) No 1178/2010 is amended as follows:

- (1) in Article 1, 'CN codes 0407 00 11 and 0407 00 19' is replaced by 'CN codes 0407 11 00, 0407 19 11 and 0407 19 19';
- (2) in Article 8(1), 'CN codes 0407 00 11 and 0407 00 19' is replaced by 'CN codes 0407 11 00, 0407 19 11 and 0407 19 19';

- (3) Annex I is replaced by the text in Annex II to this Regulation.

Article 3

Regulation (EU) No 90/2011 is amended as follows:

- (1) in Article 1, 'CN codes 0105 11, 0105 12 and 0105 19' is replaced by 'CN codes 0105 11, 0105 12 00, 0105 13 00, 0105 14 00 and 0105 15 00';
- (2) in Article 8(1), 'CN codes 0105 11, 0105 12 and 0105 19' is replaced by 'CN codes 0105 11, 0105 12 00, 0105 13 00, 0105 14 00 and 0105 15 00';
- (3) Annex I is replaced by the text in Annex III to this Regulation.

Article 4

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

It shall apply from 1 January 2012.

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

Done at Brussels, 20 December 2011.

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

ANNEX I

Annex I of Regulation (EC) No 382/2008 is replaced as follows:

‘ANNEX I

List referred to in Article 5(1)

- 0102 29 10, ex 0102 39 10 of a weight not exceeding 80 kg and ex 0102 90 91 of a weight not exceeding 80 kg,
 - 0102 29 21, 0102 29 29, ex 0102 39 10 of a weight exceeding 80 kg but not exceeding 160 kg and 0102 90 91 of a weight exceeding 80 kg but not exceeding 160 kg,
 - 0102 29 41 to 0102 29 49, ex 0102 39 10 of a weight exceeding 160 kg but not exceeding 300 kg and ex 0102 90 91 of a weight exceeding 160 kg but not exceeding 300 kg,
 - 0102 29 51 to 0102 29 99, ex 0102 39 10 of a weight exceeding 300 kg and ex 0102 90 91 of a weight exceeding 300 kg,
 - 0201 10 00, 0201 20 20,
 - 0201 20 30,
 - 0201 20 50,
 - 0201 20 90,
 - 0201 30 00, 0206 10 95,
 - 0202 10 00, 0202 20 10,
 - 0202 20 30,
 - 0202 20 50,
 - 0202 20 90,
 - 0202 30 10,
 - 0202 30 50,
 - 0202 30 90,
 - 0206 29 91,
 - 0210 20 10,
 - 0210 20 90, 0210 99 51, 0210 99 90,
 - 1602 50 10, 1602 90 61,
 - 1602 50 31,
 - 1602 50 95,
 - 1602 90 69.’
-

ANNEX II

Annex I of Regulation (EU) No 1178/2010 is replaced as follows:

‘ANNEX I

Product code of the agricultural product nomenclature for export refunds ⁽¹⁾	Category	Rate of the security (EUR/100 kg net weight)
040719119000	1	—
040711009000 040719199000	2	—
040721009000 040729109000 040790109000	3	3 ⁽²⁾ 2 ⁽³⁾
040811809100	4	10
040819819100 040819899100	5	5
040891809100	6	15
040899809100	7	4

⁽¹⁾ Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), part 8.

⁽²⁾ For destinations shown in Annex V.

⁽³⁾ Other destinations.’

ANNEX III

Annex I of Regulation (EU) No 90/2011 is replaced as follows:

‘ANNEX I

Product code of the agricultural product nomenclature for export refunds ⁽¹⁾	Category	Rate of the security (EUR/100 kg net weight)
010511119000 010511199000 010511919000 010511999000	1	—
010512009000 010514009000	2	—
020712109900 020712909990 020712909190	3	6 ⁽²⁾ 6 ⁽³⁾ 6 ⁽⁴⁾
020725109000 020725909000	5	3
020714209900 020714609900 020714709190 020714709290	6(a) ⁽⁴⁾	2
020714209900 020714609900 020714709190 020714709290	6(b) ⁽³⁾	2
020727109990	7	3
020727609000 020727709000	8	3

⁽¹⁾ Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), part 7.

⁽²⁾ For destinations shown in Annex VII.

⁽³⁾ Destinations other than those shown in Annexes VII and VIII.

⁽⁴⁾ Destinations shown in Annex VIII.

⁽⁵⁾ Destinations other than those shown in Annex VIII.’

COMMISSION IMPLEMENTING REGULATION (EU) No 1380/2011**of 21 December 2011****amending Regulation (EC) No 798/2008 as regards the specific conditions for breeding and productive ratites****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2009/158/EC of 30 November 2009 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs ⁽¹⁾, and in particular Article 25(1)(b) thereof,

Whereas:

- (1) Annex VIII to Commission Regulation (EC) No 798/2008 of 8 August 2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements ⁽²⁾ sets out the specific conditions which apply to imports of breeding and productive poultry other than ratites and to imports of hatching eggs and day-old chicks other than ratites.
- (2) Point 2 of Part II of that Annex provides that, where day-old chicks are not reared in the Member State which imported the hatching eggs, they are to be transported directly to the final destination and kept there for at least three weeks from the date of hatching. That requirement is reflected in Part I of the relevant model veterinary certificate for day-old chicks laid down in Annex IV to Directive 2009/158/EC.
- (3) Annex IX to Regulation (EC) No 798/2008 sets out the specific conditions which apply to imports of ratites for breeding and production, hatching eggs and day-old chicks thereof. Those specific conditions do not currently include a similar provision concerning ratites as the one included for poultry in point 2 of Part II of Annex VIII to that Regulation.

- (4) Experience in the application of that provision concerning poultry shows that it is appropriate to extend it also to day-old chicks of ratites.
- (5) Regulation (EC) No 798/2008 should therefore be amended accordingly.
- (6) 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

In Annex IX to Regulation (EC) No 798/2008, in Part II, point 3 is replaced by the following:

- ‘3. Ratites which have hatched from imported hatching eggs shall be kept for a period of at least three weeks from the date of hatching in the hatchery or for at least three weeks on the establishment(s) to which they have been sent after hatching.

Where day-old chicks of ratites are not reared in the Member State which imported the hatching eggs, they shall be transported directly to the final destination (as specified in points I.10 and I.11 of the health certificate, Model 2, in Annex IV to Council Directive 2009/158/EC ^(*)) and kept there for at least three weeks from the date of hatching.

^(*) OJ L 343, 22.12.2009, p. 74.’

Article 2

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 February 2012.

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

Done at Brussels, 21 December 2011.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 343, 22.12.2009, p. 74.

⁽²⁾ OJ L 226, 23.8.2008, p. 1.

COMMISSION IMPLEMENTING REGULATION (EU) No 1381/2011**of 22 December 2011****concerning the non-approval of the active substance chloropicrin, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending Decision 2008/934/EC****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) In accordance with Article 80(1)(c) of Regulation (EC) No 1107/2009, Council Directive 91/414/EEC ⁽²⁾ is to apply, with respect to the procedure and the conditions for approval, to active substances for which completeness has been established in accordance with Article 16 of Commission Regulation (EC) No 33/2008 of 17 January 2008 laying down detailed rules for the application of Council Directive 91/414/EEC as regards a regular and an accelerated procedure for the assessment of active substances which were part of the programme of work referred to in Article 8(2) of that Directive but have not been included into its Annex I ⁽³⁾. Chloropicrin is an active substance for which completeness has been established in accordance with that Regulation.
- (2) Commission Regulations (EC) No 451/2000 ⁽⁴⁾ and (EC) No 1490/2002 ⁽⁵⁾ lay down the detailed rules for the implementation of the second and third stages of the programme of work referred to in Article 8(2) of Directive 91/414/EEC and establish lists of active substances to be assessed, with a view to their possible inclusion in Annex I to Directive 91/414/EEC. These lists included chloropicrin.
- (3) In accordance with Article 3(2) of Commission Regulation (EC) No 1095/2007 of 20 September 2007 amending Regulation (EC) No 1490/2002 laying down further detailed rules for the implementation of the third stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC and Regulation (EC) No 2229/2004 laying down further detailed rules for the implementation of the fourth stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC ⁽⁶⁾ the notifier withdrew its support of the inclusion of that active substance in

Annex I to Directive 91/414/EEC within 2 months from entry into force of Regulation (EC) No 1095/2007. Consequently, Commission Decision 2008/934/EC of 5 December 2008 concerning the non-inclusion of certain active substances in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing these substances ⁽⁷⁾ was adopted on the non-inclusion of chloropicrin.

- (4) Pursuant to Article 6(2) of Directive 91/414/EEC the original notifier (hereinafter 'the applicant') submitted a new application requesting the accelerated procedure to be applied, as provided for in Articles 14 to 19 of Regulation (EC) No 33/2008.
- (5) The application was submitted to Italy, which had been designated rapporteur Member State by Regulation (EC) No 1490/2002. The time period for the accelerated procedure was respected. The specification of the active substance and the supported uses are the same as were the subject of Decision 2008/934/EC. That application also complies with the remaining substantive and procedural requirements of Article 15 of Regulation (EC) No 33/2008.
- (6) Italy evaluated the additional data submitted by the applicant and prepared an additional report. It communicated that report to the European Food Safety Authority (hereinafter 'the Authority') and to the Commission on 11 March 2010. The Authority communicated the additional report to the other Member States and the applicant for comments and forwarded the comments it had received to the Commission. In accordance with Article 20(1) of Regulation (EC) No 33/2008 and at the request of the Commission, the Authority presented its conclusion on the risk assessment of chloropicrin to the Commission on 23 February 2011 ⁽⁸⁾. The draft assessment report, the additional report and the conclusion of the Authority were reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 11 October 2011 in the format of the Commission review report for chloropicrin.
- (7) During the evaluation of this active substance, concerns were identified. Those concerns were, in particular, the following. There is an unacceptable risk to operators. It

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ OJ L 230, 19.8.1991, p. 1.

⁽³⁾ OJ L 15, 18.1.2008, p. 5.

⁽⁴⁾ OJ L 55, 29.2.2000, p. 25.

⁽⁵⁾ OJ L 224, 21.8.2002, p. 23.

⁽⁶⁾ OJ L 246, 21.9.2007, p. 19.

⁽⁷⁾ OJ L 333, 11.12.2008, p. 11.

⁽⁸⁾ European Food Safety Authority; Conclusion on the peer review of the pesticide risk assessment of the active substance chloropicrin. *EFSA Journal* 2011;9(3):2084. [58 pp.] doi:10.2903/j.efsa.2011.2084. Available online: www.efsa.europa.eu/efsajournal.htm

was not possible to perform a reliable groundwater exposure assessment as data were missing concerning the metabolite dichloronitromethane and impurities of the active substance as manufactured. Insufficient data were available to conclude on the risks to sediment dwellers, bees, earthworms and non-target plants. A high risk to aquatic organisms, birds and mammals was identified. It was not possible to perform a reliable surface water and sediment exposure assessment as data were missing for chloropicrin and the metabolite dichloronitromethane. No reliable assessment of exposure concentrations in air of phosgene could be performed. A high potential for long-range atmospheric transport was identified.

- (8) The Commission invited the applicant to submit its comments on the conclusion of the Authority. Furthermore, in accordance with Article 21(1) to Regulation (EC) No 33/2008, the Commission invited the applicant to submit comments on the draft review report. The applicant submitted its comments, which have been carefully examined.
- (9) However, despite the arguments put forward by the applicant, the concerns referred to in recital 7 could not be eliminated. Consequently, it has not been demonstrated that it may be expected that, under the proposed conditions of use, plant protection products containing chloropicrin satisfy in general the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC.
- (10) Chloropicrin should therefore not be approved pursuant to Article 13(2) of Regulation (EC) No 1107/2009.
- (11) To provide Member States with time to withdraw authorisations for plant protection products containing chloropicrin, Regulation (EC) No 1490/2002 should be derogated from.
- (12) For plant protection products containing chloropicrin, where Member States grant any period of grace in accordance with Article 46 of Regulation (EC) No 1107/2009, this period should expire at the latest 1 year after the withdrawal of the respective authorisation.
- (13) This Regulation does not prejudice the submission of a further application for chloropicrin pursuant to Article 7 of Regulation (EC) No 1107/2009.

- (14) In the interest of clarity, the entry for chloropicrin in the Annex to Decision 2008/934/EC should be deleted.
- (15) It is therefore appropriate to amend Decision 2008/934/EC accordingly.
- (16) The Standing Committee on the Food chain and Animal Health did not deliver an opinion. An implementing act was deemed to be necessary and the chair submitted the draft implementing act to the appeal committee for further deliberation. The measures provided for in this Regulation are in accordance with the opinion of the appeal committee,

HAS ADOPTED THIS REGULATION:

Article 1

Non-approval of active substance

The active substance chloropicrin is not approved.

Article 2

Transitional measures

By way of derogation from Article 12(3) of Regulation (EC) No 1490/2002, Member States shall ensure that authorisations for plant protection products containing chloropicrin are withdrawn by 23 June 2012.

Article 3

Period of grace

Any period of grace granted by Member States in accordance with Article 46 of Regulation (EC) No 1107/2009 shall be as short as possible and shall expire 12 months after withdrawal of the respective authorisation at the latest.

Article 4

Amendments to Decision 2008/934/EC

In the Annex to Decision 2008/934/EC, the entry for 'chloropicrin' is deleted.

Article 5

Entry into force and date of application

This Regulation shall enter into force on the day following 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, 22 December 2011.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 1382/2011**of 22 December 2011****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:

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,

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 hereto.

Article 2

This Regulation shall enter into force on 23 December 2011.

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

Done at Brussels, 22 December 2011.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	AL	64,0
	MA	68,8
	TN	96,0
	TR	107,7
	ZZ	84,1
0707 00 05	EG	170,1
	JO	182,1
	TR	120,6
	ZZ	157,6
0709 90 70	MA	37,6
	TR	133,4
	ZZ	85,5
0805 10 20	AR	37,9
	BR	41,5
	CL	30,5
	MA	49,0
	TR	76,8
	ZA	41,5
	ZZ	46,2
0805 20 10	MA	80,1
	TR	79,7
	ZZ	79,9
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL	76,8
	MA	72,3
	TR	99,1
	ZZ	82,7
0805 50 10	AR	46,9
	MA	50,0
	TR	52,1
	ZZ	49,7
0808 10 80	CA	112,8
	CN	99,1
	US	113,0
	ZA	122,9
	ZZ	112,0
0808 20 50	CN	102,1
	ZZ	102,1

⁽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 1383/2011**of 22 December 2011****fixing the import duties in the cereals sector applicable from 1 January 2012**

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 1 January 2012 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 1 January 2012, 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, 22 December 2011.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 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 1 January 2012

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

15.12.2011-21.12.2011

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

(EUR/tonne)

	Common wheat ⁽¹⁾	Maize	Durum wheat, high quality	Durum wheat, medium quality ⁽²⁾	Durum wheat, low quality ⁽³⁾
Exchange	Minneapolis	Chicago	—	—	—
Quotation	246,86	180,19	—	—	—
Fob price USA	—	—	309,62	299,62	279,62
Gulf of Mexico premium	—	13,88	—	—	—
Great Lakes premium	35,46	—	—	—	—

⁽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: 19,73 EUR/t

Freight costs: Great Lakes-Rotterdam: 50,92 EUR/t

COMMISSION IMPLEMENTING REGULATION (EU) No 1384/2011**of 22 December 2011****on the minimum customs duty to be fixed in response to the third partial invitation to tender within the tendering procedure opened by Implementing Regulation (EU) No 1239/2011**

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 187, in conjunction with Article 4, thereof

Whereas:

- (1) Commission Implementing Regulation (EU) No 1239/2011 ⁽²⁾ opened a standing invitation to tender for the 2011/12 marketing year for imports of sugar of CN code 1701 at a reduced customs duty.
- (2) In accordance with Article 6 of Implementing Regulation (EU) No 1239/2011, the Commission is to decide, in the light of the tenders received in response to a partial invitation to tender, either to fix a minimum customs duty or not to fix a minimum customs duty per eight digit CN code.
- (3) On the basis of the tenders received for the third partial invitation to tender, a minimum customs duty should be fixed for certain eight digit codes for sugar falling within

CN code 1701 and no minimum customs duty should be fixed for the other eight digit codes for sugar falling within that CN code.

- (4) In order to give a rapid signal to the market and to ensure efficient management of the measure, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*.
- (5) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chair,

HAS ADOPTED THIS REGULATION:

Article 1

For the third partial invitation to tender within the tendering procedure opened by Implementing Regulation (EU) No 1239/2011, in respect of which the time limit for the submission of tenders expired on 21 December 2011, a minimum customs duty has been fixed, or has not been fixed, as set out in the Annex to this Regulation for the eight digit codes for sugar falling within CN code 1701.

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, 22 December 2011.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 318, 1.12.2011, p. 4.

ANNEX

Minimum customs duties

(EUR/tonne)	
Eight digit CN code	Minimum customs duty
1	2
1701 11 10	269,16
1701 11 90	—
1701 12 10	X
1701 12 90	X
1701 91 00	X
1701 99 10	—
1701 99 90	X

(—) no minimum customs duty fixed (all offers rejected)

(X) no offers

DECISIONS

COUNCIL DECISION 2011/871/CFSP

of 19 December 2011

establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications (Athena)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 26(2) and 41(2) thereof,

Whereas:

- (1) The European Council, meeting in Helsinki on 10 and 11 December 1999, agreed in particular that, 'cooperating voluntarily in EU-led operations, Member States must be able, by 2003, to deploy within 60 days and sustain for at least one year, military forces of up to 50 000 to 60 000 persons capable of the full range of Petersberg tasks'.
- (2) On 17 June 2002, the Council approved the arrangements for the financing of EU-led crisis-management operations having military or defence implications.
- (3) The Council, in its conclusions of 14 May 2003, confirmed the need for a rapid reaction capability, in particular for humanitarian and rescue tasks.
- (4) The European Council, meeting in Thessaloniki on 19 and 20 June 2003, welcomed the conclusions of the Council meeting on 19 May 2003, which in particular confirmed the need for a European Union military rapid reaction capability.
- (5) On 22 September 2003, the Council decided that the European Union should acquire the capacity to flexibly manage the financing of common costs of military operations of any scale, complexity or urgency, in particular by setting up, by 1 March 2004 at the latest, a permanent financing mechanism to assume charge of the financing of common costs of any future EU military operation.
- (6) On 23 February 2004, the Council adopted Decision 2004/197/CFSP establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications⁽¹⁾. The Decision has subsequently been amended and replaced several times, most recently by Decision 2008/975/CFSP⁽²⁾.
- (7) The European Union is capable of conducting military rapid response operations in accordance with the concept defined by the EU Military Committee. The European Union is capable of deploying Battle Groups in accordance with the concept defined by the EU Military Committee.
- (8) The scheme for early financing is intended first and foremost for rapid response operations.
- (9) Exercises at the political and military strategic level of the command and control structures and procedures for EU military operations through EU headquarters exercises, as approved by the Political and Security Committee (PSC), contribute to enhancing the Union's overall operational readiness.
- (10) The Council decides on a case-by-case basis whether an operation has military or defence implications, within the meaning of Article 41(2) of the Treaty on European Union (TEU).
- (11) The second subparagraph of Article 41(2) of the TEU provides that Member States whose representatives in the Council have made a formal declaration pursuant to the second subparagraph of Article 31(1) thereof, shall not be obliged to contribute to the financing of the operation having military or defence implications concerned.

⁽¹⁾ OJ L 63, 28.2.2004, p. 68.

⁽²⁾ OJ L 345, 23.12.2008, p. 96.

- (12) In accordance with Article 5 of the Protocol (No 22) on the position of Denmark annexed to the Treaty on the European Union and to the Treaty on the Functioning of the European Union, Denmark does not participate in the elaboration and implementation of decisions and actions of the Union which have defence implications. Denmark does not participate in this decision and therefore does not participate in the financing of the mechanism.
- (13) Pursuant to Article 44 of Decision 2008/975/CFSP, the Council has reviewed that Decision and agreed to amend it.
- (14) For the sake of clarity, Decision 2008/975/CFSP should be repealed and replaced by a new Decision,

HAS ADOPTED THIS DECISION:

Article 1

Definitions

For the purpose of this Decision:

- (a) 'participating Member States' shall mean the Member States of the European Union, except Denmark;
- (b) 'contributing States' shall mean the Member States contributing to the financing of the military operation in question in accordance with Article 41(2) of the TEU and the third States contributing to the financing of the common costs of this operation pursuant to agreements between them and the European Union;
- (c) 'operations' shall mean the EU operations having military or defence implications;
- (d) 'military supporting actions' shall mean the EU operations, or parts thereof, decided by the Council in support of a third State or a third organisation, which have military or defence implications, but which are not under the authority of European Union Headquarters.

CHAPTER 1

MECHANISM

Article 2

Establishment of the mechanism

1. A mechanism to administer the financing of the common costs of operations is hereby established.
2. The mechanism shall be called Athena.
3. Athena shall act on behalf of the participating Member States or, regarding the specific operations, the contributing States.

Article 3

Legal capacity

With a view to the administrative management of the financing of EU operations with military or defence implications, Athena shall have the necessary legal capacity, in particular, to hold bank accounts, acquire, hold or dispose of property, enter into contracts and administrative arrangements and be a party to legal proceedings. Athena shall be non-profit-making.

Article 4

Coordination with third parties

To the extent necessary to achieve its tasks, and in conformity with the objectives and policies of the European Union, Athena shall coordinate its activities with the Member States, Union institutions and bodies, and international organisations.

CHAPTER 2

ORGANISATIONAL STRUCTURE

Article 5

Management bodies and staff

1. Athena shall be managed, under the authority of the Special Committee, by:

- (a) the administrator;
- (b) the commander of each operation, in relation to the operation which he commands ('operation commander');
- (c) the accounting officer.

2. Athena shall use existing administrative structures of the Union to the greatest possible extent. Athena shall resort to staff made available as necessary by the Union institutions or seconded by Member States.

3. The Secretary-General of the Council may provide the administrator and the accounting officer with the staff needed for them to carry out their functions, which may be on the basis of a proposal by a participating Member State.

4. Athena's bodies and staff shall be mobilised on the basis of operational needs.

Article 6

Special Committee

1. A Special Committee composed of one representative of each participating Member State is established.

Representatives of the European External Action Service (EEAS) and of the Commission shall be invited to attend the meetings of the Special Committee without taking part in its votes.

2. Athena shall be managed under the authority of the Special Committee.

3. When the Special Committee is discussing the financing of the common costs of a given operation:

- (a) the Special Committee shall be composed of one representative of each contributing Member State;
- (b) the representatives of contributing third States shall participate in the proceedings of the Special Committee. They shall neither take part in nor be present at its votes;
- (c) the operation commander or his representative shall participate in the proceedings of the Special Committee, without taking part in its votes.

4. The Presidency of the Council shall convene and chair the meetings of the Special Committee. The administrator shall provide the secretariat for the Special Committee. He shall draw up the minutes of the result of the Committee's discussions. He shall not take part in its votes.

5. The accounting officer shall participate as necessary in the proceedings of the Special Committee, without taking part in its votes.

6. If a participating Member State, the administrator or the operation commander so requests, the Presidency shall convene the Special Committee within at most 15 days.

7. The administrator shall adequately inform the Special Committee of any claim or dispute involving Athena.

8. The Special Committee shall decide unanimously amongst its members, taking into account its composition as defined in paragraphs 1 and 3. Its decisions shall be binding.

9. The Special Committee approves all budgets, taking into account the relevant reference amounts, and generally exercises the competences pursuant to this Decision.

10. The Special Committee shall be informed by the administrator, the operation commander and the accounting officer as provided for in this Decision.

11. The text of the acts approved by the Special Committee pursuant to this Decision shall at the time of their approval be signed by the chairman of the Special Committee and by the administrator.

Article 7

Administrator

1. The Secretary-General of the Council, after informing the Special Committee, shall appoint the administrator and at least one deputy administrator for a period of three years.

2. The administrator shall carry out his duties on behalf of Athena.

3. The administrator:

- (a) shall draw up and submit to the Special Committee any draft budget. The 'expenditure' section for an operation in any draft budget shall be drawn up on the basis of a proposal from the operation commander;
- (b) shall adopt the budgets after their approval by the Special Committee;
- (c) shall be the authorising officer for the sections 'revenue', 'common costs incurred in preparation for, or further to, operations' and 'operational common costs' incurred outside the active phase of the operation;
- (d) as regards revenue, shall implement the financial arrangements made with third parties in relation to the financing of the common costs of the EU military operations;
- (e) shall open one or more bank accounts on behalf of Athena.

4. The administrator shall ensure that the rules established by this Decision are complied with, and that the decisions of the Special Committee are implemented.

5. The administrator shall be authorised to adopt any measures which he deems necessary to implement the expenditure financed through Athena. He shall inform the Special Committee thereof.

6. The administrator shall coordinate work on financial questions relating to the EU military operations. He shall be the contact point with national administrations and, as appropriate, international organisations on these matters.

7. The administrator shall be accountable to the Special Committee.

*Article 8***Operation commander**

1. The operation commander shall carry out his duties on behalf of Athena in relation to the financing of the common costs of the operation which he commands.

2. For the operation which he commands, the operation commander shall:

(a) send the administrator his proposals for the 'expenditure — operational common costs' section of the draft budgets;

(b) as authorising officer, implement the appropriations relating to the operational common costs as well as expenditure under Article 28; he shall exercise his authority over any person participating in the implementation of those appropriations, including pre-financing; he may award contracts and enter into contracts on behalf of Athena; he shall open a bank account on behalf of Athena for the operation which he commands.

3. The operation commander shall be authorised to adopt any measures which he deems necessary to implement the expenditure financed through Athena, for the operation which he commands. He shall inform the administrator and the Special Committee thereof.

4. Except in duly warranted circumstances approved by the Special Committee following a proposal by the administrator, the operation commander shall use the accounting and asset management system provided by Athena. The administrator shall inform the Special Committee in advance when he considers that such circumstances exist.

*Article 9***Accounting officer**

1. The Secretary-General of the Council shall appoint the accounting officer and at least one deputy accounting officer for a period of three years.

2. The accounting officer shall carry out his duties on behalf of Athena.

3. The accounting officer shall be responsible for:

(a) proper implementation of payments, collection of revenue and recovery of amounts established as being receivable;

(b) preparing the financial statements for Athena each year, and, after completion of each operation, the accounts for that operation;

(c) supporting the administrator when he submits the annual accounts or the accounts for an operation to the Special Committee for approval;

(d) keeping the accounts for Athena;

(e) laying down the accounting rules and methods and the chart of accounts;

(f) laying down and validating the accounting systems for revenue and, where appropriate, validating systems laid down by the authorising officer to supply or justify accounting information;

(g) keeping supporting documents;

(h) treasury management, jointly with the administrator.

4. The administrator and the operation commander shall provide the accounting officer with all the information necessary for the production of accounts which accurately represent Athena's financial assets and budget implementation administered by Athena. They shall guarantee its reliability.

5. The accounting officer shall be accountable to the Special Committee.

*Article 10***General provisions applicable to the administrator, the accounting officer and Athena's staff**

1. The functions of administrator or deputy administrator, on the one hand, and accounting officer or deputy accounting officer, on the other, shall be mutually incompatible.

2. Any deputy administrator shall act under the authority of the administrator. Any deputy accounting officer shall act under the authority of the accounting officer.

3. A deputy administrator shall replace the administrator when he is absent. A deputy accounting officer shall replace the accounting officer when he is absent.

4. Officials and other servants of the European Union, when carrying out functions on behalf of Athena, shall remain subject to the rules and regulations applicable to them.

5. The staff made available to Athena by the Member States shall be subject to the same rules as those set out in the Council decision concerning the rules applicable to national experts on secondment, and to the provisions agreed on by their national administration and the Union institution or Athena.

6. Before their appointment, the staff of Athena must have received clearance for access to classified information up to at least 'Secret UE' level held by the Council, or equivalent clearance by a Member State.

7. The administrator may negotiate and enter into arrangements with the Member States or Union institutions with a view to designating in advance those staff who could, if need be, be made immediately available to Athena.

CHAPTER 3

ADMINISTRATIVE ARRANGEMENTS AND FRAMEWORK CONTRACTS

Article 11

Administrative arrangements and framework contracts

1. Administrative arrangements may be negotiated with Member States, Union institutions and bodies, third States and international organisations in order to facilitate procurement and/or the financial aspects of mutual support in operations in the most cost-effective manner.

2. Such arrangements shall be:

- (a) subject to consultation of the Special Committee if they are concluded with Member States, Union institutions or bodies;
- (b) submitted for approval to the Special Committee if they are concluded with third States or international organisations.

3. Such arrangements shall be signed by the administrator or, where appropriate, the respective operation commander, acting on behalf of Athena, and by the competent administrative authorities of the other parties referred to in paragraph 1.

4. Framework contracts may be concluded in order to facilitate procurement in the most cost-effective manner. Such contracts shall be submitted for approval to the Special Committee before being signed by the administrator and shall be made available to Member States and operation commanders should they wish to make use of them. This provision will impose no obligation on any Member State to avail of or to procure goods or services on the basis of a framework contract.

Article 12

Standing and ad hoc administrative arrangements on modalities for the payment of third States' contributions

1. In the framework of the agreements concluded between the European Union and third States indicated by the Council as potential contributors to EU operations or as contributors to a

specific EU operation, the administrator shall negotiate with these third States standing or ad hoc administrative arrangements. These arrangements shall take the form of an Exchange of Letters between Athena and the competent administrative services of the third States concerned establishing the modalities necessary to facilitate swift payment of contributions.

2. Pending the conclusion of the agreements referred to in paragraph 1, the administrator may take the necessary measures to facilitate payments by the contributing third States.

3. The administrator shall inform the Special Committee in advance of the envisaged arrangements referred to in paragraph 1, before signing them on behalf of Athena.

4. When a military operation is launched by the Union, the administrator shall, for the amounts of contributions decided by the Council, implement the arrangements with the third States contributing to that operation.

CHAPTER 4

BANK ACCOUNTS

Article 13

Opening and purpose

1. Any bank account shall be opened at a first-rate financial institution with its head office in a Member State and shall be a current or short-term account in euro. In duly warranted circumstances, and after approval of the administrator, accounts may be opened at financial institutions with head office outside the Member States.

2. In duly warranted circumstances, accounts may be opened in currencies other than the euro.

3. The contributions from contributing States shall be paid into these bank accounts. They shall be used to pay for the costs administered by Athena and to make the necessary advances to the operation commander for the implementation of expenditure relating to the common costs of a military operation.

Article 14

Management of funds

1. Any payment from Athena's account shall require the joint signature of the administrator or a deputy administrator on the one hand and the accounting officer or a deputy accounting officer on the other.

2. No bank account may be overdrawn.

CHAPTER 5

COMMON COSTS*Article 15***Definition of common costs and periods for eligibility**

1. The common costs listed in Annex I shall be at the expense of Athena whenever they are incurred. When entered in an article of the budget showing the operation to which they are most related, they shall be regarded as operational costs of that operation. Otherwise, they shall be regarded as common costs incurred in preparation for, or following, operations.

2. Furthermore, Athena shall bear the operational common costs listed in Annex II during the period from the approval of the crisis management concept for the operation until the appointment of the operation commander. In particular circumstances, after the PSC has been consulted, the Special Committee may modify the period during which these costs shall be borne by Athena.

3. During the active phase of an operation, which runs from the date on which the operation commander is appointed to the day on which the operation headquarters ceases its activity, Athena shall bear as operational common costs:

- (a) the common costs listed in Part A of Annex III;
- (b) the common costs listed in Part B of Annex III, when the Council so decides;
- (c) the common costs listed in Part C of Annex III, when the operation commander so requests and if the Special Committee approves it.

4. During the active phase of a military supporting action, as determined by the Council, Athena shall bear as operational common costs the common costs defined by the Council on a case-by-case basis by reference to Annex III.

5. The operational common costs of an operation also include the expenditure necessary to wind it up, as listed in Annex IV.

The operation is wound up when the equipment and infrastructure commonly funded for the operation have found their final destination and the accounts for the operation have been approved.

6. No expenditure incurred with a view to covering costs which would in any case have been borne by one or more contributing States, a Union institution or an international organisation, independently of the organisation of an operation, may be eligible as a common cost.

7. The Special Committee may decide on a case-by-case basis that, in view of particular circumstances, certain incremental costs other than those listed in Part B of Annex III shall be regarded as common costs for one given operation during its active phase.

8. If unanimity cannot be achieved in the Special Committee, the latter may, at the initiative of the Presidency, refer the question to the Council.

*Article 16***Exercises**

1. The common costs of the European Union's exercises shall be financed through Athena following rules and procedures similar to those for operations to which all participating Member States contribute.

2. These exercise common costs shall be composed of, firstly, incremental costs for deployable or fixed headquarters and, secondly, incremental costs incurred by EU recourse to NATO common assets and capabilities when made available for an exercise.

3. Exercise common costs shall not include costs related to:

- (a) capital acquisitions, including those related to buildings, infrastructure and equipment;
- (b) the planning and preparatory phase of exercises, unless approved by the Special Committee;
- (c) transport, barracks and lodging for forces.

*Article 17***Reference amount**

Any Council decision by which the Council decides to establish or extend an EU military operation shall contain a reference amount for the common costs of that operation. The administrator shall, with the support in particular of the Union military staff and, if he is in office, the operation commander, evaluate the amount judged necessary to cover the common costs of the operation for the planned period. The administrator shall propose this amount through the Presidency to the Council body responsible for examining the draft decision. The members of the Special Committee shall be invited to the discussions of this body concerning the reference amount.

CHAPTER 6

BUDGET*Article 18***Budgetary principles**

1. The budget, drawn up in euro, is the act which for each financial year lays down and authorises all the revenue and expenditure relating to common costs administered by Athena.
2. All expenditure shall be linked to a specific operation, except where appropriate for the costs listed in Annex I.
3. The appropriations entered in the budget are authorised for the duration of a financial year which begins on 1 January and ends on 31 December of the same year.
4. Budget revenue and expenditure shall be in balance.
5. No revenue or expenditure relating to common costs may be implemented other than by allocation to a heading in the budget and within the limit of the appropriations entered there, except pursuant to Article 32(5).

*Article 19***Annual budget**

1. Each year the administrator shall draw up a draft budget for the following financial year, with the assistance of each operation commander for his operation.
2. The draft shall include:
 - (a) the appropriations deemed necessary to cover the common costs incurred in preparation for, or further to, operations;
 - (b) the appropriations deemed necessary to cover the operational common costs for ongoing or planned operations, including, where appropriate, to reimburse common costs which have been pre-financed by a State or third party;
 - (c) the provisional appropriations as referred to in Article 26;
 - (d) a forecast of the revenue needed to cover expenditure.
3. The commitment and payment appropriations shall be classified in titles and chapters grouping expenditure together by type or purpose, subdivided as necessary into articles. Detailed comments by chapter or article shall be included in the draft budget. One specific title shall be dedicated to each operation. One specific title shall be the general part of the

budget and shall include the common costs incurred in preparation for, or further to, operations.

4. Each title may include a chapter entitled 'provisional appropriations'. These appropriations shall be entered where there is uncertainty, based on serious grounds, about the amount of appropriations needed or the scope for implementing the appropriations entered.

5. Revenue shall consist of:

- (a) contributions payable by the participating and contributing Member States and, where appropriate, by contributing third States;
- (b) miscellaneous revenue, subdivided by title, which includes interest received, revenue from sales and the budget outturn from the previous financial year, after it has been determined by the Special Committee.

6. The administrator shall propose the draft budget to the Special Committee by 31 October at the latest. The Special Committee shall approve the draft budget by 31 December. The administrator shall adopt the approved budget and notify the participating Member States and contributing third States.

*Article 20***Amending budgets**

1. In the case of unavoidable, exceptional or unforeseen circumstances, including when an operation is launched during the course of the financial year, the administrator shall propose a draft amending budget. The draft amending budget shall be drawn up, proposed, approved and adopted and notification given in accordance with the same procedure as the annual budget. The Special Committee shall discuss it taking account of its urgency.
2. When this draft amending budget results from the launching of a new operation or changes in the budget of an ongoing operation, the administrator will inform the Special Committee of the total costs foreseen for this operation. If these costs substantially exceed the relevant reference amount, the Special Committee may request the Council to approve it.
3. The draft amending budget resulting from the launching of a new operation shall be submitted to the Special Committee within a period of four months after the approval of the reference amount, unless the Special Committee decides on a longer deadline.

*Article 21***Transfers**

1. The administrator, where appropriate on the basis of a proposal by the operation commander, may make transfers of appropriations. The administrator shall inform the Special Committee of his intention, in so far as the urgency of the situation permits, at least one week in advance. However, the prior approval of the Special Committee shall be required when:

- (a) the planned transfer will amend the total of the appropriations provided for an operation;

or

- (b) the planned transfers between chapters during the financial year exceed 10 % of the appropriations entered in the chapter from which the appropriations are being drawn, as appearing in the adopted budget for the financial year on the date when the proposal for the transfer in question is made.

2. When he deems this to be necessary for the proper conduct of an operation, in the three months following the date of launching of the operation, the operation commander may make transfers of appropriations allocated for the operation, between articles and between chapters in the 'operational common costs' section of the budget. He shall inform the administrator and the Special Committee thereof.

*Article 22***Carryover of appropriations**

1. In principle, the appropriations intended to cover the common costs incurred in preparation for, or further to, operations, which have not been committed are cancelled at the end of the financial year, if not otherwise provided for in paragraph 2.

2. Appropriations intended to cover the cost of storing material and equipment administered by Athena may be carried over once to the following financial year, when a commitment to that effect was made before 31 December of the current financial year. Appropriations intended to cover operational common costs may be carried over if they are necessary for an operation which has not been fully wound up.

3. The administrator shall submit proposals for the carrying over of non-committed appropriations from the preceding financial year to the Special Committee by 15 February. These proposals shall be deemed approved unless the Special Committee decides otherwise by 15 March.

4. The committed appropriations from the preceding financial year shall be carried over and the Special Committee shall be informed thereof by the administrator by 15 February.

*Article 23***Anticipated implementation**

Once the annual budget has been approved, appropriations may be used to cover commitments and payments in so far as operationally necessary.

CHAPTER 7

CONTRIBUTIONS AND REIMBURSEMENTS*Article 24***Determination of contributions**

1. Payment appropriations to cover the common costs incurred in preparation for, or further to, operations which are not covered by miscellaneous revenue shall be financed by contributions from the participating Member States.

2. Payment appropriations to cover the operational common costs of an operation shall be covered by contributions from the contributing States.

3. The contributions payable by the contributing Member States for an operation shall be equal to the amount of the payment appropriations entered in the budget and intended to cover the operational common costs of that operation, after deduction of the amounts of the contributions payable for the same operation by contributing third States pursuant to Article 12.

4. The breakdown of contributions between the Member States from whom a contribution is required shall be determined in accordance with the gross national product scale as specified in Article 41(2) of the TEU and in accordance with the Council Decision 2007/436/EC, Euratom of 7 June 2007 on the system of the European Communities' own resources ⁽¹⁾, or any other Council decision which may replace it.

5. The data for the calculation of contributions shall be those set out in the 'GNI own resources' column in the 'Summary of financing of the general budget by type of own resource and by Member State' table appended to the latest general budget adopted by the Union. The contribution of each Member State from whom a contribution is due shall be proportional to the share of gross national income (GNI) of that Member State in the total GNI aggregate of the Member States from whom a contribution is due.

⁽¹⁾ OJ L 163, 23.6.2007, p. 17.

*Article 25***Schedule for payment of contributions**

1. When the Council has adopted a reference amount for an EU military operation, the contributing Member States shall pay their contributions at the level of 30 % of the reference amount, unless the Council decides on a different percentage. The administrator shall call for contributions according to operational needs for the operation up to the agreed level.

2. The Special Committee, on the basis of a proposal by the administrator, may decide that additional contributions will be called before the adoption of an amending budget for the operation. The Special Committee may decide to refer the matter to the competent preparatory bodies at the Council.

3. When an amending budget has been adopted for a specific operation, the Member States shall pay the balance of the contributions which they owe for that operation in application of Article 24. However, when the operation is planned to last more than six months within a financial year, the balance of contributions shall be paid in two instalments. In such a case, the first instalment shall be paid within 60 days of the launching of the operation; the second instalment shall be paid by a deadline to be set by the Special Committee acting on a proposal from the administrator, taking into account operational needs. The Special Committee may depart from the provisions of this paragraph.

4. The administrator shall send the corresponding calls for contributions by letter to the national administrations whose details have been communicated to him when:

- (a) a draft budget for a financial year is approved by the Special Committee provided for in Article 19. The first call for contributions covers the operational needs for eight months. The second call for contributions covers the remaining balance of contributions, taking into account the balance of the previous year budget outturn if the Special Committee decided to enter this balance in the current budget after the audit opinion has been received;
- (b) a reference amount has been adopted as provided for in Article 25(1); or
- (c) an amending budget is approved as provided for in Article 20.

5. Without prejudice to the other provisions in this Decision, the contributions shall be paid within 30 days following despatch of the relevant call for contributions, with the exception of the first call for contributions for a new financial year's budget, where the deadline for payment shall be 40 days following dispatch of the relevant call for contributions.

6. Each contributing State shall pay the bank charges relating to the payment of its own contribution.

7. The administrator shall acknowledge receipt of contributions.

*Article 26***Early financing**

1. In the case of an EU military rapid response operation, contributions shall be due by contributing Member States at the level of the reference amount. Without prejudice to Article 25(3), payments shall be made as defined below.

2. For the purpose of the early financing of EU military rapid response operations, the participating Member States shall either:

(a) pay contributions to Athena in advance; or

(b) when the Council decides to conduct an EU military rapid response operation to the financing of which they contribute, pay their contributions to the common costs of that operation within five days following despatch of the call at the level of the reference amount, unless the Council decides otherwise.

3. For the purpose referred to above, the Special Committee, composed of one representative of each of the Member States contributing in advance, shall establish provisional appropriations in a specific title in the budget. These provisional appropriations shall be covered by contributions payable by the Member States contributing in advance within 90 days following despatch of the call for these contributions.

4. Any provisional appropriations referred to in paragraph 3 which are used for an operation shall be replenished within 90 days following despatch of the call.

5. Without prejudice to paragraph 1, any Member State contributing in advance may in specific circumstances authorise the administrator to use its contribution paid in advance to cover its contribution to an operation in which it participates, other than a rapid response operation. The contribution paid in advance shall be replenished by the Member State concerned within 90 days following despatch of the call.

6. Where funds are required for an operation, other than a rapid response operation, before sufficient contributions to that operation have been received:

(a) contributions paid in advance by Member States which contribute to financing that operation after approval by the Member States contributing in advance, may be used up to 75 % of their amount to cover contributions due to that operation. The contributions paid in advance shall be replenished by the Member States contributing in advance within 90 days following despatch of the call;

(b) in the case referred to in point (a) of this paragraph, contributions due for the operation under Article 25(1) from Member States that had not contributed in advance shall be paid, after approval by the Member States concerned, within five days following despatch of the call by the administrator.

7. Notwithstanding Article 32(3), the operation commander may commit and pay the amounts made available to him.

8. Any Member State may reverse its option by notifying the administrator at least three months in advance.

9. Interest earned on the early financing will be apportioned annually to the Member States contributing in advance and added to their provisional appropriations. The amounts will be notified to those Member States as part of the annual budgetary approval process.

Article 27

Reimbursement of pre-financing

1. A Member State, a third State or, as appropriate, an international organisation which has been authorised by the Council to pre-finance a part of the common costs of an operation may obtain reimbursement from Athena by making a request accompanied by the necessary supporting documents and addressed to the administrator at the latest two months after the date of completion of the operation concerned.

2. No request for reimbursement may be honoured if it has not been approved by the operation commander, if still in office, and by the administrator.

3. If a request for reimbursement presented by a contributing State is approved, it may be deducted from the next call for contributions addressed to that State by the administrator.

4. If no call for contributions is anticipated when the request is approved, or if the approved request for reimbursement would exceed the anticipated contribution, the administrator

shall make payment of the amount to be reimbursed within 30 days, taking account of Athena's cash flow and of what is needed to finance the common costs of the operation concerned.

5. Reimbursement shall be due in accordance with this Decision even if the operation is cancelled.

6. Reimbursement shall include interest earned on the amount made available through pre-financing.

Article 28

Management by Athena of expenditure not included in common costs

1. The Special Committee, on the basis of a proposal by the administrator, with the assistance of the operation commander, or by a Member State, may decide that the administrative management of certain expenditure in relation to an operation ('nation borne costs'), while remaining the responsibility of the Member State which it concerns, shall be entrusted to Athena.

2. The Special Committee, in its decision, may authorise the operation commander to enter into contracts on behalf of the Member States participating in an operation and, where appropriate, third parties, for the acquisition of the services and supplies to be financed as nation borne costs.

3. The Special Committee, in its decision, shall lay down the modalities for the pre-financing of nation borne costs.

4. Athena shall keep accounts of the nation borne costs entrusted to it and incurred by each Member State and, where appropriate, third parties. Each month it shall send each Member State and, where appropriate, those third parties, a statement of the expenditure borne by it and incurred by it or by its staff during the preceding month, and shall call for the necessary funds to pay for this expenditure. The Member States and, where appropriate, those third parties, shall pay Athena the funds required within 30 days following despatch of the call for funds.

Article 29

Interest on late payment

1. If a State does not fulfil its financial obligations, the Union rules on interest on late payment determined by Article 71 of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽¹⁾ in relation to the payment of contributions to the EU budget shall be applicable by analogy.

⁽¹⁾ OJ L 248, 16.9.2002, p. 1.

2. When payment is late by no more than 10 days, no interest shall be charged. When payment is late by more than 10 days, interests shall be charged for the entire delay.

CHAPTER 8

IMPLEMENTATION OF EXPENDITURE

Article 30

Principles

1. Athena's appropriations shall be used in accordance with the principles of sound financial management, i.e. economy, effectiveness and efficiency.

2. Authorising officers shall be responsible for implementing Athena's revenue and expenditure in accordance with the principles of sound financial management and for ensuring that the requirements of legality and regularity are complied with. To implement expenditure, the authorising officers shall make budgetary commitments and legal commitments, shall validate expenditure and authorise payments and shall undertake the preliminaries for the implementation of appropriations. An authorising officer may delegate his duties by a decision determining:

(a) staff at an appropriate level for such delegation;

(b) the extent of the conferred powers;

(c) the scope for beneficiaries to subdelegate their powers.

3. The implementation of appropriations according to the principle of the segregation of the authorising officer and the accounting officer shall be ensured. The duties of authorising officer and accounting officer shall be mutually incompatible. Any payment made from funds administered by Athena shall require the joint signature of an authorising officer and an accounting officer.

4. Without prejudice to this Decision, when the implementation of common expenditure is entrusted to a Member State, a Union institution or, as appropriate, an international organisation, that State, institution or organisation shall apply the rules applicable to the implementation of its own expenditure. When the administrator implements expenditure directly, it shall comply with the rules applicable to the implementation of the 'Council' section of the general budget of the European Union.

5. However, the administrator may provide the Presidency with elements for proposal to the Council or the Special Committee on rules for the implementation of common expenditure.

6. The Special Committee may approve rules for the implementation of common expenditure which depart from paragraph 4.

Article 31

Common costs incurred in preparation for, or further to, operations, or not linked directly to a specific operation

The administrator shall perform the duties of authorising officer for expenditure covering the common costs incurred in preparation for, or further to, operations, as well as common costs which cannot be linked directly to a specific operation.

Article 32

Operational common costs

1. The operation commander shall carry out the duties of authorising officer for expenditure covering the operational common costs of the operation he commands. However, the administrator shall carry out the duties of authorising officer for expenditure covering the operational common costs incurred during the preparatory phase of a specific operation, which are implemented directly by Athena, or related to the operation after the end of its active phase.

2. The sums required for the implementation of expenditure on an operation shall be transferred by the administrator from Athena's bank account to the operation commander, upon his request, into the bank account opened on behalf of Athena, of which the operation commander has provided the details.

3. By way of derogation from Article 18(5), the adoption of a reference amount shall activate the right of the administrator and the operation commander, each in his area of competence, to commit and pay expenses for the operation concerned up to the percentage of the reference amount approved as provided for in Article 25(1), unless the Council decides on a higher level for commitments.

The Special Committee, on the basis of a proposal from the administrator or the operation commander and taking into account the operational necessity and urgency, may decide that additional expenditure may be committed and, as appropriate, paid. The Special Committee may decide to refer the question to the competent preparatory bodies at the Council through the Presidency unless operational circumstances dictate otherwise. This derogation shall not be applied as from the date of adoption of a budget for the operation concerned.

4. During the period prior to the adoption of a budget for an operation, the administrator and the operation commander or his representative shall report to the Special Committee every month, each reporting on the matters concerning him, as regards the expenses which are eligible as common costs for that operation. The Special Committee, on the basis of a proposal by the administrator, the operation commander or a Member State, may issue directives on the implementation of expenditure during that period.

5. By way of derogation from Article 18(5), in the case of imminent danger to the lives of personnel involved in an EU military operation, the operation commander for that operation may implement the necessary expenditure to save the lives of those personnel, in excess of the appropriations entered in the budget. He shall inform the administrator and the Special Committee as soon as possible. In such a case, the administrator shall, liaising with the operation commander, propose the transfers needed to finance this unexpected expenditure. If it is not possible to ensure sufficient funding for such expenditure by means of a transfer, the administrator shall propose an amending budget.

CHAPTER 9

FINAL DESTINATION OF EQUIPMENT AND INFRASTRUCTURE FINANCED IN COMMON

Article 33

Equipment and infrastructure

1. With a view to winding up the operation which he has commanded, the operation commander shall propose a final destination for the equipment and infrastructure financed in common for that operation. He shall propose to the Special Committee the relevant rate of depreciation as necessary.

2. The administrator shall manage the equipment and infrastructure remaining after the end of the active phase of the operation, with a view if necessary to finding its final destination. He shall propose to the Special Committee the relevant rate of depreciation as necessary.

3. The depreciation rate for equipment, infrastructure and other assets shall be approved by the Special Committee at the earliest time possible.

4. The final destination of equipment and infrastructure financed in common shall be approved by the Special Committee, taking into account operational needs and financial criteria. The final destination may be as follows:

(a) in the case of infrastructure, be sold or transferred through Athena to the host country, a Member State or a third party;

(b) in the case of equipment, be sold through Athena to a Member State, the host country or a third party, or be stored and maintained by Athena, a Member State or such a third party, for use in a subsequent operation.

5. When sold, equipment and infrastructure shall be sold for their market value, or, where no market value can be determined, for a fair and reasonable price taking into account specific local conditions.

6. Sale or transfer to the host country or a third party shall be in accordance with the relevant security rules in force.

7. When it is decided that Athena shall retain equipment financed in common for an operation, the contributing Member States may ask for financial compensation from the other participating Member States. The Special Committee, composed of the representatives of all the participating Member States, shall take the appropriate decisions on the basis of a proposal from the administrator.

CHAPTER 10

ACCOUNTING AND INVENTORY

Article 34

Accounting for operational common costs

The operation commander shall keep accounts of transfers received from Athena, of expenditure he has committed and of payments made and of revenue received, as well as an inventory of the movable property financed by the Athena budget and used for the operation which he commands.

Article 35

Consolidated accounts

1. The accounting officer shall keep the accounts of contributions called for and transfers made. He shall also draw up the accounts for the common costs incurred in preparation for, or further to, operations, and for operational expenditure and revenue implemented under the direct responsibility of the administrator.

2. The accounting officer shall draw up the consolidated accounts for Athena's revenue and expenditure. Each operation commander shall send him the accounts for the expenditure he has committed and the payments he has made, and of revenue received.

CHAPTER 11

AUDIT AND PRESENTATION OF ACCOUNTS

Article 36

Regular reports to the Special Committee

Every three months, the administrator shall present to the Special Committee a report on the implementation of revenue and expenditure since the beginning of the financial year. To this end, every operation commander shall provide the administrator with a report on expenditure relating to the operational common costs of the operation which he commands.

Article 37

Conditions for the exercise of controls

1. The persons responsible for auditing Athena's revenue and expenditure shall, before carrying out their task, have received clearance for access to classified information up to at least 'Secret UE' level held by the Council, or equivalent clearance from a Member State or NATO, as appropriate. Those persons shall ensure that they respect the confidentiality of the information and protect the data of which they acquire knowledge during their audit task, in accordance with the rules applicable to that information and those data.

2. The persons responsible for auditing Athena's revenue and expenditure shall have access without delay and without giving prior notice to the documents and to the contents of all data supports relating to that revenue and expenditure, and to the premises where those documents and supports are kept. They may make copies. The persons involved in implementing Athena's revenue and expenditure shall give the administrator and the persons responsible for the audit of that revenue and expenditure the necessary assistance in performing their task.

Article 38

External auditing of the accounts

1. When the implementation of Athena's expenditure has been entrusted to a Member State, a Union institution or an international organisation, that State, institution or organisation shall apply the rules which apply to the auditing of its own expenditure.

2. However, the administrator or persons appointed by him may at any time carry out an audit of the common costs of Athena incurred in preparation for, or further to, operations, or the operational common costs of an operation. Furthermore, the Special Committee, on the basis of a proposal by the administrator or a Member State, may at any time appoint external auditors, whose tasks and conditions of employment it shall determine.

3. With a view to external audits, a six-member College of Auditors shall be established. The Special Committee shall appoint members for a three-year period, renewable once, from candidates proposed by the Member States. The Special Committee may extend a member's mandate by up to six months.

The candidates must be members of the highest national audit body of a Member State, or recommended by that body, and offer adequate guarantees of security and independence. They must be available to carry out tasks on behalf of Athena as needed. In carrying out these tasks:

(a) the members of the College shall continue to be paid by their audit body of origin; Athena shall bear their mission

expenses in accordance with the rules applicable to officials of the European Union of an equivalent grade;

(b) the members shall neither request nor receive instructions other than from the Special Committee; within its audit mandate the College of Auditors and its members shall be completely independent and solely responsible for the conduct of the external audit;

(c) the members shall only report on their task to the Special Committee;

(d) the members shall check during the financial year as well as *ex post*, through controls on the spot as well as on supporting documents, that expenditure financed or pre-financed through Athena is implemented in accordance with the legislation applicable and the principles of sound financial management, i.e. economy, effectiveness and efficiency, and that internal controls are adequate.

Each year, the College of Auditors shall elect its chairman from amongst its members or extend his term of office. It shall adopt the rules applicable to audits carried out by its members in accordance with the highest international standards. The College of Auditors shall approve the audit reports drawn up by its members before their transmission to the administrator and to the Special Committee.

4. The Special Committee may decide on a case-by-case basis and upon specific motivations to use other external bodies.

5. The cost of the audits carried out by auditors acting on behalf of Athena shall be considered as a common cost to be borne by Athena.

Article 39

Internal auditing of the accounts

1. On the basis of a proposal by the administrator and after informing the Special Committee, the Secretary-General of the Council shall appoint an internal auditor of the Athena mechanism, and at least one deputy internal auditor, for a period of three years, renewable once; internal auditors must have the necessary professional qualifications and offer sufficient guarantees of security and independence. The internal auditor may not be either an authorising officer or accounting officer; he may not take part in the preparation of financial statements.

2. The internal auditor shall report to the administrator on dealing with risks, by issuing independent opinions on the quality of management and control systems and by issuing recommendations for improving the internal audit in operations and promoting sound financial management. He shall be responsible in particular for assessing the suitability and effectiveness of internal management systems and the performance of departments in implementing policies and reaching objectives by reference to the risks associated with them.

3. The internal auditor shall perform his duties on all departments involved in the collection of Athena's revenue or the implementation of expenditure financed through Athena.

4. The internal auditor shall perform one or more audits during the financial year as appropriate. He shall report to the administrator and inform the operation commander of his findings and recommendations. The operation commander and the administrator shall ensure that action is taken on recommendations resulting from the audits.

5. The administrator shall submit a report each year to the Special Committee on the internal audit work done, indicating the number and type of internal audits carried out, observations made, recommendations put forward and how those recommendations were followed up.

6. Furthermore, each operation commander shall give the internal auditor full access to the operation which he commands. The internal auditor shall check that the financial and budgetary systems and procedures function correctly, and shall ensure that robust and effective internal audit systems are in operation.

7. The proceedings and reports of the internal auditor shall be made available to the College of Auditors along with all supporting documents relating thereto.

Article 40

Annual presentation and closure of accounts

1. Each operation commander shall provide Athena's accounting officer by 31 March following the end of the financial year, or within four months following the end of the operation which he commands, whichever is the earlier, with the necessary information to establish the annual accounts for common costs, the annual accounts for expenditure pre-financed and reimbursed pursuant to Article 28 and the annual activity report.

2. The administrator, with the assistance of the accounting officer and each operation commander, shall establish and provide to the Special Committee and the College of Auditors, by 15 May following the end of the financial year, the financial statements and the annual activity report.

3. The Special Committee shall be provided, within eight weeks of the transmission of the financial statements, by the College of Auditors with an audit opinion and, by the administrator, assisted by the accounting officer and each operation commander, with Athena's audited financial statements.

4. The Special Committee shall be provided, by 30 September following the end of the financial year, with the audit report by the College of Auditors, and shall examine the audit report, the audit opinion and the financial statements with a view to granting a discharge to the administrator, the accounting officer and each operation commander.

5. All accounts and inventories shall be retained, each at his level, by the accounting officer and each operation commander for a period of five years from the date on which the corresponding discharge was granted. When an operation is terminated, the operation commander shall ensure transmission of all accounts and inventories to the accounting officer.

6. The Special Committee shall decide to enter the balance of the budget outturn for a financial year for which the accounts have been approved in the budget for the following financial year, as revenue or expenditure depending on the circumstances, by means of an amending budget. The Special Committee may, however, decide to enter the balance of the abovementioned budget outturn after having received the audit opinion from the College of Auditors.

7. The part of the balance of the budget outturn for a financial year which comes from the implementation of appropriations intended to cover common costs incurred in preparation for, or further to, operations, shall be entered against the next contributions from participating Member States.

8. The part of the balance of the budget outturn which comes from the implementation of appropriations intended to cover the operational common costs of a given operation shall be entered against the next contributions from the Member States which have contributed to that operation.

9. If reimbursement cannot be done by deduction from the contributions due to Athena, the balance of the budget outturn shall be repaid to the Member States concerned according to the GNI key of the year of reimbursement.

10. Each Member State participating in an operation may provide information by 31 March each year to the administrator, where appropriate through the operation commander, on the incremental costs it has incurred for the operation during the previous financial year. This information shall be broken down to show the main items of expenditure. The administrator shall compile this information in order to provide the Special Committee with an overview of the incremental costs of the operation.

*Article 41***Closure of the accounts of an operation**

1. When an operation is complete, the Special Committee may decide, on the basis of a proposal by the administrator or by a Member State, that the administrator, with the assistance of the accounting officer and of the operation commander, shall submit to the Special Committee the financial statements for that operation, at least up to the date on which it was completed, and, if possible, up to the date on which it was wound up. The deadline imposed on the administrator may not be less than four months from the date on which the operation was completed.

2. If the financial statements cannot, within the given deadline, include the revenue and expenditure connected with the winding up of that operation, that revenue and expenditure shall appear in the financial statements for Athena and shall be examined by the Special Committee in the context of the procedure foreseen in Article 40.

3. The Special Committee shall, based on an opinion of the College of Auditors, approve the financial statements for the operation which have been submitted to it. It shall grant a discharge to the administrator, the accounting officer and each operation commander for the operation in question.

4. If reimbursement cannot be done by deduction from the contributions due to Athena, the balance of the budget outturn shall be repaid to the Member States concerned according to the GNI key of the year of reimbursement.

CHAPTER 12

MISCELLANEOUS PROVISIONS*Article 42***Liability**

1. The conditions governing the disciplinary or criminal liability of the operation commander, the administrator and other staff made available in particular by the Union institutions or Member States, in the event of misconduct or negligence in the implementation of the budget shall be governed by the staff regulations or the arrangements applicable to them. In addition, Athena may at its own initiative or at the request of a contributing State bring a civil action against the abovementioned staff.

2. In no case may the Union or the Secretary-General of the Council be held liable by a contributing State as a result of the performance of their duties by the administrator, the accounting officer or the staff assigned to them.

3. The contractual liability which may arise from contracts concluded in the context of implementation of the budget shall be covered through Athena by the contributing States. It shall be governed by the law applicable to the contracts in question.

4. In the case of non-contractual liability, any damage caused by the operation headquarters, force headquarters and component headquarters of the crisis structure, the composition of which shall be approved by the operation commander, or by their staff in the course of their duties shall be covered through Athena by the contributing States, in accordance with the general principles common to the laws of the Member States and the staff regulations of the forces, applicable in the theatre of operations.

5. In no case may the Union or the Member States be held liable by a contributing State for contracts concluded in the framework of budget implementation or for damage caused by the units and departments of the crisis structure, the composition of which shall be approved by the operation commander, or by their staff in the course of their duties.

*Article 43***Review and revision**

All or part of the present Decision, including its Annexes, shall be reviewed, if necessary, at the request of a Member State or following each operation. It shall be revised at least every three years. In the course of review or revision, all experts relevant to the proceedings, including in Athena's management bodies, may be called upon.

*Article 44***Final provisions**

Decision 2008/975/CFSP is hereby repealed.

*Article 45***Entry into force**

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

Done at Brussels, 19 December 2011.

For the Council

The President

M. KOROLEC

ANNEX I**COMMON COSTS BORNE BY ATHENA WHENEVER THEY ARE INCURRED**

In cases when the following common costs cannot be linked directly to a specific operation, the Special Committee may decide to allocate the corresponding appropriations to the general part of the annual budget. These appropriations should, as much as possible, be entered in the articles showing the operation to which they are most related.

1. Mission expenditure incurred by the operation commander and his staff for submitting an operation's accounts to the Special Committee.
2. Indemnities for damages and costs resulting from claims and legal actions to be paid through Athena.
3. Costs pursuant to any decision to store material which was acquired in common for an operation (where these costs are attributed to the general part of the annual budget, a link to a specific operation shall be indicated).

The general part of the annual budget shall furthermore include appropriations, where necessary, to cover the following common costs in operations to the financing of which the participating Member States contribute:

1. Banking costs.
2. Auditing costs.
3. Common costs relative to the preparatory phase of an operation as defined at Annex II.
4. Costs related to the development and maintenance of the Athena accounting and asset management system.

ANNEX II**OPERATIONAL COMMON COSTS RELATING TO THE PREPARATORY PHASE OF AN OPERATION BORNE BY ATHENA**

Incremental costs necessary for exploratory missions and preparations (in particular fact-finding missions and reconnaissance) by military and civilian personnel with a view to a specific EU military operation: transport, accommodation, use of operational communications tools, recruitment of local civilian personnel for the execution of the mission, e.g. interpreters and drivers.

Medical services: the cost of emergency medical evacuations (Medevac) of persons taking part in exploratory missions and preparations by military and civilian personnel with a view to a specific EU military operation, when medical treatment cannot be provided in theatre.

ANNEX III

PART A

OPERATIONAL COMMON COSTS RELATIVE TO THE ACTIVE PHASE OF OPERATIONS ALWAYS BORNE BY ATHENA

For any EU military operation, Athena will bear as operational common costs the incremental costs required for the operation defined below.

1. Incremental costs for (deployable or fixed) headquarters for EU-led operations

1.1. Definition of headquarters whose incremental costs are financed in common:

- (a) Headquarters (HQ): the headquarters (HQ); the command and support elements approved in the operation plan (OPLAN).
- (b) Operation Headquarters (OHQ): the static, out-of-area headquarters of the operation commander, which is responsible for building up, launching, sustaining and recovering an EU force.

The definition of common costs applicable to an OHQ for an operation shall also be applicable to the General-Secretariat of the Council, the European External Action Service and Athena in so far as they are acting directly for that operation.

- (c) Force Headquarters (FHQ): the headquarters of an EU force deployed to the area of operations.
- (d) Component Command Headquarters (CCHQ): the headquarters of an EU component commander deployed for the operation (i.e. air, land, maritime and other special forces commanders whom it could be deemed necessary to designate depending on the nature of the operation).

1.2. Definition of incremental costs financed in common:

- (a) Transport costs: transport to and from the theatre of operations to deploy, sustain and recover FHQs and CCHQs.
- (b) Travel and accommodation: travel and accommodation costs incurred by the OHQ for official journeys necessary to an operation; travel and accommodation costs incurred by personnel from deployed HQs travelling on official journeys to Brussels and/or operation related meetings.
- (c) Transport/travel (excluding 'per diem' costs) of HQs within the theatre of operations: expenditure related to vehicle transport and other travel by other means and freight costs, including travel by national augmentees and visitors; incremental costs of fuel over and above what normal operations would have cost; lease of additional vehicles; third-party insurance costs imposed by some countries upon international organisations conducting operations in their territory.
- (d) Administration: additional office and accommodation equipment, contractual services and utilities, maintenance costs of the HQ buildings.
- (e) Civilian personnel recruited specifically in the eligible HQs for the requirements of the operation: civilian personnel working in the Union, international and local personnel hired in theatre needed for the conduct of the operation over and above the normal operational requirements (including any overtime compensation payments).
- (f) Communications between eligible HQs and between eligible HQs and directly subordinate forces: capital expenditure for the purchase and use of additional communications and IT equipment and costs for rendered services (lease and maintenance of modems, telephone lines, satphones, cryptofaxes, secure lines, Internet providers, data lines, local area networks).
- (g) Barracks and lodging/infrastructure: expenditure for acquisition, rental or refurbishing of required HQ facilities in theatre (rental of buildings, shelters, tents), if required.
- (h) Public information: costs related to information campaigns and to inform media at OHQ and FHQ, in accordance with the information strategy developed by the operational HQ.
- (i) Representation and hospitality: representational costs; costs at HQ level necessary for the conduct of an operation.

2. Incremental costs incurred for providing support to the force as a whole

The costs defined below are those incurred as a consequence of the force deployment to its location:

- (a) Works for deployment/infrastructure: expenditure absolutely needed for the force as a whole to fulfil its mission (jointly used airport, railway, harbours, main logistical roads, including points of disembarkation and forward assembly areas; water surveys, pumping, treatment, distribution and disposal, water and power supply, earthworks and static force protection, storage facilities (in particular for fuel and ammunition), logistical assembly areas; technical support for jointly financed infrastructure).
- (b) Identification marking: specific identification marks, 'European Union' identity cards, badges, medals, flags in European Union colours or other Force or HQ identification marking (excluding clothes, hats or uniforms).
- (c) Medical services and facilities: emergency medical evacuations (Medevac). Role 2 and 3 services and facilities at theatre operational element level, such as airports and disembarkation ports approved in the operation plan (OPLAN).
- (d) Acquisition of information: Satellite images for intelligence approved in the operation plan (OPLAN), if they cannot be financed from the funds available in the budget of the European Union Satellite Centre (EUSC).

3. Incremental costs incurred by EU recourse to NATO common assets and capabilities made available for an EU-led operation.

The cost for the EU of the application for one of its military operations of the arrangements between the EU and NATO relating to release, monitoring and return or recall of NATO common assets and capabilities made available for an EU-led operation. Reimbursements by NATO to the EU.

4. Incremental costs incurred by the Union for goods, services or works included in the list of common costs and made available in an EU-led operation by a Member State, a Union institution, a third State or an international organisation pursuant to an arrangement referred to in Article 11. Reimbursements by a State, a Union institution or an international organisation based on such an arrangement.

PART B

OPERATIONAL COMMON COSTS RELATING TO THE ACTIVE PHASE OF A SPECIFIC OPERATION, BORNE BY ATHENA WHEN THE COUNCIL SO DECIDES

Transport costs: transport to and from the theatre of operations to deploy, support and recover the forces necessary for the operation.

Multinational task force headquarters: the multinational headquarters of EU task forces deployed in the area of operation.

PART C

OPERATIONAL COMMON COSTS BORNE BY ATHENA WHEN REQUESTED BY THE OPERATION COMMANDER AND APPROVED BY THE SPECIAL COMMITTEE

- (a) Barracks and lodging/infrastructure: expenditure for acquisition, rental or refurbishing of premises in theatre (buildings, shelters, tents), as necessary for the forces deployed for the operation.
 - (b) Essential additional equipment: the rental or purchase in the course of the operation of unforeseen specific equipment essential for the execution of the operation, in so far as the purchased equipment is not repatriated at the end of the mission.
 - (c) Medical services and facilities: Role 2 services and facilities in theatre, other than those mentioned in Part A.
 - (d) Acquisition of information: acquisition of information (satellite images; theatre-level intelligence, reconnaissance and surveillance (ISR), including air-to-ground surveillance (AGSR); human intelligence).
 - (e) Other critical theatre-level capabilities: demining if needed for the operation, chemical, biological, radiological and nuclear (CBRN) protection; storage and destruction of weapons and ammunitions collected within the area of operation.
-

*ANNEX IV***OPERATIONAL COMMON COSTS RELATIVE TO THE WINDING-UP OF AN OPERATION, BORNE BY ATHENA**

Costs incurred for finding the final destination for the equipment and infrastructure commonly funded for the operation.

Incremental costs of drawing up the accounts for the operation. The eligible common costs shall be determined in accordance with Annex III, keeping in view the fact that the staff needed to draw up the accounts belong to the headquarters for that operation, even after the latter has ceased its activities.

COUNCIL DECISION 2011/872/CFSP**of 22 December 2011****updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Decision 2011/430/CFSP**

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 27 December 2001, the Council adopted Common Position 2001/931/CFSP on the application of specific measures to combat terrorism ⁽¹⁾.
- (2) On 18 July 2011, the Council adopted Decision 2011/430/CFSP updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP ⁽²⁾.
- (3) In accordance with Article 1(6) of Common Position 2001/931/CFSP, it is necessary to carry out a complete review of the list of persons, groups and entities to which Decision 2011/430/CFSP applies.
- (4) This Decision sets out the result of the review that the Council has carried out in respect of the persons, groups and entities to which Articles 2, 3 and 4 of Common Position 2001/931/CFSP applies.
- (5) The Council has concluded that the persons, groups and entities to which Articles 2, 3 and 4 of Common Position 2001/931/CFSP apply have been involved in terrorist acts within the meaning of Article 1(2) and (3) of Common Position 2001/931/CFSP, that a decision has been taken with respect to them by a competent authority within the meaning of Article 1(4) of that

Common Position, and that they should continue to be subject to the specific restrictive measures provided for therein.

- (6) The list of the persons, groups and entities to which Articles 2, 3 and 4 of Common Position 2001/931/CFSP apply should be updated accordingly, and Decision 2011/430/CFSP should be repealed,

HAS ADOPTED THIS DECISION:

Article 1

The list of persons, groups and entities to which Articles 2, 3 and 4 of Common Position 2001/931/CFSP apply shall be that set out in the Annex to this Decision.

Article 2

Decision 2011/430/CFSP is hereby repealed.

Article 3

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

Done at Brussels, 22 December 2011.

For the Council

The President

M. DOWGIELEWICZ

⁽¹⁾ OJ L 344, 28.12.2001, p. 93.

⁽²⁾ OJ L 188, 19.7.2011, p. 47.

ANNEX

List of persons, groups and entities referred to in Article 1**1. PERSONS**

1. ABDOLLAHI Hamed (a.k.a. Mustafa Abdullahi), born August 11, 1960 in Iran. Passport: D9004878.
2. ABOU, Rabah Naami (a.k.a. Naami Hamza, a.k.a. Mihoubi Faycal, a.k.a. Fellah Ahmed, a.k.a. Dafri Rème Lahdi), born 1.2.1966 in Algiers (Algeria) – member of "al-Takfir" and "al-Hijra"
3. ABOUD, Maisi (a.k.a. The Swiss Abderrahmane), born 17.10.1964 in Algiers (Algeria), – member of "al-Takfir" and "al-Hijra"
4. AL-NASSER, Abdelkarim Hussein Mohamed, born in Al Ihsa (Saudi Arabia), citizen of Saudi Arabia
5. AL YACCOUB, Ibrahim Salih Mohammed, born 16.10.1966 in Tarut (Saudi Arabia), citizen of Saudi Arabia
6. ARBABSAR Mansour (a.k.a. Mansour Arbabsar), born March 6 or 15, 1955 in Iran. Iranian and US national. Passport: C2002515 (Iran); Passport: 477845448 (USA). National ID no.: 07442833, expiry date 15 March 2016 (USA driving licence).
7. ARIOUA, Kamel (a.k.a. Lamine Kamel), born 18.8.1969 in Costantine (Algeria) – member of "al-Takfir" and "al-Hijra"
8. ASLI, Mohamed (a.k.a. Dahmane Mohamed), born 13.5.1975 in Ain Taya (Algeria) – member of "al-Takfir" and "al-Hijra"
9. ASLI, Rabah, born 13.5.1975 in Ain Taya (Algeria) – member of "al-Takfir" and "al-Hijra"
10. BOUYERI, Mohammed (a.k.a. Abu ZUBAIR, a.k.a. SOBIAR, a.k.a. Abu ZOUBAIR), born 8.3.1978 in Amsterdam (The Netherlands) – member of the "Hofstadgroep"
11. DARIB, Nouredine (a.k.a. Carreto, a.k.a. Zitoun Mourad), born 1.2.1972 in Algeria – member of "al-Takfir" and "al-Hijra"
12. DJABALI, Abderrahmane (a.k.a. Touil), born 1.6.1970 in Algeria – member of "al-Takfir" and "al-Hijra"
13. FAHAS, Sofiane Yacine, born 10.9.1971 in Algiers (Algeria) – member of "al-Takfir" and "al-Hijra"
14. IZZ-AL-DIN, Hasan (a.k.a. GARBAYA, Ahmed, a.k.a. SA-ID, a.k.a. SALWWAN, Samir), Lebanon, born 1963 in Lebanon, citizen of Lebanon
15. MOHAMMED, Khalid Shaikh (a.k.a. ALI, Salem, a.k.a. BIN KHALID, Fahd Bin Adballah, a.k.a. HENIN, Ashraf Refaat Nabith, a.k.a. WADOOD, Khalid Abdul), born 14.4.1965 or 1.3.1964 in Pakistan, passport No 488555
16. MOKTARI, Fateh (a.k.a. Ferdi Omar), born 26.12.1974 in Hussein Dey (Algeria) – member of "al-Takfir" and "al-Hijra"
17. NOUARA, Farid, born 25.11.1973 in Algiers (Algeria) – member of "al-Takfir" and "al-Hijra"
18. RESSOUS, Hoari (a.k.a. Hallasa Farid), born 11.9.1968 in Algiers (Algeria) – member of "al-Takfir" and "al-Hijra"
19. SEDKAOUI, Nouredine (a.k.a. Nounou), born 23.6.1963 in Algiers (Algeria) – member of "al-Takfir" and "al-Hijra"
20. SELMANI, Abdelghani (a.k.a. Gano), born 14.6.1974 in Algiers (Algeria) – member of "al-Takfir" and "al-Hijra"
21. SENOUCI, Sofiane, born 15.4.1971 in Hussein Dey (Algeria) – member of "al-Takfir" and "al-Hijra"
22. SHAHLAI Abdul Reza (a.k.a. Abdol Reza Shala'i, a.k.a. Abd-al Reza Shalai, a.k.a. Abdorreza Shahlai, a.k.a. Abdolreza Shahla'i, a.k.a. Abdul-Reza Shahlaee, a.k.a. Hajj Yusef, a.k.a. Haji Yusif, a.k.a. Hajji Yasir, a.k.a. Hajji Yusif, a.k.a. Yusuf Abu-al-Karkh), born circa 1957 in Iran. Addresses: (1) Kermanshah, Iran, (2) Mehran Military Base, Ilam Province, Iran.
23. SHAKURI Ali Gholam, born circa 1965 in Tehran, Iran
24. SOLEIMANI Qasem (a.k.a. Ghasem Soleymani, a.k.a. Qasmi Sulayman, a.k.a. Qasem Soleymani, a.k.a. Qasem Solaimani, a.k.a. Qasem Salimani, a.k.a. Qasem Solemani, a.k.a. Qasem Sulaimani, a.k.a. Qasem Sulemani), born March 11, 1957 in Iran. Iranian national. Passport: 008827 (Iran Diplomatic), issued 1999. Title: Major General.

25. TINGUALI, Mohammed (a.k.a. Mouh di Kouba), born 21.4.1964 in Blida (Algeria) – member of "al-Takfir" and "al-Hijra"
26. WALTERS, Jason Theodore James (a.k.a. Abdullah, a.k.a. David), born 6.3.1985 in Amersfoort (The Netherlands), passport (The Netherlands) No. NE8146378 – member of the "Hofstadgroep"

2. GROUPS AND ENTITIES

1. "Abu Nidal Organisation" – "ANO" (a.k.a. "Fatah Revolutionary Council", a.k.a. "Arab Revolutionary Brigades", a.k.a. "Black September", a.k.a. "Revolutionary Organisation of Socialist Muslims")
 2. "Al-Aqsa Martyrs' Brigade"
 3. "Al-Aqsa e.V."
 4. "Al-Takfir" and "Al-Hijra"
 5. "Babbar Khalsa"
 6. "Communist Party of the Philippines", including "New People's Army" – "NPA", Philippines
 7. "Gama'a al-Islamiyya" (a.k.a. "Al-Gama'a al-Islamiyya") ("Islamic Group" – "IG")
 8. "İslami Büyük Doğu Akıncılar Cephesi" – "IBDA-C" ("Great Islamic Eastern Warriors Front")
 9. "Hamas", including "Hamas-Izz al-Din al-Qassem"
 10. "Hizbul Mujahideen" – "HM"
 11. "Hofstadgroep"
 12. "Holy Land Foundation for Relief and Development"
 13. "International Sikh Youth Federation" – "ISYF"
 14. "Khalistan Zindabad Force" – "KZF"
 15. "Kurdistan Workers' Party" – "PKK", (a.k.a. "KADEK", a.k.a. "KONGRA-GEL")
 16. "Liberation Tigers of Tamil Eelam" – "LTTE"
 17. "Ejército de Liberación Nacional" ("National Liberation Army")
 18. "Palestinian Islamic Jihad" – "PIJ"
 19. "Popular Front for the Liberation of Palestine" – "PFLP"
 20. "Popular Front for the Liberation of Palestine – General Command" (a.k.a. "PFLP – General Command")
 21. "Fuerzas armadas revolucionarias de Colombia" – "FARC" ("Revolutionary Armed Forces of Colombia")
 22. "Devrimci Halk Kurtuluş Partisi-Cephesi" – "DHKP/C" (a.k.a. "Devrimci Sol" ("Revolutionary Left"), a.k.a. "Dev Sol") ("Revolutionary People's Liberation Army/Front/Party")
 23. "Sendero Luminoso" – "SL" ("Shining Path")
 24. "Stichting Al Aqsa" (a.k.a. "Stichting Al Aqsa Nederland", a.k.a. "Al Aqsa Nederland")
 25. "Teyrbazen Azadiya Kurdistan" – "TAK" (a.k.a. "Kurdistan Freedom Falcons", a.k.a. "Kurdistan Freedom Hawks")
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COMMISSION IMPLEMENTING DECISION

of 14 December 2011

on the determination of quantities and the allocation of quotas for substances controlled under Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer, for the period 1 January to 31 December 2012

*(notified under document C(2011) 9196)***(Only the Dutch, English, French, German, Greek, Italian, Polish, Portuguese and Spanish texts are authentic)**

(2011/873/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer ⁽¹⁾, and in particular to Articles 10(2) and 16 thereof,

Whereas:

(1) The release for free circulation in the Union of imported controlled substances is subject to quantitative limits as set out in Article 16 of Regulation (EC) No 1005/2009.

(2) Furthermore, the Commission is required to determine the quantities of controlled substances other than hydrochlorofluorocarbons that may be used for essential laboratory and analytical uses, and the companies that may use them.

(3) The determination of the allocated quotas for essential laboratory and analytical uses has to ensure that the quantitative limits set out in Article 10(6) are respected, applying Commission Regulation (EU) No 537/2011 of 1 June 2011 on the mechanism for the allocation of quantities of controlled substances allowed for laboratory and analytical uses in the Union under Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer ⁽²⁾. As those quantitative limits include quantities of hydrochlorofluorocarbons licensed for laboratory and analytical uses, the production and import of hydrochlorofluorocarbons for those uses should also be covered by that allocation.

(4) The Commission has published a notice to undertakings intending to import or export controlled substances that deplete the ozone layer to or from the European Union

in 2012 and undertakings intending to request for 2012 a quota for these substances intended for laboratory and analytical uses (2011/C 75/05) ⁽³⁾, and has thereby received declarations on intended imports in 2012.

(5) The quantitative limits and quotas should be determined for the period 1 January to 31 December 2012, in line with the annual reporting cycle under the Montreal Protocol on Substances that Deplete the Ozone Layer.

(6) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 25(1) of Regulation (EC) No 1005/2009,

HAS ADOPTED THIS DECISION:

*Article 1***Quantities for release for free circulation**

1. The quantity of controlled substances of group I (chlorofluorocarbons 11, 12, 113, 114 and 115) and group II (other fully halogenated chlorofluorocarbons) subject to Regulation (EC) No 1005/2009 which may be released for free circulation in the Union in 2012 from sources outside the Union shall be 11 185 000 ozone depleting potential (ODP) kilograms.

2. The quantity of controlled substances of group III (halons) subject to Regulation (EC) No 1005/2009 that may be released for free circulation in the Union in 2012 from sources outside the Union shall be 15 761 510 ODP kilograms.

3. The quantity of controlled substances of group IV (carbon tetrachloride) subject to Regulation (EC) No 1005/2009 that may be released for free circulation in the Union in 2012 from sources outside the Union shall be 8 800 220 ODP kilograms.

4. The quantity of controlled substances of group V (1,1,1-trichloroethane) subject to Regulation (EC) No 1005/2009 that may be released for free circulation in the Union in 2012 from sources outside the Union shall be 1 000 015 ODP kilograms.

⁽¹⁾ OJ L 286, 31.10.2009, p. 1.

⁽²⁾ OJ L 147, 2.6.2011, p. 4.

⁽³⁾ OJ C 75, 9.3.2011, p. 4.

5. The quantity of controlled substances of group VI (methyl bromide) subject to Regulation (EC) No 1005/2009 which may be released for free circulation in the Union in 2012 from sources outside the Union shall be 889 320 ODP kilograms.
6. The quantity of controlled substances of group VII (hydrobromofluorocarbons) subject to Regulation (EC) No 1005/2009 which may be released for free circulation in the Union in 2012 from sources outside the Union shall be 1 065,8 ODP kilograms.
7. The quantity of controlled substances of group VIII (hydrochlorofluorocarbons) subject to Regulation (EC) No 1005/2009 that may be released for free circulation in the Union in 2012 from sources outside the Union shall be 4 581 681,8 ODP kilograms.
8. The quantity of controlled substances of group IX (bromochloromethane) subject to Regulation (EC) No 1005/2009 that may be released for free circulation in the Union in 2012 from sources outside the Union shall be 294 012 ODP kilograms.

Article 2

Allocation of quotas for release for free circulation

1. The allocation of quotas for chlorofluorocarbons 11, 12, 113, 114 and 115 and other fully halogenated chlorofluorocarbons during the period 1 January to 31 December 2012 shall be for the purposes indicated and to the undertakings indicated in Annex I.
2. The allocation of quotas for halons during the period 1 January to 31 December 2012 shall be for the purposes indicated and to the undertakings indicated in Annex II.
3. The allocation of quotas for carbon tetrachloride during the period 1 January to 31 December 2012 shall be for the purposes indicated and to the undertakings indicated in Annex III.
4. The allocation of quotas for 1,1,1-trichloroethane during the period 1 January to 31 December 2012 shall be for the purposes indicated and to the undertakings indicated in Annex IV.

5. The allocation of quotas for methyl bromide during the period 1 January to 31 December 2012 shall be for the purposes indicated and to the undertakings indicated in Annex V.
6. The allocation of quotas for hydrobromofluorocarbons during the period 1 January to 31 December 2012 shall be for the purposes indicated and to the undertakings indicated in Annex VI.
7. The allocation of quotas for hydrochlorofluorocarbons during the period 1 January to 31 December 2012 shall be for the purposes indicated and to the undertakings indicated in Annex VII.
8. The allocation of quotas for bromochloromethane during the period 1 January to 31 December 2012 shall be for the purposes indicated and to the undertakings indicated in Annex VIII.
9. The individual quotas for undertakings shall be as set out in Annex IX.

Article 3

Quotas for laboratory and analytical uses

The quotas for importing and producing controlled substances for laboratory and analytical uses in the year 2012 shall be allocated to the undertakings listed in Annex X.

The maximum quantities that may be produced or imported in 2012 for laboratory and analytical uses allocated to these undertakings are set out in Annex XI.

Article 4

Period of validity

This Decision shall apply from 1 January 2012 and shall expire on 31 December 2012.

Article 5

Addressees

This Decision is addressed to the following undertakings:

ABCR Dr Braunagel GmbH & Co. (DE) Im Schleht 10 76187 Karlsruhe Germany	Aesica Queenborough Ltd North Street Queenborough Kent ME11 5EL United Kingdom
Airbus Operations SAS Route de Bayonne 316 31300 Toulouse France	Albany Molecular Research (UK) Ltd Mostyn Road Holywell Flintshire CH8 9DN United Kingdom

Albemarle Europe SPRL Parc Scientifique Einstein Rue du Bosquet 9 1348 Louvain-la-Neuve Belgium	ALFA Agricultural Supplies SA 73, Ethnikis Antistasseos Str, 152 31 Chalandri, Athens Greece
Arkema France SA 420, rue d'Estienne D'Orves 92705 Colombes Cedex France	Arkema Quimica SA Avenida de Burgos 12 28036 Madrid Spain
Ateliers Bigata SAS 10, rue Jean Baptiste Perrin, 33320 Eysines Cedex France	BASF Agri Production SAS 32 rue de Verdun 76410 Saint-Aubin lès Elbeuf France
Bayer Crop Science AG Gebäude A729 41538 Dormagen Germany	Dow Deutschland Anlagengesellschaft mbH Bützflether Sand 21683 Stade Germany
DuPont de Nemours (Nederland) BV Baanhoekweg 22 3313 LA Dordrecht Netherlands	Dyneon GmbH Werk Gendorf Industrieparkstrasse 1 84508 Burghausen Germany
Eras Labo 222 D1090 38330 Saint Nazaire les Eymes France	Eusebi Impianti SRL Via Mario Natalucci 6 60131 Ancona Italy
Eusebi Service SRL Via Vincenzo Pirani 4 60131 Ancona Italy	Fire Fighting Enterprises Ltd 9 Hunting Gate, Hitchin SG4 0TJ United Kingdom
Fujifilm Electronic Materials (Europe) NV Keetberglaan 1A Haven 1061 2070 Zwijndrecht Belgium	Halon & Refrigerants Services Ltd J. Reid Trading Estate Factory Road, Sandycroft Deeside, Flintshire CH5 2QJ United Kingdom
Harp International Ltd Gellihirion Industrial Estate Rhondda, Cynon Taff Pontypridd CF37 5SX United Kingdom	Honeywell Fluorine Products Europe B.V. Laarderhoogtweg 18 1101 EA Amsterdam Netherlands
Honeywell Specialty Chemicals GmbH Wunstorfer Strasse 40 Postfach 100262 30918 Seelze Germany	Hovione Farmaciencia SA Sete Casas 2674-506 Loures Portugal
ICL-IP Europe B.V. Fosfaatweg 48 1013 BM Amsterdam Netherlands	Laboratorios Miret SA Geminis 4, 08228 Terrassa, Barcelona Spain

LGC Standards GmbH Mercatorstr. 51 46485 Wesel Germany	LPG Tecnicas en Extinción de Incendios SL C/Mestre Joan Corrales 107-109 08950 Esplugas de Llobregat, Barcelona Spain
Mebrom NV Assenedestraat 4 9940 Rieme Ertvelde Belgium	Merck KgaA Frankfurter Strasse 250 64271 Darmstadt Germany
Mexichem UK Ltd PO Box 13 The Heath Runcorn Cheshire WA7 4QX United Kingdom	Ministry of Defence Defence Fuel Lubricants and Chemicals PO Box 10.000 1780 CA Den Helder Netherlands
Panreac Quimica S.L.U. Pol. Ind. Pla de la Bruguera, C/Garraf 2 08211 Castellar del Vallès-Barcelona Spain	Poż-Pliszka Sp. z o.o. ul. Szczecińska 45 80-392 Gdańsk Poland
R.P. Chem SRL Via San Michele 47 31062 Casale sul Sile (TV) Italy	Safety Hi-Tech SRL Via Cavour 96 67051 Avezzano (AQ) Italy
Savi Technologie Sp. z o.o. Ul. Wolności 20 Psary 51-180 Wrocław Poland	Sicor SRL Via Terazzano 77 20017 Rho Italy
Sigma Aldrich Chemie GmbH Riedstrasse 2 89555 Steinheim Germany	Sigma Aldrich Chimie SARL 80, rue de Luzais L'isle d'abeau Chesnes 38297 St Quentin Fallavier France
Sigma Aldrich Company Ltd The Old Brickyard, New Road Gillingham SP8 4XT United Kingdom	Solvay Fluor GmbH Hans-Böckler-Allee 20 30173 Hannover Germany
Solvay Fluores France 25 rue de Clichy 75442 Paris France	Solvay Specialty Polymers France SAS Avenue de la Republique 39501 Tavaux Cedex France
Solvay Solexis SpA Viale Lombardia 20 20021 Bollate (MI) Italy	Sterling SRL Via della Carboneria 30 06073 Solomeo di Corciano (PG) Italy
Syngenta Crop Protection Surrey Research Park 30 Priestly Road Guildford Surrey GU2 7YH United Kingdom	Tazzetti SpA Corso Europa n. 600/a 10070 Volpiano (TO) Italy

TEGA Technische Gase und Gastechnik GmbH Werner-von-Siemens-Strasse 18 97076 Würzburg Germany	Thomas Swan & Co. Ltd Rotary Way Consett County Durham DH8 7ND United Kingdom
Total Feuerschutz GmbH Industriestr 13 68526 Ladenburg Germany	

Done at Brussels, 14 December 2011.

For the Commission
Connie HEDEGAARD
Member of the Commission

ANNEX I

GROUPS I AND II

Import quotas for chlorofluorocarbons 11, 12, 113, 114 and 115 and other fully halogenated chlorofluorocarbons allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses and process agent uses during the period 1 January to 31 December 2012.

Company
Honeywell Fluorine Products Europe (NL)
Mexichem UK (UK)
Solvay Solexis (IT)
Syngenta Crop Protection (UK)
Tazzetti (IT)
TEGA Technische Gase und Gastechnik (DE)

ANNEX II

GROUP III

Import quotas for halons allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses and critical uses during the period 1 January to 31 December 2012.

Company

Ateliers Bigata (FR)
BASF Agri Product (FR)
ERAS Labo (FR)
Eusebi Impianti (IT)
Eusebi Service (IT)
Fire Fighting Enterprises Ltd (UK)
Halon & Refrigerant Services (UK)
LPG Tecnicas en Extinción de Incendios (ES)
Poz-Pliszka (PL)
Safety Hi-Tech (IT)
Savi Technologie (PL)
Total Feuerschutz (DE)

ANNEX III

GROUP IV

Import quotas for carbon tetrachloride allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses for the period 1 January to 31 December 2012.

Company

Dow Deutschland (DE)
Mexichem UK (UK)
Solvay Fluores France (FR)

ANNEX IV

GROUP V

Import quotas for 1,1,1-trichloroethane allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses for the period 1 January to 31 December 2012.

Company

Arkema (FR)
Fujifilm Electronic Materials Europe (BE)

ANNEX V

GROUP VI

Import quotas for methyl bromide allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses for the period 1 January to 31 December 2012.

Company

Albemarle Europe (BE)
ALFA Agricultural Supplies (EL)
ICL-IP Europe (NL)
Mebrom (BE)
Sigma Aldrich Chemie (DE)

ANNEX VI

GROUP VII

Import quotas for hydrobromofluorocarbons allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses for the period 1 January to 31 December 2012.

Company

ABCR Dr Braunagel (DE)
Albany Molecular Research (UK)
Hovione Farmaciencia (PT)
R.P. Chem (IT)
Sicor SRL (IT)
Sterling (IT)

ANNEX VII

GROUP VIII

Import quotas for hydrochlorofluorocarbons allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses and process agent uses for the period 1 January to 31 December 2012.

Company

Aesica Queenborough (UK)
Arkema France (FR)
Arkema Quimica (ES)
Bayer CropScience (DE)
DuPont de Nemours (NL)
Dyneon (DE)
Honeywell Fluorine Products Europe (NL)
Mexichem UK (UK)
Solvay Fluor (DE)
Solvay Specialty Polymers France SAS (FR)
Solvay Solexis (IT)
Tazzetti (IT)

ANNEX VIII

GROUP IX

Import quotas for bromochloromethane allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses for the period 1 January to 31 December 2012.

Company

Albemarle Europe (BE)
ICL-IP Europe (NL)
Laboratorios Miret (ES)
Sigma Aldrich Chemie (DE)
Thomas Swan & Co. (UK)

ANNEX IX

(Commercially sensitive — in confidence — not to be published)

ANNEX X

Undertakings entitled to produce or import for laboratory and analytical uses

The quota of controlled substances which may be used for laboratory and analytical uses, are allocated to:

Company

Airbus Operations (FR)
Arkema France SA (FR)
Harp International Ltd (UK)
Honeywell Fluorine Products Europe BV (NL)
Honeywell Specialty Chemicals GmbH (DE)
LGC Standards GmbH (DE)
Mebrom NV (BE)
Merck KGaA (DE)
Mexichem UK Ltd (UK)
Ministry of Defence (NL)
Panreac Quimica SLU (ES)
Sigma Aldrich Chemie (DE)
Sigma Aldrich Chimie SARL (FR)
Sigma Aldrich Company Ltd (UK)
Tazzetti SpA (IT)

ANNEX XI

(Commercially sensitive — in confidence — not to be published)

COMMISSION IMPLEMENTING DECISION

of 15 December 2011

laying down the list of third countries and territories authorised for imports of dogs, cats and ferrets and for non-commercial movements of more than five dogs, cats and ferrets into the Union and the model certificates for imports and non-commercial movements of those animals into the Union

(notified under document C(2011) 9232)

(Text with EEA relevance)

(2011/874/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I) to Directive 90/425/EEC ⁽¹⁾, and in particular the introductory phrase and point (b) of Article 17(2) and point (a) of Article 17(3) thereof,

Having regard to Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC ⁽²⁾, and in particular Article 8(4) thereof,

Whereas:

- (1) Regulation (EC) No 998/2003 lays down the animal health requirements applicable to the non-commercial movement of pet animals into the Union. Dogs, cats and ferrets are among the pet animals covered by that Regulation.
- (2) Directive 92/65/EEC lays down the animal health requirements governing trade in and imports into the Union of dogs, cats and ferrets. It provides that the import conditions for those animals are to be at least equivalent to those laid down in Regulation (EC) No 998/2003.
- (3) The animal health requirements governing such imports and non-commercial movements differ depending on the rabies situation in the third country of origin and on the Member State of destination.
- (4) Regulation (EC) No 998/2003 provides that dogs, cats and ferrets entering Member States other than Ireland, Malta, Sweden and the United Kingdom from third countries listed in Section 2 of Part B or in Part C of

Annex II thereto are to be vaccinated against rabies, while those entering from other third countries are also to be subjected to a pre-entry rabies blood testing.

- (5) Regulation (EC) No 998/2003 provides that until 31 December 2011, dogs, cats and ferrets entering Ireland, Malta, Sweden and the United Kingdom from third countries listed in Section 2 of Part B or in Part C of Annex II thereto are to be vaccinated and subject to a pre-entry rabies blood testing in accordance with national rules, while those coming from other third countries are to be placed in post-arrival quarantine in accordance with national rules.
- (6) Regulation (EC) No 998/2003 also provides that until 31 December 2011, Finland, Ireland, Malta, Sweden and the United Kingdom, as regards echinococcosis, and Ireland, Malta and the United Kingdom as regards ticks, may make the entry of dogs, cats and ferrets into their territory subject to compliance with certain additional national requirements.
- (7) Commission Delegated Regulation (EU) No 1152/2011 of 14 July 2011 supplementing Regulation (EC) No 998/2003 of the European Parliament and of the Council as regards preventive health measures for the control of *Echinococcus multilocularis* infection in dogs ⁽³⁾, was adopted in order to ensure the continuous health protection of Ireland, Malta, Finland and the United Kingdom from *Echinococcus multilocularis*. It is to apply from 1 January 2012.
- (8) Commission Decision 2004/595/EC of 29 July 2004 establishing a model health certificate for the importation into the Community for trade of dogs, cats and ferrets ⁽⁴⁾ provides that imports of those animals are to be authorised from third countries listed in Section 2 of Part B or in Part C of Annex II to Regulation (EC) No 998/2003 or in Annex II to Commission Regulation (EU) No 206/2010 of 12 March 2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the European Union of certain animals and fresh meat and the veterinary certification requirements ⁽⁵⁾. Decision 2004/595/EC also provides that such animals are to be accompanied by a certificate in accordance with the model set out in the Annex thereto.

⁽¹⁾ OJ L 268, 14.9.1992, p. 54.

⁽²⁾ OJ L 146, 13.6.2003, p. 1.

⁽³⁾ OJ L 296, 15.11.2011, p. 6.

⁽⁴⁾ OJ L 266, 13.8.2004, p. 11.

⁽⁵⁾ OJ L 73, 20.3.2010, p. 1.

- (9) The model set out in the Annex to Decision 2004/595/EC is an individual certificate to be issued for the entry into Member States of each dog, cat or ferret coming from a third country listed in Section 2 of Part B or in Part C of Annex II to Regulation (EC) No 998/2003.
- (10) While that certificate is sufficient for the entry into Member States other than Ireland, Sweden and the United Kingdom of those animals coming from third countries listed in Annex II to Regulation (EU) No 206/2010, it is not accepted for such animals destined for Ireland, Sweden and the United Kingdom where they are placed in post-arrival quarantine in accordance with national legislation.
- (11) Taking into account the problems encountered by certain importers with the use of the individual model certificate laid down in Decision 2004/595/EC, it is necessary to replace that model certificate by one that may cover a consignment consisting of more than one animal.
- (12) Pursuant to Article 12 of Regulation (EC) No 998/2003 and to Commission Regulation (EU) No 388/2010 of 6 May 2010 implementing Regulation (EC) No 998/2003 of the European Parliament and of the Council as regards the maximum number of pet animals of certain species that may be the subject of non-commercial movement ⁽¹⁾, non-commercial movements into the Union of more than five dogs, cats or ferrets from a third country are to comply with the animal health requirements and checks laid down in Directive 92/65/EEC.
- (13) Taking into account the fact that the risks posed by imports of dogs, cats and ferrets and by non-commercial movements into the Union of more than five of those animals are not different, it is appropriate to establish a common health certificate for imports into the Union of such animals and for non-commercial movements of more than five of those animals from third countries listed in Section 2 of Part B or in Part C of Annex II to Regulation (EC) No 998/2003 or in Annex II to Regulation (EU) No 206/2010.
- (14) In the interests of consistency and simplification of Union legislation, the model health certificates for imports into the Union of dogs, cats and ferrets should take account of the requirements of Commission Decision 2007/240/EC ⁽²⁾, which provides that the various veterinary, public and animal health certificates required for imports into the Union of live animals are to be based on the standard models for veterinary certificates set out in Annex I thereto.
- (15) Commission Decision 2004/824/EC of 1 December 2004 establishing a model health certificate for non-commercial movements of dogs, cats and ferrets from third countries into the Community ⁽³⁾ establishes a model certificate for non-commercial movements of those animals into Member States other than Ireland, Sweden and the United Kingdom from third countries. That model certificate may also be used for the entry into those three Member States where such animals come from countries listed in Section 2 of Part B or in Part C of Annex II to Regulation (EC) No 998/2003. In addition, this certificate is to be issued individually for the entry into Member States of each dog, cat or ferret.
- (16) In accordance with Article 8(2) of Regulation (EC) No 998/2003, pet animals are to be accompanied by a passport in accordance with the model laid down in Commission Decision 2003/803/EC of 26 November 2003 establishing a model passport for the intra-Community movements of dogs, cats and ferrets ⁽⁴⁾ when they enter a Member State, after temporary movement from a Member State to a third country or territory.
- (17) In accordance with point (a) of Article 8(3) of Regulation (EC) No 998/2003, pet animals coming from the countries and territories listed in Section 2 of Part B of Annex II thereto, for which it has been established that such countries and territories apply rules at least equivalent to Union rules for movements from third countries, are to be subject to the rules laid down for the non-commercial movement of dogs, cats and ferrets between Member States.
- (18) It is appropriate that this Decision should apply without prejudice to Commission Decision 2004/839/EC of 3 December 2004 establishing conditions for non-commercial movements of young dogs and cats from third countries into the Community ⁽⁵⁾ which gives the Member States the possibility to authorise the movement into their territory of dogs and cats less than 3 months of age and not vaccinated against rabies from third countries listed in Section 2 of Part B or in Part C of Annex II to Regulation (EC) No 998/2003 under conditions equivalent to those laid down in Article 5(2) of that Regulation.
- (19) In order to facilitate the access to multilingual certificates, the health certificate required for non-commercial movements into the Union of five or less dogs, cats or ferrets should be based on the standard models laid down in Decision 2007/240/EC.
- (20) Council Directive 96/93/EC of 17 December 1996 on the certification of animals and animal products ⁽⁶⁾ lays down the rules to be observed in issuing the certificates required by veterinary legislation to prevent misleading or fraudulent certification. It is appropriate to ensure that rules and principles at least equivalent to those laid down in that Directive are applied by official veterinarians of third countries.

⁽¹⁾ OJ L 114, 7.5.2010, p. 3.

⁽²⁾ OJ L 104, 21.4.2007, p. 37.

⁽³⁾ OJ L 358, 3.12.2004, p. 12.

⁽⁴⁾ OJ L 312, 27.11.2003, p. 1.

⁽⁵⁾ OJ L 361, 8.12.2004, p. 40.

⁽⁶⁾ OJ L 13, 16.1.1997, p. 28.

- (21) It is appropriate to introduce a transitional period to allow Member States to take the necessary measures to comply with the requirements laid down in this Decision.
- (22) Decisions 2004/595/EC and 2004/824/EC should be repealed accordingly.
- (23) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Subject matter and scope

1. This Decision establishes:
 - (a) the list of third countries and territories authorised for imports of dogs, cats and ferrets and for non-commercial movements into the Union of more than five dogs, cats or ferrets, in accordance with Directive 92/65/EEC, and the health certificate for such imports and non-commercial movements;
 - (b) the health certificate for non-commercial movements into the Union of five or less dogs, cats or ferrets, in accordance with Regulation (EC) No 998/2003.
2. This Decision shall apply without prejudice to Decision 2004/839/EC.

Article 2

Third countries and territories authorised for imports of dogs, cats and ferrets and for non-commercial movements into the Union of more than five dogs, cats or ferrets and the health certificate for such imports and non-commercial movements

1. Member States shall authorise imports of consignments of dogs, cats and ferrets and non-commercial movements into the Union of more than five dogs, cats or ferrets provided that the third countries or territories they come from and any third countries or territories they transit are:
 - (a) either listed in Section 2 of Part B or in Part C of Annex II to Regulation (EC) No 998/2003; or
 - (b) listed in Part 1 of Annex II to Regulation (EU) No 206/2010.
2. Dogs, cats and ferrets, as referred to in paragraph 1, shall:

- (a) be accompanied by a health certificate drawn up in accordance with the model set out in Annex I and

completed by an official veterinarian with due account of the notes for guidance in Part II of that certificate;

- (b) comply with the requirements of the health certificate set out in Annex I for the third countries or territories that they come from, as referred to in paragraph 1(a) and (b) respectively of this Article.

Article 3

Health certificate for non-commercial movements into the Union of five or less dogs, cats or ferrets

1. Member States shall authorise the non-commercial movement of five or less dogs, cats or ferrets into their territory provided that they come from or transit through third countries or territories which are:

- (a) either listed in Section 2 of Part B or in Part C of Annex II to Regulation (EC) No 998/2003; or
- (b) not listed in Annex II to Regulation (EC) No 998/2003.

2. Dogs, cats, and ferrets, as referred to in paragraph 1, shall:

- (a) be accompanied by a health certificate drawn up in accordance with the model set out in Annex II and issued by an official veterinarian with due account of the notes for guidance in Part II of that certificate;
- (b) comply with the requirements of the health certificate set out in Annex II for the third countries or territories that they come from, as referred to in paragraph 1(a) and (b) respectively of this Article.

Article 4

Transitional provisions

For a transitional period until 30 June 2012, Member States shall authorise imports and non-commercial movements into the Union of dogs, cats and ferrets which are accompanied by a veterinary certificate issued not later than 29 February 2012 in accordance with the models set out in the Annex respectively to Decisions 2004/595/EC and 2004/824/EC.

Article 5

Repeals

Decisions 2004/595/EC and 2004/824/EC are repealed.

Article 6

Applicability

This Decision shall apply from 1 January 2012.

*Article 7***Addressees**

This Decision is addressed to the Member States.

Done at Brussels, 15 December 2011.

For the Commission

John DALLI

Member of the Commission

ANNEX I

COUNTRY

Veterinary certificate to EU

Part I: Details of dispatched consignment	I.1. Consignor Name Address Tel.		I.2. Certificate reference No		I.2.a.					
			I.3. Central competent authority							
			I.4. Local competent authority							
	I.5. Consignee Name Address Postal code Tel.		I.6.							
	I.7. Country of origin	ISO code	I.8.	I.9. Country of destination	ISO code	I.10. Region of destination				
	I.11. Place of origin Name Address Name Address Name Address		I.12.							
	I.13. Place of loading		I.14. Date of departure							
	I.15. Means of transport Aeroplane <input type="checkbox"/> Ship <input type="checkbox"/> Railway wagon <input type="checkbox"/> Road vehicle <input type="checkbox"/> Other <input type="checkbox"/> Identification Documentary references		I.16. Entry BIP in EU							
			I.17. No(s) of CITES							
	I.18. Description of commodity		I.19. Commodity code (HS code) 010619							
		I.20. Quantity								
I.21.		I.22. Number of packages								
I.23. Seal/Container No		I.24.								
I.25. Commodities certified for: Pets <input type="checkbox"/> Approved bodies <input type="checkbox"/>										
I.26.		I.27. For import or admission into EU <input type="checkbox"/>								
I.28. Identification of the commodities										
<table border="0"> <tr> <td>Species (Scientific name)</td> <td>Identification system</td> <td>Date of application of the microchip or tattoo [dd/mm/yyyy]</td> <td>Identification number</td> <td>Date of birth [dd/mm/yyyy]</td> </tr> </table>						Species (Scientific name)	Identification system	Date of application of the microchip or tattoo [dd/mm/yyyy]	Identification number	Date of birth [dd/mm/yyyy]
Species (Scientific name)	Identification system	Date of application of the microchip or tattoo [dd/mm/yyyy]	Identification number	Date of birth [dd/mm/yyyy]						

COUNTRY

Imports of dogs, cats, ferrets and non-commercial movements into the Union of more than five dogs, cats or ferrets

Part II: Certification	II.	Health information	II.a. Certificate reference No		II.b.		
	I, the undersigned official veterinarian of (insert name of third country) certify that:						
	II.1.	the clinical examination carried out on each of the animals within 24 hours of scheduled dispatch by a veterinarian authorised by the competent authority showed the animals to be fit to be transported on the intended journey at the time of inspection;					
	II.2.	at least 21 days have elapsed since the completion of the primary vaccination against rabies ⁽¹⁾ carried out in accordance with the requirements set out in Annex Ib to Regulation (EC) No 998/2003 and any subsequent revaccination was carried out within the period of validity of the preceding vaccination ⁽²⁾ and details of the current vaccination are provided in the table in point II.4.					
	(³) either	II.3.	the animals come from a third country or territory listed in Section 2 of Part B or in Part C of Annex II to Regulation (EC) No 998/2003;]				
	(³) or	II.3.	the animals come from, and if transiting another third country or territory, are scheduled to transit through, a third country or territory listed in Part 1 of Annex II to Commission Regulation (EU) No 206/2010 and since the dates indicated in the table in point II.4, when blood samples were taken not earlier than 30 days after vaccination from each of the animals by a veterinarian authorised by the competent authority which subsequently proved antibody titres equal to or greater than 0,5 IU/ml in a virus neutralisation test for rabies carried out in an approved laboratory ⁽⁴⁾ ⁽⁵⁾ at least 3 months have elapsed and any subsequent revaccination was carried out within the period of validity of the preceding vaccination ⁽²⁾ ;				
	II.4.	the details of the current anti-rabies vaccination and the date of sampling are the following:					
	Microchip or tattoo number of the animal	Date of vaccination [dd/mm/yyyy]	Name and manufacturer of vaccine	Batch number	Validity [dd/mm/yyyy]		Date of the blood sample [dd/mm/yyyy]
					From	To	
(³) either II.5. the dogs have not been treated against <i>Echinococcus multilocularis</i> ;]							
(³) or II.5. the dogs have been treated against <i>Echinococcus multilocularis</i> and the details of the treatment are documented in the table in point II.6:]							
II.6. the details of the treatment carried out by the administering veterinarian in accordance with Article 7 of Commission Delegated Regulation (EU) No 1152/2011 ⁽⁶⁾ are the following:							
Microchip or tattoo number of the dog	Anti-echinococcus treatment			Administering veterinarian			
	Name and manufacturer of the product	Date [dd/mm/yyyy] and time of treatment [00:00]		Name (in capital), stamp and signature			
Notes:							
(a) The original of each certificate shall consist of a single sheet of paper, or, where more text is required it must be in such a form that all sheets of paper required are part of an integrated whole and indivisible.							
(b) The certificate shall be drawn up in at least one of the official languages of the Member State of the border inspection post of introduction of the consignment into the Union and of the Member State of destination. However, those Member States may authorise the certificate to be drawn up in the official language of another Member State, and accompanied, if necessary, by an official translation.							

COUNTRY		Imports of dogs, cats, ferrets and non-commercial movements into the Union of more than five dogs, cats or ferrets	
II.	Health information	II.a. Certificate reference No	II.b.
(c)	If for reasons of identification of the items of the consignment (schedule in point I.28), additional sheets of paper or supporting documents are attached to the certificate, those sheets of paper or document shall also be considered as forming part of the original of the certificate by the application of the signature and stamp of the official veterinarian, on each of the pages.		
(d)	When the certificate, including additional schedules referred to in (c), comprises more than one page, each page shall be numbered, (page number) of (total number of pages), at the end of the page and shall bear the certificate reference number that has been designated by the competent authority at the top of the pages.		
(e)	The certificate shall be valid for 10 days from the date of issue by the official veterinarian, except for a non-commercial movement into the Union of more than five dogs, cats and ferrets in which case the certificate is valid for the purpose of further movements within the Union, for a total of 4 months from the date of issue of this certificate or until the date of expiry of the anti-rabies vaccination, whichever date is earlier.		
(f)	The competent authorities of the exporting third country or territory shall ensure that rules and principles of certification equivalent to those laid down in Directive 96/93/EC are followed.		
Part I:			
Box I.11: Place of origin: name and address of the dispatch establishment. Indicate approval or registration number			
Box I.28: <i>Identification system:</i> select of the following: microchip or tattoo			
<i>Date of application of the microchip or tattoo:</i> the tattoo must be clearly readable and applied before 3 July 2011			
<i>Identification number:</i> indicate the microchip or tattoo number			
<i>Date of birth:</i> indicate only if known			
Part II:			
(1)	Any revaccination must be considered a primary vaccination if it was not carried out within the period of validity of a previous vaccination.		
(2)	A certified copy of the identification and vaccination details of the animals concerned shall be attached to the certificate.		
(3)	Keep as appropriate. Where the certificate states that certain statements shall be kept as appropriate, statements which are not relevant may be crossed out and initialled and stamped by the official veterinarian, or completely deleted from the certificate.		
(4)	The rabies antibody test referred to in point II.3:		
	— must be carried out on a sample collected by a veterinarian authorised by the competent authority, at least 30 days after the date of vaccination and 3 months before the date of import,		
	— must measure a level of neutralising antibody to rabies virus in serum equal to or greater than 0,5 IU/ml,		
	— must be performed by a laboratory approved in accordance with Article 3 of Council Decision 2000/258/EC designating a specific institute responsible for establishing criteria necessary for standardising the serological tests to monitor the effectiveness of rabies vaccines (list of approved laboratories available at http://ec.europa.eu/food/animal/liveanimals/pets/approval_en.htm),		
	— needs not be renewed on an animal, which following that test with satisfactory results, has been revaccinated against rabies within the period of validity of a previous vaccination.		
(5)	A certified copy of the official report from the approved laboratory on the results of the rabies antibody tests referred to in point II.3 shall be attached to the certificate.		
(6)	The treatment against <i>Echinococcus multilocularis</i> referred to in point II.5 must:		
	— be administered by a veterinarian within a period of not more than 120 hours and not less than 24 hours before the time of the scheduled entry of the dogs into one of the Member States or parts thereof listed in Annex I to Regulation (EU) No 1152/2011,		
	— consist of an approved medicinal product which contains the appropriate dose of praziquantel or pharmacologically active substances, which alone or in combination, have been proven to reduce the burden of mature and immature intestinal forms of <i>Echinococcus multilocularis</i> in the host species concerned.		

COUNTRY**Imports of dogs, cats, ferrets and non-commercial movements into the Union of more than five dogs, cats or ferrets**

II.	Health information	II.a. Certificate reference No	II.b.						
<p>(⁷) This date must precede the date the certificate was signed.</p> <p>(⁸) This information may be entered after the date the certificate was signed for the purpose described in point (e) of the Notes and in conjunction with footnote 6.</p> <p>The signature and the stamp must be in a different colour to that of the printing.</p>									
<p>Official veterinarian</p> <table><tr><td>Name (in capital letters):</td><td>Qualification and title:</td></tr><tr><td>Date:</td><td>Signature:</td></tr><tr><td>Stamp:</td><td></td></tr></table>				Name (in capital letters):	Qualification and title:	Date:	Signature:	Stamp:	
Name (in capital letters):	Qualification and title:								
Date:	Signature:								
Stamp:									

COUNTRY		Non-commercial movement of five or less dogs, cats or ferrets				
Part II: Certification	II.	Health information	II.a. Certificate reference No	II.b.		
	I, the undersigned official veterinarian of (insert name of third country) certify that:					
	II.1.	based on the declaration in point II.7, the animals satisfy the definition of 'pet animals' as provided for in point (a) of Article 3 of Regulation (EC) No 998/2003;				
	II.2.	at least 21 days have elapsed since the completion of the primary vaccination against rabies ⁽¹⁾ carried out in accordance with the requirements set out in Annex Ib to Regulation (EC) No 998/2003 and any subsequent revaccination was carried out within the period of validity of the preceding vaccination ⁽²⁾ and details of the current vaccination are provided in the table in point II.4.				
	⁽³⁾ either	II.3.	the animals come from a third country or territory listed in Section 2 of Part B or in Part C of Annex II to Regulation (EC) No 998/2003;			
	⁽³⁾ or	II.3.	the animals come from or are scheduled to transit through a third country or territory not listed in Annex II to Regulation (EC) No 998/2003 and since the dates indicated in the table in point II.4 when blood samples were taken not earlier than 30 days after vaccination from each of the animals by a veterinarian authorised by the competent authority which subsequently proved antibody titres equal to or greater than 0,5 IU/ml in a virus neutralisation test for rabies carried out in an approved laboratory ⁽⁴⁾ ⁽⁵⁾ at least 3 months have elapsed and any subsequent revaccination was carried out within the period of validity of the preceding vaccination ⁽²⁾ ;			
	II.4.	the details of the current anti-rabies vaccination and the date of sampling are the following:				
	Microchip or tattoo number of the animal	Date of vaccination [dd/mm/yyyy]	Name and manufacturer of vaccine	Batch number	Validity [dd/mm/yyyy] From To	Date of the blood sample [dd/mm/yyyy]
⁽³⁾ either	II.5.	the dogs have not been treated against <i>Echinococcus multilocularis</i> ;				
⁽³⁾ or	II.5.	the dogs have been treated against <i>Echinococcus multilocularis</i> and the details of the treatment are documented in the table in point II.6;				
II.6.	the details of the treatment carried out by the administering veterinarian in accordance with Article 7 of Commission Delegated Regulation (EU) No 1152/2011 ⁽⁶⁾ are the following:					
Microchip or tattoo number of the dog	Anti-echinococcus treatment			Administering veterinarian		
	Name and manufacturer of the product	Date [dd/mm/yyyy] and time of treatment [00:00]		Name (in capital), stamp and signature		
				⁽⁷⁾		
				⁽⁸⁾		
				⁽⁸⁾		
				⁽⁸⁾		
				⁽⁸⁾		
II.7. I have a written declaration signed by the owner or the natural person responsible for the animals on behalf of the owner, stating that:						

COUNTRY

Non-commercial movement of five or less dogs, cats or ferrets

II.	Health information	II.a. Certificate reference No	II.b.
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DECLARATION

I, the undersigned
[owner or the natural person responsible for the animals described above on behalf of the owner]

declare that the animals will accompany me, the owner, or the natural person that I have designated to be responsible of the animals on my behalf and are not intended to be sold or transferred to another owner.

Place and date:

Signature:

Notes

(a) The original of each certificate shall consist of a single sheet of paper, or, where more text is required it must be in such a form that all sheets of paper required are part of an integrated whole and indivisible.

(b) The certificate shall be drawn up at least in the language of the Member State of entry and in English. It shall be completed in block letters in the language of the Member State of entry or in English.

(c) If additional sheets of paper or supporting documents are attached to the certificate, those sheets of paper or document shall also be considered as forming part of the original of the certificate by the application of the signature and stamp of the official veterinarian, on each of the pages.

(d) When the certificate, including additional sheets referred to in (c), comprises more than one page, each page shall be numbered, (page number) of (total number of pages), at the end of the page and shall bear the certificate reference number that has been designated by the competent authority at the top of the pages.

(e) The certificate is valid for 10 days from the date of issue by the official veterinarian until the date of the checks at the EU travellers' point of entry and for the purpose of further movements within the Union, for a total of 4 months from the date of issue of this certificate or until the date of expiry of the anti-rabies vaccination, whichever date is earlier.

(f) The competent authorities of the exporting third country or territory shall ensure that rules and principles of certification equivalent to those laid down in Directive 96/93/EC are followed.

Part I:

Box I.11: Place of origin: name and address of the dispatch establishment. Indicate approval or registration number

Box I.28: Identification system: select of the following: microchip or tattoo

Date of application of the microchip or tattoo: the tattoo must be clearly readable and applied before 3 July 2011

Identification number: indicate the microchip or tattoo number

Date of birth: indicate only if known

Part II:

(1) Any revaccination must be considered a primary vaccination if it was not carried out within the period of validity of a previous vaccination.

(2) A certified copy of the identification and vaccination details of the animals concerned shall be attached to the certificate.

(3) Keep as appropriate. Where the certificate states that certain statements shall be kept as appropriate, statements which are not relevant may be crossed out and initialled and stamped by the official veterinarian, or completely deleted from the certificate.

COUNTRY

Non-commercial movement of five or less dogs, cats or ferrets

II.	Health information	II.a. Certificate reference No	II.b.						
(⁴)	<p>The rabies antibody test referred to in point II.3:</p> <ul style="list-style-type: none"> — must be carried out on a sample collected by a veterinarian authorised by the competent authority, at least 30 days after the date of vaccination and 3 months before the date of import, — must measure a level of neutralising antibody to rabies virus in serum equal to or greater than 0,5 IU/ml, — must be performed by a laboratory approved in accordance with Article 3 of Council Decision 2000/258/EC designating a specific institute responsible for establishing criteria necessary for standardising the serological tests to monitor the effectiveness of rabies vaccines (list of approved laboratories available at http://ec.europa.eu/food/animal/liveanimals/pets/approval_en.htm), — needs not be renewed on an animal, which following that test with satisfactory results, has been revaccinated against rabies within the period of validity of a previous vaccination. 								
(⁵)	<p>A certified copy of the official report from the approved laboratory on the results of the rabies antibody tests referred to in point II.3 shall be attached to the certificate.</p>								
(⁶)	<p>The treatment against <i>Echinococcus multilocularis</i> referred to in point II.5 must:</p> <ul style="list-style-type: none"> — be administered by a veterinarian within a period of not more than 120 hours and not less than 24 hours before the time of the scheduled entry of the dogs into one of the Member States or parts thereof listed in Annex I to Regulation (EU) No 1152/2011, — consist of an approved medicinal product which contains the appropriate dose of praziquantel or pharmacologically active substances, which alone or in combination, have been proven to reduce the burden of mature and immature intestinal forms of <i>Echinococcus multilocularis</i> in the host species concerned. 								
(⁷)	<p>This date must precede the date the certificate was signed.</p>								
(⁸)	<p>This information may be entered after the date the certificate was signed for the purpose described in point (e) of the Notes and in conjunction with footnote 6.</p>								
<p>The signature and the stamp must be in a different colour to that of the printing.</p>									
<p>Official veterinarian</p> <table border="0"> <tr> <td>Name (in capital letters):</td> <td>Qualification and title:</td> </tr> <tr> <td>Date:</td> <td>Signature:</td> </tr> <tr> <td>Stamp:</td> <td></td> </tr> </table>				Name (in capital letters):	Qualification and title:	Date:	Signature:	Stamp:	
Name (in capital letters):	Qualification and title:								
Date:	Signature:								
Stamp:									

COMMISSION IMPLEMENTING DECISION

of 16 December 2011

exempting certain financial services in the postal sector in Hungary from the application of Directive 2004/17/EC of the European Parliament and of the Council coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sector

(notified under document C(2011) 9197)

(Only the Hungarian text is authentic)

(Text with EEA relevance)

(2011/875/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors ⁽¹⁾, and in particular Article 30(5) and (6) thereof,

Having regard to the request submitted by post, by Magyar Posta, received on 24 June 2011,

Whereas:

I. FACTS

- (1) On 24 June 2011, the Commission received a request pursuant to Article 30(5) of Directive 2004/17/EC, transmitted to the Commission by post. The Commission requested additional information to the applicant and to the Hungarian Competition Authority, by e-mails of 8 August 2011. The respective replies were received on 2 September and on 15 September 2011. The request submitted by Magyar Posta (in the following referred to as 'Posta') concerns various financial services provided by Posta, and consists of two parts, namely: payment services and services performed on behalf of other financial institutions. In their turn, each part concerns various financial services that have been grouped under the following headings, as defined by Posta:

Payment services

1. Existing own services:
 - 1.1. Services enabling cash to be placed on a payment account (bill payments and express bill payments),
 - 1.2. Services enabling cash withdrawals from a payment account: (cash delivery service and pension payment service),
 - 1.3. Money transfer services (domestic money order, international money order and Western Union money order — performed on behalf of others),

2. Account services and related payment services proposed to be provided in the future

- 2.1. Services enabling cash to be placed on a payment account as well as all the operations required for operating a payment account,

- 2.2. Services enabling cash withdrawals from a payment account as well as all the operations required for operating a payment account,

- 2.3. Execution of payment transactions between payment accounts,

- 2.4. Issue of card-substitute payment instruments.

Services performed on behalf of others

- 3.1. Intermediation of current accounts and the related products and services (retail and corporate bank account services offered on behalf of credit institutions, including the accepting and forwarding of payment orders for execution, and the intermediation of sight deposits and fixed term deposits connected to a bank account),

- 3.2. Credit intermediation performed on behalf of credit institutions,

- 3.3. Intermediation and acceptance of payment cards performed on behalf of credit institutions (credit cards, debit cards, bank card acceptance and POS terminals),

- 3.4. Intermediation of investments and special purpose savings on behalf of others:

- (a) sales of financial instruments (government securities, investment funds and other securities);

- (b) intermediation of home savings products.

- 3.5. Intermediation of insurance products: (life insurance and non-life insurance)

⁽¹⁾ OJ L 134, 30.4.2004, p. 1.

- (2) According to the application ⁽²⁾ the network of the Posta consists of more than 2 600 permanent postal outlets. However, not all services listed in the application are provided by all outlets ⁽³⁾. The total number of credit institutions branches currently operating on the territory of Hungary is of 4 605. According to Giro Zrt, OTP bank is the largest with 809 branches, followed by K&H Bank Zrt. (377 branches), CIB Bank Zrt. (218 branches), Reiffeisen Bank Zrt. (180 branches) and Erste Bank Hungary Nyrt. (145 branches). The eighth largest banks of the credit institutions sector each have over 100 branches, plus there are 22 small and medium-sized banks, 10 branches of credit institutions and 138 credit institutions set up as cooperatives with the larger one operating a network of 20-40 branches. In international comparison, using data of 2007 ECB Blue Book ⁽⁴⁾, this places Hungary in the middle of the range in terms of per capita number of branches.

II. LEGAL FRAMEWORK

- (3) It should be recalled that, in accordance with point (c) of Article 6(2) of Directive 2004/17/EC, the provision of financial services as defined in the fourth indent of said point (c) are covered by that Directive only to the extent that such services are provided by entities which also provide postal services within the meaning of point (b) of that provision. Posta is the only contracting entity in Hungary which offers the services concerned by this Decision.
- (4) Article 30 of Directive 2004/17/EC provides that contracts intended to enable the performance of one of the activities to which the Directive applies shall not be subject to the Directive if, in the Member State in which it is carried out, the activity is directly exposed to competition on markets to which access is not restricted. Direct exposure to competition is assessed on the basis of objective criteria, taking account of the specific characteristics of the sector concerned. Access is deemed to be unrestricted if the Member State has implemented and applied the relevant Community legislation opening a given sector or a part of it. Where no relevant Community legislation is listed in the Directive's Annex XI, as is the case in respect of the services concerned by this Decision, then Article 30(3), second subparagraph requires that it 'must be demonstrated that access to the market in question is free de facto and de jure'.
- (5) Regarding financial services, it should be recalled that a large body of legislation has been adopted at Union level

aiming at liberalising establishment and provision of services in this sector ⁽⁵⁾. In respect of payment services, it is noted that Hungary, transposed fully and timely, Directive 2007/64/EC on Payment Services through Act LXXXV/2009 on the Pursuit of the Business of Payment Services.

- (6) Hungary has implemented Union legislation regarding liberalisation of capital movements and freedom to provide services and the relevant legislation on the liberalisation of financial markets. Moreover, Hungary satisfied the requirements set out in the Financial Services Action Plan. The Hungarian market of credit institutions and payment services is well regulated. According to Act CXII: 1996 on credit institutions and financial enterprises (the Banking Act), financial services and auxiliary activities are subject to authorisation. According to Act CXXXVII/2007 on investments firms and commodity dealers and on the regulations governing their activities, investment services may be performed by investments firms and credit institutions only. Act LX/2003 on insurance companies and insurance business provides that insurance activities may be performed by insurance companies only. The Posta is authorised to pursue the financial services subject to this application by the Hungarian Financial Supervisory Authority. Any institution that is able to meet the provisions regarding prudent operation and effective supervision could be authorised to carry out these services. The pursuit of financial services or activities auxiliary to financial services, as well as investment services and insurance services is open also to non-resident companies, through their branches, provided that they are authorised by the competent supervisory authority in the country of establishment. The requirement to have a Hungarian branch does not apply to financial institutions established in any EEA Member State, as these institutions may provide their services cross border.
- (7) Having due regard to the facts set out in recitals 5 and 6 above, it can be assumed that, the condition set out in Article 30(3) relating to free access to the market can be taken to be met.
- (8) Direct exposure to competition in a particular market should be evaluated on the basis of various criteria, none of which are, *per se*, decisive. In respect of the markets concerned by this Decision, the market share of the main players on a given market constitutes one criterion which should be taken into account. Other criteria considered may be the degree of concentration on those markets and/or the customer switching. As the conditions vary for the different activities that are

⁽²⁾ See application, p. 11.

⁽³⁾ For example, from among the payment services, international postal money orders service is provided in only 328 postal outlets and Western Union money transfer service provided as intermediary at 1 024 postal outlets. From among services provided on behalf of others, intermediation of Posta credit card, intermediation of investment bonds and certain insurance products are offered only at 343 locations, the current account products of OTP Bank for retail customers is offered at 244 postal outlets while corporate credit is only offered in only 45 locations.

⁽⁴⁾ European Central Bank: 'Payment and securities settlement systems in the European Union: non-euro-area countries — Hungary', August 2007.

⁽⁵⁾ Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market amending Directives 97/7/EC, 2002/65/EC, 2005/60/EC and 2006/48/EC and repealing Directive 97/5/EC (OJ L 319, 5.12.2007, p. 1).

concerned by this Decision, the examination of the competitive situation should take into account the different situations on different markets.

- (9) Although narrower or a broader market definition might be envisaged in certain cases, the precise definition of the relevant market can be left open for the purposes of this Decision as far as a number of the services listed in the request submitted by Posta are concerned to the extent that the result of the analysis remains the same whether it is based on a narrow or a broader definition.
- (10) This Decision is without prejudice to the application of the rules on competition.

III. ASSESSMENT

Payment services

- (11) The application lists two distinct categories of payment services, namely: (A) existing services; and (B) services which are planned for introduction in 2012. For the purposes of the assessment pertaining to this Decision, only the existing services will be taken into account, as there is no material evidence of the effects which the planned services would have, if and once introduced.
- (12) The existing payment services performed by Posta are services enabling cash to be placed on a payment account and services enabling cash withdrawals from a bank account, whereby Posta acts as an intermediary, and money transfer services (domestic and international money order services of its own right, as well as Western Union money order services acting as intermediary).
- (13) The aim of the present Decision is to establish whether the services offered by Posta are exposed to such a level of competition (on markets to which access is free) that this will ensure that, also in the absence of the discipline brought about by the detailed procurement rules set out in Directive 2004/17/EC, Posta's procurement for the pursuit of the activities concerned here will be carried out in a transparent, non-discriminatory manner based on criteria allowing it to identify the solution which overall is the economically most advantageous one. For this purpose it is therefore necessary to examine whether the banks and other financial institutions have the possibility to exercise competitive pressure on Posta.
- (14) The main competitors of the Posta in the market for payment services are the banks and other financial institutions that are not covered by the provisions of the Directive 2004/17/EC, as they are not contracting entities in the sense of the directive and/or they do not provide financial services together with postal services.

- (15) The payment methods offered by the banks are generally more attractive than the paper based and/or cash based ones, and are generally available. According to GfK Hungaria⁽⁶⁾, the number of users of online banking services has increased by 200 000 by the end of 2010 compared to the year before and it reached 1 million users, with a growth rate getting higher. At the same time, according to the same source, the number of those who prefer to do their banking in person is declining — one fourth of all clients no longer go to the bank branches to do banking.
- (16) The product market as defined by the applicant is the payment services market provided by credit institutions and other payment services providers, while the respective geographical market is considered to be nation-wide. The Hungarian Competition Authority (GVH) indicated that although it does not have all information and data at their disposal in order to be able to properly and precisely define the product market, the relevant product market definition provided by the applicant 'is likely to be acceptable'. As far as the geographical market is concerned, under the same disclaimer as above, GVH indicated that 'it is not aware of any evidence on which the geographical market should not be the whole territory of Hungary'.
- (17) No further distinction of the payment services market into separate retail and wholesale product markets will be made for the purposes of this Decision, as the result of the analysis remains largely the same whether it is based on a narrow or a broader definition.
- (18) The Hungarian Competition Authorities referring to the degree of concentration of the payment market states that, presumably, 'the 5-6 major banks, together with Magyar Posta have a very high combined market share in case of retail payment services, and possibly cover most of the market. The wholesale market might presumably be less concentrated due to the presence of several other financial institutions'.

Services enabling cash to be placed on a payment account (bill payments and express bill payments)

- (19) These services allow customers to make payments for a service or good purchased. They are used by private persons for discharging payment obligations and are particularly used for making payments for public utilities services, telecommunications, financial services, insurance services, home delivery services, payment of taxes, etc.

⁽⁶⁾ GfK Hungaria: 'Internet banking continues to gain ground', 3 November 2010: http://www.gfk.com/imperia/md/content/gfk_hungaria/pdf/press_h/2010/press_2010_11_03_h.pdf

- (20) The main factor for determining the relevant product market is to establish the scope of substitute products, which means the alternative means that a client would have for discharging payment obligations. Consequently, the applicant considers that the relevant product market covers cash deposits made to bank accounts in banks, or through ATMs⁽⁷⁾, card payments and transfers between bank accounts (simple transfers and automatic debit transfers).
- (21) As regards switching between payment methods, the Hungarian Competition Authority (GVH) confirmed that 'the major utilities and other service providers tend to offer various payment methods to their customers with a possibility to easily switch among these. There also seem to be a trend of persuading customers to use electronic payment methods instead of paper and cash based ones'. In this context the increased use of online banking is to be noted. However, as indicated in recital 9 above, the exact definition can be left open for the purposes of the present Decision.
- (22) Posta market share for services enabling cash to be places on a payment account, calculated as a percentage of the total market as defined, represented⁽⁸⁾ 3,91 % in 2007, 3,88 % in 2008 and 4,14 % in 2009. In terms of both volume and value, is to be noted that the number of Posta transactions and their value decreased in 2009 compared to previous two years⁽⁹⁾.
- (23) For the purposes of this Decision, and without prejudice to the competition law, these factors should be taken as an indication of direct exposure of Posta's activity to competition.
- Services enabling cash withdrawals from a payment account*
- (24) The characteristics of services enabling cash withdrawals are that the account holder authorises payment from his payment account to the order of a third party. The scope of such services presently includes cash delivery and pension payment service. The main drawees are the State Treasury and the municipal governments using this scheme for payment of family allowances, social benefits unemployment benefits, etc. For payments made by the government, the payee has the option to have the amounts credited to a bank account or to receive it by means of postal delivery. In case of pension payment, the recipients have also the possibility to have part of the amount credited to their account and the other part delivered in cash. It is also possible to
- switch, at any time between postal cash delivery to bank transfer, by making a simple request to the Central Administration of National Pension Insurance.
- (25) The Hungarian State, through the National Bank is pursuing a policy aimed at reducing the volume of cash transactions and encouraging the development of electronic payment methods and related infrastructure. Corporate entities are required to make payments through payment accounts and the wages of public servants are paid into bank accounts. According to a recent study⁽¹⁰⁾ undertaken by the Hungarian National Bank, currently half of the pensions initiated by the state are made by other means than postal payments, and according to the application⁽¹¹⁾, both the number and total value of pensions paid through Posta were steadily decreasing in the last years.
- (26) For the above reasons, transfer of payment between payment accounts (simple transfer and group transfers), cash withdrawals with bank cards at ATMs and POS⁽¹²⁾ terminals, and cash withdrawals at bank tellers are considered the relevant product market for services enabling cash withdrawals from a payment account.
- (27) In case of the above services, for the purposes of payment made to persons with bank account, payments between payment accounts (simple transactions and group transfers where payments are made from a single account to several persons) could be considered substitute products. Here as well, the exact definition can be left open for the purposes of the present Decision.
- (28) Posta's market share for services enabling cash withdrawals from a payment account, calculated as a percentage of the total substitute service, represented⁽¹³⁾ 2,44 % in 2007, 2,49 % in 2008 and 2,61 % in 2009. In terms of both volume and value, is to be noted that the number of Posta transactions and their total value had a decreasing trend in the last three years for which data are available, namely 2007, 2008 and 2009⁽¹⁴⁾.
- (29) For the purposes of this Decision, and without prejudice to the competition law, these factors should be taken as an indication of direct exposure of Posta's activity to competition.

⁽⁷⁾ ATM — abbreviation for automated teller machine.

⁽⁸⁾ Relevant market shares were calculated by rapport to the total value of transactions. Please see page 34 of the application.

⁽⁹⁾ See page 32 of the application.

⁽¹⁰⁾ Hungarian National Bank: 'Nothing is free: a survey of the social costs of the main payment instruments in Hungary', by Dr Aniko Turjan, EVA Diveki, EVA Keszy-Harmath, Gergely Koczan, Kristof Takacs, Occasional Paper 93, 2011.

⁽¹¹⁾ See pages 35 and 36 of the application.

⁽¹²⁾ POS — abbreviation for point of sale.

⁽¹³⁾ Relevant market shares were calculated by rapport to the total value of transactions. Please see page 36 of the application.

⁽¹⁴⁾ See pages 35 and 36 of the application.

Money transfer services

- (30) The money transfer service provided by the Posta is generally used for payments made between private persons. The respective services are domestic money orders and international money orders provided in the Posta's own right and Western Union money transfer which are available domestically and internationally, offering a real-time method for sending money.
- (31) For domestic transfers, both in Posta's own right and on behalf of Western Union, the applicant considers that transaction between payment accounts are substitutes for money transfers in case the payee has a payment account. Consequently the market of payments made in Hungary between accounts could be considered the relevant product market for domestic money transfers, although the exact definition can be left open.
- (32) Calculated accordingly the market shares of the Posta were of less than 1 % in 2007, 2008 and 2009.
- (33) In case of international money transfers, the activities undertaken by Posta and Western Union were considered close substitutes. Moreover the payments through payment accounts are considered substitutable products, therefore the cross border payments between payment accounts is considered the relevant product market by the applicant. However, the exact definition of the relevant market can be left open.
- (34) The Posta's market share calculated on this basis is of 0,5 % in 2007, 2008 and in 2009.
- (35) For the purposes of this Decision, and without prejudice to the competition law, these factors should be taken as an indication of direct exposure of Posta's activity to competition.

Services performed on behalf of others

- (36) The application for exemption pertains also to certain activities of Posta, performed on behalf of others, in connection with certain financial services, where Posta acts as an intermediary.

Intermediation of current accounts and the related products and services

- (37) The application for exemption covers the intermediation of current accounts and the related products and services, namely: retail and corporate bank account services offered on behalf of credit institutions, including the accepting and forwarding of payment orders for execution, and the intermediation of sight deposits and fixed term deposits connected to a bank account.

- (38) The financial products and services offered by Posta as intermediary are provided by Erste Bank and OTP Bank. Posta is also offering deposit products on its own name.
- (39) Previous Commission practice⁽¹⁵⁾ make distinction between retail banking and corporate banking. Retail banking is defined as all banking services to private individuals and very small enterprises, while corporate banking generally comprises banking services to large corporate customers and small and medium enterprises. However, in previous decisions⁽¹⁶⁾ related to the retail banking sector, the Commission left open whether individual retail banking products represent separate product markets or whether several retail banking products may form part of a single relevant product market.
- (40) The relevant product market needs to be distinguished according to the stage in the distribution chain (upstream — provision of current accounts and related products and services or downstream — intermediation of current accounts and related products and services). For the activity of intermediation of retail payment accounts, the relevant product market could be considered as the market for intermediation of retail current accounts and deposit products. For the activity of intermediation of corporate payment accounts, the relevant product market could be considered as the market for intermediation for corporate current accounts and deposit products. However, in accordance with recital 9 of this Decision, it is not necessary to define the relevant market.
- (41) The applicant defines the geographical market as the entire territory of Hungary. The Hungarian Competition Authority (GVH) confirmed that 'for the purpose of the present case, all the financial institutions present in Hungary perform their activities nation-wide; there are no signs of regional deviation in any aspects of the financial services provision'. Moreover, previous Commission practice⁽¹⁷⁾ in connection to financial markets considered the relevant geographical market to be national in scope due to different competitive conditions within individual Member States and the importance of a network of branches.
- (42) The market shares of Posta, calculated on the basis of the above consideration are as follows: for the retail current accounts and deposits: 1,45 % in 2007, 1,38 % in 2008 and 1,51 % in 2009, while on the market for corporate current account and deposits Posta market shares were negligible (0 %) in 2007, 2008 and 2009. These figures indicate that market shares for the intermediation of these financial services are also low

⁽¹⁵⁾ Case COMP/M.5384 — BNP Paribas/Fortis, p. 3.

⁽¹⁶⁾ Case COMP/M.4844, Fortis: ABN AMRO Assets.

⁽¹⁷⁾ Case COMP/M.2225 Fortis/ASR, p. 3, COMP/M.5075Vienna Insurance Group/Erste Bank Versicherungssparte, and COMP/M.5384- BNP Paribas/Fortis, p. 15.

(43) The rest of the market is shared between other banks and financial institutions which are not subject to the provisions of Directive 2004/17/EC.

(44) In its inquiry on the retail banking of 2009 ⁽¹⁸⁾ the Hungarian Competition Authority (GVH) found that there are no major obstacles to account switching in Hungary, and moreover, it was observed that the level of current account switching is one of the highest when compared to the rest of EU Member State.

(45) The advantages of Posta's extensive network are counter-balanced by the growth in importance of online banking.

(46) According to a survey ⁽¹⁹⁾ of factors influencing the selection of a bank, by customers, the most important factors were found to be reliability and confidence, proximity and accessibility (including the availability of means to withdraw cash) and the quality of service. These conclusions were also confirmed by the results of the survey ⁽²⁰⁾ on financial services and current account services. According to this source, the most important aspect when choosing a bank is the cost and reputation, while easy access (i.e. extensive network) appears to be less important. Furthermore, the spectrum of banking services, namely the availability of a broad range of banking services, and the high quality of service was also considered important. Given the above, although Posta has an extensive network, there are other criteria which were labelled as significant by customers (reputation as a bank, banking services, quality of service) which play a counterbalancing role in choosing a bank. Customers whose needs include a broad range of services would therefore be reticent to consider choosing or changing to a postal account not offering the accustomed range of services.

(47) For the purposes of this Decision, and without prejudice to the competition law, these factors should be taken as an indication of direct exposure of Posta's activity to competition.

Credit intermediation

(48) This activity represents the intermediation of credit provided by third parties, with the Posta acting as a multiple special services intermediary. Posta is offering

credit products (with no collateral requirements, either movable, nor real estate) provided by Erste Bank to retail customers, while in the corporate sector, Posta offers a product of Magyar Fejlesztési Bank, acting as a multiple special service intermediary.

(49) The services concerned here can be subdivided in many different ways, according to factors such as the purposes for which a credit is taken or the typical customer (consumers, SMEs, larger undertakings or public administration). Therefore, retail credit intermediation and corporate credit intermediation could be considered as separate product markets.

(50) The product market of retail credit intermediation is defined by the applicant as the market of unrestricted mortgage loans and personal loans, both in Hungarian Forint and foreign currencies. This is not contradicted by previous Commission practice ⁽²¹⁾ whereby the Commission left open whether individual retail banking products represents separate relevant product markets or whether several retail banking products may form part of a single relevant product market.

(51) In the corporate sector, the Posta is offering only one type of corporate credit product. This product is offered typically by other financial institutions (i.e. savings cooperatives). The Posta offers this product in 45 designated locations and not throughout its entire network. The relevant product market for the corporate sector is considered by the applicant to include SMEs loans offered by credit institutions. However, as indicated in recital 9 above, the exact market definition can be left open, for the purposes of this Decision.

(52) The geographical market is the entire territory of Hungary, virtually for the same reasons as stated in recital 41.

(53) Posta market shares in the market of retail credit as defined was less than 0,5 % in 2007, 2008 and 2009, while the market shares in the market of corporate credit is negligible (0 %) in the same years. The available data shows that the Posta market shares in these markets narrowly defined are so small that on a market more broadly defined Posta will have even smaller market shares.

(54) The rest of the market is shared between other banks and financial institutions — which are not subject to the provisions of the Utilities directive. The cumulated market shares ⁽²²⁾ of the first three competitors in 2007, 2008 and 2009 were as follows: 52,54 %,

⁽¹⁸⁾ Switching in case of certain financial products for retail and small entrepreneurial clients — Sector Inquiry — final report, 5 February 2009, GVH — Hungarian Competition Authority. GVH performed this study on bank switching for the period 2002-2006.

⁽¹⁹⁾ Switching in case of certain financial products for retail and small entrepreneurial clients — Sector Inquiry — final report, 5 February 2009, GVH — Hungarian Competition Authority, and the related background study 'Information and experience related to switching between banks' summary analysis of the customer market, Millward Brown, September 2006.

⁽²⁰⁾ Ipsos: Financial services, current account services, summary of the survey of retail customers, January 2009.

⁽²¹⁾ Case COMP/M.4844, Fortis/ABN AMRO Assets.

⁽²²⁾ According to the supplementary information provided by the applicant in its letter of 2 September 2011.

51,39 % and 54,27 % respectively in the retail loans market and 42,69 %, 47,36 % and 48,07 % respectively in the corporate loans market.

- (55) For the purposes of this Decision, and without prejudice to the competition law, the above mentioned factors should be taken as an indication of direct exposure of Posta's activity to competition.

Intermediation and acceptance of payment cards issued by credit institutions

- (56) The Posta offers credit cards issued by Erste Bank Zrt. This product is a standard credit card, in terms of conditions and services offered.
- (57) In respect of debit cards, the Posta acts as intermediary covering corporate and retail bank cards associated with current accounts. The Posta acts as multiple special services intermediary, while the service is provided by Erste Bank Hungary Nyrt. The cards offered are standard debit cards.
- (58) In respect of accepting payment cards the postal outlets are equipped with POS terminals enabling cash withdrawals with bank cards. The applicant argues that from the perspective of customers, the same service (obtaining cash) can be obtained by means of cash withdrawals at a bank teller, or at other POS terminal operated by third parties at locations other than the postal outlets, therefore the products are substitutable.
- (59) The Commission has, in the past, distinguished ⁽²³⁾ two main payment card related activities: first the issuing of cards to individuals and companies and secondly the 'acquiring' of merchants for card payment acceptance. Moreover, within the activity of payment card issuing, the Commission has in previous decisions ⁽²⁴⁾ discussed the possibility of distinguishing between different types of cards, but eventually the exact definition was left open.
- (60) For the purposes of this Decision, and without prejudice to the competition law, three product markets will be taken into consideration, namely, the credit card market, the debit card market and the accepting of cards.
- (61) As regards, the card accepting market, the product market defined by the applicant is not the market that was generally defined in previous Commission decisions mentioned in recital 59. The 'original' card accepting

market is the one consisting of merchants who accept card payments. Another possible card accepting market is the one consisting of banks who offer card accepting services to such merchants. However, as confirmed by the Hungarian Competition Authority (GVH) ⁽²⁵⁾, in case of Posta, considering that the POS devices functions as ATM machines of the two banks, for which Posta is acting as intermediary, 'Magyar Posta was probably correct to provide data on concentration based on concentration based on the number of ATM machines in operation'.

- (62) In terms of geographical market, previous Commission cases ⁽²⁶⁾ indicated that the market of payment cards is still national in scope, although it admitted that there may be scope for widening the market in the future. In the present case, the geographical market definition is considered to be the entire territory of Hungary.
- (63) Between 2007 and 2009, Posta's market shares was of less than 1 % in the credit card market, of less than 3 % in the debit card market and of less than 6 % in the accepting card market as defined by the applicant.
- (64) According to the Hungarian Competition Authority ⁽²⁷⁾, following a recent study undertaken by the later and the Hungarian National Bank, out of the total number of 24 banks issuing debit cards the total market share of the top 5 banks in debit card issuing is approximately 82 %. According to the same source the credit card issuing market is less concentrated; out of the 18 banks issuing credit cards, the top 7 banks have a combined market share of 68 % of the market. Moreover, according to the application, the level of concentration as high in the accepting sector three quarters of the total number of ATMs were operated by four banks.
- (65) In view of the low market shares of Posta and the presence of other banks and financial institutions, which bring competitive pressure on Posta's activity we can conclude that for the purposes of this Decision, and without prejudice to the competition law, these factors should be taken as an indication of direct exposure of Posta's activity to competition.

Intermediation of investments and special purpose savings on behalf of others

- (66) This category of services covers the sale of financial instruments and the marketing of special investment products. The financial instruments offered are government securities, investment funds of Erste Befektetési Zrt, other securities and a special home savings

⁽²³⁾ Case COMP/M.5241, American Express/Fortis/Alpha Card.

⁽²⁴⁾ Case COMP/M.3894 Unicredito/HVB; COMP/M.2567 Nordbanken/Postgirot; COMP/M.3740 Barclays Bank/Foereningssparbanken/JV, COMP/M.4844 Fortis/ABN AMRO Assets, COMP/M.5241 American Express/Fortis/Alpha Card.

⁽²⁵⁾ GVH response of 15 September 2011 to Commission letter of request for information of 8 August 2011.

⁽²⁶⁾ Case COMP/M.3740, Barclays Bank/Foereningssparbanken/JV and COMP/M.2567 Nordbanken/Postgirot.

⁽²⁷⁾ GVH response of 15 September 2011 to Commission letter of request for information of 8 August 2011.

arrangement on behalf of Fundamenta Lakaskassza Zrt. and OTP Lakastakarekpenztar Zrt., acting as intermediary.

- (67) In previous cases, the Commission has left open the question whether each of these services might constitute separate product markets⁽²⁸⁾. The definition will be left open in this case as the services provided by Posta as an intermediary do not raise competition concerns, regardless of the alternative market definition considered.
- (68) As regards geographical scope, the Commission has considered⁽²⁹⁾ that most of the market segments are international in scope, but some of them have been analysed from a national perspective⁽³⁰⁾. The exact geographical market definition will be left open, and in the present case the geographical market will be considered the territory of Hungary.
- (69) Between 2007 and 2009, Posta's market share was of less than 4 % in the market of government securities, between 3 % and 9 % in the market of investment units, of less than 2 % in the market for bonds and of less than 4 % in the market of home savings arrangements.
- (70) For the purposes of this Decision, and without prejudice to the competition law, these factors should be taken as an indication of direct exposure to competition of Posta's activity in the investment market.

Intermediation of insurance products

- (71) Posta offers life insurance on behalf of Magyar Posta Eletbiztosító Zrt. and non-life insurance on behalf of Magyar Posta Biztosító Zrt.
- (72) In its previous decisions⁽³¹⁾, the Commission has distinguished between three broad categories of types of insurances, namely: life insurance, non-life insurance and reinsurance. Moreover, it was observed that, from the demand side, life and non-life insurance can be further divided into as many individual product markets as there are different kinds of risks covered. In relation to life insurance the Commission has considered in previous decisions the following segmentations: life-individual, life-group and unit linked, or, alternatively, individual protection, group protection, personal pension, group pensions, savings and investments⁽³²⁾. In relation to non-life insurance the Commission has previously considered, inter alia, motor, fire, transport,

health, property, general civil liability, casualty, litigation, working accidents and credit insurance⁽³³⁾. However, supply side considerations could lead to broader product markets. For the purposes of this Decision the exact product market definition can be left open.

- (73) The Commission has in the past also analysed the distribution of insurance products and confirmed that the relevant market for either non-life or life insurance distribution would comprise all outward (i.e. third party or non-owned) distribution channels, such as brokers, agents and other intermediaries⁽³⁴⁾. However, for the purposes of this Decision the exact product market definition can be left open.
- (74) In respect of geographical market, the Commission in its previous decisions⁽³⁵⁾ has defined the markets for life insurance as being national in scope due to national distribution channels, the established market structure, fiscal constraints and different regulatory systems. The same approach will be used in the present case and the geographical market will be considered the entire territory of Hungary.
- (75) Between 2007 and 2009, Posta's market share was of less than 5 %⁽³⁶⁾ in the market of life insurance products, and of less than 1 %⁽³⁷⁾ for non-life insurance products. These figures indicate that market shares for the intermediation of insurance are also low.
- (76) In the same years, the combined market shares of the first three competitors was of 52,29 %, 51,08 % and 50,1 % respectively in the market of life insurance products, and of 54,84 %, 52,56 % and 51,66 % respectively in the market of non-life insurance products.
- (77) For the purposes of this Decision, and without prejudice to the competition law, these factors should be taken as an indication of direct exposure to competition of Posta's activity in the insurance market.

IV. CONCLUSIONS

- (78) In view of the factors examined in recitals 11 to 77, the condition of direct exposure to competition laid down in Article 30(1) of Directive 2004/17/EC should be considered to be met in Hungary for the following activities:
- (a) services enabling cash to be placed on a payment account;

⁽²⁸⁾ Case COMP/M.3894, Unicredito/HVB, Case COMP/M.5384 BNP Paribas/Fortis.

⁽²⁹⁾ Case COMP/M.2225, Fortis/ASR, COMP/M.1172, Fortis AG/Generale Bank.

⁽³⁰⁾ Case COMP/M.4155, BNP Paribas/BNL.

⁽³¹⁾ Case COMP/M.4284, AXA/Winterthur, Case COMP/M.5384 BNP Paribas/Fortis.

⁽³²⁾ Case COMP/4047 Aviva/Ark life, Case COMP/M.4284 AXA/Winterthur, Case COMP/M.4701 Generali/PPF Insurance Business.

⁽³³⁾ Case COMP/M.4284, AXA/Winterthur, Case COMP/M.4701 Generali/PPF Insurance Business, Case COMP/M.2676 Sampo/Vama/IF Holding/JV.

⁽³⁴⁾ Case COMP/M.4284 AXA/Winterthur, Case COMP/M.4844 Fortis/ABN AMRO Assets.

⁽³⁵⁾ Case COMP/M.5075 Vienna Insurance Group/Erste Bank Versicherungssparte; COMP/M.4844 Fortis/ABN AMRO Assets.

⁽³⁶⁾ Market share calculated on the basis of premium revenues.

⁽³⁷⁾ Market share calculated on the basis of premium revenues.

- (b) services enabling cash withdrawals from a payment account;
- (c) money transfer services;
- (d) intermediation of current accounts and the related products and services;
- (e) credit intermediation;
- (f) intermediation and acceptance of payment cards issued by credit institutions;
- (g) intermediation of investments and special purpose savings on behalf of others;
- (h) intermediation of insurance products.

(79) Since the condition of unrestricted access to the market is also met, Directive 2004/17/EC should not apply when contracting entities award contracts intended to enable the services listed in recital 78 to be carried out in Hungary, nor when design contests are organised for the pursuit of such an activity in Hungary.

(80) The financial services carried out by Posta are auxiliary to postal services as per Article 6(2)(b) of Directive 2004/17/EC. The postal services carried out by the Posta are not subject to this exemption request, therefore for these activities the provisions of Directive 2004/17/EC continue to apply. In this context, it is recalled that procurement contracts covering several activities shall be treated in accordance with Article 9 of Directive 2004/17/EC. This means that, when a contracting entity is engaged in 'mixed' procurement, that is procurement used to support the performance of both, activities exempted from the application of Directive 2004/17/EC and activities not exempted, regard shall be had to the activities for which the contract is principally intended. In the event of such mixed procurement, where the purpose is principally to support postal activities, the provision of Directive 2004/17/EC shall apply. If it is objectively impossible to determine for which activity the contract is principally intended, the contract shall be awarded in accordance with the rules referred to in paragraphs 2 and 3 of Article 9 of Directive 2004/17/EC.

(81) This Decision is based on the legal and factual situation as of July to October 2011 as it appears from the information submitted by Magyar Posta, and the

Hungarian Competition Authority. It may be revised, should significant changes in the legal or factual situation mean that the conditions for the applicability of Article 30(1) of Directive 2004/17/EC are no longer met.

(82) The measures provided for in this Decision are in accordance with the opinion of the Advisory Committee for Public Contracts,

HAS ADOPTED THIS DECISION:

Article 1

Directive 2004/17/EC shall not apply to contracts awarded by contracting entities and intended to enable the following services to be carried out in Hungary:

- (a) services enabling cash to be placed on a payment account;
- (b) services enabling cash withdrawals from a payment account;
- (c) money transfer services;
- (d) intermediation of current accounts and the related products and services;
- (e) credit intermediation;
- (f) intermediation and acceptance of payment cards issued by credit institutions;
- (g) intermediation of investments and special purpose savings on behalf of others;
- (h) intermediation of insurance products.

Article 2

This Decision is addressed to the Republic of Hungary in accordance to the Treaties.

Done at Brussels, 16 December 2011.

For the Commission

Michel BARNIER

Member of the Commission

COMMISSION DECISION

of 19 December 2011

granting certain parties an exemption from the extension to certain bicycle parts of the anti-dumping duty on bicycles originating in the People's Republic of China imposed by Council Regulation (EEC) No 2474/93, lifting the suspension and revoking the exemption of the payment of the anti-dumping duty extended to certain bicycle parts originating in the People's Republic of China granted to certain parties pursuant to Commission Regulation (EC) No 88/97

(notified under document C(2011) 9473)

(2011/876/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ (the 'basic Regulation'),

Having regard to Council Regulation (EC) No 71/97 ⁽²⁾ (the 'extending Regulation'), extending the definitive anti-dumping duty imposed by Council Regulation (EEC) No 2474/93 ⁽³⁾ on bicycles originating in the People's Republic of China to imports of certain bicycle parts from the People's Republic of China, and levying the extended duty on such imports registered under Commission Regulation (EC) No 703/96 ⁽⁴⁾,

Having regard to Commission Regulation (EC) No 88/97 ⁽⁵⁾ (the 'exemption Regulation') on the authorisation of the exemption of imports of certain bicycle parts originating in the People's Republic of China from the extension by Regulation (EC) No 71/97 of the anti-dumping duty imposed by Regulation (EEC) No 2474/93, and in particular Article 7 thereof,

After consulting the Advisory Committee,

Whereas:

- (1) After the entry into force of the exemption Regulation, a number of bicycle assemblers submitted requests pursuant to Article 3 of the exemption Regulation for exemption from the anti-dumping duty as extended to imports of certain bicycle parts from the People's Republic of China by Regulation (EC) No 71/97 (the 'extended anti-dumping duty'). The Commission has published in the *Official Journal of the European Union*

successive lists of bicycle assemblers ⁽⁶⁾ for which the payment of the extended anti-dumping duty in respect of their imports of essential bicycle parts declared for free circulation was suspended pursuant to Article 5(1) of the exemption Regulation.

- (2) Following the last publication of the list of parties under examination ⁽⁷⁾, a main period of examination has been selected. This period runs from 1 January 2011 to 31 July 2011. Additional information from the years 2009 and 2010 was also requested. A questionnaire requesting information on the assembly operations conducted during the relevant period was sent to all parties under examination.
- (3) The Commission was also informed of the liquidation of one company which was exempted from the extended anti-dumping duty on bicycle parts. Furthermore, one company informed the Commission that it had stopped its assembly operations.

**A. REQUESTS FOR EXEMPTION FOR WHICH
SUSPENSION WAS PREVIOUSLY GRANTED**

A.1. Acceptable requests for exemption

- (4) The Commission received from the parties listed in table 1 below all the information required for the determination of the admissibility of their requests. These parties had already received their suspension with effect from the day of receipt by the Commission of a first complete request. Based on this information, the Commission found that the requests submitted by the parties listed in table 1 below are admissible pursuant to Article 4(1) of the exemption Regulation.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 16, 18.1.1997, p. 55.

⁽³⁾ OJ L 228, 9.9.1993, p. 1. Regulation as maintained by Regulation (EC) No 1524/2000 (OJ L 175, 14.7.2000, p. 39) and amended by Regulation (EC) No 1095/2005 (OJ L 183, 14.7.2005, p. 1).

⁽⁴⁾ OJ L 98, 19.4.1996, p. 3.

⁽⁵⁾ OJ L 17, 21.1.1997, p. 17.

⁽⁶⁾ OJ C 45, 13.2.1997, p. 3, OJ C 112, 10.4.1997, p. 9, OJ C 220, 19.7.1997, p. 6, OJ C 378, 13.12.1997, p. 2, OJ C 217, 11.7.1998, p. 9, OJ C 37, 11.2.1999, p. 3, OJ C 186, 2.7.1999, p. 6, OJ C 216, 28.7.2000, p. 8, OJ C 170, 14.6.2001, p. 5, OJ C 103, 30.4.2002, p. 2, OJ C 35, 14.2.2003, p. 3, OJ C 43, 22.2.2003, p. 5, OJ C 54, 2.3.2004, p. 2, OJ C 299, 4.12.2004, p. 4, OJ L 17, 21.1.2006, p. 16 and OJ L 313, 14.11.2006, p. 5, OJ L 81, 20.3.2008, p. 73, OJ C 310, 5.12.2008, p. 19, OJ L 19, 23.1.2009, p. 62, OJ L 314, 1.12.2009, p. 106, OJ L 136, 24.5.2011, p. 99.

⁽⁷⁾ OJ L 136, 24.5.2011, p. 99.

Table 1

Name	Address	Country	TARIC additional code
Blue Factory Team S.L.	CL Torres y Villaroel 6, Elche Parque Industrial, 03320 Alicante	Spain	A984
CODE X Sp. z o.o.	Olszanka 109, 33-386 Podegrodzie	Poland	A966
JETLANE SAS (initially JET'LEAN SAS)	4, boulevard de Mons, 59650 Villeneuve-d'Ascq	France	A968
Kwasny & Diekhöner GmbH	Herforder Strasse 331, 33609 Bielefeld	Germany	A993
Maxtec Ltd	1 Golyamokonarsko shose Str., 4204 Tsaratsovo, Plovdiv	Bulgaria	A991
Metelli di Staffoni Mario & C.S.A.S.	Via Trento 68, 25030 Trenzano (BS)	Italy	A979
Müller GmbH	Riedlerweg 7, 8054 Graz	Austria	A978 (initially A977)
Unicykel AB	Aröds Industrieväg 14, 422 43 Hisings Backa	Sweden	A967

(5) It was established during the examination that for all of the applicants the value of the parts originating in the PRC used in their assembly operations was lower than 60 % of the total value of the parts used in those operations. Consequently, they fall outside the scope of Article 13(2) of the basic Regulation.

(6) For this reason, and in accordance with Article 7(1) of the exemption Regulation, the parties listed in table 1 above should be exempted from the extended anti-dumping duty.

(7) In accordance with Article 7(2) of the exemption Regulation, the exemption of the parties listed in table 1 above from the extended anti-dumping duty should take effect as from the date of receipt of their requests. In addition, their customs debt in respect of the extended anti-dumping duty is to be considered void as from the date of receipt of their requests for exemption.

(8) The company CODE X Sp. z o.o. changed its address during the examination procedure. The company received its suspension under the address ul. Krolewska 16, 00-103 Warszawa, Poland. During the suspension period the address changed to Olszanka 109, 33-386 Podegrodzie, Poland. This change of address does not affect the initial request for suspension or the decision on the exemption.

(9) The company JETLANE SAS changed its name during the examination procedure. The company was initially suspended under its name JET'LEAN SAS. During the

suspension period the company changed its name to JETLANE SAS. This change of name does not affect the initial request for suspension or the decision on the exemption.

(10) TARIC additional code A977 initially given to the company Müller GmbH was erroneously attributed twice and had to be withdrawn. On 3 June 2010 the company received TARIC additional code A978. This change of code does not affect the initial request for suspension or the decision on the exemption.

A.2. Rejected requests for exemption

(11) The party listed in table 2 below also submitted a request for exemption from the extended anti-dumping duty.

Table 2

Name	Address	Country	TARIC additional code
Bikeworks AC GmbH	Ernst-Abbe-Strasse 28, 52249 Eschweiler	Germany	A980

(12) The party in question assembled bicycles as subcontractor and not in its own name. The company had no purchases of parts and it could not be evaluated if the assembly operations complied with the conditions set out in Article 7(1) of the exemption Regulation.

- (13) On these grounds the Commission has to reject its request, in accordance with Article 7(3) of the exemption Regulation. Consequently, the suspension of the payment of the extended anti-dumping duty referred to in Article 5 of the exemption Regulation must be lifted and the extended anti-dumping duty collected as from the date of receipt of the request for exemption submitted by this party, i.e. the date as of which the suspension took effect.

A.3. Revocations

- (14) For the parties listed in table 3 below the exemption is to be revoked.

Table 3

Name	Address	Country	TARIC additional code
Bicicletas de Alava SL	C/Arcacha 1, 01006 Vitoria	Spain	8963
Fundador-Sociedade Importadora de Sangalhos, Lda.	Apartado, 26, P-3781-908 Sangalhos	Portugal	8244

- (15) These parties were exempted from the extended anti-dumping duty on bicycle parts. One party now informed the Commission services that it had stopped its assembly operations. Following an enquiry, the Commission services were informed by a Court in Portugal that the other party had been liquidated. For both parties exemption should be revoked.

B. REQUESTS FOR EXEMPTION FOR WHICH SUSPENSION WAS NOT PREVIOUSLY GRANTED

B.1. Inadmissible requests for exemption

- (16) The parties listed in table 4 also submitted requests for exemption from the payment of the extended anti-dumping duty:

Table 4

Name	Address	Country
Apollo Electric Bikes B.V.	Leemstraat 6, 4705 RH Roosendaal	The Netherlands
IN CYCLES, Montagem e Comércio de Bicicletas Lda.	Zona Industrial de Oiã, Lote A e B, Apartado 175, 3770-059 Oiã	Portugal

Name	Address	Country
Kleinebenne GmbH	Hansastraße 22, 33818 Leopoldshöhe	Germany
MOBIKY-TECH	675, Promenade des Ports, 50000 Saint-Lô	France
MOVITEC SRL	Jud. Brasov, Aeroportului Street 2, 507075 Ghimbav	Romania
Sun Baby Jacek Gabrus	Ul. Jana Styki 12, 64-920 Pila	Poland
TORPADO S.R.L.	Viale Enzo Ferrari 11, 30014 Cavarzere (VE)	Italy

- (17) One of these parties is an assembler of electrical bicycles whose imports are not subject to anti-dumping duty on bicycle parts according to Regulation (EC) No 71/97. This party is not eligible for an exemption. For some parties the supply of parts for the production of bicycles covered by the measures according to Regulation (EC) No 71/97 falls within the *de minimis* threshold of less than 300 units on a monthly basis as specified in Article 14(c) of the exemption Regulation. Consequently, those parties did not meet the conditions of Article 4.1(a) of the exemption Regulation and an exemption could not be granted. Some other parties had not started the production of bicycles yet and hence no suspension could be granted to them.
- (18) All companies listed in tables 1-4 above were informed and given the opportunity to comment. None of the comments received were such as to alter the conclusions set out in this Decision,

HAS ADOPTED THIS DECISION:

Article 1

The parties listed below in table 1 are hereby exempt from the extension to imports of certain bicycle parts from the People's Republic of China by Regulation (EC) No 71/97 of the definitive anti-dumping duty on bicycles originating in the People's Republic of China imposed by Regulation (EEC) No 2474/93, last amended and maintained by Regulation (EC) No 1095/2005.

The exemption shall take effect in relation to each party as from the relevant date shown in the column headed 'Date of effect'.

Table 1

List of parties to be exempt

Name	Address	Country	Exemption pursuant to Regulation (EC) No 88/97	Date of effect	TARIC additional code
Blue Factory Team S.L.	CL Torres y Villaroel 6, Elche Parque Industrial, 03320 Alicante	Spain	Article 7	16.7.2010	A984
CODE X Sp. z o.o.	Olszanka 109, 33-386 Podegrodzie (initially ul. Krolewska 16, 00-103 Warszawa)	Poland	Article 7	22.1.2010	A966
JETLANE SAS (initially JETLEAN SAS)	4, boulevard de Mons, 59650 Villeneuve-d'Ascq	France	Article 7	18.2.2010	A968
Kwasny & Diekhöner GmbH	Herforder Strasse 331, 33609 Bielefeld	Germany	Article 7	5.7.2011	A993
Maxtec Ltd	1 Golyamokonarsko shose Str., 4204 Tsaratsovo, Plovdiv	Bulgaria	Article 7	15.10.2010	A991
Metelli di Staffoni Mario & C.S.A.S.	Via Trento 68, 25030 Trenzano (BS)	Italy	Article 7	13.4.2010	A979
Müller GmbH	Riedlerweg 7, 8054 Graz	Austria	Article 7	30.3.2010	A978 (initially A977)
Unicykel AB	Aröds Industrieväg 14, 422 43 Hisings Backa	Sweden	Article 7	11.1.2010	A967

Article 2

The request for exemption from the extended anti-dumping duty submitted pursuant to Article 3 of Regulation (EC) No 88/97 by the party listed below in table 2 is hereby rejected.

The suspension of payment of the extended anti-dumping duty pursuant to Article 5 of Regulation (EC) No 88/97 is hereby lifted for the party concerned as from the relevant date shown in the column headed 'Date of effect'.

Table 2

List of parties for which the suspension is to be lifted

Name	Address	Country	Suspension pursuant to Regulation (EC) No 88/97	Date of effect	TARIC additional code
Bikeworks AC GmbH	Ernst-Abbe-Strasse 28, 52249 Eschweiler	Germany	Article 5	11.6.2010	A980

Article 3

The exemptions from the payment of the extended anti-dumping duty pursuant to Article 7 of Regulation (EC) No 88/97 for the parties listed below in table 3 are to be revoked pursuant to Article 10 of the exemption Regulation.

The exemption from the payment of the extended anti-dumping duty is hereby lifted for the parties concerned as from the relevant date shown in the column headed 'Date of effect'.

Table 3

List of parties for which the exemption is to be lifted

Name	Address	Country	Exemption pursuant to Regulation (EC) No 88/97	Date of effect	TARIC additional code
Bicicletas de Alava SL	C/Arcacha 1, 01006 Vitoria	Spain	Article 7	1 day after publication of the present Decision	8963
Fundador-Sociedade Importadora de Sangalhos, Lda.	Apartado, 26, P-3781-908 Sangalhos	Portugal	Article 7	1 day after publication of the present Decision	8244

Article 4

The requests for exemption from the extended anti-dumping duty made by the parties listed below in table 4 are hereby rejected.

Table 4

List of parties for which the request for exemption is rejected

Name	Address	Country
Apollo Electric Bikes B.V.	Leemstraat 6, 4705 RH Roosendaal	The Netherlands
IN CYCLES, Montagem e Comércio de Bicicletas Lda.	Zona Industrial de Oiã, Lote A e B, Apartado 175, 3770-059 Oiã	Portugal
Kleinebenne GmbH	Hansastrasse 22, 33818 Leopoldshöhe	Germany
MOBIKY-TECH	675, Promenade des Ports, 50000 Saint-Lô	France

Name	Address	Country
MOVITEC SRL	Jud. Brasov, Aeroportului Street 2, 507075 Ghimbav	Romania
Sun Baby Jacek Gabrus	Ul. Jana Styki 12, 64-920 Pila	Poland
TORPADO S.R.L.	Viale Enzo Ferrari 11, 30014 Cavarzere (VE)	Italy

Article 5

This Decision is addressed to the Member States and to the parties listed in Articles 1, 2, 3 and 4. It is also published in the *Official Journal of the European Union*.

Done at Brussels, 19 December 2011.

For the Commission
Karel DE GUCHT
Member of the Commission

COMMISSION IMPLEMENTING DECISION

of 19 December 2011

establishing harmonised efficiency reference values for separate production of electricity and heat in application of Directive 2004/8/EC of the European Parliament and of the Council and repealing Commission Decision 2007/74/EC

*(notified under document C(2011) 9523)**(2011/877/EU)*

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2004/8/EC of the European Parliament and of the Council of 11 February 2004 on the promotion of cogeneration based on a useful heat demand in the internal energy market and amending Directive 92/42/EEC ⁽¹⁾, and in particular Article 4(2) thereof,

Whereas:

- (1) Pursuant to Directive 2004/8/EC the Commission established in Decision 2007/74/EC ⁽²⁾ harmonised efficiency reference values for separate production of electricity and heat, consisting of a matrix of values differentiated by relevant factors, including year of construction and types of fuel.
- (2) The Commission is to review the harmonised efficiency reference values for separate production of electricity and heat for the first time on 21 February 2011 and every four years thereafter, to take account of technological developments and changes in the distribution of energy sources.
- (3) The Commission has reviewed the harmonised efficiency reference values for separate production of electricity and heat, taking into account data from operational use under realistic conditions, provided by the Member States. Developments in the best available and economically justifiable technology which took place during the period 2006-2011 which was covered by the review, indicate that for the harmonised efficiency reference values for separate production of electricity, the distinction drawn in Decision 2007/74/EC relating to the year of construction of a cogeneration unit should not be maintained for plants that were constructed from 1 January 2006 onwards. However for cogeneration units built in 2005 or before the reference values should continue to be applied reflecting the year of construction, in order to take into account the

observed developments in the best available and economically justifiable technology. Furthermore, on the basis of recent experience and analysis, the review confirmed that correction factors relating to the climatic situation should continue to be applied. In addition, the correction factors for avoided grid losses should also continue to be applied as grid losses have not changed in recent years. Additionally, the correction factors for avoided grid losses should also apply to plants that use wood fuels and biogas.

- (4) The review has not produced evidence to indicate that the energy efficiency of boilers has changed in the period considered, and therefore the harmonised efficiency reference values for the separate production of heat should not relate to the year of construction. No correction factors relating to the climatic situation were required because the thermodynamics of generating heat from fuel do not depend significantly on the ambient temperature. In addition correction factors for heat grid losses are not required as heat is always used near the site of production.
- (5) Stable conditions for investment in cogeneration and continued investor confidence are needed. From this perspective, it is also appropriate to extend the current harmonised reference values for electricity and heat to the period 2012-2015.
- (6) Data from operational use under realistic conditions do not demonstrate a statistically significant improvement of the actual performance of state-of-the-art plants in the period under review. Therefore the reference values established for the period 2006-2011 in Decision 2007/74/EC should be maintained for the period 2012-2015.
- (7) The review confirmed the validity of the existing correction factors relating to the climatic situation and to avoided grid losses.
- (8) The use of a single set of reference values for the entire period and the waiving of correction factors for climatic differences and grid losses were also confirmed for heat generation.
- (9) Taking into consideration that the main aim of Directive 2004/8/EC is to promote cogeneration in order to save

⁽¹⁾ OJ L 52, 21.2.2004, p. 50.

⁽²⁾ OJ L 32, 6.2.2007, p. 183.

energy, an incentive for retrofitting older cogeneration units should be given in order to improve their energy efficiency. For these reasons the efficiency reference values for electricity applicable to a cogeneration unit should become higher from the 11th year after the year of its construction.

- (10) This approach is consistent with the requirement for the harmonised efficiency reference values to be based on the principles mentioned in Annex III, point (f) of Directive 2004/8/EC.
- (11) Revised harmonised efficiency reference values for separate production of electricity and heat should be established. Decision 2007/74/EC should, therefore, be repealed.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Cogeneration Committee,

HAS ADOPTED THIS DECISION:

Article 1

Establishment of the harmonised efficiency reference values

The harmonised efficiency reference values for separate production of electricity and heat shall be as set out in Annex I and Annex II respectively.

Article 2

Application of the harmonised efficiency reference values

1. Member States shall apply the harmonised efficiency reference values set out in Annex I relating to the year of construction of a cogeneration unit. These harmonised efficiency reference values shall apply for 10 years from the year of construction of a cogeneration unit.
2. From the 11th year following the year of construction of a cogeneration unit, Member States shall apply the harmonised efficiency reference values which by virtue of paragraph 1 apply to a cogeneration unit of 10 years of age. These harmonised efficiency reference values shall apply for one year.
3. For the purpose of this Article the year of construction of a cogeneration unit shall mean the calendar year of the first electricity production.

Article 3

Correction factors for the harmonised efficiency reference values for separate production of electricity

1. Member States shall apply the correction factors set out in Annex III, point (a) in order to adapt the harmonised efficiency

reference values set out in Annex I to the average climatic situation in each Member State.

If on the territory of a Member State official meteorological data show differences in the annual ambient temperature of 5 °C or more, that Member State may, subject to notification to the Commission, use several climate zones for the purpose of the first subparagraph using the method set out in Annex III, point (b).

2. Member States shall apply the correction factors set out in Annex IV in order to adapt the harmonised efficiency reference values set out in Annex I to avoided grid losses.

3. Where Member States apply both the correction factors set out in Annex III, point (a) and those set out in Annex IV, they shall apply Annex III, point (a) before applying Annex IV.

Article 4

Retrofitting of a cogeneration unit

If an existing cogeneration unit is retrofitted and the investment cost for the retrofitting exceeds 50 % of the investment cost for a new comparable cogeneration unit, the calendar year of first electricity production of the retrofitted cogeneration unit shall be considered as its year of construction for the purpose of Article 2.

Article 5

Fuel mix

If the cogeneration unit is operated with more than one fuel the harmonised efficiency reference values for separate production shall be applied proportionally to the weighted mean of the energy input of the various fuels.

Article 6

Repeal

Decision 2007/74/EC shall be repealed.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 19 December 2011.

For the Commission

Günther OETTINGER

Member of the Commission

ANNEX I

Harmonised efficiency reference values for separate production of electricity (referred to in Article 1)

In the table below the harmonised efficiency reference values for separate production of electricity are based on net calorific value and standard ISO conditions (15 °C ambient temperature, 1,013 bar, 60 % relative humidity).

	Year of construction: Type of fuel	2001 and before	2002	2003	2004	2005	2006- 2011	2012- 2015
Solids	Hard coal/coke	42,7	43,1	43,5	43,8	44,0	44,2	44,2
	Lignite/lignite briquettes	40,3	40,7	41,1	41,4	41,6	41,8	41,8
	Peat/peat briquettes	38,1	38,4	38,6	38,8	38,9	39,0	39,0
	Wood fuels	30,4	31,1	31,7	32,2	32,6	33,0	33,0
	Agricultural biomass	23,1	23,5	24,0	24,4	24,7	25,0	25,0
	Biodegradable (municipal) waste	23,1	23,5	24,0	24,4	24,7	25,0	25,0
	Non-renewable (municipal and industrial) waste	23,1	23,5	24,0	24,4	24,7	25,0	25,0
	Oil shale	38,9	38,9	38,9	38,9	38,9	39,0	39,0
Liquids	Oil (gas oil + residual fuel oil), LPG	42,7	43,1	43,5	43,8	44,0	44,2	44,2
	Biofuels	42,7	43,1	43,5	43,8	44,0	44,2	44,2
	Biodegradable waste	23,1	23,5	24,0	24,4	24,7	25,0	25,0
	Non-renewable waste	23,1	23,5	24,0	24,4	24,7	25,0	25,0
Gaseous	Natural gas	51,7	51,9	52,1	52,3	52,4	52,5	52,5
	Refinery gas/hydrogen	42,7	43,1	43,5	43,8	44,0	44,2	44,2
	Biogas	40,1	40,6	41,0	41,4	41,7	42,0	42,0
	Coke oven gas, blast furnace gas, other waste gases, recovered waste heat	35	35	35	35	35	35	35

ANNEX II

Harmonised efficiency reference values for separate production of heat (referred to in Article 1)

In the table below the harmonised efficiency reference values for separate production of heat are based on net calorific value and standard ISO conditions (15 °C ambient temperature, 1,013 bar, 60 % relative humidity).

	Type of fuel	Steam/hot water	Direct use of exhaust gases (*)
Solids	Hard coal/coke	88	80
	Lignite/lignite briquettes	86	78
	Peat/peat briquettes	86	78
	Wood fuels	86	78
	Agricultural biomass	80	72
	Biodegradable (municipal) waste	80	72
	Non-renewable (municipal and industrial) waste	80	72
	Oil shale	86	78
Liquids	Oil (gas oil + residual fuel oil), LPG	89	81
	Bio-fuels	89	81
	Biodegradable waste	80	72
	Non-renewable waste	80	72
Gaseous	Natural gas	90	82
	Refinery gas/hydrogen	89	81
	Biogas	70	62
	Coke oven gas, blast furnace gas, other waste gases, recovered waste heat	80	72

(*) Values for direct heat should be used if the temperature is 250 °C or higher.

ANNEX III

Correction factors relating to the average climatic situation and method for establishing climate zones for the application of the harmonised efficiency reference values for separate production of electricity (referred to in Article 3(1))

(a) Correction factors relating to the average climatic situation

Ambient temperature correction is based on the difference between the annual average temperature in a Member State and standard ISO conditions (15 °C).

The correction will be as follows:

- (i) 0,1 %-point efficiency loss for every degree above 15 °C
- (ii) 0,1 %-point efficiency gain for every degree under 15 °C

Example:

When the average annual temperature in a Member State is 10 °C, the reference value of a cogeneration unit in that Member State has to be increased with 0,5 %-points.

(b) Method for establishing climate zones

The borders of each climate zone will be constituted by isotherms (in full degrees Celsius) of the annual average ambient temperature which differ at least 4 °C. The temperature difference between the average annual ambient temperatures applied in adjacent climate zones will be at least 4 °C.

Example:

In a Member State the average annual ambient temperature in place A is 12 °C and in place B it is 6 °C. The difference is more than 5 °C. The Member State has now the option to introduce two climate zones separated by the isotherm of 9 °C, thus constituting one climate zone between the isotherms of 9 °C and 13 °C with an average annual ambient temperature of 11 °C and another climate zone between the isotherms of 5 °C and 9 °C with an average annual ambient temperature of 7 °C.

ANNEX IV

Correction factors for avoided grid losses for the application of the harmonised efficiency reference values for separate production of electricity (referred to in Article 3(2))

Voltage	For electricity exported to the grid	For electricity consumed on-site
> 200 kV	1	0,985
100-200 kV	0,985	0,965
50-100 kV	0,965	0,945
0,4-50 kV	0,945	0,925
< 0,4 kV	0,925	0,860

Example:

A 100 kW_{el} cogeneration unit with a reciprocating engine driven with natural gas generates electricity of 380 V. Of this electricity 85 % is used for own consumption and 15 % is fed into the grid. The plant was constructed in 1999. The annual ambient temperature is 15 °C (so no climatic correction is necessary).

In accordance with Article 2 of this Decision for cogeneration units older than 10 years of age the reference values of units of 10 years of age should be applied. According to Annex I to this Decision for a natural gas cogeneration unit built in 1999, which has not been retrofitted, the harmonised efficiency reference value applicable in 2011 is the reference value for 2001, 51,7 %. After the grid loss correction the resulting efficiency reference value for the separate production of electricity in this cogeneration unit would be (based on the weighted mean of the factors in this Annex):

$$\text{Ref } \eta = 51,7 \% * (0,860 * 85 \% + 0,925 * 15 \%) = 45,0 \%$$

COMMISSION IMPLEMENTING DECISION

of 20 December 2011

confirming the provisional calculation of average specific CO₂ emissions and specific emissions targets for manufacturers of passenger cars for the calendar year 2010 pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council

(Text with EEA relevance)

(2011/878/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO₂ emissions from light-duty vehicles⁽¹⁾, and in particular the second subparagraph of Article 8(5) and Article 10(1) thereof,

Whereas:

- (1) The Commission is required, pursuant to Article 8(5) of Regulation (EC) No 443/2009, to confirm each year, the average specific emissions of CO₂ and the specific emissions target for each manufacturer of passenger cars in the Union as well as for each pool of manufacturers formed in accordance with Article 7(7) of that Regulation. On the basis of that confirmation, the Commission is to determine whether manufacturers and pools have complied with the requirements of Article 4 of that Regulation. Where it is clear that a manufacturer or a pool has failed to meet its specific emissions target, the Commission is required, pursuant to Article 9(1) of that Regulation, to issue excess emissions premiums by way of individual decisions addressed to the manufacturers or pool managers concerned.
- (2) Pursuant to Article 4 of Regulation (EC) No 443/2009, the targets are binding on manufacturers and pools with effect from 2012. For the calendar years 2010 and 2011, the Commission should however calculate indicative targets and, pursuant to Article 8(6) of that Regulation, notify those manufacturers or pools whose average specific emissions exceed their indicative targets. As those targets for 2010 and 2011 will serve as indicators to manufacturers of the effort required to reach the mandatory target in 2012, it is appropriate to determine the average specific emissions of manufacturers for 2010 and 2011 in accordance with requirements set out in the second paragraph of Article 4 of that Regulation and take into account only the 65 % lowest emitting vehicles of each manufacturer.

- (3) The data to be used for the calculation of the average specific emissions and the specific emissions targets is set out in Part C of Annex II to Regulation (EC) No 443/2009 and is based on Member States' registrations of new passenger cars during the preceding calendar year. The data is taken from the certificates of conformity issued by the manufacturers or from documents providing equivalent information in accordance with Article 3(1) of Commission Regulation (EU) No 1014/2010 of 10 November 2010 on monitoring and reporting of data on the registration of new passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council⁽²⁾.
- (4) The data for 2010 was transmitted to the Commission by the deadline of 28 February 2011 specified in Article 8(2) of Regulation (EC) No 443/2009 by a majority of the Member States. The complete datasets for all Member States were only, however, finally made available to the Commission by mid April and were subsequently provisionally verified.
- (5) Where, as a result of the initial verification, it was evident that certain data were missing or manifestly incorrect, the Commission contacted the Member States concerned and, subject to the agreement of those Member States, adjusted or completed the data accordingly. Where no agreement could be reached with a Member State, the provisional data of that Member State was not adjusted.
- (6) On 29 June 2011, the Commission published, in accordance with Article 8(4) of Regulation (EC) No 443/2009, the provisional data and notified 89 manufacturers of the provisional calculations of their average specific emissions in 2010 and their specific emissions targets. Manufacturers were asked to verify the data and to notify to the Commission any errors within 3 months of receipt of the notification in accordance with the first subparagraph of Article 8(5) of that Regulation.
- (7) On 12 August, guidelines for the notification of errors in the CO₂ data from cars were published on the Commission website. The guidelines provide a format for notification and indicate the information required from the manufacturers to enable the Commission to take those errors into account.

⁽¹⁾ OJ L 140, 5.6.2009, p. 1.

⁽²⁾ OJ L 293, 11.11.2010, p. 15.

- (8) Fifteen manufacturers submitted notifications of errors within the 3-month deadline. One manufacturer submitted a complete notification after the expiry of the deadline. Seven manufacturers out of those 15 submitted notifications that included detailed information on the errors and justifications for the corrections proposed. The remaining eight manufacturers submitted summary notifications that only partially complied with the Commission's recommendations as to the format and contents of the notifications. In addition to those manufacturers that submitted notifications of error, eight manufacturers informed the Commission that there were errors in the datasets without providing any further information or evidence as to the nature or reasons for those errors.
- (9) In the case of the 73 manufacturers that did not notify any errors in the datasets or only informed the Commission of errors in the datasets without providing the necessary evidence, the provisional data and provisional calculations of the average specific emissions and the specific emissions targets should be confirmed without adjustments.
- (10) Where manufacturers have provided the necessary information and evidence supporting the existence of errors in the datasets, the Commission should consider those notifications and, where appropriate, amend the provisional calculations of the average specific emissions and the targets.
- (11) Member States' registration authorities are solely responsible for the number of registrations reported to the Commission. As manufacturers' sales data do not necessarily accurately reflect the number of registrations in a given Member State for a given period of time, it is not possible to consider errors in the number of registrations for the calculation of the average specific emissions. Only errors relating to the contents of the datasets for registered vehicles should therefore be considered. However, in some cases, manufacturers have notified that registrations should be attributed to another manufacturer. Those re-attributions should be reflected in the final confirmed datasets.
- (12) It results from the complete notifications that the manufacturers were able to identify a part of the datasets as correct and proposed corrections to those parts of the datasets that could be verified. Between 4 and 15 per cent of the datasets consist, however, of registrations referring to unidentifiable vehicles for which values such as CO₂ emissions or mass cannot be verified by the manufacturer. This is usually due to missing information that is required in order for the manufacturer to identify the individual vehicles, more precisely the identification code composed of the type, variant and version of the vehicles concerned. In a small number of cases, registrations could be attributed to manufacturers, however, key data on CO₂ emissions and mass were not available.
- (13) The Commission has verified the corrections proposed by the manufacturers and the supporting evidence. Where entries have been corrected either by inserting a missing value or by replacing an incorrect value for those registrations that can be verified by the manufacturer and the corrected values are consistent with values resulting from reference data sources, such as data from type approval documents, such corrections are justified. However, where a manufacturer has notified errors but not proposed corrections, notwithstanding that those errors could have been verified and corrected and has not sufficiently demonstrated that those corrections could not be made within the 3-month verification period, those errors should not be considered for the final calculation.
- (14) In the case of registrations that can be attributed to, but not verified by the manufacturers, the values for CO₂ emissions and mass included in those registrations should still be used to calculate the average CO₂ emissions and specific emissions target. It is however necessary to take into account the fact that manufacturers cannot verify those values and ensure that the inclusion does not have a negative impact on the final values determined for the manufacturers concerned. Accordingly, an error margin should be applied to that calculation reflecting the individual situation of the manufacturer as described and justified in the notification of errors. More precisely, an error margin should be calculated for the average specific emissions and the average mass, since those two parameters determine the distance to the specific emissions target of each manufacturer, i.e. how close a manufacturer is to achieving its specific emission target.
- (15) The error margin should be determined as the difference between the distances to the specific emission target expressed as the average emissions subtracted from the specific emissions targets calculated including and excluding those registrations that cannot be verified by the manufacturers. Regardless of whether that difference is positive or negative the error margin should always reduce the distance to the target of the manufacturer.
- (16) In the case of registrations where the values on CO₂ emissions or mass are missing as well as the identification code, those registrations should not be taken into account for the final calculation of the average emissions.
- (17) Since the 2010 data verification exercise is the first to be carried out pursuant to Regulation (EC) No 443/2009, it is appropriate to exceptionally consider also those notifications that did not include all the information required by the Commission for fully taking into account the errors. The error margins to be applied to the final calculations referred to in those notifications should however

be calculated on the basis of the Commission's own assessment of the number of registrations that cannot be verified by those manufacturers. It is also appropriate, exceptionally, to take into account, for the confirmation of 2010 data, the notification of errors that was submitted shortly after the expiry of the deadline.

- (18) The average specific emissions of CO₂ from new passenger cars registered in 2010, the specific emissions targets and the difference between those two values should be confirmed accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The following values specified in the Annex are confirmed for each manufacturer of passenger cars and for each pool of manufacturers in respect of the 2010 calendar year:

- (a) the specific emissions target;
- (b) the average specific emissions of CO₂, where appropriate adjusted by the relevant error margin;

- (c) the difference between the values referred to in points (a) and (b);

- (d) the average specific emissions of CO₂ for all new passenger cars;

- (e) the average mass for all new passenger cars in the Union.

Article 2

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

Done at Brussels, 20 December 2011.

For the Commission

The President

José Manuel BARROSO

ANNEX

Table 1

Values relating to the performance of manufacturers confirmed in accordance with Article 10(1) of Regulation (EC) No 443/2009

A	B	C	D	E	F	G	H	I
Manufacturer Name	Pools and Derogations	Number of registrations	Average CO ₂ (65 %) corrected	Specific emission target	Distance to target	Distance to target adjusted	Average mass	Average CO ₂ (100 %)
Alpina Burkard Bovensiepen GmbH + Co. KG		173	187,795	147,429	40,366	40,366	1 753,38	210,341
Artega Automobil GmbH & Co. KG		2	220,000	132,194	87,806	87,806	1 420,00	220,000
Aston Martin Lagonda Ltd	D	1 415	333,482	320,000	13,482	12,657	1 860,72	348,372
Audi AG		589 855	133,883	140,365	– 6,482	– 6,557	1 598,80	151,832
Automobiles Citroën		815 936	118,764	127,361	– 8,597	– 8,597	1 314,26	131,418
Automobiles Peugeot		974 248	119,208	127,704	– 8,496	– 8,496	1 321,76	131,021
Autovaz		3 911	212,171	126,410	85,761	85,761	1 293,44	219,516
Bayerische Motoren Werke AG		640 021	129,253	137,409	– 8,156	– 8,210	1 534,13	146,355
Bentley Motors Ltd		1 187	391,423	181,363	210,060	210,060	2 495,92	395,925
BMW M GmbH		77 120	133,513	142,836	– 9,323	– 13,535	1 652,88	156,242
Bugatti Automobiles SAS		8	584,600	159,225	425,375	425,375	2 011,50	589,250
Caterham Cars Limited	D	135	166,920	210,000	– 43,080	– 43,080	712,15	179,826
Chevrolet Italia		25 442	113,042	116,356	– 3,314	– 3,359	1 073,45	117,607
Chrysler Group LLC		31 121	192,081	157,480	34,601	34,601	1 973,32	215,200
CNG Technik	P1	583	225,000	134,782	90,218	89,953	1 476,64	226,252
Automobile Dacia SA		251 938	133,865	123,831	10,034	9,631	1 237,01	144,989
Daihatsu Motor Co. Ltd		18 972	128,351	117,975	10,376	10,376	1 108,86	145,374
Daimler AG, Stuttgart	P2	646 067	137,762	137,323	0,439	0,349	1 532,24	160,166
DR Motor Company SRL		4 943	122,413	120,642	1,771	1,771	1 167,22	138,566
Ferrari	D	2 361	300,718	303,000	– 2,282	– 2,282	1 751,12	322,468
FIAT Group Automobiles SpA		975 822	115,285	119,240	– 3,955	– 3,955	1 136,56	125,013

A	B	C	D	E	F	G	H	I
Manufacturer Name	Pools and Derogations	Number of registrations	Average CO ₂ (65 %) corrected	Specific emission target	Distance to target	Distance to target adjusted	Average mass	Average CO ₂ (100 %)
Ford-Werke GmbH	P1	1 076 887	121,128	126,226	– 5,098	– 5,605	1 289,42	136,552
Fuji Heavy Industries Ltd	ND	30 655	165,182	164,616	0,566	0,520	1 608,03	179,332
Geely Europe Ltd		918	115,916	140,077	– 24,161	– 24,161	1 592,50	131,466
General Motors Company		1 490	270,134	151,750	118,384	113,988	1 847,93	296,400
GM Daewoo Auto u. Tech. Comp.		146 117	125,759	124,606	1,153	1,138	1 253,96	143,544
GM Italia SRL		37 670	119,750	125,467	– 5,717	– 5,717	1 272,82	124,405
Great Wall Motor Company Limited	D	344	222,000	195,000	27,000	27,000	1 919,52	224,314
Gumpert Sportwagenmanufaktur GmbH		2	310,000	132,879	177,121	177,121	1 435,00	310,000
Honda Automobile China CO	P3	20 876	125,023	119,099	5,924	5,911	1 133,46	126,094
Honda Automobile Thailand CO	P3	1 444	142,000	120,816	21,184	21,184	1 171,03	142,615
Honda Motor CO	P3	102 890	124,841	128,710	– 3,869	– 4,083	1 343,77	143,823
Honda of the UK Manufacturing	P3	47 840	145,932	133,391	12,541	12,234	1 446,21	162,280
Honda Türkiye AS	P3	1 587	155,953	125,560	30,393	30,393	1 274,84	156,624
Hyundai Motor Europe GmbH		325 603	120,858	126,725	– 5,867	– 5,867	1 300,33	134,244
Iveco SpA		49	213,548	180,265	33,283	33,283	2 471,90	216,694
Jaguar Cars Ltd	D	23 740	178,656	178,025	0,631	0,631	1 900,33	199,016
Kia Motors Europe GmbH		253 706	126,251	131,248	– 4,997	– 4,997	1 399,30	143,272
KTM-Sportmotorcycle AG	D	57	173,432	200,000	– 26,568	– 26,568	882,89	179,000
Automobili Lamborghini SpA		265	323,977	141,293	182,684	182,506	1 619,11	357,362

A	B	C	D	E	F	G	H	I
Manufacturer Name	Pools and Derogations	Number of registrations	Average CO ₂ (65 %) corrected	Specific emission target	Distance to target	Distance to target adjusted	Average mass	Average CO ₂ (100 %)
Land Rover	D	65 534	209,295	178,025	31,270	31,270	2 351,43	231,494
Lotus Cars Limited	D	825	189,108	280,000	– 90,892	– 90,892	1 159,21	196,596
The London Taxi Company		1 662	225,087	154,227	70,860	70,860	1 902,13	227,739
Magyar Suzuki Corporation Ltd		87 204	130,004	121,130	8,874	8,843	1 177,91	136,665
Mahindra Europe SRL		48	246,839	160,042	86,797	86,797	2 029,38	251,500
Maruti Suzuki India Ltd		19 577	103,000	109,908	– 6,908	– 6,908	932,36	104,287
Maserati SpA		1 626	353,473	159,119	194,354	194,354	2 009,18	362,557
Mazda Motor Corporation		170 007	133,729	128,523	5,206	4,831	1 339,67	149,458
Mercedes-AMG GmbH, Affalterbach	P2	1 503	308,000	144,857	163,143	163,138	1 697,10	308,000
MG Motor UK Limited	D	264	184,871	184,000	0,871	0,871	1 180,16	184,717
Micro-Vett SpA		4	0,000	133,507	– 133,507	– 133,507	1 448,75	0,000
Mitsubishi Motors Corporation (MMC)	P4	72 594	145,036	138,601	6,435	6,377	1 560,20	165,144
Mitsubishi Motor R & D Europe GmbH	P4	16 530	119,878	114,793	5,085	5,084	1 039,25	127,284
Morgan Motor Co. Ltd	D	415	164,342	180,000	– 15,658	– 15,658	1 113,67	189,278
Nissan International SA		389 818	132,131	128,875	3,256	3,256	1 347,39	147,197
O.M.C.I. SRL		46	156,862	120,759	36,103	36,103	1 169,78	167,848
Adam Opel AG		935 499	126,920	130,483	– 3,563	– 3,767	1 382,56	139,529
OSV — Opel Special Vehicles GmbH		67	135,512	140,208	– 4,696	– 4,696	1 595,36	136,836
Perodua Manufacturing Sdn Bhd		690	136,480	113,634	22,846	22,846	1 013,88	140,230
Pgo Ingenierie		29	185,000	115,657	69,343	69,343	1 058,14	189,828
Dr. Ing. h.c. F. Porsche AG		34 512	220,872	152,089	68,783	68,783	1 855,34	238,859

A	B	C	D	E	F	G	H	I
Manufacturer Name	Pools and Derogations	Number of registrations	Average CO ₂ (65 %) corrected	Specific emission target	Distance to target	Distance to target adjusted	Average mass	Average CO ₂ (100 %)
Potenza Sports Cars		31	178,000	99,975	78,025	78,025	715,00	178,000
Proton Cars United Kingdom Ltd	D	792	143,315	185,000	– 41,685	– 41,685	1 394,89	153,557
Quattro GmbH		2 596	279,097	154,102	124,995	124,766	1 899,39	299,034
Renault		1 125 141	120,700	127,045	– 6,345	– 6,378	1 307,33	133,824
Rolls-Royce Motors Cars Ltd		413	315,616	181,297	134,319	133,038	2 494,48	332,063
Saab Automobile AB		19 979	156,561	143,922	12,639	12,639	1 676,64	175,341
Santana Motor SA		382	168,351	135,765	32,586	32,586	1 498,15	204,921
SEAT		288 629	120,162	125,722	– 5,560	– 5,647	1 278,38	131,162
Secma		26	155,000	97,370	57,630	57,630	658,00	155,000
Shijiazhuang Shuanghuan Automobile Company		44	266,357	152,951	113,406	113,406	1 874,20	267,682
SKODA auto a.s.		420 718	127,869	127,225	0,644	0,571	1 311,28	139,193
Sovab		94	227,066	166,119	60,947	60,947	2 162,34	230,138
Ssangyong Motor Company	D	4 785	203,851	180,000	23,851	23,851	2 023,10	215,728
Suzuki Motor Corporation		85 177	124,055	121,050	3,005	2,981	1 176,15	144,109
Tata Motors Limited	D	3 582	137,754	178,025	– 40,271	– 40,271	1 293,00	151,987
Tesla Motors Ltd		40	0,000	128,309	– 128,309	– 128,309	1 335,00	0,000
Think		144	0,000	120,248	– 120,248	– 120,248	1 158,61	0,000
Toyota Motor Europe NV/SA		564 633	112,241	128,349	– 16,108	– 16,273	1 335,87	129,056
Volkswagen AG		1 469 419	125,987	130,715	– 4,728	– 4,763	1 387,65	140,352
Volvo Car Corporation		204 926	134,492	143,273	– 8,781	– 8,781	1 662,43	156,948
Westfield Sports Cars		3	178,000	99,975	78,025	78,025	715,00	178,000
Wiesmann GmbH	D	8	253,000	274,000	– 21,000	– 21,000	1 409,88	257,250

Explanatory notes to Table 1:

Column B

'D' means that a derogation relating to a small volume manufacturer has been granted in accordance with Commission Implementing Decision C(2011) 8334 final;

'ND' means that a derogation relating to niche manufacturer has been granted in accordance with Commission Implementing Decision C(2011) 8336 final;

'P' means that the manufacturer is member of a pool (listed in table 2) formed in accordance with Article 7 of Regulation (EC) No 443/2009.

Column D

'Average specific emissions (65 %) corrected' means the average specific emissions of CO₂ calculated in accordance with the first indent of the second subparagraph of Article 4 of Regulation (EC) No 443/2009 and section 4 of Commission Communication COM(2010) 657 based on the corrections notified to the Commission by the manufacturer concerned. That figure considers all vehicles with both a valid value for mass and CO₂ emissions, including vehicles that cannot be verified by the manufacturers.

Column E

'Specific emissions target' means the emission target based on the average mass of all vehicles attributed to a manufacturer (100 % of all vehicles to be taken into account from 2015 onwards) after applying the formula set out in Annex I to Regulation (EC) No 443/2009.

Column F

'Distance to target' means the difference between the values in column D and column E.

Column G

'Distance to target adjusted' means the distance to target as indicated under Column F adjusted to take into account the error margin. The error is due to the unidentifiable vehicles (vehicles where the identification code for type, variant and version is missing) and it is calculated in accordance with the following formula:

$$\text{Error} = \text{absolute value of } [(AC1 - TG1) - (AC2 - TG2)]$$

AC1 = the average specific emissions of CO₂ including the unidentifiable vehicles (as set out in column D);

TG1 = the specific emission target including the unidentifiable vehicles (as set out in column E);

AC2 = the average emissions of CO₂ excluding the unidentifiable vehicles;

TG2 = the specific emission target excluding the unidentifiable vehicles.

Table 2

List of pools and values confirmed in accordance with Article 10(1) of Regulation (EC) No 443/2009

A	B	C	D	E	F	G	H	I
Pool Name	Pool	Number of registrations	Average CO ₂ (65 %) corrected	Specific emissions target	Distance to target	Distance to target adjusted	Average mass	Average CO ₂ (100 %)
FORD-WERKE GMBH	P1	1 077 470	121,143	126,231	- 5,088	- 5,182	1 162,42	127,80
DAIMLER AG	P2	647 570	137,834	137,340	0,494	- 0,016	1 167,88	140,91
HONDA MOTOR EUROPE LTD	P3	174 637	128,612	128,750	- 0,138	- 0,365	1 344,64	146,87
MITSUBISHI MOTORS	P4	89 124	137,055	134,185	2,870	2,840	1 463,58	158,12

COMMISSION IMPLEMENTING DECISION

of 21 December 2011

amending Annexes II and IV to Council Directive 2009/158/EC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs

*(notified under document C(2011) 9518)***(Text with EEA relevance)**

(2011/879/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2009/158/EC of 30 November 2009 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs ⁽¹⁾, and in particular Article 34 thereof,

Whereas:

- (1) Directive 2009/158/EC lays down animal health conditions governing intra-Union trade in, and imports from third countries of, poultry and hatching eggs. Annex II thereto sets out the rules for the approval of establishments for the purposes of intra-Union trade in those commodities and surveillance programmes to be carried out for certain diseases in the different poultry species. Annex IV to Directive 2009/158/EC lays down the model veterinary certificates for trade within the Union of the poultry commodities covered by that Directive.
- (2) Annex II to Directive 2009/158/EC, as amended by Commission Decision 2011/214/EU ⁽²⁾, sets out the diagnostic procedures for *Salmonella* and *Mycoplasma*.
- (3) Chapter III of Annex II to Directive 2009/158/EC lays down the minimum requirements for disease surveillance programmes. That Chapter provides a description of the testing procedures for *Salmonella pullorum* and *Salmonella gallinarum*. It is however necessary to provide for certain additional specific details as regards the testing for *Salmonella arizonae*.
- (4) In addition, box I.31. in Part I of the model veterinary certificate for day-old chicks set out in Annex IV to Directive 2009/158/EC includes a requirement to fill in detailed information in relation to the identification of the commodities covered by it.
- (5) That requirement provides valuable information on the health status of the parent flock(s) from which the day-old chicks originate, in particular with respect to testing for certain *Salmonella* serotypes. However, certain of those data requirements appear to pose unnecessary

administrative burdens on business operators, especially in view of the unpredictability of hatch. In addition, certain data required to be filled in that box is filled in in other parts of the certificate.

- (6) Those entries should therefore be deleted from box 1.31. in the model veterinary certificates for hatching eggs, day-old chicks and breeding and productive poultry and be replaced by the entry 'Approval number' which would provide clearer information on the origin of the respective commodities. Part I of the notes in Part II of those model certificates should therefore be amended accordingly.
- (7) Annex IX to Commission Regulation (EC) No 798/2008 of 8 August 2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements ⁽³⁾ sets out the specific conditions which apply to imports of ratites for breeding and production, hatching eggs and day-old chicks thereof.
- (8) Point 3 of Part II of that Annex, as amended by Commission Implementing Regulation (EU) No 1380/2011 ⁽⁴⁾, provides that, where day-old chicks are not reared in the Member State which imported the hatching eggs, they are to be transported directly to the final destination and kept there for at least three weeks from the date of hatching. That requirement should be reflected in the relevant model veterinary certificate for day-old chicks laid down in Annex IV to Directive 2009/158/EC. That model certificate should therefore be amended accordingly.
- (9) Directive 2009/158/EC should therefore be amended accordingly.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Annexes II and IV to Directive 2009/158/EC are amended in accordance with the Annex to this Decision.

⁽¹⁾ OJ L 343, 22.12.2009, p. 74.

⁽²⁾ OJ L 90, 6.4.2011, p. 27.

⁽³⁾ OJ L 226, 23.8.2008, p. 1.

⁽⁴⁾ See page 25 of this Official Journal.

Article 2

This Decision shall apply from 1 February 2012.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 21 December 2011.

For the Commission

John DALLI

Member of the Commission

ANNEX

Annexes II and IV to Directive 2009/158/EC are amended as follows:

(1) in Annex II, Chapter III, point A.2 is amended as follows:

(a) note (**) is replaced by the following:

‘(**) Note that environmental samples are generally not suitable for reliable detection of *Salmonella pullorum* and *Salmonella gallinarum*, but are suitable for *Salmonella arizonae*.’;

(b) note (****) is replaced by the following:

‘(****) *Salmonella pullorum* and *Salmonella gallinarum* do not readily grow in the modified semi-solid Rappaport Vassiliadis (MSRV) medium that is used for monitoring of zoonotic *Salmonella* spp. in the Union, but it is suitable for *Salmonella arizonae*.’;

(2) in Annex IV, models 1, 2 and 3 are replaced by the following:

MODEL 1

EUROPEAN UNION

Intra-Union trade certificate

Part I: Details of consignment presented	I.1. Consignor Name Address Postal code				I.2. Certificate reference No		I.2.a. Local reference No	
					I.3. Central competent authority			
					I.4. Local competent authority			
	I.5. Consignee Name Address Postal code				I.6.			
					I.7.			
	I.8. Country of origin		ISO code	I.9. Region of origin		Code	I.10. Country of destination	
							I.11. Region of destination	
							Code	
	I.12. Place of origin Holding <input type="checkbox"/> Establishment <input type="checkbox"/> Name Approval number Address Postal code				I.13. Place of destination Holding <input type="checkbox"/> Establishment <input type="checkbox"/> Approved body <input type="checkbox"/> Name Approval number Address Postal code			
	I.14. Place of loading Postal code				I.15. Date and time of departure			
I.16. Means of transport Aeroplane <input type="checkbox"/> Ship <input type="checkbox"/> Railway wagon <input type="checkbox"/> Road vehicle <input type="checkbox"/> Other <input type="checkbox"/> Identification				I.17. Transporter Name Approval number Address Postal code Member State				
I.18. Description of commodity						I.19. Commodity code (HS code) 04.07		
						I.20. Quantity		
I.21.						I.22. Number of packages		
I.23. Seal/Container No						I.24.		
I.25. Commodities certified for: Breeding <input type="checkbox"/> Approved body <input type="checkbox"/> Other <input type="checkbox"/>								
I.26. Transit through third country <input type="checkbox"/> Third country ISO code Exit point Code Entry point BIP No				I.27. Transit through Member States <input type="checkbox"/> Member State ISO code Member State ISO code Member State ISO code				
I.28. Export <input type="checkbox"/> Third country ISO code Exit point Code				I.29.				
I.30.								
I.31. Identification of the commodities Species (Scientific name) Category Approval number Identification Age								

EUROPEAN UNION

Hatching eggs

Part II: Certification	II. Health information	II.a. Certificate reference No	II.b.
	<p>II.1. Animal health attestation</p> <p>I, the undersigned official veterinarian, certify that the hatching eggs described above:</p> <p>(a) comply with</p> <p>(1) <i>either</i> [the provisions of Articles 6, 8 and 18 of Council Directive 2009/158/EC]</p> <p>(1) (2) <i>or</i> [the provisions of Article 6(a)(i),(ii) and (b), and Articles 8 and 18 of Council Directive 2009/158/EC];</p> <p>(3) (b) comply with the provisions of Article 15(1)(a) of Council Directive 2009/158/EC.</p> <p>(4) (c) comply with the provisions of Commission Decision(s) .../.../EU concerning additional guarantees with regard to (indicate disease(s)) and in accordance with Article 16 or Article 17 of Council Directive 2009/158/EC.</p> <p>(d) come from poultry which:</p> <p>(1) <i>either</i> [have not been vaccinated against Newcastle disease;]</p> <p>(1) <i>or</i> [have been vaccinated against Newcastle disease using: (name and type (live or inactivated) of Newcastle disease virus strain used in vaccine(s)) On (date) at the age of weeks].</p> <p>II.2. Public health attestation</p> <p>I, the undersigned official veterinarian, certify that the hatching eggs described above:</p> <p>(5) (a) come from a flock which has been tested for <i>Salmonella</i> serotypes with public health significance in accordance with Regulation (EC) No 2160/2003 of the European Parliament and of the Council.</p> <p>Date of last sampling of the flock from which the testing result is known:</p> <p>Result of all testing in the flock:</p> <p>(1) (6) <i>either</i> [positive;]</p> <p>(1) (6) <i>or</i> [negative]</p> <p>(5) (b) and, neither <i>Salmonella enteritidis</i> nor <i>Salmonella typhimurium</i> were detected with the control programme referred to in point II.2(a).</p> <p>II.3. Additional health information</p> <p>(1) II.3.1. This consignment complies with the animal health conditions laid down in Commission Decision 2006/415/EC.</p> <p>(1) II.3.2. This consignment complies with the animal health conditions laid down in Commission Decision 2006/563/EC.</p> <p>(1) (7) II.3.3. This consignment complies with the animal health conditions laid down in Commission Decision .../.../EU in relation to vaccination against avian influenza.</p> <p>Notes</p> <p>Part I:</p> <p>Box I.16: Registration number (railway wagons or container and lorries), flight number (aircraft) or name (ship)</p> <p>Box I.31: <i>Category:</i> select one of the following: pure line/grandparents/parents/laying pullets/fattening/others.</p> <p><i>Approval number:</i> indicate the number(s) of the approved establishment(s) of the parent flock(s).</p> <p><i>Identification:</i> indicate the identification details of parent flock and brand name.</p> <p><i>Age:</i> provide the date of collection.</p>		

EUROPEAN UNION

Hatching eggs

II. Health information	II.a. Certificate reference No	II.b.								
<p>Part II:</p> <p>(¹) Keep as appropriate.</p> <p>(²) Only applicable if II.3.1. or II.3.2. are complied with.</p> <p>(³) To certify in case of dispatch to a Member State, which has an EU-approved non-vaccinating status for Newcastle disease; currently: Finland and Sweden. Otherwise delete reference.</p> <p>(⁴) Complete if appropriate.</p> <p>(⁵) The guarantees under II.2 only apply to poultry belonging to the species of <i>Gallus gallus</i> or turkeys.</p> <p>(⁶) If any of the results were positive during the life of the breeding flock of <i>Gallus gallus</i> for <i>Salmonella infantis</i>, <i>Salmonella virchow</i> or <i>Salmonella hadar</i>, indicate as positive.</p> <p>(⁷) Only applicable for Member States which carry out vaccination against avian influenza according to an EU-approved vaccination plan.</p> <p>— The colour of the stamp and signature must be different from that of the other particulars in the certificate.</p>										
<p>Official veterinarian or official inspector</p> <table border="0"> <tr> <td>Name (in capital letters):</td> <td>Qualification and title:</td> </tr> <tr> <td>Local veterinary unit:</td> <td>LVU No:</td> </tr> <tr> <td>Date:</td> <td>Signature:</td> </tr> <tr> <td>Stamp:</td> <td></td> </tr> </table>			Name (in capital letters):	Qualification and title:	Local veterinary unit:	LVU No:	Date:	Signature:	Stamp:	
Name (in capital letters):	Qualification and title:									
Local veterinary unit:	LVU No:									
Date:	Signature:									
Stamp:										

MODEL 2

EUROPEAN UNION

Intra-Union trade certificate

Part I: Details of consignment presented	I.1. Consignor Name Address Postal code		I.2. Certificate reference No		I.2.a. Local reference No			
			I.3. Central competent authority					
			I.4. Local competent authority					
	I.5. Consignee Name Address Postal code		I.6. No(s) of related original certificates		No(s) of accompanying documents			
			I.7.					
	I.8. Country of origin	ISO code	I.9. Region of origin	Code	I.10. Country of destination	ISO code	I.11. Region of destination	Code
	I.12. Place of origin Holding <input type="checkbox"/> Establishment <input type="checkbox"/> Name Address Postal code		I.13. Place of destination Holding <input type="checkbox"/> Establishment <input type="checkbox"/> Approved body <input type="checkbox"/> Name Address Postal code					
	I.14. Place of loading Postal code		I.15. Date and time of departure					
	I.16. Means of transport Aeroplane <input type="checkbox"/> Ship <input type="checkbox"/> Railway wagon <input type="checkbox"/> Road vehicle <input type="checkbox"/> Other <input type="checkbox"/> Identification		I.17. Transporter Name Address Postal code Approval number Member State					
	I.18. Description of commodity				I.19. Commodity code (HS code)			
				I.20. Quantity				
I.21.				I.22. Number of packages				
I.23. Seal/Container No				I.24.				
I.25. Commodities certified for: Breeding <input type="checkbox"/> Approved body <input type="checkbox"/> Other <input type="checkbox"/>								
I.26. Transit through third country <input type="checkbox"/> Third country ISO code Exit point Code Entry point BIP No				I.27. Transit through Member States <input type="checkbox"/> Member State ISO code Member State ISO code Member State ISO code				
I.28. Export <input type="checkbox"/> Third country ISO code Exit point Code				I.29.				
I.30.								
I.31. Identification of the commodities Species (Scientific name) Category Approval number Identification Age								

EUROPEAN UNION

Day-old chicks

Part II: Certification	II. Health information	II.a. Certificate reference No	II.b.
	II.1. Animal health attestation I, the undersigned official veterinarian, certify that the day-old chicks described above:		
	(a) comply with		
	⁽¹⁾ <i>either</i> (i) [the provisions of Articles 6, 9 and 18 of Council Directive 2009/158/EC]		
	⁽¹⁾ ⁽²⁾ <i>or</i> [the provisions of Article 6(a)(i), (ii) and (b), and Articles 9 and 18 of Council Directive 2009/158/EC];		
	⁽¹⁾ ⁽³⁾ <i>or</i> (ii) [if derived from hatching eggs imported according to the requirements of Model HEP or HER of Commission Regulation (EC) No 798/2008, with the provisions of Article 6(a) and Article 9(b) and (c) of Council Directive 2009/158/EC]		
	⁽¹⁾ ⁽²⁾ ⁽³⁾ <i>or</i> [if derived from hatching eggs imported according to the requirements of Model HEP or HER of Commission Regulation (EC) No 798/2008, with the provisions of Article 6(a)(i), (ii) and Article 9(b) and (c) of Council Directive 2009/158/EC].		
	⁽⁴⁾ (b) comply with Article 15(1)(b) of Council Directive 2009/158/EC.		
	⁽⁵⁾ (c) comply with the provisions of Commission Decision(s) .../.../EU concerning additional guarantees with regard to (indicate disease(s)) and in accordance with Article 16 or Article 17 of Council Directive 2009/158/EC.		
	⁽¹⁾ (d) <i>either</i> [have not been vaccinated against Newcastle disease;]		
	⁽¹⁾ <i>or</i> [have been vaccinated against Newcastle disease using: (name and type (live or inactivated) of Newcastle disease virus strain used in vaccine(s)) on (date)].		
	(e) come from poultry which:		
	⁽¹⁾ <i>either</i> [have not been vaccinated against Newcastle disease;]		
	⁽¹⁾ <i>or</i> [have been vaccinated against Newcastle disease using: (name and type (live or inactivated) of Newcastle disease virus strain used in vaccine(s)) on (date)].		
	⁽⁶⁾ (f) for introduction into flocks of breeding poultry or flocks of productive poultry come from flocks which have been tested with negative results according to the rules laid down in Commission Decision 2003/644/EC.		
	II.2. Public health attestation I, the undersigned official veterinarian, certify that the day-old chicks described above:		
	⁽⁷⁾ (a) come from a flock which has been tested for <i>Salmonella</i> serotypes with public health significance in accordance with Regulation (EC) No 2160/2003 of the European Parliament and of the Council.		
	Date of last sampling of the flock from which the testing result is known:		
	Result of all testing in the flock:		
	⁽¹⁾ ⁽⁸⁾ <i>either</i> [positive;]		
	⁽¹⁾ ⁽⁸⁾ <i>or</i> [negative]		
	⁽⁷⁾ (b) and, if intended for breeding, neither <i>Salmonella enteritidis</i> nor <i>Salmonella typhimurium</i> were detected within the control programme referred to in point II.2(a).		

EUROPEAN UNION

Day-old chicks

II. Health information	II.a. Certificate reference No	II.b.
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II.3. Additional health information

(¹) (⁸) II.3.1. The consignment complies with the animal health conditions laid down in Commission Decision .../.../EU in relation to protection measures concerning highly pathogenic avian influenza of another subtype than H5N1.

(¹) II.3.2. This consignment complies with the animal health conditions laid down in Commission Decision 2006/415/EC.

(¹) (⁹) II.3.3. This consignment complies with the animal health conditions laid down in Commission Decision .../.../EU in relation to vaccination against avian influenza.

Notes

Part I:

Box I.6: No(s) of accompanying animal health certificates.

Box I.16: Registration number (railway wagons or container and lorries), flight number (aircraft) or name (ship).

Box I.19: Use the appropriate HS codes: 01.05, 01.06.39.

Box I.31: *Category:* select one of the following: pure line/grandparents/parents/laying pullets/fattening/others.

Approval number: indicate the number(s) of the approved establishment(s) of the parent flock(s).

Identification: indicate the identification details of parent flock and brand name.

Age: provide date hatched.

Part II:

(¹) Keep as appropriate.

(²) Only applicable if II.3.1. or II.3.2. is complied with.

(³) In those cases where day-old chicks come from eggs imported from a third country the period of isolation on the holding of destination has to be respected as foreseen in Part II of Annex VIII to Commission Regulation (EC) No 798/2008. The competent authority of the final destination of the day-old chicks must be informed through the TRACES system about this requirement.

(⁴) To certify in case of dispatch to a Member State, which has an EU-approved non-vaccinating status for Newcastle disease; currently: Finland and Sweden. Otherwise delete reference.

(⁵) Complete if appropriate.

(⁶) To certify for consignments to Finland and Sweden. Otherwise delete reference.

(⁷) The guarantees under II.2. only apply to poultry belonging to the species of *Gallus gallus* or turkeys.

(⁸) If any of the results were positive for the serotypes below during the life of the flock, indicate as positive.

Flocks of breeding poultry of *Gallus gallus*: *Salmonella hadar*, *Salmonella virchow* and *Salmonella infantis*.

Flocks of productive poultry: *Salmonella enteritidis* and *Salmonella typhimurium*.

(⁹) Only applicable for Member States which carry out vaccination against avian influenza according to an EU-approved vaccination plan.

— The colour of the stamp and signature must be different from that of the other particulars in the certificate.

Official veterinarian or official inspector

Name (in capital letters):

Local veterinary unit:

Date:

Stamp:

Qualification and title:

LVU No:

Signature:

MODEL 3

EUROPEAN UNION

Intra-Union trade certificate

Part I: Details of consignment presented	I.1. Consignor Name Address Postal code		I.2. Certificate reference No		I.2.a. Local reference No			
			I.3. Central competent authority					
			I.4. Local competent authority					
	I.5. Consignee Name Address Postal code		I.6.					
			I.7.					
	I.8. Country of origin	ISO code	I.9. Region of origin	Code	I.10. Country of destination	ISO code	I.11. Region of destination	Code
	I.12. Place of origin Holding <input type="checkbox"/> Establishment <input type="checkbox"/> Name Address Postal code		I.13. Place of destination Holding <input type="checkbox"/> Establishment <input type="checkbox"/> Approved body <input type="checkbox"/> Name Address Postal code					
	I.14. Place of loading Postal code		I.15. Date and time of departure					
	I.16. Means of transport Aeroplane <input type="checkbox"/> Ship <input type="checkbox"/> Railway wagon <input type="checkbox"/> Road vehicle <input type="checkbox"/> Other <input type="checkbox"/> Identification		I.17. Transporter Name Address Postal code Approval number Member State					
	I.18. Description of commodity				I.19. Commodity code (HS code)			
				I.20. Quantity				
I.21.				I.22. Number of packages				
I.23. Seal/Container No				I.24.				
I.25. Commodities certified for: Breeding <input type="checkbox"/> Approved body <input type="checkbox"/> Other <input type="checkbox"/>								
I.26. Transit through third country <input type="checkbox"/> Third country Exit point Entry point ISO code Code BIP No				I.27. Transit through Member States <input type="checkbox"/> Member State Member State Member State ISO code ISO code ISO code				
I.28. Export <input type="checkbox"/> Third country Exit point ISO code Code				I.29.				
I.30.								
I.31. Identification of the commodities Species (Scientific name) Category Approval number Identification								

EUROPEAN UNION

Breeding and productive poultry

Part II: Certification	II. Health information	II.a. Certificate reference No	II.b.
	<p>II.1. Animal health attestation</p> <p>I, the undersigned official veterinarian, certify that the poultry described above:</p> <p>(a) comply with the provisions of Articles 6, 10 and 18 of Council Directive 2009/158/EC.</p> <p>(1) (b) comply with Article 15(1)(c) of Council Directive 2009/158/EC.</p> <p>(2) (c) comply with the provisions of Commission Decision(s) .../.../EU concerning additional guarantees with regard to (indicate disease(s)) and in accordance with Article 16 or Article 17 of Council Directive 2009/158/EC.</p> <p>(3) (d) <i>either</i> [have not been vaccinated against Newcastle disease;]</p> <p>(3) <i>or</i> [have been vaccinated against Newcastle disease using: (name and type (live or inactivated) of Newcastle disease virus strain used in vaccine(s)) on (date) at the age of weeks].</p> <p>(4) (e) the breeding poultry has been tested with negative results according to the rules laid down in Commission Decision 2003/644/EC.</p> <p>(3) (f) the laying hens (productive poultry reared with the view to producing eggs for consumption) have been tested with negative results according to the rules laid down in Commission Decision 2004/235/EC.</p> <p>II.2. Public health attestation</p> <p>I, the undersigned official veterinarian, certify that the poultry described above:</p> <p>(5) (a) come from a flock which has been tested for <i>Salmonella</i> serotypes with public health significance in accordance with Regulation (EC) No 2160/2003 of the European Parliament and of the Council.</p> <p>Date of last sampling of the flock from which the testing result is known:</p> <p>Result of all testing in the flock:</p> <p>(3) (6) <i>either</i> [positive;]</p> <p>(3) (6) <i>or</i> [negative]</p> <p>(5) (b) and, if intended for breeding, neither <i>Salmonella enteritidis</i> nor <i>Salmonella typhimurium</i> were detected within the control programme referred to in point II.2(a).</p> <p>II.3. Additional health information</p> <p>(1) (7) II.3.1. This consignment complies with the animal health conditions laid down in Commission Decision .../.../EU in relation to vaccination against avian influenza.</p> <p>Notes</p> <p>Part I:</p> <p>Box I.16: Registration number (railway wagons or container and lorries), flight number (aircraft) or name (ship).</p> <p>Box I.19: Use the appropriate HS codes: 01.05, 01.06.39.</p> <p>Box I.31: <i>Category:</i> select one of the following: pure line/grandparents/parents/laying pullets/fattening/others.</p> <p><i>Approval number:</i> indicate the number(s) of the approved establishment(s) of origin.</p> <p><i>Identification:</i> indicate the identification details of flock of origin and brand name.</p> <p>Part II:</p> <p>(1) To certify in case of dispatch to a Member State, which has an EU-approved non-vaccinating status for Newcastle disease; currently: Finland and Sweden. Otherwise delete reference.</p>		

EUROPEAN UNION

Breeding and productive poultry

II. Health information	II.a. Certificate reference No	II.b.		
<p>(²) Complete if appropriate.</p> <p>(³) Keep as appropriate.</p> <p>(⁴) To certify for consignments to Finland and Sweden. Otherwise delete reference.</p> <p>(⁵) The guarantees under II.2. only apply to poultry belonging to the species of <i>Gallus gallus</i> or turkeys.</p> <p>(⁶) If any of the results were positive for the serotypes below during the life of the flock, indicate as positive.</p> <p style="padding-left: 40px;">Flocks of breeding poultry of <i>Gallus gallus</i>: <i>Salmonella hadar</i>, <i>Salmonella virchow</i> and <i>Salmonella infantis</i>.</p> <p style="padding-left: 40px;">Flocks of productive poultry: <i>Salmonella enteritidis</i> and <i>Salmonella typhimurium</i>.</p> <p>(⁷) Only applicable for Member States which carry out vaccination against avian influenza according to an EU-approved vaccination plan.</p> <p style="padding-left: 40px;">— The colour of the stamp and signature must be different from that of the other particulars in the certificate.</p>				
<p>Official veterinarian or official inspector</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 60%; vertical-align: top;"> <p>Name (in capital letters):</p> <p>Local veterinary unit:</p> <p>Date:</p> <p>Stamp:</p> </td> <td style="width: 40%; vertical-align: top;"> <p>Qualification and title:</p> <p>LVU No:</p> <p>Signature:</p> </td> </tr> </table>			<p>Name (in capital letters):</p> <p>Local veterinary unit:</p> <p>Date:</p> <p>Stamp:</p>	<p>Qualification and title:</p> <p>LVU No:</p> <p>Signature:</p>
<p>Name (in capital letters):</p> <p>Local veterinary unit:</p> <p>Date:</p> <p>Stamp:</p>	<p>Qualification and title:</p> <p>LVU No:</p> <p>Signature:</p>			

COMMISSION IMPLEMENTING DECISION

of 21 December 2011

amending Annex I to Implementing Decision 2011/402/EU on emergency measures applicable to fenugreek seeds and certain seeds and beans imported from Egypt

(notified under document C(2011) 9524)

(Text with EEA relevance)

(2011/880/EU)

THE EUROPEAN COMMISSION,

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

Having regard to 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 ⁽¹⁾, and in particular Article 53(1)(b)(i) and (iii) thereof,

Whereas:

- (1) Regulation (EC) No 178/2002 lays down the general principles governing food and feed in general, and food and feed safety in particular, at Union and national level. It provides for emergency measures to be taken by the Commission where it is evident that food or feed imported from a third country is likely to constitute a serious risk to human health, animal health or the environment, and that such risk cannot be contained satisfactorily by means of measures taken by the Member State(s) concerned.
- (2) Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs ⁽²⁾ lays down general rules for food business operators on the hygiene of foodstuffs. Those rules include hygiene requirements to ensure that imported foods are of at least the same hygiene standards as food produced in the Union, or are of an equivalent standard.
- (3) Certain lots of fenugreek seeds imported from Egypt have been identified as the causative agent of an outbreak in the Union of Shiga-toxin producing *Escherichia coli* bacteria (STEC), serotype O104:H4. The origin of the outbreak was identified as fenugreek seeds from Egypt consumed as sprouts.
- (4) Accordingly, Commission Implementing Decision 2011/402/EU ⁽³⁾ introduced a ban on the release for

free circulation in the Union of certain seeds and beans imported from Egypt that fall within the CN codes listed in the Annex thereto. That ban expires on 31 March 2012.

- (5) However, dried split leguminous vegetables, broken soya beans or broken oil seeds and oleaginous fruits are not used for sprouting purposes. Dried split leguminous vegetables, broken soya beans or broken oil seeds and broken oleaginous fruits imported from Egypt should no longer be considered as a food safety risk and should be reauthorised for import into the Union.
- (6) The emergency measures laid down in Implementing Decision 2011/402/EU should therefore be amended on the basis on this new information.
- (7) The Annex to Implementing Decision 2011/402/EU should therefore be amended accordingly.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Implementing Decision 2011/402/EU is replaced by the text in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 December 2011.

For the Commission

John DALLI

Member of the Commission

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

⁽²⁾ OJ L 139, 30.4.2004, p. 1.

⁽³⁾ OJ L 179, 7.7.2011, p. 10.

ANNEX

‘ANNEX

Seeds and beans from Egypt whose release for free circulation in the Union is prohibited until 31 March 2012

CN Code (*)	Description
ex 0704 90 90	Rocket sprouts
ex 0706 90 90	Beetroot sprouts, radish sprouts
ex 0708	Sprouts of leguminous vegetables, fresh or chilled
ex 0709 90 90 ex 0709 99 90 ⁽¹⁾	Soya bean sprouts
ex 0713	Dried leguminous vegetables, shelled, whether or not skinned, not broken
0910 99 10	Fenugreek seeds
ex 1201 00 ex 1201 ⁽¹⁾	Soya beans not broken
1207 50	Mustard seeds
ex 1207 99 97 ex 1207 99 96 ⁽¹⁾	Other oil seeds and oleaginous fruits, not broken
1209 10 00	Sugar beet seeds
1209 21 00	Lucerne (alfalfa) seeds
1209 91	Vegetable seeds
ex 1214 90 90	Lucerne (alfalfa) sprouts

(*) The “CN codes” mentioned in this Decision refer to codes specified in Part Two of Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

⁽¹⁾ CN code as at 1.1.2012.’

COMMISSION IMPLEMENTING DECISION

of 21 December 2011

concerning the adoption of a financing decision to support voluntary surveillance studies on honeybee colony losses

(notified under document C(2011) 9597)

(2011/881/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field ⁽¹⁾, and in particular Articles 22 to 24 thereof,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽²⁾, and in particular Article 75(2) thereof,

Having regard to Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽³⁾ (hereinafter referred to as the 'Implementing Rules'), and in particular Article 90 thereof,

Whereas:

- (1) Decision 2009/470/EC lays down the procedures governing the Community's financial contribution on expenditure in the veterinary field.
- (2) In particular, Article 22 of Decision 2009/470/EC provides that the Community may undertake or assist the Member States in undertaking the technical and scientific measures necessary for the development of Community veterinary legislation.
- (3) The Communication from the Commission to the European Parliament and the Council on honeybee health ⁽⁴⁾ gives an overview of the Commission's actions already undertaken and ongoing as regards honeybee health in the EU. The main issue addressed by the communication is the mortality of bees. Such mortalities have been reported in several countries in the world and also in the EU.
- (4) In 2009 the EFSA project 'Bee mortality and bee surveillance in Europe' concluded that the surveillance systems in the EU are, in general, weak and that there is a lack of data at Member States level and a lack of comparable data at EU level.

- (5) The main actions Commission proposed were the appointment of an EU reference laboratory (EURL) for bee health and the launch of surveillance studies on honeybee colony losses supported for the technical aspects by the EURL, and co-financed by the Commission.
- (6) The first step has been already completed as the EURL for bee health has been appointed with Commission Regulation (EU) No 87/2011 ⁽⁵⁾ and it is operational since 1 April 2011 (ANSES — Sophia Antipolis — FR).
- (7) As requested by the Commission, the EURL for bee health has produced a technical document 'Basis for a pilot surveillance project on honey bee colony losses' (available at http://ec.europa.eu/food/animal/liveanimals/bees/bee_health_en.htm) providing guidance to Member States to elaborate their surveillance studies.
- (8) In order to improve the availability of data on bee health it is appropriate to assist and support certain surveillance studies in Member States on honeybee losses.
- (9) Member States were invited to send to the Commission their surveillance studies based on the technical document of the EURL for bee health by 30 September 2011.
- (10) 20 Member States have sent their proposals for the surveillance studies. These proposals are being technically and financially evaluated in order to assess their conformity with the technical document 'Basis for a pilot surveillance project on honey bee colony losses'. After the evaluation and selection process the rate of co-financing that will not exceed 70 % and the amount of the individual contribution to each Member State will be fixed by means of a subsequent Commission Decision.
- (11) The surveillance studies need to include controls on apiaries in the period preceding the winter followed by a visit after the winter. Another visit is planned during the summer. Therefore, depending on the design of the Member States programmes, the first visit is expected to be carried out before winter of 2012 while the second is expected to be carried out the following year. For this reason, it is opportune to consider the period of application of this Decision starting from 1 January 2012 until 30 June 2013.
- (12) It is appropriate to establish financing by the Union for the studies by allocating EUR 3 750 000.

⁽¹⁾ OJ L 155, 18.6.2009, p. 30.

⁽²⁾ OJ L 248, 16.9.2002, p. 1.

⁽³⁾ OJ L 357, 31.12.2002, p. 1.

⁽⁴⁾ COM(2010) 714 final.

⁽⁵⁾ OJ L 29, 3.2.2011, p. 1.

(13) This Decision constitutes a financing decision within the meaning of Article 75(2) of Regulation (EC, Euratom) No 1605/2002 and Article 90 of Regulation (EC, Euratom) No 2342/2002.

(14) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

(i) carry out laboratory tests; and

(ii) staff specifically allocated for:

— carrying out sampling, and

— monitoring the health status of apiaries and bee colonies.

HAS ADOPTED THIS DECISION:

Article 1

1. The contribution of the European Union for the implementation of the surveillance studies on honeybee colony losses action is set at EUR 3 750 000. The contribution applies to the period from 1 January 2012 to 30 June 2013.

2. The contribution referred to in paragraph 1 for a maximum of 70 % is limited to costs relating to:

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 December 2011.

For the Commission

John DALLI

Member of the Commission

COMMISSION IMPLEMENTING DECISION

of 21 December 2011

authorising the placing on the market of a novel chewing gum base as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council*(notified under document C(2011) 9680)***(Only the English text is authentic)**

(2011/882/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients⁽¹⁾, and in particular Article 7 thereof,

Whereas:

- (1) On 10 October 2007 the company Revolymer Ltd made a request to the competent authorities of the Netherlands to place a novel chewing gum base on the market as a novel food ingredient.
- (2) On 23 April 2009 the competent food assessment body of the Netherlands issued its initial assessment report. In that report it came to the conclusion that the novel chewing gum base can safely be used as a food ingredient.
- (3) The Commission forwarded the initial assessment report to all Member States on 30 April 2009.
- (4) Within the 60-day period laid down in Article 6(4) of Regulation (EC) No 258/97 reasoned objections to the marketing of the product were raised in accordance with that provision.
- (5) Therefore the European Food Safety Authority (EFSA) was consulted on 2 July 2010.
- (6) On 25 March 2011, EFSA in the 'Scientific Opinion on the safety of a "novel chewing gum base (REV-7)" as a

novel food ingredient'⁽²⁾ came to the conclusion that the novel chewing gum base was safe at the proposed conditions of use and the proposed levels of intake.

- (7) The novel chewing gum base complies with the criteria laid down in Article 3(1) of Regulation (EC) No 258/97.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The novel chewing gum base as specified in the Annex may be placed on the market in the Union as a novel food ingredient for the use in chewing gums up to a maximum of 8 %.

Article 2

The designation of the novel chewing gum base authorised by this Decision on the labelling of the foodstuff containing it shall be 'gum base (1,3-butadiene, 2-methyl-homopolymer, maleated, esters with polyethylene glycol mono-Me ether)'.

Article 3

This Decision is addressed to Revolymer Ltd, 1 Newtech Square, Deeside Industrial Park, Deeside, Flintshire CH5 2NT, United Kingdom.

Done at Brussels, 21 December 2011.

For the Commission

John DALLI

Member of the Commission⁽¹⁾ OJ L 43, 14.2.1997, p. 1.⁽²⁾ EFSA Journal 2011; 9(4):2127.

ANNEX

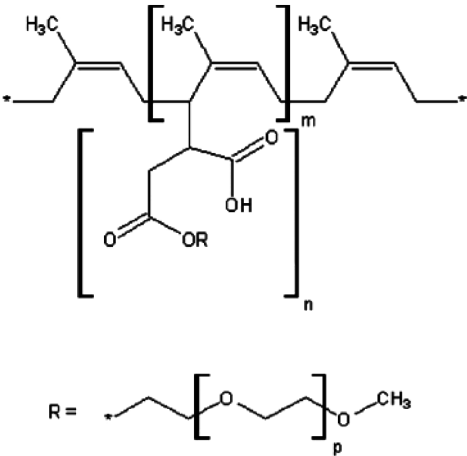
Specifications of the novel chewing gum base

Description

The novel food ingredient is a synthetic polymer (patent number WO2006016179). It has a white to off-white colour.

It consists of branched polymers of monomethoxypolyethylene glycol (MPEG) grafted onto polyisoprene-graft-maleic anhydride (PIP-g-MA), and unreacted MPEG (less than 35 % by weight).

Molecular structure of MPEG grafted PIP-g-MA



Characteristics of mono methoxy polyethylene glycol	
Moisture	less than 5 %
Ash	less than 5 mg/kg
Residual anhydride	less than 15 µmol/g
Polydispersity index	less than 1,4
Isoprene	less than 0,05 mg/kg
Ethylene oxide	less than 0,2 mg/kg
Free maleic anhydride	less than 0,1 %
Total oligomeres (less than 1 000 Dalton)	not more than 50 mg/kg

Impurities from raw materials	
Ethylene glycol	less than 200 mg/kg
Diethylene glycol	less than 30 mg/kg
Monoethylene glycol methyl ether	less than 3 mg/kg
Diethylene glycol methyl ether	less than 4 mg/kg
Triethylene glycol methyl ether	less than 7 mg/kg
1,4-Dioxane	less than 2 mg/kg
Formaldehyde	less than 10 mg/kg

COMMISSION IMPLEMENTING DECISION**of 21 December 2011****establishing the list of Union inspectors pursuant to Article 79(1) of Council Regulation (EC) No 1224/2009***(notified under document C(2011) 9701)**(2011/883/EU)*

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 ⁽¹⁾, and in particular Article 79(1) thereof,

Whereas:

- (1) Regulation (EC) No 1224/2009 establishes a Community system for control, inspection and enforcement to ensure compliance with the rules of the common fisheries policy. Regulation (EC) No 1224/2009 provides that, without prejudice to the primary responsibility of the coastal Member States, Union inspectors may carry out inspections in accordance with that Regulation in Union waters and on Union fishing vessels outside Union waters. The list of Union inspectors is to be established in accordance with the procedure laid down in Regulation (EC) No 1224/2009.
- (2) Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common

fisheries policy ⁽²⁾ lays down detailed rules for the application of the control system of the European Union as established by Regulation (EC) No 1224/2009.

- (3) Implementing Regulation (EU) No 404/2011 provides that the list of Union inspectors is to be adopted on the basis of the notifications of Member States and the European Fisheries Control Agency.
- (4) On the basis of the notifications received from the Member States, it is therefore appropriate to lay down the list of Union inspectors in the Annex to this Decision.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

The list of Union inspectors pursuant to Article 79(1) of Regulation (EC) No 1224/2009 is set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States in accordance with the Treaties.

Done at Brussels, 21 December 2011.

For the Commission

Maria DAMANAKI

Member of the Commission

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ OJ L 112, 30.4.2011, p. 1.

ANNEX

LIST OF UNION INSPECTORS PURSUANT TO ARTICLE 79(1) OF REGULATION (EC) No 1224/2009

Country	Inspectors	Country	Inspectors
Belgium	De Vleeschouwer, Guy Devogel, Geert Lieben, Richard		Hansen, Bruno Ellekær Hansen, Gunnar Beck Hansen, Henning Skødt Hansen, Ina Kjærgaard Hansen, Jan Duval Hansen, Martin Hansen, Martin Baldrur Hansen, Ole Hansen, Thomas Heldager, Peter Hestbek, Flemming Høgild, Lars Høi, Jesper Højrup, Torben Jaeger, Michael Wassermann Jensen, Anker Mark Jensen, Hanne Juul Jensen, Jimmy Langelund Jensen, Jonas Krøyer Jensen, Jørn Uth Jensen, Lars Henrik Jensen, Lone A. Jensen, René Sandholt Johansen, Allan Juul, Torben Juul-Schirmer, Kasper Jørgensen, Kristian Sandal Jørgensen, Lasse Elmgren Jørgensen, Ole Holmberg Karlsen, Jesper Herning Knudsen, Malene Knudsen, Niels Christian Knudsen, Ole Hvid Kofoed, Kim Windahl Kokholm, Peder Kristensen, Henrik Kristensen, Jeanne Marie Kristensen, Peter Holmgaard Larsen, Michael Søeballe Larsen, Peter Hjort Larsen, Tim Bonde Lundbæk, Tommy Oldenborg Madsen, Jens-Erik Madsen, Johnny Gravesen Mogensen, Erik Wegner
Bulgaria	Kamenov, Vladimir Angelov Kerekov, Nikolay Ivanov		
Czech Republic	n/a		
Denmark	Aasted, Lars Jerne Akselsen, Ole Andersen, Dan Søgård Andersen, Hanne Skjæmt Andersen, Jesper Sandager Andersen, Jim Allan Andersen, Lars Ole Andersen, Mogens Godsk Andersen, Niels Jørgen Anton Andersen, Peter Bunk Anderson, Jacob Edward Backe, René Barrit, Jørgen Beck, Bjarne Baagø Bendtsen, Lars Kjærsgaard Bernholm, Kristian Burgwaldt Andersen, Martin Baadsgård, Jørgen Peder Carl, Morten Hansen Christensen, Frantz Viggo Christensen, Jesper Just Christensen, Peter Grim Christensen, Thomas Christiansen, Michael Koustrup Damsgaard, Kresten Degn, Jesper Leon Due-Boje, Thomas Zinck Dølling, Robert Ebert, Thomas Axel Regaard Eiersted, Jesper Bach Eilers, Bjarne Einef, Frank Godt Fick, Carsten Frandsen, Rene Brian Frederiksen, Torben Broe Gotved, Jesper Hovby Gaarde, Børge Handrup, Jacob		

Country	Inspectors	Country	Inspectors
Germany	Mortensen, Erik		Bernhagen, Sven
	Mortensen, Jan Lindholdt		Bieder, Mathias
	Møller, Gert		Bigalski, Hans-Georg
	Nielsen, Christian		Birkholz, Siegfried
	Nielsen, Dan Randum		Bloch, Ralf
	Nielsen, Gunner Raunsbæk		Bösherz, Andreas
	Nielsen, Hans Henrik		Borchardt, Erwin
	Nielsen, Henrik Früsthück		Brunnlieb, Jürgen
	Nielsen, Henrik Kruse		Buchholz, Matthias
	Nielsen, Jeppe		Büttner, Harald
	Nielsen, Kim Tage		Cassens, Enno
	Nielsen, Niels Kristian		Christiansen, Dirk
	Nielsen, Ole Brandt		Claßen, Michael
	Nielsen, Steen		Cordes, Reiner
	Nielsen, Søren		Döhnert, Tilman
	Nielsen, Søren Egelund		Dörbandt, Stefan
	Nielsen, Trine Fris		Drenkhahn, Michael
	Nørgaard, Max Reno Bang		Dürbrock, Dierk
	Østergård, Lars		Ehlers, Klaus
	Paulsen, Kim Thor		Engelbrecht, Sascha
	Pedersen, Claus		Erdmann, Christian
	Petersen, Henning Juul		Fink, Jens
	Petersen, Jimmy Torben		Franke, Hermann
	Porsmose, Tommy		Franz, Martin
	Poulsen, Bue		Frenz, Sandro
	Poulsen, John		Garbe, Robert
	Risager, Preben		Gräfe, Roland
	Rømer, Jan		Griemberg, Lars
	Schjoldager, Tim Rasmussen		Hänse, Dirk
	Schou, Kasper		Hansen, Hagen
	Schultz, Flemming		Heidkamp, Max
	Siegumfeldt, Jeanette		Heisler, Lars
	Simonsen, Kjeld		Herda, Heinrich
	Simonsen, Morten		Hickmann, Michael
	Skrivergaard, Lennart		Homeister, Alfred
	Skaaning, Per		Hoyer, Oliver
	Sørensen, Allan Lindgaard		Keidel, Quirin
	Thomsen, Bjarne Kondrup		Kersten, Mickel
	Thomsen, Bjarne Ringive Solgaard		Kind, Karl-Heinz
	Thorsen, Michael		Klimeck, Uwe
	Trab, Jens Ole		Kopec, Reinhard
	Vistrup, Annette Klarlund		Köhn, Thorsten
	Wille, Claus		Kollath, Mark
	Wind, Bernt Paul		Krüger, Martin
			Krüger, Torsten
			Kupfer, Christian
	Kutschke, Holger		
	Lehmann, Jan		
	Linke, Hans-Herbert		

Country	Inspectors	Country	Inspectors
	Lübke, Torsten Lühns, Carsten Möhring, Torsten Mücher, Martin Mundt, Mario Nöckel, Stefan Pauls, Werner Perkuhn, Martin Peter, Sven Raabe, Karsten Ramm, Jörg Reimers, Andre Remitz, Lutz Rutz, Dietmar Sauerwein, Dirk Schmidt, Harald Schmiedeberg, Christian Schröder, Lasse Schuchardt, Karsten Schüler, Claas Skrey, Erich Slabik, Peter Springer, Gunnar Stüber, Jan Sturm, Jochen Sween, Gorm Teetzmann, Julian Thieme, Stefan Thomas, Raik Tiedemann, Harald Vetterick, Arno Welz, Henning Welz, Oliver Wessels, Heinz Wichert, Peter Wolken, Hans		Ansbro, Mark Armstrong, Stuart Barber, Kevin Barrett, Elizabeth Barrett, Brendan Barrett, John Beale, Derek Bones, Anthony Brandon, James Brannigan, Stephen Breen, Kieran Broderick, Michael Brophy, James Brophy, Paul Browne, Joseph Browne, Patrick Brunicardi, Michael Buckley, Anthony Buckley, David Bugler, Andrew Butler, David Byrne, Kenneth Cagney, Daniel Cahalane, Donnchadh Campbell, Aoife Carr, Kieran Casey Anthony Casey, Alex Chute, Killian Claffey, Seamus Clarke, Tadhg Cleary, James Clope, Niall Coffey, Kevin Cogan, Gerard Coleman, Thomas Collins, Damien Connery, Paul Cooper, Trevor Corish, Cormac Corrigan, Kieran Cosgrave, Thomas Cotter, Jamie Cotter, Colm Coughlan, Susan Graven, Cormac Crowley, Brian Cummins, William Cunningham, Diarmuid
Estonia	Grossmann, Meit Lasn, Margus Nigu, Silver Ninemaa, Endel Pai, Aare Ulla, Indrek Varblane, Viljar		
Ireland	Aherne, Robert Allen, Damien Allen, Patrick Amrien, Rudi Andersson, Kareen Andrews, Kevin		

Country	Inspectors	Country	Inspectors
	Curran, Donal		Goulding, Donal
	Curtin, Brendan		Greenwood, Mark
	Daly, Brendan		Grogan, Suzanne
	Daly, Joseph		Haigney, Vincent
	D'Arcy, Enna		Hamilton, Gillian
	Devaney, Michael		Hamilton, Gregory
	Dicker, Philip		Hamilton, Ken
	Doherty, Anita		Hamilton, Stewart
	Doherty, Patrick		Hannon, Gary
	Donaldson, Stuart		Harding, James
	Downing, Erika		Harkin, Patrick
	Downing, Grace		Harkins, Ciaran
	Downing, John		Harman, Mark
	Doyle, Cronan		Healy, Derek
	Duane, Paul		Healy, John
	Ducker, Nigel		Hederman, John
	Dullea, Michael		Heffernan, Bernard
	Falvey, John		Hegarty, Denis,
	Fanning, Grace		Hegarty, Paul
	Farrell, Brian		Henson, Marie
	Fealy, Gerard		Hewson, Kevin
	Fenton, Gary		Hickey, Adrian
	Ferguson, Kevin		Hickey, Michael
	Finegan, Ultan		Horgan, Brian
	Fitzgerald, Brian,		Humphries, Daniel
	Fitzgerald, Richard		Irwin, Richard
	Fitzpatrick, Gerard		Ivory, Sean
	Flannery, Kevin		Joyce, Michael
	Fleming, David		Kavanagh, Ian
	Flynn, Alan		Keane, Brian
	Foley, Brendan		Kearney, Brendan
	Foley, Kevin		Keeley, David
	Foran, Bryan		Keirse, Gavin
	Forde, Cathal		Kelly, Niall
	Fowler, Patrick		Kenneally, Jonathan
	Fox, Colm		Kennedy, Liam,
	Freeman, Harry		Kennedy, Thomas
	Fulton, Grant		Keogh, Mark
	Gallagher, Damien		Kickham, Jon-Laurence
	Gallagher, Neil		Kinsella, Gordon
	Gallagher, Paddy		Kirwan, Conor
	Galvin, Rory		Laide, Cathal
	Galvin, Sarah		Landy, Glenn
	Gannon, James		Lane, Brian
	Geaney, Gerard		Lane, Mary
	Geraghty, Anthony		Leahy, Brian
	Gleeson, Marie		Lenihan, Mark
	Gormanly, Breda		Linehan, Sean
	Goulding, Josephine		Lynch, Darren

Country	Inspectors	Country	Inspectors
	Lynch, Gerard		Murphy, Enda
	Lynch, Grainne		Murphy, Honor
	Lynch, Robert		Murphy, John
	Mac Donald, Victor		Murran, Sean
	MacUnfraidh, Caoimhin		Murray, Paul
	MacGabhann, Declan		Nalty, Christopher
	Mackey, John		Nash, John
	Mallon, Keith		Ni Cionnach Pic, Dubheasa
	Malone, Robert		Nolan, Brian
	Maloney, Nessa		O'Brien, Claire,
	Maunsell, Blaithin		O'Brien, David
	Mc Carthy, Gavin		O'Brien, Jason
	Mc Carthy, Mark		O'Brien, Kenneth
	Mc Carthy, Michael		O'Callaghan, Maria
	Mc Connell, Clodagh		O'Ceallaigh, Kevin
	Mc Gee, Noel		O'Connor, Diarmud
	Mc Glinchey, Martin		O'Donoghue, John
	Mc Grath, Owen		O'Donoghue, Niamh
	Mc Grath, Richard		O'Donovan, Diarmud
	Mc Groarty, John		O'Donovan, Michael
	Mc Groarty, Mark		O'Donovan, Thomas
	Mc Guckin, Martin		O'Dowd, Brendan
	Mc Keown, Amelia		O'Driscoll, Olan
	Mc Laughlin, Ronan		O'Flynn, Aisling
	Mc Loughlin, Gerard		O'Leary, David
	Mc Loughlin, John-Jack		O'Mahony, David
	Mc Namara, Paul		O'Mahony, Karl
	Mc Parland, Cian		O'Mahony, Robert
	Mc Philbin, Dwayne		O'Neachtain, Aonghus
	McGroary, Peter		O'Regan, Alan
	McIntyre, Lesley		O'Regan, Anthony
	McNamara, Ken		O'Reilly, Brendan
	McWilliams, Stuart		O'Seaghdha, Ciaran
	Memery, David		O'Shea, John
	Meredith, Helen		O'Sullivan, Charles
	Molloy, Darren		O'Sullivan, Patricia
	Molloy, John Paul		O'Brien, Amanda
	Moloney, Kara		O'Donovan, Bernard
	Moloney, Luke		O'Keeffe, Olan
	Moore, Conor		O'Neill, Shane
	Morrison, Kevin		O'Regan, Cliona
	Mulcahy, Shane		O'Sullivan, Aileen
	Mulcahy, John		Patterson, Adrienne
	Mullane, Paul		Pentony, Declan
	Mullery, Alan		Peyronnet, Arnaud
	Mundy, Brendan		Phipps, Kevin
	Murphy, Barry		Pierce, Paul
	Murphy, Brian		Piper, David
	Murphy, Claire		Plante, Maurice

Country	Inspectors	Country	Inspectors
	Plunkett, Thomas		Wilmot, Emmet
	Power-Moylotte, Gillian		Wise, James
	Prendergast, Kevin		
	Pyke, Gavin	Greece	Αγγελόπουλος, Χαράλαμπος
	Pyne, Alan		Αγιανιάν, Σπυρίδων
	Quigg, James		Αδαμοπούλου, Γεωργία
	Quigley, Declan		Ακουμιανάκης, Βασίλειος
	Quinn, James		Ακριβός, Δημήτριος
	Quinn, Michael		Αλεξανδρόπουλος, Ευστάθιος
	Reddin, Anthony		Αργυρακοπούλου, Αικατερίνη
	Reidy, Patrick		Βαρδαξής, Βασίλειος
	Ridge, Patrick		Βαρελόπουλος, Ευάγγελος
	Roche, John		Βελισσαρόπουλος, Αλέξανδρος
	Rogers, Kevin		Βεργίνης, Αναστάσιος
	Ryan, Fergal		Βιλάλη, Μαρία
	Scalici, Fabio		Βιδάλης, Οδυσσέας
	Scanlon, Caroline		Βορτελίνας, Γεώργιος
	Shalloo, Jim		Βουρλέτσης, Σωτήριος
	Shanahan, Jacqueline		Γεωργατζής, Ιωάννης
	Sheahan, Paudie		Γιαννούσης, Βασίλειος
	Sheridan, Glenn		Γκλεζάκος, Ανδρέας
	Shiels, Brian		Γκορίτσας, Γεώργιος
	Sills, Barry		Γογοδώνης, Δημήτριος
	Smith, Brian		Γρηγορίου, Αικατερίνη
	Smyth, Eoin		Δελημήτης, Βασίλειος
	Snowdon, Edward		Δημόπουλος, Απόστολος
	Stack, Stephen		Δοκιανάκης, Κωνσταντίνος
	Sweetnam, Vincent		Δόντσος, Ευστράτιος
	Tarrant, Martin		Δούτσης, Δημήτριος
	Tighe, Declan		Δροσάκης, Σπυρίδων
	Timon, Eric		Ελευθερίου, Κωνσταντίνος
	Tortise, Charles		Ευαγγελάτος, Νικόλαος
	Turley, Mark		Ζακυνθινός, Κωνσταντίνος
	Twomey, Peter		Ζαμπετάκης, Νικόλαος
	Twomey, Thomas		Ζαφειράκης, Διονύσιος
	Valls Senties, Virginia		Ζησιμόπουλος, Νεκτάριος
	Wall, Daniel		Ζουρμπαδέλος, Σταμούλης
	Wall, Vanessa		Ηλιάδης, Νικόλαος
	Wallace, Jason		Καλαμάρης, Χαρίδημος
	Wallace, Eugene		Καλλίνικος, Κωνσταντίνος
	Walsh, Conleth		Καλογεράκης, Γεώργιος
	Walsh, Laurence		Καλογήρου, Νικόλαος
	Walsh, Richard		Κατημερτζόγλου, Στέλιος
	Watson, Philip		Κατσακούλης, Παράσχος
	Weldon, James		Κατσάμπας, Νικόλαος
	Whelan, Mark		Καψάσκης, Παρασκευάς
	Whelehan, Jason		Κοκκάλας, Νικόλαος
	White, John		Κοκολογιαννάκης, Ευάγγελος
	Wickham, Laurence		Κοντοβάς, Γρηγόριος
			Κοντογιάννης, Κωνσταντίνος

Country	Inspectors	Country	Inspectors
	Κοντογιάννης, Νέστωρας Κουζίλου, Σταυρούλα Κουκάρας, Ευάγγελος Κουκλατζής, Δημήτριος Κουλαξίδης, Δρακούλης Κουμπανάκη, Θεοδώρα Κουρούλης, Στυλιανός Κραουνάκης, Γεώργιος Κωνσταντός, Γεώργιος Κωστάκης, Μιχαήλ Κωστόπουλος, Νικόλαος Μαίλης, Στέφανος Μαλαφούρης, Σπυρίδων Μανούσος, Αντώνιος Μανωλινάκης, Ιωάννης Μαραγκού, Άννα Μαργώνης, Γεώργιος Μαχαίριδης, Νικόλαος Μόριτς, Ελευθέριος Μόσχος, Δημήτριος Μπάρλας, Αθανάσιος Μπεθάνης, Γεώργιος Μπερζιργιάννης, Αντώνιος Μπίχας, Βασίλειος Μπραουδάκης, Γεώργιος Ντόκος, Ευάγγελος Ξακοπούλου, Χρυσάνθη Ξυπνητού, Βασιλική Ουζουνόγλου, Ραλλού Παπαδοπούλου, Μαρία-Ευαγγελία Παπακωνσταντίνου, Νικόλαος Παπαλεονάρδος, Δημοσθένης Πασχαλάκης, Χρήστος Πατεράκης, Γεώργιος Πάτσης, Χρήστος Πέπος, Γεώργιος Πλατής, Κωνσταντίνος Ρήγα, Κυριακή Ρηγούλης, Ζαχαρίας Ριακοτάκης, Δημήτριος Ριζοπούλου, Αγγελική Ρούσσου, Ελευθερία Σαραντάκος, Ιωάννης Σιγανός, Εμμανουήλ Σλανκίδης, Βασίλειος Σταματελάτος, Σπυρίδων Σταυρουλάκης, Γεώργιος Στρατηγάκης, Διονύσιος-Γεώργιος Στρατιδάκη, Χρυσή		Συρίγος, Σπυρίδων Σφακιανάκης, Εμμανουήλ Τελεμές, Χριστόδουλος Τετράδη, Γεωργία Τοπάλογλου, Κωνσταντίνος Τζεσούρης, Γεώργιος Τζιόλας, Ιωάννης Τρίχας, Χρήστος Τσαπατσάρης, Νικόλαος Τσαχπάκης, Δημήτριος Τσέλης, Ανδρέας Τσιμηρικά, Αγγελική Τσούμας, Σπυρίδων Φόρας, Γεώργιος Φραζής, Εμμανουήλ Χαμαλίδης, Βασίλειος Χαριτάκης, Ανδρέας Χασανίδης, Γεώργιος Χατζηπασχάλης, Κωνσταντίνος Χρηστέας, Κυριάκος Ψαρράς, Άγγελος Ψηλός, Κωνσταντίνος
Spain			Abalde Novas, Tomás Almagro Carrobbles, Jorge Alonso Sánchez, Beatriz Álvarez Gómez, Marco Antonio Amunárriz Emazabel, Sebastián Avedillo Contreras, Buenaventura Barandalla Hernando, Eduardo Boy Carmona, Ester Bravo Téllez, Guillermo Brotons Martínez, José Jordi Calderón Gómez, José Gabriel Carmona Mazain, Manuel Carro Martínez, Pedro Chamizo Catalán, Carlos Cortés Fernández, Natalia Criado Bará, Bernardo Del Castillo Jurado, Ángeles Del Hierro Suanzes, Javier Del Hierro Suanzes, María Fernández Costas, Antonio Fernández Fernández, Manuel Ángel Ferreño Martínez, José Antonio Fontán Aldereguia, Manuel Fontanet Doménech, Felipe García Antoni, Mónica García González, Francisco Javier García Merchán, Marta

Country	Inspectors	Country	Inspectors
	García Simonet, Cristina Garrido Álvarez, Santiago Gil Gamundi, Juan Luis González Fernández, Manuel A. Guerrero Claros, María Gundín Payero, Laura Gutiérrez Tudela, Manuel Lastra Torre, Ruth Lestón Leal, Juan Manuel López González, María Marra-López Porta, Julio Martínez González, Jesús Martínez Velasco, Carolina Mayoral Vázquez, Fernando Mayoral Vázquez, Gonzalo Medina García, Estebán Méndez-Villamil Mata, María Menéndez Fernández, Manuel J. Miranda Almón, Fernando Molina Romero, José António Munguía Corredor, Noemí Ochando Ramos, Ana María Orgueira Pérez, M ^a Vanesa Ortigueira Gil, Adolfo Daniel Parga Díaz, Verónica Perujo Dávalos, Florencio Piñón Lourido, Jesús Ponte Fernández, Gerardo Prieto Estévez, Laura Ríos Cidrás, Manuel Ríos Cidrás, Xosé Rodríguez Bonet, Jordi Rodríguez Moreno, Alberto Romero Insúa, Jesús Ruiz Gómez, Sònia Saavedra España, Jesús Sáenz Arteché, Idola Sánchez Sánchez, Esmeralda Santos Maneiro, José Tomás Santos Pinilla, Beatriz Sendra Gamero, M ^a Esther Serrano Sánchez, Daniel Sieira Rodríguez, José Tenorio Rodríguez, José Luis Torre González, Miguel Á. Tubio Rodríguez, Xosé Unzurrunzaga Campoy, José María Vázquez Pérez, Juana M ^a Vidal Maneiro, Juan Manuel		Vega García, Francisco M. Vicente Castro, José Yeregui Velasco, Pablo Zamora de Pedro, Carlos
		France	Belz, Jean-Pierre Ben Khemis, Patricia Beyaert, Frédéric Bigot, Jean-Paul Bon, Philippe Bouniol, Grégory Bourbigot, Jean-Marc Cacitti, Raymond Caillat, Marc Celton Arnaud Ceres, Michel Crochard, Thierry Croville, Serge Curaudeau, Patrick Daden, Nicolas Dambron, François Darsu, Philippe Davies, Philippe Deric, William Desson, Patrick Donnart, Christian Ducrocq, Philippe Fernandez, Gabriel Flours, Cédric Fortier, Eric Fouchet, Michel Fournier, Philippe Gehanne, Laurent Gloagen, Maurice Gueugniau, Damien Guillemette, Jean Luc Harel, David Hitier, Sébastien Isore, Pascal Le Corre, Joseph Le Cousin, Jean-Luc Le Dreau, Gilbert Maingraud, Dominique Malassigne, Jean-Paul Masseaux, Yanick Menuge, Gilles Moussaron, Hervé Ogor, Bernard Peron, Olivier Peron, Pascal

Country	Inspectors	Country	Inspectors
	Radius, Caroline Richou, Fabrice Rondeau, Arnold Rousselet, Pascal Semelin, Gérard Serna, Mathieu Trividic, Bernard Vilbois, Pierre Villenave, Patrick Villenave, Yorrick Vincent, Hugues		Costanzo, Francesco Criscuolo, Enrico Croce, Aldo Cuccaro, Annalisa Cuciniello, Luigi D'Agostino, Gainluca D'Amato, Fabio D'Aniello, Annunziata D'Arrigo, Antonio De Crescenzo, Salvatore De Leo, Angelo De Santis, Antonio De Simone, Antonio Del Monaco, Ettore Di Benedetto, Luigi Di Domenico, Marco Di Donato, Eliana Diacò, Gennaro Doria, Angelo D'Orsi, Francesco Paolo Errante, Domenico Esibini, Daniele Esposito, Francesco Fava, Antonello Ferrantino, Maria Pia Fioravanti, Andrea Fiore, Fabrizio Fiorentino, Antonino Fogliano, Pasquale Folliero, Alessandro Fortunati, Diego Fuggetta, Pasquale Gagliardi, Giuseppe Lucio Gallo, Antonio Giovannone, Vittorio Gismondi, Tommaso Golizia, Pasquale Graziani, Walter Greco, Giuseppe Guzzi, Davide Iemma, Oreste Isaia, Sergio L'Abbate, Giuseppe Lambertucci, Alessandro La Porta, Santi Alessandro Leto, Antonio Lo Pinto, Nicola Lo Presti, Matteo Loggia, Carlo
Italy	Abate, Massimiliano Abbate, Marco Albani, Emidio Antonacci, Roberto Apollonio, Cristian Aprile, Giulio Aquilano, Donato Astelli, Gabriele Avallone, Guido Azzaretto, Giuseppe Basile, Giuseppe Bernadini, Stefano Biondo, Fortunato Bizarri, Simona Bizarro, Federico Bonsignore, Antonino Borriello, Fabio Bove, Gian Luigi Burlando, Michele Calandrino, Salvatore Cambereri, Michelangelo Cappa, Euplio Carassai, Adriano Carta, Sebastiano Castellano, Sergio Cau, Dario Cesareo, Michele Chianella, Marco Chionchio, Alessandro Cianci, Vincenzo Cilento, Antonio Colarossi, Mauro Colazzo, Massimiliano Colonna, Vincenzo Conte, Fabio Conte, Plinio Cormio, Carlo Cortese, Raffaele		

Country	Inspectors	Country	Inspectors
	Lombardi, Pasquale Longo, Pierino Paolo Maggio, Giuseppe Maio, Giuseppe Maltese, Franco Manconi, Danilo Marceca, Giuseppe Mariotti, Massimiliano Martinez, Guiliano Marzio, Paolo Massaro, Gianluca Mastrobattista, Giovanni Eligio Matera, Riccardo Menna, Giuseppe Miniero, Antonio Monaco, Paolo Morelli, Alessio Morello, Salvatore Mostacci, Sergio Massimo Mugnaini, Dany Musella, Stefano Nacarlo, Amedeo Nappi, Carlo Nardelli, Giuseppe Negro, Mirco Novaro, Giovanni Palagiano, Angelo Pallotta, Oreste Panconi, Federico Pantaleo, Cosimo Pantaleo, Fiore Pantano, Francesco Paolillo, Francesco Patalano, Andrea Pavese, Paolo Perdisci, Marcello Petrella, Vincenzo Petrillo, Agostino Petruzzi, Giulia Pietrocola, Alberto Maria Pignatale, Massimiliano Pino, Filippo Piras, Ugo Pisino, Tommaso Pistorio, Angelo Poli, Mario Porru, Massimiliano Preziosi, Pietro Puddinu, Fabrizio		Raffa, Demetrio Antonio Raffone, Antonio Rivalta, Fabio Romanazzi, Francesco Romanazzi, Valentina Ronca, Gianluca Russo, Pasquale Sacco, Giuseppe Salce, Paolo Santini, Paolo Sarpi, Stefano Sassanelli, Michele Scattola, Giovanni Schiattino, Andrea Sebastio, Luciano Silvestri, Antonio Sini, Gaetano Siniscalchi, Francesco Solidoro, Sergio Antonio Spagnuolo, Matteo Stramandiono, Rosario Surfa', Emanuele Tersigni, Tonino Tesauero, Antonio Tescione, Francesco Tofanelli, Massimo Trapani, Salvatore Troiano, Primiano True, Pietro Turiano, Giuseppe Uopi, Alessandro Vellucci, Alfredo Ventriglia, Felice Vicini, Alberto Vitali, Daniele Zippo, Luigi
		Cyprus	Apostolou, Antri Avgousti, Antonis Christodoulou, Lakis Christoforou, Christiana Christou, Nikoletta Flori, Panayiota Fylaktou, Anthi Georgiou, Markella Hadjialexandreou, Kyriacos Ioannou, Georgios Ioannou, Theodosios Karayiannis, Christos Korovesis, Christos

Country	Inspectors	Country	Inspectors
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Hungary	n/a		
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Country	Inspectors
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Slovakia	n/a
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Sweden	Åberg, Christian Åberg-Torkelsson, EVA Ahn Lund, Jenny Andersson, Andrea Andersson, Per-Olov Andersson, Per-Olov Vidar Antonsson, Jan-Eric Askeröth, Fredrik Bergman, Daniel Bühler, Hanna Cardell, Christina Carlsson, Christian Cederlund, Kenneth Englund, Raymond Eriksson, Hans-Göran Eriksson, Örjan Falk, David Frejd, Maud Granholm, Björn Göransson, Roger Havh, Johan Hultemar, Staffan Ingeby-Olsson, Lena Jacobsson, Magnus Jansson, Bengt Jeppsson, Tobias Johansson, Daniel Johansson, Gertrud Johansson, Klas Johansson, Linda Johansson, Thomas Jönsson, Dennis

Country	Inspectors	Country	Inspectors
	Joxelius, Paul		Alexander, Stephen
	Karlsson, Kent		Allen, Terry
	Karlsson, Zineth		Anderson, Mark
	Kempe, Clas		Anderson, Reid
	Kjellgren, Curt		Banks, Andrew
	Kurtsson, Morgan		Barclay, Michael
	Lahovary, Oscar		Bateman, Pia
	Larsson, Mats		Bell, Stuart
	Lindved, Martin		Billson, Carol
	Lundin, Stig		Blower, Amy
	Malmström, John		Bowers, Claire
	Mattson, Olle		Boyce, Sean
	Nilsson, Pierre		Brough, Derek
	Norrby, Bengt		Bruce, John
	Norrby, Tom		Burnett, Graeme
	Näsman, Lars		Burt, Ellen
	Olovsson, Bo		Caldwell, Mark
	Olsson, Kenneth		Calvert, Lauren
	Olsson, Lars		Campbell, Colin
	Palmén, Lars-Erik		Campbell, Iain
	Penson, Lena		Campbell, Jonathan
	Persson, Göran		Campbell, Murray
	Persson, Mats		Carroll, David
	Peterson, Jan		Carter, Chris
	Petterson, Joel		Clasby, Lorraine
	Petterson, Johan		Coatsworth, Robert
	Philipsson, Gunnar		Cook, David
	Piltonen, Janne		Corner, Nigel
	Podsedkowski, Zenek		Couzens, Rob
	Reuterljung, Thomas		Craig, Ian
	Sandblom, Örjan		Craig, Stephen
	Sjödin, Ronny		Croucher, Tim
	Skölderud, Svante		Crowe, Michael
	Snäckerström, Leif		Crowther, Robert
	Stenmark, Richard		Cullen, Donna
	Strandberg, Magnus		Cunningham, George
	Stührenberg, Björn		Davis, Danielle
	Svenserud, Anders		Deadman, Ross
	Svensson, Rutger		Douglas, Sean
	Tegnander, Pär		Draper, Peter
	Tillawi, Peter		Dunkerely, Sabrina
	Toresson, Martin		Durbin, William
	Turesson, Andreas		Ebby, Jim
	Wallin, Bo		Eccles, David
	Westberg, David		Elliott, Philip
	Wigsell, Andreas		Ellison, Peter
	Wilson, Pierre		Evans, David
	Wimmer, Anders		Faulds, Mike
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	Ferguson, Simon		Kinghorn, Matthew
	Ferrari, Richard		Korda, Rebecca
	Fitzpatrick, DeeAnn		Lamb, Rob
	Fletcher, Norman		Lane, Elizabeth
	Fletcher, Paul		Law, Garry
	Flint, Toby		Legge, James
	Fordham, Philip		Lister, Jane
	Foster, Pam		Livingston, Andrew
	Frampton, Charles		Lockwood, Mark
	Fraser, Uilleam		MacEachan, Iain
	Gibson, Philip		MacGregor, Duncan
	Gooding, Colin		MacIver, Roderick
	Goodwin, Aaron		MacLean, Paula
	Gough, Callum		MacLean, Robin
	Graham, Chris		MacSkimming, Peter
	Gregor, Stuart		Marshall, Phil
	Griffin, Stuart		Mason, John
	Griffiths, Greg		Mason, Liam
	Gristwood, Malcolm		Mason, Roger
	Hall, Katherine		Matheson, Louise
	Hamilton, Ian		McAlister, Gerald
	Hanbury, Rachel		McBain, Billy
	Harris, Billy		McCaughan, Mark
	Harrison, Thomas		McComiskey, Stephen
	Hay, David		McCowan, Alisdair
	Hay, John		McCrinkle, John
	Hazel, Tom		McCubbin, Stuart
	Hember, Marcus		McCusker, Simon
	Henderson, Rod		McDonnell, Alistair
	Henning, Alan		McHardy, Adam
	Hepburn, Ian		McKenzie, Gregor
	Hepburn, Jim		McKeown, Nick
	Hepples, Stephen		McMillan, Robert
	Higgins, Frank		McQuillan, David
	Hill, Katie		Merrilees, Kenny
	Holbrook, Joanna		Mills, John
	Inglesby, Paul		Milne, Roderick
	Irish, Rachel		Mitchell, Hugh
	Jackson, Amie		Mitchell, John
	John, Barrie		Morrison, Donald
	Johnson, Paul		Muir, James
	Johnston, Steve		Mynard, Nick
	Johnston, Isobel		Nelson, Paul
	Jones, Peter		Newlands, Andrew
	Jordan, Catherine		Nicholson, Chris
	Kelly, Kevin		North, Philip
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	Kemp, Gareth		Ord, Vivian

Country	Inspectors	Country	Inspectors
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Country	Inspectors
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COMMISSION IMPLEMENTING DECISION

of 22 December 2011

**on emergency measures regarding unauthorised genetically modified rice in rice products
originating from China and repealing Decision 2008/289/EC**

(Text with EEA relevance)

(2011/884/EU)

THE EUROPEAN COMMISSION,

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

Having regard to 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⁽¹⁾, and in particular Article 53(1) thereof,

Whereas:

(1) Articles 4(2) and 16(2) of Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed⁽²⁾ provide that no genetically modified food or feed is to be placed on the Union market unless it is covered by an authorisation granted in accordance with that Regulation. Articles 4(3) and 16(3) of the same Regulation lay down that no genetically modified food and feed may be authorised unless it has been adequately and sufficiently demonstrated that it does not have adverse effects on human health, animal health or the environment, that it does not mislead the consumer or the user, and that it does not differ from the food or feed it is intended to replace to such an extent that its normal consumption would be nutritionally disadvantageous for humans or animals.

(2) In September 2006, rice products originating in or consigned from China, contaminated with the unauthorised genetically modified rice Bt 63, were discovered in the United Kingdom, France and Germany and were notified to the Rapid Alert System for Food and Feed (RASFF). Notwithstanding the measures announced by the Chinese authorities to control the presence of that unauthorised Genetically Modified Organism (GMO), several other alerts concerning the presence of the unauthorised genetically modified rice Bt 63 were subsequently reported.

(3) Considering the continuing alerts and the lack of sufficient guarantees from the Chinese competent authorities concerning the absence of the unauthorised genetically modified rice Bt 63 in products originating in or consigned from China, Commission Decision 2008/289/EC⁽³⁾ was adopted which introduced emergency measures regarding the unauthorised GMO Bt 63 in rice products. That Decision required that prior to placing on the market, operators should submit an analytical report to the relevant Member State competent authorities demonstrating that the consignment of rice products was not contaminated with genetically modified rice Bt 63. Additionally, that Decision provided for Member States to take appropriate measures, including random sampling and analysis carried out using a specific method described therein, concerning products presented for importation or already on the market.

(4) In March 2010, Germany notified the RASFF with regard to the presence of new rice varieties carrying unauthorised genetic elements encoding insect resistance which had characteristics similar to the GMO Kefeng 6. Subsequently, several additional similar alerts were notified, which in addition to Kefeng 6, also included the presence of another insect resistant rice line which contained genetic elements similar to the GMO Kemingdao 1 (KMD1). Kefeng 6 and KMD1 are not authorised either in the Union or China.

(5) All RASFF notifications were notified to the relevant Chinese authorities and additionally the Commission wrote to the authorities both in June 2010 and February 2011 requesting action to address the increasing number of alerts.

(6) The Food and Veterinary Office conducted an inspection in China in October 2008 with the objective of evaluating the implementation of Decision 2008/289/EC, which was subsequently followed up with another mission in March 2011. The conclusions of the 2008 mission and the initial findings of the 2011 mission indicated uncertainty as to the level, type and number of genetically modified rice varieties which may have contaminated rice products originating in or consigned from China, and that therefore there was a high risk of further introductions of unauthorised GMOs in such rice products.

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

⁽²⁾ OJ L 268, 18.10.2003, p. 1.

⁽³⁾ OJ L 96, 9.4.2008, p. 29.

- (7) In light of the findings of the 2008 and 2011 missions of the Food and Veterinary Office, and the numerous RASFF notifications concerning unauthorised genetically modified rice events, the measures provided by Decision 2008/289/EC should be enhanced accordingly so as to prevent any contaminated product being placed on the Union market. Therefore it is necessary to replace Decision 2008/289/EC by means of this Decision.
- (8) Taking into account the fact that no genetically modified rice products are authorised in the Union, it is appropriate to extend the scope of measures provided for by Decision 2008/289/EC, which is limited to genetically modified rice Bt 63, and to broaden it to all genetically modified organisms found in rice products originating in or consigned from China. The obligation to provide an analytical report on sampling and analysis demonstrating the absence of genetically modified rice events, established by Decision 2008/289/EC, should be maintained. However, it is appropriate to reinforce Member State controls through enhanced frequency of sampling and analysis which should be set at 100 % of all consignments of rice products originating from China, and to introduce the obligation for food and feed operators to give prior notification of the estimated date, time and place of the physical arrival of the consignment.
- (9) Sampling methodologies play a crucial role in obtaining representative and comparable results; it is therefore appropriate to define a common protocol for sampling and analysis for the control of the absence of genetically modified rice in imports originating from China. The principles for reliable sampling procedures for bulk agricultural commodities are laid down in Commission Recommendation 2004/787/EC of 4 October 2004 on technical guidance for sampling and detection of genetically modified organisms and material produced from genetically modified organisms as or in products in the context of Regulation (EC) No 1830/2003 ⁽¹⁾ and for prepacked food in CEN/TS 15568 or equivalent. With regard to feed, such principles laid down in Commission Regulation (EC) No 152/2009 of 27 January 2009 laying down the methods of sampling and analysis for the official control of feed ⁽²⁾ shall apply.
- (10) Due to the number of potential genetically modified rice events, the lack of validated detection methods and control samples of adequate quality and quantity, and in order to facilitate controls, it is appropriate to replace the method for sampling and analysis provided for in the Decision 2008/289/EC with the analytical screening methods provided in Annex II.
- (11) The new proposed screening methods for analysis should be based on Recommendation 2004/787/EC. It particularly takes into account that currently available methods are qualitative and should address the detection of a unauthorised GMO for which there is no tolerance threshold for sampling and analysis.
- (12) The European Reference Laboratory for Genetically Modified Food and Feed (EU-RL GMFF) within the Joint Research Centre (JRC) verified and confirmed the suitability of the proposed screening methods for the detection of genetically modified rice.
- (13) For the purpose of the sampling and detecting activities required in order to prevent that products containing unauthorised rice events are placed on the market, it is necessary that both operators and official services follow such methods of sampling and analysis provided for in Annex II. In particular it is necessary that account is taken of the guidance provided by the EU-RL GMFF concerning the application of these methods.
- (14) Rice products, as listed in Annex I, originating in or consigned from China, should be released for free circulation only if they are accompanied by an analytical report and health certificate issued by the Entry Exit Inspection and Quarantine Bureau of the People's Republic of China (AQSIQ) in accordance with the models laid down in Annex III and IV to this Decision.
- (15) In order to be able to have a continuous assessment of the control measures, it is appropriate to introduce an obligation for Member States to report regularly to the Commission concerning official controls on consignments of rice products originating or consigned from China.
- (16) The measures provided for in this Decision should be proportionate and no more restrictive of trade than is required and should therefore cover only products originating in or consigned from China and considered likely to be contaminated with unauthorised genetically modified rice events. Given the range of products that could be contaminated with such unauthorised genetically modified rice events, it seems appropriate to target all food and feed products which have rice listed as an ingredient. Some products, however, may or may not be containing, consisting or produced from rice. It seems therefore proportionate to allow operators to issue a simple declaration when the product is not containing, consisting or produced from rice, thus avoiding the compulsory analysis and certification.
- (17) The situation concerning the possible contamination of rice product with unauthorised genetically modified rice lines should be reviewed within 6 months in order to assess whether the measures provided for in this Decision are still necessary.

⁽¹⁾ OJ L 348, 24.11.2004, p. 18.

⁽²⁾ OJ L 54, 26.2.2009, p. 1.

- (18) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

consignment and of the nature of the consignment. Operators must also indicate the designation of the product as to whether it is food or feed.

HAS ADOPTED THIS DECISION:

Article 1

Scope

This Decision shall apply to rice products listed in Annex I, originating in or consigned from China.

Article 2

Definitions

1. For the purposes of this Decision, the definitions laid down in Articles 2 and 3 of Regulation (EC) No 178/2002, Article 2 of Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules⁽¹⁾ and Article 3(b) and (c) of Commission Regulation (EC) No 669/2009⁽²⁾ on increased controls on imports of certain feed and food of non-animal origin shall apply.

2. The following definitions shall also apply:

- (a) *Lot*: a distinct and specified quantity of material.
- (b) *Increment sample*: small equal quantity of product taken from each individual sampling point in the lot through the full depth of the lot (static sampling), or taken from the product stream during a stated portion of time (flowing commodities sampling).
- (c) *Bulk sample*: quantity of product obtained by combining and mixing the increments taken from a specific lot.
- (d) *Laboratory sample*: quantity of product taken from the bulk sample intended for laboratory inspection and testing.
- (e) *Analytical sample*: homogenised laboratory sample, consisting either of the whole laboratory sample or a representative portion thereof.

Article 3

Prior notification

Feed and food business operators or their representatives shall give adequate prior notification of the estimated date and time at the designated point of entry of the physical arrival of the

Article 4

Import conditions

1. Each consignment of products referred to in Article 1 shall be accompanied by an analytical report for each lot, and by a health certificate in accordance with the models set out in Annexes III and IV, completed, signed and verified by an authorised representative of the 'Entry Exit Inspection and Quarantine Bureau of the People's Republic of China' (AQSIQ).

2. Where a product referred to in Annex I is not containing, consisting of or produced from rice, the analytical report and the health certificate may be replaced by a statement from the operator responsible for the consignment indicating that the food or feed is not containing, consisting or produced from rice.

3. Sampling and analysis for the purposes of the analytical report referred to in paragraph 1 shall be performed in accordance with Annex II.

4. Each consignment shall be identified with the code appearing on the health certificate. Each individual bag, or other packaging form, of the consignment shall be identified with that code.

Article 5

Official controls

1. The competent authority of a Member State shall ensure that all the products referred to in Article 1 are subject to documentary checks to ensure that the import conditions provided for in Article 4 are complied with.

2. Where a consignment of products other than those described in Article 4(2) is not accompanied by a health certificate and the analytical report provided for in Article 4, the consignment shall be re-dispatched to the country of origin or destroyed.

3. Where a consignment is accompanied by the health certificate and the analytical report provided for in Article 4 the competent authority shall take a sample for analysis in accordance with Annex II for the presence of unauthorised GMOs with a frequency of 100 %. If the consignment consists of several lots, each lot shall be submitted to sampling and analysis.

⁽¹⁾ OJ L 165, 30.4.2004, p. 1.

⁽²⁾ OJ L 194, 25.7.2009, p. 11.

4. The competent authority may authorise onward transportation of the consignment pending the results of the physical checks. In such a case the consignment shall remain under the continuous control of the competent authorities pending the results of the physical checks.

5. The release for free circulation of consignments shall only be allowed when, following sampling and analyses performed in accordance with Annex II, all lots of that consignment are considered compliant with Union Law.

Article 6

Reporting to the Commission

1. Member States shall prepare a report every 3 months, giving an account of all the results of all analytical tests carried out in the previous 3 months on consignments of the products referred to in Article 1.

Those reports shall be submitted to the Commission during the month following each three-month period, in April, July, October, and January.

2. The report shall include the following information:

- (a) the number of consignments subjected to sampling for analysis;
- (b) the results of the checks as provided for in Article 5;
- (c) the number of consignments which have been rejected due to the absence of a health certificate or an analytical report.

Article 7

Splitting of a consignment

Consignments shall not be split until all official controls have been completed by the competent authorities.

In the case of subsequent splitting following official control, an authenticated copy of the health certificate and the analytical report shall accompany each part of the split consignment.

Article 8

Costs

All costs resulting from the official controls including sampling, analysis, storage and any measures taken following non-compliance, shall be borne by the food and feed business operators.

Article 9

Transitional provisions

By way of derogation from Article 4(1), Member States shall authorise the imports of consignments of products referred to in Article 1 which left China prior to 1st of February 2012 provided that sampling and analysis has been conducted in accordance with the Article 4.

Article 10

Review of the measure

The measures provided for in this Decision shall be reviewed by the 6 months following adoption at the latest.

Article 11

Repeal

Decision 2008/289/EC is hereby repealed.

References to the repealed Decision shall be construed as references to this Decision.

Article 12

Entry into force

This Decision shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

Done at Brussels, 22 December 2011.

For the Commission

The President

José Manuel BARROSO

ANNEX I

LIST OF PRODUCTS

Product	CN code
Rice in the husk ('paddy' or rough)	1006 10
Husked (brown) rice	1006 20
Semi-milled or wholly milled rice, whether or not polished or glazed	1006 30
Broken rice	1006 40 00
Rice flour	1102 90 50
Rice groats and meal	1103 19 50
Rice pellets	1103 20 50
Flaked rice grains	1104 19 91
Rolled or flaked cereal grains (excluding grains of oats, wheat, rye, maize and barley, and flaked rice)	1104 19 99
Rice starch	1108 19 10
Preparations for infant use, put up for retail sale	1901 10 00
Uncooked pasta, not stuffed or otherwise prepared, containing eggs	1902 11 00
Uncooked pasta, not stuffed or otherwise prepared, not containing eggs	1902 19
Stuffed pasta, whether or not cooked or otherwise prepared	1902 20
Other pasta (other than uncooked pasta, not stuffed or otherwise prepared, and other than stuffed pasta, whether or not cooked or otherwise prepared)	1902 30
Prepared foods obtained by swelling or roasting cereals or cereal products, obtained from rice	1904 10 30
Preparations of the muesli-type based on unroasted cereal flakes	1904 20 10
Prepared foods obtained from unroasted cereal flakes or from mixtures of unroasted cereal flakes and roasted cereal flakes or swelled cereals, obtained from rice (excluding preparations of the muesli-type on the basis of unroasted cereal flakes)	1904 20 95
Rice, pre-cooked or otherwise prepared, not elsewhere specified or included (excluding flour, groats and meal, food preparations obtained by swelling or roasting or from unroasted cereal flakes or from mixtures of unroasted cereal flakes and roasted cereal flakes or swelled cereals)	1904 90 10
Ricepaper	ex 1905 90 20
Biscuits	1905 90 45
Extruded or expanded products, savoury or salted	1905 90 55
Bran, sharps and other residues, whether or not in the form of pellets, derived from the sifting, milling or other working of rice with a starch content not exceeding 35 % by weight	2302 40 02
Bran, sharps and other residues, whether or not in the form of pellets, derived from the sifting, milling or other working of rice other than with a starch content not exceeding 35 % by weight	2302 40 08
Peptones and their derivatives; other protein substances and their derivatives, not elsewhere specified or included; hide powder, whether or not chromed	3504 00 00

ANNEX II

Methods of sampling and analysis for official control regarding unauthorised genetically modified organism in rice products originating from China

1. General provisions

Samples intended for the official control for the absence of GM rice in rice products shall be taken according to the methods described in this Annex. The bulk samples thus obtained shall be considered as representative of the lots from which they are taken.

2. Sampling

2.1. Sampling lots of bulk commodities and preparation of the analytical samples

The number of incremental samples which make up the bulk sample and the preparation of the analytical samples shall be made in accordance with Recommendation 2004/787/EC and Regulation (EC) No 152/2009 for feed. The size of the laboratory sample shall be 2,5 kg but may be reduced to 500 grams for processed food or feed. For the purpose of Article 11(5) of Regulation (EC) No 882/2004, a second laboratory sample shall be constituted from the bulk sample.

2.2. Sampling of prepacked food and feed

The number of incremental samples for the constitution of the bulk sample and the preparation of the analytical samples shall be made in accordance with CEN/ISO 15568 or equivalent. The size of the laboratory sample shall be 2,5 kg but may be reduced to 500 grams for processed food or feed. For the purpose of Article 11(5) of Regulation (EC) No 882/2004, a second laboratory sample shall be constituted from the bulk sample.

3. Analysis of the laboratory sample

The laboratory analysis at the point of origin shall be carried out in a designated AQSIQ laboratory, and prior to release for free circulation in the Union in a Member State designated official control laboratory. Screening tests shall be performed by real-time PCR according to the method published by the EU-RL GMFF ⁽¹⁾, for at least the following genetic elements: the CAMV (Cauliflower Mosaic Virus) 35S promoter, the NOS (nopaline synthase) terminator from *Agrobacterium tumefaciens* and the engineered CryIAb, CryIAc and/or CryIAb/CryIAc from *Bacillus thuringiensis*.

In the case of grain samples the designated control laboratory shall take from the homogenised laboratory sample four analytical samples of 240 grams (equivalent 10 000 rice grains). For processed products such as flour, pasta or starch the analytical samples this may be reduced to 125 grams. The four analytical samples shall be ground and further analysed separately. Two extractions shall be made from each analytical sample. One PCR test for each GM genetic element shall be made for each extraction in accordance with the screening methods detailed under point 4 below. The consignment shall be considered non-compliant if at least one GM genetic element is considered detectable in at least one analytical sample of the consignment according to the guidelines provided in the EU-RL report.

4. The following analytical methods shall be used:

- (a) For screening for the CAMV (Cauliflower Mosaic Virus) 35S promoter and the NOS (nopaline synthase) terminator from *Agrobacterium tumefaciens*.

ISO 21570: 2005 Methods of analysis for the detection of genetically modified organisms and derived products—quantitative nucleic acid based methods. Annex B1.

H.-U. Waiblinger *et al.*, (2008) 'Validation and collaborative study of a P35S and T-nos duplex real-time screening method to detect genetically modified organisms in food products' Eur. Food Res. and Technol., Volume 226, 1221-1228.

E. Barbau-Piednoir *et al.*, (2010) 'SYBR®Green qPCR screening methods for the presence of "35S promoter" and "NOS terminator" elements in food and feed products' Eur. Food Res. and Technol. Volume 230, 383-393.

Reiting R, Broll H, Waiblinger HU, Grohmann L (2007) Collaborative study of a T-nos real-time PCR method for screening of genetically modified organisms in food products. J Verbr Lebensm 2:116–121.

⁽¹⁾ <http://gmo-crl.jrc.ec.europa.eu>

(b) For screening for the engineered CryIAb, CryIAC and/or CryIAb/CryIAC from *Bacillus thuringiensis*.

E. Barbau-Piednoir *et al.*, (in press) 'Four new SYBR®Green qPCR screening methods for the detection of Roundup Ready®, LibertyLink® and CryIAb traits in genetically modified products' Eur. Food Res. and Technol DOI 10.1007/s00217-011-1605-7.

Following verification of the specificity of the methods by the EU-RL GMFF on a wide variety of Chinese rice samples such method shall be considered as appropriate for these screening purposes.

5. The application of the above screening methods shall take into consideration the guidance document published by the EU RL GMFF.
-

ANNEX III

MODEL OF HEALTH CERTIFICATE

Header of the authority

Health Certificate for the importation into the European Union of

.....
Consignment Code: **Certificate Number:**

According to the provisions of Commission Implementing Decision 2011/884/EU on emergency measures regarding unauthorised genetically modified rice in rice products originating from China and repealing Decision 2008/289/EC

.....
(competent authority referred to in Article 4(1) of Implementing Decision 2011/884/EU)

CERTIFIES that the
(insert foodstuffs/feed referred to in Article 1 of Implementing Decision 2011/884/EU)

of this consignment composed of:
(description of consignment, product, number and type of packages, gross or net weight)

embarked at
(embarkation place)

by
(identification of transporter)

going to
(place and country of destination)

which comes from the establishment
(name and address of establishment)

have been produced, sorted, handled, processed, packaged and transported in line with good hygiene practices.

From this consignment, samples were taken in accordance with Annex II of Implementing Decision 2011/884/EU on (date), subjected to laboratory analysis on (date) in the (name of laboratory), to determine the absence of any unauthorised GM Rice.

The details of sampling, methods of analysis used and all results are attached.

This certificate is valid until

Done at: on

Stamp and signature of authorised representative of competent authority referred to in Article 4(1) of Implementing Decision 2011/884/EU

ANNEX IV

MODEL OF ANALYTICAL REPORT

Note: please compile an annex form for each sample tested

Parameter to be reported	Information provided
Name and address of the test laboratory (*)	
Test report identification code (*)	<<000>>
Laboratory sample identification code (*)	<<000>>
Size of laboratory sample (*)	X kg
In case of sample division: Number and size of analytical samples	X analytical samples of Y g
Number and size of test portions analysed (*)	X test portions of Y mg
Total DNA amount analysed (*)	X ng/PCR
DNA sequence(s) tested for (*):	For each of the following provide reference to the method used and the average Ct number obtained Rice marker: 35S promoter: NOS terminator: CryIAb/CryIAc:
Other sequence(s) tested for:	Validation status: (e.g. inter-laboratory validated, in-house validated [please indicate according to which standard, guideline]) Description of DNA sequences detected (reference + target genes): Specificity of the method (screening, construct-specific or event-specific): Absolute Limit of Detection (copy number): Practical Limit of Detection (LOD related to the sample analysed), if determined:
Description of positive controls for target DNA, and reference materials (*)	Source and nature of the positive control and reference materials (e.g. plasmid, genomic DNA, CRM ...)
Information on the positive control (*)	Please indicate the amount (in ng DNA) of positive control analysed and the average Ct number obtained
Comments	
(*) Obligatory fields	

CORRIGENDA**Corrigendum to Commission Decision 2008/312/Euratom of 5 March 2008 establishing the standard document for the supervision and control of shipments of radioactive waste and spent fuel referred to in Council Directive 2006/117/Euratom**

(Official Journal of the European Union L 107 of 17 April 2008)

On page 58, Annex, explanatory note 33(c):

for: '... and submit this section directly to the competent authority which issued the authorisation. ...',

read: '... and submit this section directly to the competent authority of the Member State of destination. ...'.

2011/873/EU:

- ★ **Commission Implementing Decision of 14 December 2011 on the determination of quantities and the allocation of quotas for substances controlled under Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer, for the period 1 January to 31 December 2012** (notified under document C(2011) 9196)..... 57

2011/874/EU:

- ★ **Commission Implementing Decision of 15 December 2011 laying down the list of third countries and territories authorised for imports of dogs, cats and ferrets and for non-commercial movements of more than five dogs, cats and ferrets into the Union and the model certificates for imports and non-commercial movements of those animals into the Union** (notified under document C(2011) 9232) ⁽¹⁾ 65

2011/875/EU:

- ★ **Commission Implementing Decision of 16 December 2011 exempting certain financial services in the postal sector in Hungary from the application of Directive 2004/17/EC of the European Parliament and of the Council coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sector** (notified under document C(2011) 9197) ⁽¹⁾ 77

2011/876/EU:

- ★ **Commission Decision of 19 December 2011 granting certain parties an exemption from the extension to certain bicycle parts of the anti-dumping duty on bicycles originating in the People's Republic of China imposed by Council Regulation (EEC) No 2474/93, lifting the suspension and revoking the exemption of the payment of the anti-dumping duty extended to certain bicycle parts originating in the People's Republic of China granted to certain parties pursuant to Commission Regulation (EC) No 88/97** (notified under document C(2011) 9473)..... 86

2011/877/EU:

- ★ **Commission Implementing Decision of 19 December 2011 establishing harmonised efficiency reference values for separate production of electricity and heat in application of Directive 2004/8/EC of the European Parliament and of the Council and repealing Commission Decision 2007/74/EC** (notified under document C(2011) 9523) 91

2011/878/EU:

- ★ **Commission Implementing Decision of 20 December 2011 confirming the provisional calculation of average specific CO₂ emissions and specific emissions targets for manufacturers of passenger cars for the calendar year 2010 pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council** ⁽¹⁾ 97

2011/879/EU:

- ★ **Commission Implementing Decision of 21 December 2011 amending Annexes II and IV to Council Directive 2009/158/EC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs** (notified under document C(2011) 9518) ⁽¹⁾..... 105



⁽¹⁾ Text with EEA relevance

2011/880/EU:

- ★ **Commission Implementing Decision of 21 December 2011 amending Annex I to Implementing Decision 2011/402/EU on emergency measures applicable to fenugreek seeds and certain seeds and beans imported from Egypt** (notified under document C(2011) 9524) ⁽¹⁾ 117

2011/881/EU:

- ★ **Commission Implementing Decision of 21 December 2011 concerning the adoption of a financing decision to support voluntary surveillance studies on honeybee colony losses** (notified under document C(2011) 9597) 119

2011/882/EU:

- ★ **Commission Implementing Decision of 21 December 2011 authorising the placing on the market of a novel chewing gum base as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council** (notified under document C(2011) 9680) 121

2011/883/EU:

- ★ **Commission Implementing Decision of 21 December 2011 establishing the list of Union inspectors pursuant to Article 79(1) of Council Regulation (EC) No 1224/2009** (notified under document C(2011) 9701) 123

2011/884/EU:

- ★ **Commission Implementing Decision of 22 December 2011 on emergency measures regarding unauthorised genetically modified rice in rice products originating from China and repealing Decision 2008/289/EC** ⁽¹⁾ 140

Corrigenda

- ★ **Corrigendum to Commission Decision 2008/312/Euratom of 5 March 2008 establishing the standard document for the supervision and control of shipments of radioactive waste and spent fuel referred to in Council Directive 2006/117/Euratom** (OJ L 107, 17.4.2008) 149



⁽¹⁾ Text with EEA relevance

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