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Contents

I *Legislative acts*

DIRECTIVES

- ★ **Directive 2012/17/EU of the European Parliament and of the Council of 13 June 2012 amending Council Directive 89/666/EEC and Directives 2005/56/EC and 2009/101/EC of the European Parliament and of the Council as regards the interconnection of central, commercial and companies registers ⁽¹⁾** 1

II *Non-legislative acts*

REGULATIONS

- ★ **Council Regulation (EU) No 509/2012 of 15 June 2012 amending Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria** 10
- ★ **Commission Implementing Regulation (EU) No 510/2012 of 15 June 2012 amending Regulation (EC) No 1238/95 as regards the application fee payable to the Community Plant Variety Office** 38
- ★ **Commission Implementing Regulation (EU) No 511/2012 of 15 June 2012 on notifications concerning producer and interbranch organisations and contractual negotiations and relations provided for in Council Regulation (EC) No 1234/2007 in the milk and milk products sector** 39

Price: EUR 3

(Continued overleaf)

⁽¹⁾ Text with EEA relevance

EN

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

The titles of all other acts are printed in bold type and preceded by an asterisk.

Commission Implementing Regulation (EU) No 512/2012 of 15 June 2012 establishing the standard import values for determining the entry price of certain fruit and vegetables	41
---	----

Commission Implementing Regulation (EU) No 513/2012 of 15 June 2012 fixing the import duties in the cereals sector applicable from 16 June 2012	43
---	----

I

(Legislative acts)

DIRECTIVES

DIRECTIVE 2012/17/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 13 June 2012

amending Council Directive 89/666/EEC and Directives 2005/56/EC and 2009/101/EC of the European Parliament and of the Council as regards the interconnection of central, commercial and companies registers

(Text with EEA relevance)

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 Article 50 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

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

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) Businesses are increasingly expanding beyond national borders, using the opportunities offered by the internal market. Cross-border groups, as well as many restructuring operations, such as mergers and divisions, involve companies from different Member States. Consequently, there is an increasing demand for access to information on companies in a cross-border context. However, official information on companies is not always readily available on a cross-border basis.
- (2) Eleventh Council Directive 89/666/EEC of 21 December 1989 concerning disclosure requirements in respect of branches opened in a Member State by certain types of company governed by the law of another State ⁽³⁾ estab-

lishes the list of documents and particulars that companies have to disclose in the register of their branch. However, there is no legal obligation on the registers to exchange data concerning foreign branches. This leads to legal uncertainty for third parties as, despite the striking-off of the company from the register, its branch may continue to operate.

- (3) Operations such as cross-border mergers have made day-to-day cooperation between business registers a necessity. Directive 2005/56/EC of the European Parliament and of the Council of 26 October 2005 on cross-border mergers of limited liability companies ⁽⁴⁾ requires the registers to cooperate across borders. There are, however, no established channels of communication that could accelerate procedures, help overcome language problems, and enhance legal certainty.

- (4) Directive 2009/101/EC of the European Parliament and of the Council of 16 September 2009 on coordination of safeguards which, for the protection of the interests of members and third parties, are required by Member States of companies within the meaning of the second paragraph of Article 54 of the Treaty, with a view to making such safeguards equivalent ⁽⁵⁾ ensures, inter alia, that documents and particulars stored in the register can be accessed by paper means or by electronic means. However, citizens and companies still need to search the register on a country-by-country basis, in particular because the current voluntary cooperation between registers has not proved to be sufficient.

⁽¹⁾ OJ C 248, 25.8.2011, p. 118.

⁽²⁾ Position of the European Parliament of 14 February 2012 (not yet published in the Official Journal) and decision of the Council of 10 May 2012.

⁽³⁾ OJ L 395, 30.12.1989, p. 36.

⁽⁴⁾ OJ L 310, 25.11.2005, p. 1.

⁽⁵⁾ OJ L 258, 1.10.2009, p. 11.

Editorial note: the title of Directive 2009/101/EC has been adjusted to take account of the renumbering of the articles of the Treaty establishing the European Community, in accordance with Article 5 of the Treaty of Lisbon; the original reference was to the second paragraph of Article 48 of the Treaty.

- (5) The Commission Communication on the Single Market Act identified the interconnection of central, commercial and companies registers as a measure required to create a more business-friendly legal and fiscal environment. The interconnection should contribute to fostering the competitiveness of European business by reducing administrative burdens and increasing legal certainty and thus contributing to an exit from the global economic and financial crisis, which is one of the priorities of the agenda Europe 2020. It should also improve cross-border communication between registers by using innovations in information and communication technology.
- (6) The Council Conclusions of 25 May 2010 on the interconnection of business registers confirmed that improving access to up-to-date and trustworthy information on companies could encourage greater confidence in the market, help recovery, and increase the competitiveness of European business.
- (7) The European Parliament in its resolution of 7 September 2010 on the interconnection of business registers⁽¹⁾ emphasised that the usefulness of the project for the further integration of the European Economic Area can only be exploited if all Member States take part in the network.
- (8) The Multi-annual European e-Justice action plan 2009-2013⁽²⁾ provides for the development of a European e-Justice portal ('the portal') as the single European electronic access point for legal information, judicial and administrative institutions, registers, databases and other services and considers the interconnection of central, commercial and companies registers to be important.
- (9) Cross-border access to business information on companies and their branches opened in other Member States can only be improved if all Member States engage in enabling electronic communication to take place between registers and transmitting information to individual users in a standardised way, by means of identical content and interoperable technologies, throughout the Union. This interoperability of registers should be ensured by the registers of Member States ('domestic registers') providing services, which should constitute interfaces to the European central platform ('the platform'). The platform should be a centralised set of information technology tools integrating services and should form a common interface. That interface should be used by all domestic registers. The platform should also provide services constituting an interface to the portal serving as the European electronic access point, and to the optional access points established by Member States. The platform should be conceived only as an instrument for the interconnection of registers and not as a distinct entity possessing legal personality. On the basis of unique identifiers, the platform should be capable of distributing information from each of the Member States' registers to the competent registers of other Member States in a standard message format (an electronic form of messages exchanged between information technology systems, such as, for example, xml) and in the relevant language version.
- (10) This Directive is not aimed at establishing any centralised registers database storing substantive information about companies. At the stage of implementation of the system of interconnection of central, commercial and companies registers ('the system of interconnection of registers'), only the set of data necessary for the correct functioning of the platform should be defined. The scope of those data should include, in particular, operational data, dictionaries and glossaries. It should be determined taking also into account the need to ensure the efficient operation of the system of interconnection of registers. Those data should be used for the purpose of enabling the platform to perform its functions and should never be made publicly available in a direct form. Moreover, the platform should modify neither the content of the data on companies stored in domestic registers nor the information about companies transmitted through the system of interconnection of registers.
- (11) Since the objective of this Directive is not to harmonise national systems of central, commercial and companies registers, there is no obligation on the Member States to change their internal systems of registers, in particular as regards the management and storage of data, fees, and the use and disclosure of information for national purposes.
- (12) Within the framework of this Directive, the portal will deal, through the use of the platform, with queries submitted by individual users concerning the information on companies and their branches opened in other Member States which is stored in the domestic registers. That will enable the search results to be presented on the portal, including the explanatory labels in all the official languages of the Union, listing the information provided. In addition, in order to improve the protection of third parties in other Member States, basic information on the legal value of documents and particulars disclosed pursuant to the laws of Member States adopted in accordance with Directive 2009/101/EC should be available on the portal.
- (13) Member States should be able to establish one or more optional access points, which may have an impact on the use and operation of the platform. Therefore, the Commission should be notified of their establishment and of any significant changes to their operation, in particular of their closure. Such notification should not in any way restrict the powers of Member States as to the establishment and operation of the optional access points.

(1) OJ C 308 E, 20.10.2011, p. 1.

(2) OJ C 75, 31.3.2009, p. 1.

- (14) Companies and their branches opened in other Member States should have a unique identifier allowing them to be unequivocally identified within the Union. The identifier is intended to be used for communication between registers through the system of interconnection of registers. Therefore, companies and branches should not be obliged to include the unique identifier in the company letters or order forms mentioned in Directives 89/666/EEC and 2009/101/EC. They should continue to use their domestic registration number for their own communication purposes.
- (15) It should be made possible to establish a clear connection between the register of a company and the registers of its branches opened in other Member States, consisting in the exchange of information on the opening and termination of any winding-up or insolvency proceedings of the company and on the striking-off of the company from the register, if this entails legal consequences in the Member State of the register of the company. While Member States should be able to decide on the procedures they follow with respect to the branches registered in their territory, they should ensure, at least, that the branches of a dissolved company are struck off the register without undue delay and, if applicable, after liquidation proceedings of the branch concerned. This obligation should not apply to branches of companies that have been struck off the register but which have a legal successor, such as in the case of any change in the legal form of the company, a merger or division, or a cross-border transfer of its registered office.
- (16) This Directive should not apply to a branch opened in a Member State by a company which is not governed by the law of a Member State, as provided for in Article 7 of Directive 89/666/EEC.
- (17) Directive 2005/56/EC should be amended in order to ensure that communication between registers is carried out through the system of interconnection of registers.
- (18) Member States should ensure that, in the event of any changes to information entered in the registers concerning companies, the information is updated without undue delay. The update should be disclosed, normally, within 21 days from receipt of the complete documentation regarding those changes, including the legality check in accordance with national law. That time limit should be interpreted as requiring Member States to make reasonable efforts to meet the deadline laid down in this Directive. It should not be applicable as regards the accounting documents which companies are obliged to submit for each financial year. This exclusion is justified by the overload on the domestic registers during reporting periods. In accordance with general legal principles common to all Member States, the time limit of 21 days should be suspended in cases of *force majeure*.
- (19) Should the Commission decide to develop and/or operate the platform through a third party, this should be done in accordance with 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⁾. An appropriate degree of Member States' involvement in this process should be ensured by establishing the technical specifications for the purpose of the public procurement procedure by means of implementing acts adopted in accordance with the examination procedure referred to in Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers⁽²⁾.
- (20) Should the Commission decide to operate the platform through a third party, the continuity of the provision of services by the system of interconnection of registers and a proper public supervision of the functioning of the platform should be ensured. Detailed rules on the operational management of the platform should be adopted by means of implementing acts adopted in accordance with the examination procedure referred to in Article 5 of Regulation (EU) No 182/2011. In any case, the involvement of Member States in the functioning of the whole system should be ensured by means of a regular dialogue between the Commission and the representatives of Member States on the issues concerning the operation of the system of interconnection of registers and its future development.
- (21) The interconnection of central, commercial and companies registers necessitates the coordination of national systems having varying technical characteristics. This entails the adoption of technical measures and specifications which need to take account of differences between registers. In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission to tackle these technical and operational issues. Those powers should be exercised in accordance with the examination procedure referred to in Article 5 of Regulation (EU) No 182/2011.
- (22) This Directive should not limit the right of Member States to charge fees for obtaining information on companies through the system of interconnection of registers, if such fees are required under national law. Therefore, technical measures and specifications for the system of interconnection of registers should allow for the establishment of payment modalities. In this respect, this Directive should not prejudice any specific technical solution as the payment modalities should be determined at the stage of adoption of the implementing acts, taking into account widely available online payment facilities.
- (23) It could be desirable for third countries to be able, in the future, to participate in the system of interconnection of registers.

⁽¹⁾ OJ L 248, 16.9.2002, p. 1.

⁽²⁾ OJ L 55, 28.2.2011, p. 13.

- (24) An equitable solution regarding the funding of the system of interconnection of registers entails participation both by the Union and by its Member States in the financing of that system. The Member States should bear the financial burden of adjusting their domestic registers to that system, while the central elements — the platform and the portal serving as the European electronic access point — should be funded from an appropriate budget line in the general budget of the Union. In order to supplement non-essential elements of this Directive, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the charging of fees for obtaining company information. This does not affect the possibility for the domestic registers to charge fees, but it may involve an additional fee in order to co-finance the maintenance and functioning of the platform. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.
- (25) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽¹⁾ and Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽²⁾ govern the processing of personal data, including the electronic transmission of personal data within the Member States. Any processing of personal data by the registers of Member States, by the Commission and, if applicable, by any third party involved in operating the platform should take place in compliance with those acts. The implementing acts to be adopted in relation to the system of interconnection of registers should, where appropriate, ensure such compliance, in particular by establishing the relevant tasks and responsibilities of all the participants concerned and the organisational and technical rules applicable to them.
- (26) The system of interconnection of registers requires the Member States to make necessary adaptations consisting, in particular, in the development of an interface linking each register to the platform in order for that system to become operational. Therefore, this Directive should provide for a deferred time limit for the transposition and application by the Member States of the provisions regarding the technical operation of that system. This time limit should follow the adoption by the Commission of all the implementing acts concerning the technical measures and specifications for the system of interconnection of registers. The time limit for the transposition and application of the provisions of the Directive regarding the technical operation of the system of interconnection of registers should be sufficient to enable Member States to accomplish the legal and technical adaptations needed in order to make that system fully operational within a reasonable time-frame.
- (27) In accordance with the Joint Political Declaration of Member States and the Commission of 28 September 2011 on explanatory documents ⁽³⁾, 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.
- (28) This Directive respects fundamental rights and observes the principles enshrined in the Charter of Fundamental Rights of the European Union, in particular Article 8 thereof, which states that everyone has the right to the protection of personal data concerning him or her.
- (29) Since the objectives of this Directive, namely improving cross-border access to business information, ensuring that up-to-date information is stored in the register of branches and establishing clear channels of communication between registers in cross-border registration procedures, cannot be sufficiently achieved by the Member States and can therefore, by reason of their scale and effects, 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. 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.
- (30) Directives 89/666/EEC, 2005/56/EC and 2009/101/EC should therefore be amended accordingly.
- (31) The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001 and delivered an opinion on 6 May 2011 ⁽⁴⁾,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Amendments to Directive 89/666/EEC

Directive 89/666/EEC is hereby amended as follows:

(1) In Article 1, the following paragraphs are added:

'3. The documents and particulars referred to in Article 2(1) shall be made publicly available through the system of interconnection of central, commercial and companies registers established in accordance with Article 4a(2) of Directive 2009/101/EC of the European Parliament and of the Council of 16 September 2009 on

⁽¹⁾ OJ L 281, 23.11.1995, p. 31.

⁽²⁾ OJ L 8, 12.1.2001, p. 1.

⁽³⁾ OJ C 369, 17.12.2011, p. 14.

⁽⁴⁾ OJ C 220, 26.7.2011, p. 1.

coordination of safeguards which, for the protection of the interests of members and third parties, are required by Member States of companies within the meaning of the second paragraph of Article 54 of the Treaty, with a view to making such safeguards equivalent (*) ("the system of interconnection of registers"). Article 3b and Article 3c(1) of that Directive shall apply *mutatis mutandis*.

4. Member States shall ensure that branches have a unique identifier allowing them to be unequivocally identified in communication between registers through the system of interconnection of registers. That unique identifier shall comprise, at least, elements making it possible to identify the Member State of the register, the domestic register of origin and the branch number in that register, and, where appropriate, features to avoid identification errors.

(*) OJ L 258, 1.10.2009, p. 11.

Editorial note: the title of Directive 2009/101/EC has been adjusted to take account of the renumbering of the articles of the Treaty establishing the European Community, in accordance with Article 5 of the Treaty of Lisbon; the original reference was to the second paragraph of Article 48 of the Treaty.'

(2) The following Article is inserted:

'Article 5a

1. The register of the company shall, through the system of interconnection of registers, make available, without delay, the information on the opening and termination of any winding-up or insolvency proceedings of the company and on the striking-off of the company from the register, if this entails legal consequences in the Member State of the register of the company.

2. The register of the branch shall, through the system of interconnection of registers, ensure the receipt, without delay, of the information referred to in paragraph 1.

3. The exchange of information referred to in paragraphs 1 and 2 shall be free of charge for the registers.

4. Member States shall determine the procedure to be followed upon receipt of the information referred to in paragraphs 1 and 2. Such procedure shall ensure that, where a company has been dissolved or otherwise struck off the register, its branches are likewise struck off the register without undue delay.

5. The second sentence of paragraph 4 shall not apply to branches of companies that have been struck off the register as a consequence of any change in the legal form of the company concerned, a merger or division, or a cross-border transfer of its registered office.'

(3) The following Section is inserted:

'SECTION IIIA

DATA PROTECTION

Article 11a

The processing of personal data carried out in the context of this Directive shall be subject to Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (*).

(*) OJ L 281, 23.11.1995, p. 31.'

Article 2

Amendments to Directive 2005/56/EC

Directive 2005/56/EC is hereby amended as follows:

(1) Article 13 is replaced by the following:

'Article 13

Registration

The law of each of the Member States to whose jurisdiction the merging companies were subject shall determine, with respect to the territory of that State, the arrangements, in accordance with Article 3 of Directive 2009/101/EC of the European Parliament and of the Council of 16 September 2009 on coordination of safeguards which, for the protection of the interests of members and third parties, are required by Member States of companies within the meaning of the second paragraph of Article 54 of the Treaty, with a view to making such safeguards equivalent (*), for publicising the completion of the cross-border merger in the public register in which each of the companies is required to file documents.

The registry for the registration of the company resulting from the cross-border merger shall notify, through the system of interconnection of central, commercial and companies registers established in accordance with Article 4a(2) of Directive 2009/101/EC and without delay, the registry in which each of the companies was required to file documents that the cross-border merger has taken effect. Deletion of the old registration, if applicable, shall be effected on receipt of that notification, but not before.

(*) OJ L 258, 1.10.2009, p. 11.

Editorial note: the title of Directive 2009/101/EC has been adjusted to take account of the renumbering of the articles of the Treaty establishing the European Community, in accordance with Article 5 of the Treaty of Lisbon; the original reference was to the second paragraph of Article 48 of the Treaty.'

(2) The following Article is inserted:

'Article 17a

Data protection

The processing of personal data carried out in the context of this Directive shall be subject to Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (*).

(*) OJ L 281, 23.11.1995, p. 31.'

Article 3

Amendments to Directive 2009/101/EC

Directive 2009/101/EC is hereby amended as follows:

(1) The following Article is inserted:

'Article 2a

1. Member States shall take the measures required to ensure that any changes in the documents and particulars referred to in Article 2 are entered in the competent register referred to in the first subparagraph of Article 3(1) and are disclosed, in accordance with Article 3(3) and (5), normally within 21 days from receipt of the complete documentation regarding those changes including, if applicable, the legality check as required under national law for entry in the file.

2. Paragraph 1 shall not apply to the accounting documents referred to in Article 2(f).'

(2) In Article 3(1), the following subparagraph is added:

'Member States shall ensure that companies have a unique identifier allowing them to be unequivocally identified in communication between registers through the system of interconnection of central, commercial and companies registers established in accordance with Article 4a(2) ("the system of interconnection of registers"). That unique identifier shall comprise, at least, elements making it possible to identify the Member State of the register, the domestic register of origin and the company number in that register and, where appropriate, features to avoid identification errors.'

(3) The following Articles are inserted:

'Article 3a

1. Member States shall ensure that up-to-date information is made available explaining the provisions of national law according to which third parties can rely on particulars and each type of document referred to in Article 2, in accordance with Article 3(5), (6) and (7).

2. Member States shall provide the information required for publication on the European e-Justice portal ("the portal") in accordance with the portal's rules and technical requirements.

3. The Commission shall publish that information on the portal in all the official languages of the Union.

Article 3b

1. Electronic copies of the documents and particulars referred to in Article 2 shall also be made publicly available through the system of interconnection of registers.

2. Member States shall ensure that the documents and particulars referred to in Article 2 are available through the system of interconnection of registers in a standard message format and accessible by electronic means. Member States shall also ensure that minimum standards for the security of data transmission are respected.

3. The Commission shall provide a search service in all the official languages of the Union in respect of companies registered in the Member States, in order to make available through the portal:

- (a) the documents and particulars referred to in Article 2;
- (b) the explanatory labels, available in all the official languages of the Union, listing those particulars and the types of those documents.

Article 3c

1. The fees charged for obtaining the documents and particulars referred to in Article 2 through the system of interconnection of registers shall not exceed the administrative costs thereof.

2. Member States shall ensure that the following particulars are available free of charge through the system of interconnection of registers:

- (a) the name and legal form of the company;
- (b) the registered office of the company and the Member State where it is registered; and
- (c) the registration number of the company.

In addition to those particulars, Member States may choose to make further documents and particulars available free of charge.

Article 3d

1. The register of the company shall, through the system of interconnection of registers, make available, without delay, the information on the opening and termination of any winding-up or insolvency proceedings of the company and on the striking-off of the company from the register, if this entails legal consequences in the Member State of the register of the company.

2. The register of the branch shall, through the system of interconnection of registers, ensure receipt, without delay, of the information referred to in paragraph 1.

3. The exchange of information referred to in paragraphs 1 and 2 shall be free of charge for the registers.'

(4) The following Articles are inserted:

Article 4a

1. A European central platform ("the platform") shall be established.

2. The system of interconnection of registers shall be composed of:

- the registers of Member States,
- the platform,
- the portal serving as the European electronic access point.

3. The Member States shall ensure the interoperability of their registers within the system of interconnection of registers via the platform.

4. Member States may establish optional access points to the system of interconnection of registers. They shall notify the Commission without undue delay of the establishment of such access points and of any significant changes to their operation.

5. Access to information from the system of interconnection of registers shall be ensured through the portal and through the optional access points established by the Member States.

6. The establishment of the system of interconnection of registers shall not affect existing bilateral agreements concluded between Member States concerning the exchange of information on companies.

Article 4b

1. The Commission shall decide to develop and/or operate the platform either by its own means or through a third party.

Should the Commission decide to develop and/or operate the platform through a third party, the choice of the third party and the enforcement by the Commission of the agreement concluded with that third party shall be done in accordance with 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. Should the Commission decide to develop the platform through a third party, it shall, by means of implementing acts, establish the technical specifications for the purpose of the public procurement procedure and the duration of the agreement to be concluded with that third party.

3. Should the Commission decide to operate the platform through a third party, it shall, by means of implementing acts, adopt detailed rules on the operational management of the platform.

The operational management of the platform shall include, in particular:

- the supervision of the functioning of the platform,
- the security and protection of data distributed and exchanged using the platform,
- the coordination of relations between Member States' registers and the third party.

The supervision of the functioning of the platform shall be carried out by the Commission.

4. The implementing acts referred to in paragraphs 2 and 3 shall be adopted in accordance with the examination procedure referred to in Article 4e(2).

Article 4c

By means of implementing acts, the Commission shall adopt the following:

- (a) the technical specification defining the methods of communication by electronic means for the purpose of the system of interconnection of registers;
- (b) the technical specification of the communication protocols;
- (c) the technical measures ensuring the minimum information technology security standards for communication and distribution of information within the system of interconnection of registers;
- (d) the technical specification defining the methods of exchange of information between the register of the company and the register of the branch as referred to in Article 3d of this Directive and in Article 5a of Eleventh Council Directive 89/666/EEC of 21 December 1989 concerning disclosure requirements in respect of branches opened in a Member State by certain types of company governed by the law of another State (**);
- (e) the detailed list of data to be transmitted for the purpose of exchange of information between registers, as referred to in Article 3d of this Directive, in Article 5a of Directive 89/666/EEC, and in Article 13 of Directive 2005/56/EC of the European Parliament and of the Council of 26 October 2005 on cross-border mergers of limited liability companies (**);
- (f) the technical specification defining the structure of the standard message format for the purpose of the exchange of information between the registers, the platform and the portal;
- (g) the technical specification defining the set of the data necessary for the platform to perform its functions as well as the method of storage, use and protection of such data;
- (h) the technical specification defining the structure and use of the unique identifier for communication between registers;

- (i) the specification defining the technical methods of operation of the system of interconnection of registers as regards the distribution and exchange of information, and the specification defining the information technology services, provided by the platform, ensuring the delivery of messages in the relevant language version;
- (j) the harmonised criteria for the search service provided by the portal;
- (k) the payment modalities, taking into account available payment facilities such as online payments;
- (l) the details of the explanatory labels listing the particulars and the types of documents referred to in Article 2;
- (m) the technical conditions of availability of services provided by the system of interconnection of registers;
- (n) the procedure and technical requirements for the connection of the optional access points to the platform.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 4e(2).

The Commission shall adopt those implementing acts by 7 July 2015.

Article 4d

1. The establishment and future development of the platform and the adjustments to the portal resulting from this Directive shall be financed from the general budget of the Union.
2. The maintenance and functioning of the platform shall be financed from the general budget of the Union and may be co-financed by fees for access to the system of interconnection of registers charged to its individual users. Nothing in this paragraph shall affect fees at the national level.
3. By means of delegated acts and in accordance with Article 13a, the Commission may adopt rules on whether to co-finance the platform by charging fees, and, in that case, the amount of the fees charged to individual users in accordance with paragraph 2.
4. Any fees imposed in accordance with paragraph 2 shall be without prejudice to the fees, if any, charged by Member States for obtaining documents and particulars as referred to in Article 3c(1).
5. Any fees imposed in accordance with paragraph 2 shall not be charged for obtaining the particulars referred to in points (a), (b) and (c) of Article 3c(2).
6. Each Member State shall bear the costs of adjusting its domestic registers, as well as their maintenance and functioning costs resulting from this Directive.

Article 4e

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (***)).

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

(*) OJ L 248, 16.9.2002, p. 1.

(**) OJ L 395, 30.12.1989, p. 36.

(***) OJ L 310, 25.11.2005, p. 1.

(****) OJ L 55, 28.2.2011, p. 13.

- (5) The following Article is inserted:

'Article 7a

The processing of personal data carried out in the context of this Directive shall be subject to Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (*).

(*) OJ L 281, 23.11.1995, p. 31.

- (6) The following Chapter is inserted:

'CHAPTER 4A

DELEGATED ACTS

Article 13a

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 4d(3) shall be conferred on the Commission for an indeterminate period of time.
3. The delegation of power referred to in Article 4d(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 4d(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of three months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months at the initiative of the European Parliament or of the Council.

Article 4

Report and regular dialogue

1. The Commission shall, not later than five years after the final date for application of the provisions referred to in Article 5(2), publish a report concerning the functioning of the system of interconnection of registers, in particular examining its technical operation and its financial aspects.

2. That report shall be accompanied, if appropriate, by proposals for amending this Directive.

3. The Commission and the representatives of the Member States shall regularly convene to discuss the matters covered by this Directive in any appropriate forum.

Article 5

Transposition

1. Member States shall adopt, publish and apply the laws, regulations and administrative provisions necessary to comply with this Directive by 7 July 2014.

2. Notwithstanding paragraph 1, Member States shall, not later than two years after the adoption of the implementing acts referred to in Article 4c of Directive 2009/101/EC, adopt, publish and apply the provisions necessary to comply with:

- Article 1(3) and (4) and Article 5a of Directive 89/666/EEC,
- Article 13 of Directive 2005/56/EC,

- Article 3(1), second subparagraph, Article 3b, Article 3c, Article 3d and Article 4a(3) to (5) of Directive 2009/101/EC.

Upon the adoption of those implementing acts, the Commission shall publish in the *Official Journal of the European Union* the final date for application of the provisions referred to in this paragraph.

3. When Member States adopt the measures referred to in paragraph 1, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

4. 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.

Article 6

Entry into force

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

Article 7

Addressees

This Directive is addressed to the Member States.

Done at Strasbourg, 13 June 2012.

For the European Parliament
The President
M. SCHULZ

For the Council
The President
N. WAMMEN

II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) No 509/2012

of 15 June 2012

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

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

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

Article 1

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

Having regard to Council Decision 2011/782/CFSP of 1 December 2011 concerning restrictive measures against Syria ⁽¹⁾,

(1) the following articles are inserted:

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

Article 2a

1. It shall be prohibited:

Whereas:

(1) On 18 January 2012, the Council adopted Regulation (EU) No 36/2012 ⁽²⁾ with a view to giving effect to most of the measures provided for in Decision 2011/782/CFSP.

(a) to sell, supply, transfer or export, directly or indirectly, equipment, goods or technology which might be used for internal repression or for the manufacture and maintenance of products which might be used for internal repression, as listed in Annex IA, whether or not originating in the Union, to any person, entity or body in Syria or for use in Syria;

(2) In view of the continued brutal repression and violation of human rights by the Government of Syria, Council Decision 2012/206/CFSP ⁽³⁾, amending Decision 2011/782/CFSP, provides for additional measures, namely a prohibition or prior authorisation requirement on the sale, supply, transfer or export of goods and technology which might be used for internal repression, and a ban on exports of luxury goods to Syria.

(b) to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the prohibitions referred to in point (a).

(3) Those measures fall within the scope of the Treaty and regulatory action at the level of the Union is therefore necessary in order to implement them, in particular with a view to ensuring their uniform application by economic operators in all Member States.

2. By way of derogation from paragraph 1, the competent authorities in the Member States, as identified on the websites listed in Annex III, may grant, under such terms and conditions as they deem appropriate, an authorisation for a transaction in relation to equipment, goods or technology as listed in Annex IA, provided that the equipment, goods or technology are for food, agricultural, medical or other humanitarian purposes.

(4) Therefore, Regulation (EU) No 36/2012 should be amended to give effect to the new measures,

Article 2b

1. A prior authorisation shall be required for the sale, supply, transfer or export, directly or indirectly, of equipment, goods or technology which might be used for internal repression or for the manufacture and maintenance of products which might be used for internal repression, as listed in Annex IX, whether or not originating in the Union, to any person, entity or body in Syria or for use in Syria.

⁽¹⁾ OJ L 319, 2.12.2011, p. 56.

⁽²⁾ OJ L 16, 19.1.2012, p. 1.

⁽³⁾ OJ L 110, 24.4.2012, p. 36.

2. The competent authorities in the Member States, as identified on the websites listed in Annex III, shall not grant any authorisation for any sale, supply, transfer or export of the equipment, goods or technology listed in Annex IX, if they have reasonable grounds to determine that the equipment, goods or technology the sale, supply, transfer or export of which is in question is or might be used for internal repression or for the manufacture and maintenance of products which might be used for internal repression.

3. The authorisation shall be granted by the competent authorities of the Member State where the exporter is established and shall be in accordance with the detailed rules laid down in Article 11 of Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (*). The authorisation shall be valid throughout the Union.

(*) OJ L 134, 29.5.2009, p. 1.;

(2) Article 3 is replaced by the following:

Article 3

1. It shall be prohibited:

- (a) to provide, directly or indirectly, technical assistance related to the goods and technology listed in the Common Military List of the European Union (*) ("Common Military List") or related to the provision, manufacture, maintenance and use of goods included in that list, to any person, entity or body in Syria or for use in Syria;
- (b) to provide, directly or indirectly, technical assistance or brokering services related to equipment, goods or technology which might be used for internal repression as listed in Annexes I and IA, to any person, entity or body in Syria or for use in Syria;
- (c) to provide, directly or indirectly, financing or financial assistance related to the goods and technology listed in the Common Military List or in Annexes I and IA, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of such items, or for any provision of related technical assistance to any person, entity or body in Syria or for use in Syria;
- (d) to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the prohibitions referred to in points (a) to (c).

2. By way of derogation from paragraph 1, the prohibitions referred to therein shall not apply to the provision of technical assistance, financing and financial assistance related to:

- technical assistance intended solely for the support of the United Nations Disengagement Observer Force (UNDOF),
- non-lethal military equipment, or equipment which might be used for internal repression, intended solely for humanitarian purposes or protective use or for institution building programmes of the UN and the Union, or for Union or UN crisis management operations, or
- non-combat vehicles fitted with materials to provide ballistic protection, intended solely for the protective use of personnel of the Union and its Member States in Syria,

provided that such provision shall first have been approved by the competent authority of a Member State, as identified on the websites listed in Annex III.

3. By way of derogation from point (b) of paragraph 1, the competent authorities of the Member States, as identified on the websites listed in Annex III, may grant, under such terms and conditions as they deem appropriate, an authorisation for technical assistance or brokering services related to equipment, goods or technology, as listed in Annex IA, provided that the equipment, goods or technology are for food, agricultural, medical or other humanitarian purposes.

The Member State concerned shall inform the other Member States and the Commission, within four weeks, of any authorisation granted under the first subparagraph.

4. Prior authorisation from the competent authority of the relevant Member State, as identified on the websites listed in Annex III, shall be required for the provision of:

- (a) technical assistance or brokering services related to equipment, goods or technology listed in Annex IX, and to the provision, manufacture, maintenance and use of such equipment, goods or technology, directly or indirectly to any person, entity or body in Syria or for use in Syria;
- (b) financing or financial assistance related to goods and technology listed in Annex IX, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of such goods and technology, or for any provision of related technical assistance to any person, entity or body in Syria or for use in Syria.

The competent authorities shall not grant any authorisation for the transactions referred to in the first subparagraph, if they have reasonable grounds to determine that those transactions are or may be intended to contribute to internal repression or for the manufacture and maintenance of products which might be used for internal repression.

(*) OJ C 86, 18.3.2011, p. 1.;

(3) the following article is inserted:

Article 11b

1. It shall be prohibited:

- (a) to sell, supply, transfer or export, directly or indirectly, luxury goods as listed in Annex X, to Syria;
- (b) to participate, knowingly and intentionally, in activities whose object or effect is, directly or indirectly, to circumvent the prohibition referred to in point (a).

2. By way of derogation from point (a) of paragraph 1, the prohibition referred to therein shall not apply to goods of a non-commercial nature, for personal use, contained in travellers' luggage.'

Article 2

The text set out in Annex I to this Regulation is added to Regulation (EU) No 36/2012 as Annex IA.

Article 3

The text set out in Annex II to this Regulation is added to Regulation (EU) No 36/2012 as Annex IX.

Article 4

The text set out in Annex III to this Regulation is added to Regulation (EU) No 36/2012 as Annex X.

Article 5

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

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

Done at Luxembourg, 15 June 2012.

For the Council
The President
M. LIDEGAARD

ANNEX I

'ANNEX Ia

LIST OF EQUIPMENT, GOODS AND TECHNOLOGY REFERRED TO IN ARTICLE 2a

PART 1

Introductory Notes

1. This Part comprises goods, software and technology listed in Annex I to Regulation (EC) No 428/2009 ⁽¹⁾.
2. Unless otherwise stated, the reference numbers used in the column below entitled "No" refer to the control list number and the column below entitled "Description" refers to the control descriptions of dual-use items set out in Annex I to Regulation (EC) No 428/2009.
3. Definitions of terms between 'single quotation marks' are given in a technical note to the relevant item.
4. Definitions of terms between "double quotation marks" can be found in Annex I to Regulation (EC) No 428/2009.

General Notes

1. The object of the controls contained in this Annex should not be defeated by the export of any non-controlled goods (including plant) containing one or more controlled components when the controlled component or components is/are the principal element of the goods and can feasibly be removed or used for other purposes.

NB: In judging whether the controlled component or components is/are to be considered the principal element, it is necessary to weigh the factors of quantity, value and technological know-how involved and other special circumstances which might establish the controlled component or components as the principal element of the goods being procured.

2. The items specified in this Annex include both new and used goods.

General Technology Note (GTN)

(To be read in conjunction with Section B of this Part)

1. The sale, supply, transfer or export of "technology" which is "required" for the "development", "production" or "use" of goods the sale, supply, transfer or export of which is controlled in Sections A, B, C and D of this Part, is controlled in accordance with the provisions of Section E.
2. The "technology" "required" for the "development", "production" or "use" of goods under control remains under control even when it is applicable to non-controlled goods.
3. Controls do not apply to that "technology" which is the minimum necessary for the installation, operation, maintenance (checking) and repair of those goods which are not controlled or the export of which has been authorised in accordance with this Regulation.
4. Controls on "technology" transfer do not apply to information "in the public domain", to "basic scientific research" or to the minimum necessary information for patent applications.

A. EQUIPMENT

No	Description
I.B.1A004	Protective and detection equipment and components, other than those specified in military goods controls, as follows: <ol style="list-style-type: none"> a. Gas masks, filter canisters and decontamination equipment therefore, designed or modified for defence against any of the following, and specially designed components therefor:

⁽¹⁾ Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (OJ L 134, 29.5.2009, p. 1).

No	Description
	<ol style="list-style-type: none"> 1. Biological agents “adapted for use in war”; 2. Radioactive materials “adapted for use in war”; 3. Chemical warfare (CW) agents; or 4. “Riot control agents”, including: <ol style="list-style-type: none"> a. α-Bromobenzeneacetonitrile, (Bromobenzyl cyanide) (CA) (CAS 5798-79-8); b. [(2-chlorophenyl) methylene] propanedinitrile, (o-Chlorobenzylidenemalononitrile) (CS) (CAS 2698-41-1); c. 2-Chloro-1-phenylethanone, Phenylacetyl chloride (ω-chloroacetophenone) (CN) (CAS 532-27-4); d. Dibenz-(b,f)-1,4-oxazepine (CR) (CAS 257-07-8); e. 10-Chloro-5,10-dihydrophenarsazine, (Phenarsazine chloride), (Adamsite), (DM) (CAS 578-94-9); f. N-Nonanoylmorpholine, (MPA) (CAS 5299-64-9); b. Protective suits, gloves and shoes, specially designed or modified for defence against any of the following: <ol style="list-style-type: none"> 1. Biological agents “adapted for use in war”; 2. Radioactive materials “adapted for use in war”; or 3. Chemical warfare (CW) agents; c. Detection systems, specially designed or modified for detection or identification of any of the following, and specially designed components therefor: <ol style="list-style-type: none"> 1. Biological agents “adapted for use in war”; 2. Radioactive materials “adapted for use in war”; or 3. Chemical warfare (CW) agents; d. Electronic equipment designed for automatically detecting or identifying the presence of “explosives” residues and utilising ‘trace detection’ techniques (e.g. surface acoustic wave, ion mobility spectrometry, differential mobility spectrometry, mass spectrometry). <p><i>Technical Note:</i></p> <p><i>‘Trace detection’ is defined as the capability to detect less than 1 ppm vapour, or 1 mg solid or liquid.</i></p> <p><i>Note 1: 1A004.d. does not control equipment specially designed for laboratory use.</i></p> <p><i>Note 2: 1A004.d. does not control non-contact walk-through security portals.</i></p> <p><i>Note: 1A004 does not control:</i></p> <ol style="list-style-type: none"> a. Personal radiation monitoring dosimeters; b. Equipment limited by design or function to protect against hazards specific to residential safety or civil industries, including: <ol style="list-style-type: none"> 1. mining; 2. quarrying; 3. agriculture; 4. pharmaceutical; 5. medical;

No	Description
	<p>6. <i>veterinary</i>;</p> <p>7. <i>environmental</i>;</p> <p>8. <i>waste management</i>;</p> <p>9. <i>food industry</i>.</p> <p><i>Technical Notes:</i></p> <p><i>IA004 includes equipment and components that have been identified, successfully tested to national standards or otherwise proven effective, for the detection of or defence against radioactive materials “adapted for use in war”, biological agents “adapted for use in war”, chemical warfare agents, ‘simulants’ or “riot control agents”, even if such equipment or components are used in civil industries such as mining, quarrying, agriculture, pharmaceuticals, medical, veterinary, environmental, waste management, or the food industry.</i></p> <p><i>‘Simulant’ is a substance or material that is used in place of toxic agent (chemical or biological) in training, research, testing or evaluation.</i></p>
I.B.9A012	<p>“Unmanned aerial vehicles” (“UAVs”), associated systems, equipment and components, as follows:</p> <p>a. “UAVs” having any of the following:</p> <ol style="list-style-type: none"> 1. An autonomous flight control and navigation capability (e.g. an autopilot with an Inertial Navigation System); or 2. Capability of controlled-flight out of the direct vision range involving a human operator (e.g. televisual remote control); <p>b. Associated systems, equipment and components, as follows:</p> <ol style="list-style-type: none"> 1. Equipment specially designed for remotely controlling the “UAVs” specified in 9A012.a.; 2. Systems for navigation, attitude, guidance or control, other than those specified in 7A in Annex I to Regulation (EC) No 428/2009 and specially designed to provide autonomous flight control or navigation capability to “UAVs” specified in 9A012.a.; 3. Equipment and components, specially designed to convert a manned “aircraft” to a “UAV” specified in 9A012.a.; 4. Air breathing reciprocating or rotary internal combustion type engines, specially designed or modified to propel “UAVs” at altitudes above 50 000 feet (15 240 metres).
I.B.9A350	<p>Spraying or fogging systems, specially designed or modified for fitting to aircraft, “lighter-than-air vehicles” or unmanned aerial vehicles, and specially designed components therefor, as follows:</p> <p>Complete spraying or fogging systems capable of delivering, from a liquid suspension, an initial droplet ‘VMD’ of less than 50 µm at a flow rate of greater than two litres per minute;</p> <p>Spray booms or arrays of aerosol generating units capable of delivering, from a liquid suspension, an initial droplet ‘VMD’ of less than 50 µm at a flow rate of greater than two litres per minute;</p> <p>Aerosol generating units specially designed for fitting to systems specified in 9A350.a. and b.</p> <p><i>Note: Aerosol generating units are devices specially designed or modified for fitting to aircraft such as nozzles, rotary drum atomisers and similar devices.</i></p> <p><i>Note: 9A350 does not control spraying or fogging systems and components that are demonstrated not to be capable of delivering biological agents in the form of infectious aerosols.</i></p> <p><i>Technical Notes:</i></p> <ol style="list-style-type: none"> 1. Droplet size for spray equipment or nozzles specially designed for use on aircraft, “lighter-than-air vehicles” or unmanned aerial vehicles should be measured using either of the following:

No	Description
	a. <i>Doppler laser method</i> ; b. <i>Forward laser diffraction method</i> . 2. In 9A350 'VMD' means <i>Volume Median Diameter</i> and for water-based systems this equates to <i>Mass Median Diameter (MMD)</i> .

B. TEST AND PRODUCTION EQUIPMENT

No	Description
I.B.2B350	<p>Chemical manufacturing facilities, equipment and components, as follows:</p> <p>a. Reaction vessels or reactors, with or without agitators, with total internal (geometric) volume greater than 0,1 m³ (100 litres) and less than 20 m³ (20 000 litres), where all surfaces that come in direct contact with the chemical(s) being processed or contained are made from any of the following materials:</p> <ol style="list-style-type: none"> 1. 'Alloys' with more than 25 % nickel and 20 % chromium by weight; 2. Fluoropolymers (polymeric or elastomeric materials with more than 35 % fluorine by weight); 3. Glass (including vitrified or enamelled coating or glass lining); 4. Nickel or 'alloys' with more than 40 % nickel by weight; 5. Tantalum or tantalum 'alloys'; 6. Titanium or titanium 'alloys'; 7. Zirconium or zirconium 'alloys'; or 8. Niobium (columbium) or niobium 'alloys'; <p>b. Agitators for use in reaction vessels or reactors specified in 2B350.a.; and impellers, blades or shafts designed for such agitators, where all surfaces of the agitator that come in direct contact with the chemical(s) being processed or contained are made from any of the following materials:</p> <ol style="list-style-type: none"> 1. 'Alloys' with more than 25 % nickel and 20 % chromium by weight; 2. Fluoropolymers (polymeric or elastomeric materials with more than 35 % fluorine by weight); 3. Glass (including vitrified or enamelled coatings or glass lining); 4. Nickel or 'alloys' with more than 40 % nickel by weight; 5. Tantalum or tantalum 'alloys'; 6. Titanium or titanium 'alloys'; 7. Zirconium or zirconium 'alloys'; or 8. Niobium (columbium) or niobium 'alloys'; <p>c. Storage tanks, containers or receivers with a total internal (geometric) volume greater than 0,1 m³ (100 litres) where all surfaces that come in direct contact with the chemical(s) being processed or contained are made from any of the following materials:</p> <ol style="list-style-type: none"> 1. 'Alloys' with more than 25 % nickel and 20 % chromium by weight; 2. Fluoropolymers (polymeric or elastomeric materials with more than 35 % fluorine by weight); 3. Glass (including vitrified or enamelled coatings or glass lining); 4. Nickel or 'alloys' with more than 40 % nickel by weight; 5. Tantalum or tantalum 'alloys'; 6. Titanium or titanium 'alloys';

No	Description
	<p>7. Zirconium or zirconium 'alloys'; or</p> <p>8. Niobium (columbium) or niobium 'alloys';</p> <p>d. Heat exchangers or condensers with a heat transfer surface area greater than 0,15 m², and less than 20 m²; and tubes, plates, coils or blocks (cores) designed for such heat exchangers or condensers, where all surfaces that come in direct contact with the chemical(s) being processed are made from any of the following materials:</p> <ol style="list-style-type: none"> 1. 'Alloys' with more than 25 % nickel and 20 % chromium by weight; 2. Fluoropolymers (polymeric or elastomeric materials with more than 35 % fluorine by weight); 3. Glass (including vitrified or enamelled coatings or glass lining); 4. Graphite or 'carbon graphite'; 5. Nickel or 'alloys' with more than 40 % nickel by weight; 6. Tantalum or tantalum 'alloys'; 7. Titanium or titanium 'alloys'; 8. Zirconium or zirconium 'alloys'; 9. Silicon carbide; 10. Titanium carbide; or 11. Niobium (columbium) or niobium 'alloys'; <p>e. Distillation or absorption columns of internal diameter greater than 0,1 m; and liquid distributors, vapour distributors or liquid collectors designed for such distillation or absorption columns, where all surfaces that come in direct contact with the chemical(s) being processed are made from any of the following materials:</p> <ol style="list-style-type: none"> 1. 'Alloys' with more than 25 % nickel and 20 % chromium by weight; 2. Fluoropolymers (polymeric or elastomeric materials with more than 35 % fluorine by weight); 3. Glass (including vitrified or enamelled coatings or glass lining); 4. Graphite or 'carbon graphite'; 5. Nickel or 'alloys' with more than 40 % nickel by weight; 6. Tantalum or tantalum 'alloys'; 7. Titanium or titanium 'alloys'; 8. Zirconium or zirconium 'alloys'; or 9. Niobium (columbium) or niobium 'alloys'; <p>f. Remotely operated filling equipment in which all surfaces that come in direct contact with the chemical(s) being processed are made from any of the following materials:</p> <ol style="list-style-type: none"> 1. 'Alloys' with more than 25 % nickel and 20 % chromium by weight; or 2. Nickel or 'alloys' with more than 40 % nickel by weight; <p>g. Valves with 'nominal sizes' greater than 10 mm and casings (valve bodies) or preformed casing liners designed for such valves, in which all surfaces that come in direct contact with the chemical(s) being processed or contained are made from any of the following materials:</p> <ol style="list-style-type: none"> 1. 'Alloys' with more than 25 % nickel and 20 % chromium by weight; 2. Fluoropolymers (polymeric or elastomeric materials with more than 35 % fluorine by weight); 3. Glass (including vitrified or enamelled coatings or glass lining);

No	Description
	<p>4. Nickel or 'alloys' with more than 40 % nickel by weight;</p> <p>5. Tantalum or tantalum 'alloys';</p> <p>6. Titanium or titanium 'alloys';</p> <p>7. Zirconium or zirconium 'alloys';</p> <p>8. Niobium (columbium) or niobium 'alloys'; or</p> <p>9. Ceramic materials as follows:</p> <ol style="list-style-type: none"> a. Silicon carbide with purity of 80 % or more by weight; b. Aluminium oxide (alumina) with purity of 99,9 % or more by weight; c. Zirconium oxide (zirconia); <p><i>Technical Note:</i></p> <p><i>The 'nominal size' is defined as the smaller of the inlet and outlet diameters.</i></p> <p>h. Multi-walled piping incorporating a leak detection port, in which all surfaces that come in direct contact with the chemical(s) being processed or contained are made from any of the following materials:</p> <ol style="list-style-type: none"> 1. 'Alloys' with more than 25 % nickel and 20 % chromium by weight; 2. Fluoropolymers (polymeric or elastomeric materials with more than 35 % fluorine by weight); 3. Glass (including vitrified or enamelled coatings or glass lining); 4. Graphite or 'carbon graphite'; 5. Nickel or 'alloys' with more than 40 % nickel by weight; 6. Tantalum or tantalum 'alloys'; 7. Titanium or titanium 'alloys'; 8. Zirconium or zirconium 'alloys'; or 9. Niobium (columbium) or niobium 'alloys'; <p>i. Multiple-seal and seal-less pumps, with manufacturer's specified maximum flow-rate greater than 0,6 m³/hour, or vacuum pumps with manufacturer's specified maximum flow-rate greater than 5 m³/hour (under standard temperature (273 K (0 °C)) and pressure (101,3 kPa) conditions); and casings (pump bodies), preformed casing liners, impellers, rotors or jet pump nozzles designed for such pumps, in which all surfaces that come in direct contact with the chemical(s) being processed are made from any of the following materials:</p> <ol style="list-style-type: none"> 1. 'Alloys' with more than 25 % nickel and 20 % chromium by weight; 2. Ceramics; 3. Ferrosilicon (high silicon iron alloys); 4. Fluoropolymers (polymeric or elastomeric materials with more than 35 % fluorine by weight); 5. Glass (including vitrified or enamelled coatings or glass lining); 6. Graphite or 'carbon graphite'; 7. Nickel or 'alloys' with more than 40 % nickel by weight; 8. Tantalum or tantalum 'alloys'; 9. Titanium or titanium 'alloys'; 10. Zirconium or zirconium 'alloys'; or 11. Niobium (columbium) or niobium 'alloys'; <p>j. Incinerators designed to destroy chemicals specified in entry 1C350, having specially designed waste supply systems, special handling facilities and an average combustion chamber temperature greater than 1 273 K (1 000 °C), in which all surfaces in the waste supply system that come into direct contact with the waste products are made from or lined with any of the following materials:</p>

No	Description
	<ol style="list-style-type: none"> 1. 'Alloys' with more than 25 % nickel and 20 % chromium by weight; 2. Ceramics; or 3. Nickel or 'alloys' with more than 40 % nickel by weight. <p><i>Technical Notes:</i></p> <ol style="list-style-type: none"> 1. 'Carbon graphite' is a composition consisting of amorphous carbon and graphite, in which the graphite content is eight percent or more by weight. 2. For the listed materials in the above entries, the term 'alloy' when not accompanied by a specific elemental concentration is understood as identifying those alloys where the identified metal is present in a higher percentage by weight than any other element.
I.B.2B351	<p>Toxic gas monitoring systems and their dedicated detecting components, other than those specified in 1A004, as follows; and detectors; sensor devices; and replaceable sensor cartridges therefor:</p> <ol style="list-style-type: none"> a. Designed for continuous operation and usable for the detection of chemical warfare agents or chemicals specified in 1C350, at concentrations of less than 0,3 mg/m³; or b. Designed for the detection of cholinesterase-inhibiting activity.
I.B.2B352	<p>Equipment capable of use in handling biological materials, as follows:</p> <ol style="list-style-type: none"> a. Complete biological containment facilities at P3, P4 containment level; <p><i>Technical Note:</i></p> <p><i>P3 or P4 (BL3, BL4, L3, L4) containment levels are as specified in the WHO Laboratory Biosafety manual (3rd edition Geneva 2004).</i></p> b. Fermenters capable of cultivation of pathogenic "micro-organisms", viruses or capable of toxin production, without the propagation of aerosols, and having a total capacity of 20 litres or more; <p><i>Technical Note:</i></p> <p><i>Fermenters include bioreactors, chemostats and continuous-flow systems.</i></p> c. Centrifugal separators, capable of continuous separation without the propagation of aerosols, having all the following characteristics: <ol style="list-style-type: none"> 1. Flow rate exceeding 100 litres per hour; 2. Components of polished stainless steel or titanium; 3. One or more sealing joints within the steam containment area; and 4. Capable of in-situ steam sterilisation in a closed state; <p><i>Technical Note:</i></p> <p><i>Centrifugal separators include decanters.</i></p> d. Cross (tangential) flow filtration equipment and components as follows: <ol style="list-style-type: none"> 1. Cross (tangential) flow filtration equipment capable of separation of pathogenic "micro-organisms", viruses, toxins or cell cultures, without the propagation of aerosols, having all of the following characteristics: <ol style="list-style-type: none"> a. A total filtration area equal to or greater than 1 m²; and b. Having either of the following characteristics: <ol style="list-style-type: none"> 1. Capable of being sterilised or disinfected in-situ; or 2. Using disposable or single-use filtration components;

No	Description
	<p><i>Technical Note:</i></p> <p><i>In 2B352.d.1.b. sterilised denotes the elimination of all viable microbes from the equipment through the use of either physical (e.g. steam) or chemical agents. Disinfected denotes the destruction of potential microbial infectivity in the equipment through the use of chemical agents with a germicidal effect. Disinfection and sterilisation are distinct from sanitisation, the latter referring to cleaning procedures designed to lower the microbial content of equipment without necessarily achieving elimination of all microbial infectivity or viability.</i></p> <p>2. Cross (tangential) flow filtration components (e.g. modules, elements, cassettes, cartridges, units or plates) with filtration area equal to or greater than 0,2 m² for each component and designed for use in cross (tangential) flow filtration equipment specified in 2B352.d.;</p> <p><i>Note: 2B352.d. does not control reverse osmosis equipment, as specified by the manufacturer.</i></p> <p>e. Steam sterilisable freeze drying equipment with a condenser capacity exceeding 10 kg of ice in 24 hours and less than 1 000 kg of ice in 24 hours;</p> <p>f. Protective and containment equipment, as follows:</p> <ol style="list-style-type: none"> 1. Protective full or half suits, or hoods dependent upon a tethered external air supply and operating under positive pressure; <p><i>Note: 2B352.f.1. does not control suits designed to be worn with self-contained breathing apparatus.</i></p> <ol style="list-style-type: none"> 2. Class III biological safety cabinets or isolators with similar performance standards; <p><i>Note: In 2B352.f.2., isolators include flexible isolators, dry boxes, anaerobic chambers, glove boxes and laminar flow hoods (closed with vertical flow).</i></p> <p>g. Chambers designed for aerosol challenge testing with “micro-organisms”, viruses or “toxins” and having a capacity of 1 m³ or greater.</p>

C. MATERIALS

No	Description
I.B.1C350	<p>Chemicals, which may be used as precursors for toxic chemical agents, as follows, and “chemical mixtures” containing one or more thereof:</p> <p>NB: SEE ALSO MILITARY GOODS CONTROLS AND 1C450.</p> <ol style="list-style-type: none"> 1. Thiodiglycol (111-48-8); 2. Phosphorus oxychloride (10025-87-3); 3. Dimethyl methylphosphonate (756-79-6); 4. SEE MILITARY GOODS CONTROLS FOR Methyl phosphonyl difluoride (676-99-3); 5. Methyl phosphonyl dichloride (676-97-1); 6. Dimethyl phosphite (DMP) (868-85-9); 7. Phosphorus trichloride (7719-12-2); 8. Trimethyl phosphite (TMP) (121-45-9); 9. Thionyl chloride (7719-09-7); 10. 3-Hydroxy-1-methylpiperidine (3554-74-3); 11. N,N-Diisopropyl-(beta)-aminoethyl chloride (96-79-7); 12. N,N-Diisopropyl-(beta)-aminoethane thiol (5842-07-9); 13. 3-Quinuclidinol (1619-34-7); 14. Potassium fluoride (7789-23-3); 15. 2-Chloroethanol (107-07-3); 16. Dimethylamine (124-40-3); 17. Diethyl ethylphosphonate (78-38-6); 18. Diethyl-N,N-dimethylphosphoramidate (2404-03-7); 19. Diethyl phosphite (762-04-9);

No	Description
	20. Dimethylamine hydrochloride (506-59-2);
	21. Ethyl phosphinyl dichloride (1498-40-4);
	22. Ethyl phosphonyl dichloride (1066-50-8);
	23. SEE MILITARY GOODS CONTROLS FOR Ethyl phosphonyl difluoride (753-98-0);
	24. Hydrogen fluoride (7664-39-3);
	25. Methyl benzilate (76-89-1);
	26. Methyl phosphinyl dichloride (676-83-5);
	27. N,N-Diisopropyl-(beta)-amino ethanol (96-80-0);
	28. Pinacolyl alcohol (464-07-3);
	29. SEE MILITARY GOODS CONTROLS FOR O-Ethyl-2-diisopropylaminoethyl methyl phosphonite (QL) (57856-11-8);
	30. Triethyl phosphite (122-52-1);
	31. Arsenic trichloride (7784-34-1);
	32. Benzilic acid (76-93-7);
	33. Diethyl methylphosphonite (15715-41-0);
	34. Dimethyl ethylphosphonate (6163-75-3);
	35. Ethyl phosphinyl difluoride (430-78-4);
	36. Methyl phosphinyl difluoride (753-59-3);
	37. 3-Quinuclidone (3731-38-2);
	38. Phosphorus pentachloride (10026-13-8);
	39. Pinacolone (75-97-8);
	40. Potassium cyanide (151-50-8);
	41. Potassium bifluoride (7789-29-9);
	42. Ammonium hydrogen fluoride or ammonium bifluoride (1341-49-7);
	43. Sodium fluoride (7681-49-4);
	44. Sodium bifluoride (1333-83-1);
	45. Sodium cyanide (143-33-9);
	46. Triethanolamine (102-71-6);
	47. Phosphorus pentasulphide (1314-80-3);
	48. Di-isopropylamine (108-18-9);
	49. Diethylaminoethanol (100-37-8);
	50. Sodium sulphide (1313-82-2);
	51. Sulphur monochloride (10025-67-9);
	52. Sulphur dichloride (10545-99-0);
	53. Triethanolamine hydrochloride (637-39-8);
	54. N,N-Diisopropyl-(Beta)-aminoethyl chloride hydrochloride (4261-68-1);
	55. Methylphosphonic acid (993-13-5);
	56. Diethyl methylphosphonate (683-08-9);

No	Description
	<p>57. N,N-Dimethylaminophosphoryl dichloride (677-43-0);</p> <p>58. Triisopropyl phosphite (116-17-6);</p> <p>59. Ethyldiethanolamine (139-87-7);</p> <p>60. O,O-Diethyl phosphorothioate (2465-65-8);</p> <p>61. O,O-Diethyl phosphorodithioate (298-06-6);</p> <p>62. Sodium hexafluorosilicate (16893-85-9);</p> <p>63. Methylphosphonothioic dichloride (676-98-2).</p> <p>Note 1: For exports to "States not Party to the Chemical Weapons Convention", IC350 does not control "chemical mixtures" containing one or more of the chemicals specified in entries IC350.1, .3, .5, .11, .12, .13, .17, .18, .21, .22, .26, .27, .28, .31, .32, .33, .34, .35, .36, .54, .55, .56, .57 and .63 in which no individually specified chemical constitutes more than 10 % by the weight of the mixture.</p> <p>Note 2: IC350 does not control "chemical mixtures" containing one or more of the chemicals specified in entries IC350.2, .6, .7, .8, .9, .10, .14, .15, .16, .19, .20, .24, .25, .30, .37, .38, .39, .40, .41, .42, .43, .44, .45, .46, .47, .48, .49, .50, .51, .52, .53, .58, .59, .60, .61 and .62 in which no individually specified chemical constitutes more than 30 % by the weight of the mixture.</p> <p>Note 3: IC350 does not control products identified as consumer goods packaged for retail sale for personal use or packaged for individual use.</p>
I.B.IC351	<p>Human pathogens, zoonoses and "toxins", as follows:</p> <p>a. Viruses, whether natural, enhanced or modified, either in the form of "isolated live cultures" or as material including living material which has been deliberately inoculated or contaminated with such cultures, as follows:</p> <ol style="list-style-type: none"> 1. Andes virus; 2. Chapare virus; 3. Chikungunya virus; 4. Choclo virus; 5. Congo-Crimean haemorrhagic fever virus; 6. Dengue fever virus; 7. Dobrava-Belgrade virus; 8. Eastern equine encephalitis virus; 9. Ebola virus; 10. Guanarito virus; 11. Hantaan virus; 12. Hendra virus (Equine morbillivirus); 13. Japanese encephalitis virus; 14. Junin virus; 15. Kyasanur Forest virus; 16. Laguna Negra virus; 17. Lassa fever virus; 18. Louping ill virus; 19. Lujjo virus; 20. Lymphocytic choriomeningitis virus;

No	Description
	21. Machupo virus;
	22. Marburg virus;
	23. Monkey pox virus;
	24. Murray Valley encephalitis virus;
	25. Nipah virus;
	26. Omsk haemorrhagic fever virus;
	27. Oropouche virus;
	28. Powassan virus;
	29. Rift Valley fever virus;
	30. Rocio virus;
	31. Sabia virus;
	32. Seoul virus;
	33. Sin nombre virus;
	34. St Louis encephalitis virus;
	35. Tick-borne encephalitis virus (Russian Spring-Summer encephalitis virus);
	36. Variola virus;
	37. Venezuelan equine encephalitis virus;
	38. Western equine encephalitis virus;
	39. Yellow fever virus;
	b. Rickettsiae, whether natural, enhanced or modified, either in the form of "isolated live cultures" or as material including living material which has been deliberately inoculated or contaminated with such cultures, as follows:
	1. <i>Coxiella burnetii</i> ;
	2. <i>Bartonella quintana</i> (<i>Rochalimaea quintana</i> , <i>Rickettsia quintana</i>);
	3. <i>Rickettsia prowasecki</i> ;
	4. <i>Rickettsia rickettsii</i> ;
	c. Bacteria, whether natural, enhanced or modified, either in the form of "isolated live cultures" or as material including living material which has been deliberately inoculated or contaminated with such cultures, as follows:
	1. <i>Bacillus anthracis</i> ;
	2. <i>Brucella abortus</i> ;
	3. <i>Brucella melitensis</i> ;
	4. <i>Brucella suis</i> ;
	5. <i>Chlamydia psittaci</i> ;
	6. <i>Clostridium botulinum</i> ;
	7. <i>Francisella tularensis</i> ;
	8. <i>Burkholderia mallei</i> (<i>Pseudomonas mallei</i>);
	9. <i>Burkholderia pseudomallei</i> (<i>Pseudomonas pseudomallei</i>);
	10. <i>Salmonella typhi</i> ;
	11. <i>Shigella dysenteriae</i> ;
	12. <i>Vibrio cholerae</i> ;

No	Description
	<p>13. <i>Yersinia pestis</i>;</p> <p>14. <i>Clostridium perfringens</i> epsilon toxin producing types;</p> <p>15. Enterohaemorrhagic <i>Escherichia coli</i>, serotype O157 and other verotoxin producing serotypes;</p> <p>d. "Toxins", as follows, and "sub-unit of toxins" thereof:</p> <ol style="list-style-type: none"> 1. Botulinum toxins; 2. <i>Clostridium perfringens</i> toxins; 3. Conotoxin; 4. Ricin; 5. Saxitoxin; 6. Shiga toxin; 7. <i>Staphylococcus aureus</i> toxins; 8. Tetrodotoxin; 9. Verotoxin and shiga-like ribosome inactivating proteins; 10. Microcystin (Cyanginosin); 11. Aflatoxins; 12. Abrin; 13. Cholera toxin; 14. Diacetoxyscirpenol toxin; 15. T-2 toxin; 16. HT-2 toxin; 17. Modeccin; 18. Volkensin; 19. <i>Viscum album</i> Lectin 1 (Viscumin); <p><i>Note: IC351.d. does not control botulinum toxins or conotoxins in product form meeting all of the following criteria:</i></p> <ol style="list-style-type: none"> 1. <i>Are pharmaceutical formulations designed for human administration in the treatment of medical conditions;</i> 2. <i>Are pre-packaged for distribution as medical products;</i> 3. <i>Are authorised by a state authority to be marketed as medical products.</i> <p>e. Fungi, whether natural, enhanced or modified, either in the form of "isolated live cultures" or as material including living material which has been deliberately inoculated or contaminated with such cultures, as follows:</p> <ol style="list-style-type: none"> 1. <i>Coccidioides immitis</i>; 2. <i>Coccidioides posadasii</i>. <p><i>Note: IC351 does not control "vaccines" or "immunotoxins".</i></p>
I.B.1C352	<p>Animal pathogens, as follows:</p> <p>a. Viruses, whether natural, enhanced or modified, either in the form of "isolated live cultures" or as material including living material which has been deliberately inoculated or contaminated with such cultures, as follows:</p> <ol style="list-style-type: none"> 1. African swine fever virus; 2. Avian influenza virus, which are:

No	Description
	<p>a. Uncharacterised; or</p> <p>b. Defined in Annex I(2) to Directive 2005/94/EC ⁽¹⁾ as having high pathogenicity, as follows:</p> <ol style="list-style-type: none"> 1. Type A viruses with an IVPI (intravenous pathogenicity index) in six-week-old chickens of greater than 1,2; or 2. Type A viruses of the subtypes H5 or H7 with genome sequences codified for multiple basic amino acids at the cleavage site of the haemagglutinin molecule similar to that observed for other HPAI viruses, indicating that the haemagglutinin molecule can be cleaved by a host ubiquitous protease; 3. Bluetongue virus; 4. Foot and mouth disease virus; 5. Goat pox virus; 6. Porcine herpes virus (Aujeszky's disease); 7. Swine fever virus (Hog cholera virus); 8. Lyssa virus; 9. Newcastle disease virus; 10. Peste des petits ruminants virus; 11. Porcine enterovirus type 9 (swine vesicular disease virus); 12. Rinderpest virus; 13. Sheep pox virus; 14. Teschen disease virus; 15. Vesicular stomatitis virus; 16. Lumpy skin disease virus; 17. African horse sickness virus; <p>b. Mycoplasmas, whether natural, enhanced or modified, either in the form of "isolated live cultures" or as material including living material which has been deliberately inoculated or contaminated with such cultures, as follows:</p> <ol style="list-style-type: none"> 1. <i>Mycoplasma mycoides</i> subspecies <i>mycoides</i> SC (small colony); 2. <i>Mycoplasma capricolum</i> subspecies <i>capripneumoniae</i>. <p><i>Note: 1C352 does not control "vaccines".</i></p>
I.B.1C353	<p>Genetic elements and genetically modified organisms, as follows:</p> <ol style="list-style-type: none"> a. Genetically modified organisms or genetic elements that contain nucleic acid sequences associated with pathogenicity of organisms specified in 1C351.a., 1C351.b., 1C351.c., 1C351.e., 1C352 or 1C354; b. Genetically modified organisms or genetic elements that contain nucleic acid sequences coding for any of the "toxins" specified in 1C351.d. or "sub-units of toxins" thereof. <p><i>Technical Notes:</i></p> <ol style="list-style-type: none"> 1. <i>Genetic elements include, inter alia, chromosomes, genomes, plasmids, transposons and vectors whether genetically modified or unmodified.</i> 2. <i>Nucleic acid sequences associated with the pathogenicity of any of the micro-organisms specified in 1C351.a., 1C351.b., 1C351.c., 1C351.e., 1C352 or 1C354 means any sequence specific to the specified micro-organism that:</i>

No	Description
	<p>a. <i>In itself or through its transcribed or translated products represents a significant hazard to human, animal or plant health; or</i></p> <p>b. <i>Is known to enhance the ability of a specified micro-organism, or any other organism into which it may be inserted or otherwise integrated, to cause serious harm to humans, animals or plant health.</i></p> <p>Note: 1C353 does not apply to nucleic acid sequences associated with the pathogenicity of enterohaemorrhagic <i>Escherichia coli</i>, serotype O157 and other verotoxin producing strains, other than those coding for the verotoxin, or for its sub-units.</p>
I.B.1C354	<p>Plant pathogens, as follows:</p> <p>a. Viruses, whether natural, enhanced or modified, either in the form of “isolated live cultures” or as material including living material which has been deliberately inoculated or contaminated with such cultures, as follows:</p> <ol style="list-style-type: none"> 1. Potato Andean latent tymovirus; 2. Potato spindle tuber viroid; <p>b. Bacteria, whether natural, enhanced or modified, either in the form of “isolated live cultures” or as material which has been deliberately inoculated or contaminated with such cultures, as follows:</p> <ol style="list-style-type: none"> 1. <i>Xanthomonas albilineans</i>; 2. <i>Xanthomonas campestris</i> pv. <i>citri</i> including strains referred to as <i>Xanthomonas campestris</i> pv. <i>citri</i> types A,B,C,D,E or otherwise classified as <i>Xanthomonas citri</i>, <i>Xanthomonas campestris</i> pv. <i>aurantifolia</i> or <i>Xanthomonas campestris</i> pv. <i>citrumelo</i>; 3. <i>Xanthomonas oryzae</i> pv. <i>Oryzae</i> (<i>Pseudomonas campestris</i> pv. <i>Oryzae</i>); 4. <i>Clavibacter michiganensis</i> subsp. <i>Sepedonicum</i> (<i>Corynebacterium michiganensis</i> subsp. <i>Sepedonicum</i> or <i>Corynebacterium Sepedonicum</i>); 5. <i>Ralstonia solanacearum</i> Races 2 and 3 (<i>Pseudomonas solanacearum</i> Races 2 and 3 or <i>Burkholderia solanacearum</i> Races 2 and 3); <p>c. Fungi, whether natural, enhanced or modified, either in the form of “isolated live cultures” or as material which has been deliberately inoculated or contaminated with such cultures, as follows:</p> <ol style="list-style-type: none"> 1. <i>Colletotrichum coffeanum</i> var. <i>virulans</i> (<i>Colletotrichum kahawae</i>); 2. <i>Cochliobolus miyabeanus</i> (<i>Helminthosporium oryzae</i>); 3. <i>Microcyclus ulei</i> (syn. <i>Dothidella ulei</i>); 4. <i>Puccinia graminis</i> (syn. <i>Puccinia graminis</i> f. sp. <i>tritici</i>); 5. <i>Puccinia striiformis</i> (syn. <i>Puccinia glumarum</i>); 6. <i>Magnaporthe grisea</i> (<i>pyricularia grisea/pyricularia oryzae</i>).
I.B.1C450	<p>Toxic chemicals and toxic chemical precursors, as follows, and “chemical mixtures” containing one or more thereof:</p> <p>NB: SEE ALSO ENTRY 1C350, 1C351.d. AND MILITARY GOODS CONTROLS.</p> <p>a. Toxic chemicals, as follows:</p> <ol style="list-style-type: none"> 1. Amiton: O,O-Diethyl S-[2-(diethylamino)ethyl] phosphorothiolate (78-53-5) and corresponding alkylated or protonated salts; 2. PFIB: 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-1-propene (382-21-8); 3. SEE MILITARY GOODS CONTROLS FOR BZ: 3-Quinuclidinyl benzilate (6581-06-2);

No	Description
	<p>4. Phosgene: Carbonyl dichloride (75-44-5);</p> <p>5. Cyanogen chloride (506-77-4);</p> <p>6. Hydrogen cyanide (74-90-8);</p> <p>7. Chloropicrin: Trichloronitromethane (76-06-2);</p> <p><i>Note 1: For exports to "States not Party to the Chemical Weapons Convention", IC450 does not control "chemical mixtures" containing one or more of the chemicals specified in entries 1C450.a.1. and .a.2. in which no individually specified chemical constitutes more than 1 % by the weight of the mixture.</i></p> <p><i>Note 2: IC450 does not control "chemical mixtures" containing one or more of the chemicals specified in entries 1C450.a.4., .a.5., .a.6. and .a.7. in which no individually specified chemical constitutes more than 30 % by the weight of the mixture.</i></p> <p><i>Note 3: IC450 does not control products identified as consumer goods packaged for retail sale for personal use or packaged for individual use.</i></p> <p>b. Toxic chemical precursors, as follows:</p> <p>1. Chemicals, other than those specified in the Military Goods Controls or in 1C350, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms;</p> <p><i>Note: IC450.b.1 does not control Fonofos: O-Ethyl S-phenyl ethylphosphonothiolothionate (944-22-9);</i></p> <p>2. N,N-Dialkyl [methyl, ethyl or propyl (normal or iso)] phosphoramidic dihalides, other than N,N-Dimethylaminophosphoryl dichloride;</p> <p><i>NB: See 1C350.57. for N,N-Dimethylaminophosphoryl dichloride.</i></p> <p>3. Dialkyl [methyl, ethyl or propyl (normal or iso)] N,N-dialkyl [methyl, ethyl or propyl (normal or iso)]-phosphoramidates, other than Diethyl-N,N-dimethylphosphoramidate which is specified in 1C350;</p> <p>4. N,N-Dialkyl [methyl, ethyl or propyl (normal or iso)] aminoethyl-2-chlorides and corresponding protonated salts, other than N,N-Diisopropyl-(beta)-aminoethyl chloride or N,N-Diisopropyl-(beta)-aminoethyl chloride hydrochloride which are specified in 1C350;</p> <p>5. N,N-Dialkyl [methyl, ethyl or propyl (normal or iso)] aminoethane-2-ols and corresponding protonated salts, other than N,N-Diisopropyl-(beta)-aminoethanol (96-80-0) and N,N-Diethylaminoethanol (100-37-8) which are specified in 1C350;</p> <p><i>Note: IC450.b.5. does not control the following:</i></p> <p style="padding-left: 20px;">a. N,N-Dimethylaminoethanol (108-01-0) and corresponding protonated salts;</p> <p style="padding-left: 20px;">b. Protonated salts of N,N-Diethylaminoethanol (100-37-8).</p> <p>6. N,N-Dialkyl [methyl, ethyl or propyl (normal or iso)] aminoethane-2-thiols and corresponding protonated salts, other than N,N-Diisopropyl-(beta)-aminoethane thiol which is specified in 1C350;</p> <p>7. See 1C350 for ethyldiethanolamine (139-87-7);</p> <p>8. Methyldiethanolamine (105-59-9).</p> <p><i>Note 1: For exports to "States not Party to the Chemical Weapons Convention", IC450 does not control "chemical mixtures" containing one or more of the chemicals specified in entries 1C450.b.1., .b.2., .b.3., .b.4., .b.5. and .b.6. in which no individually specified chemical constitutes more than 10 % by the weight of the mixture.</i></p> <p><i>Note 2: IC450 does not control "chemical mixtures" containing one or more of the chemicals specified in entry 1C450.b.8. in which no individually specified chemical constitutes more than 30 % by the weight of the mixture.</i></p> <p><i>Note 3: IC450 does not control products identified as consumer goods packaged for retail sale for personal use or packaged for individual use.</i></p>

(¹) Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza (OJ L 10, 14.1.2006, p. 16).

D. SOFTWARE

No	Description
I.B.1D003	"Software" specially designed or modified to enable equipment to perform the functions of equipment specified in 1A004.c. or 1A004.d.
I.B.2D351	"Software", other than that specified in 1D003, specially designed for "use" of equipment specified in 2B351.
I.B.9D001	"Software" specially designed or modified for the "development" of equipment or "technology", specified in 9A012.
I.B.9D002	"Software" specially designed or modified for the "production" of equipment specified in 9A012.

E. TECHNOLOGY

No	Description
I.B.1E001	"Technology" according to the General Technology Note for the "development" or "production" of equipment or materials specified in 1A004, 1C350 to 1C354 or 1C450.
I.B.2E001	"Technology" according to the General Technology Note for the "development" of equipment or "software" specified in 2B350, 2B351, 2B352 or 2D351.
I.B.2E002	"Technology" according to the General Technology Note for the "production" of equipment specified in 2B350, 2B351 or 2B352.
I.B.2E301	"Technology" according to the General Technology Note for the "use" of goods specified in 2B350 to 2B352.
I.B.9E001	"Technology" according to the General Technology Note for the "development" of equipment or "software", specified in 9A012 or 9A350.
I.B.9E002	"Technology" according to the General Technology Note for the "production" of equipment specified in 9A350.
I.B.9E101	"Technology" according to the General Technology Note for the "production" of 'UAVs' specified in 9A012. <i>Technical Note:</i> <i>In 9E101.b. 'UAV' means unmanned aerial vehicle systems capable of a range exceeding 300 km.</i>
I.B.9E102	"Technology" according to the General Technology Note for the "use" 'UAVs' specified in 9A012. <i>Technical Note:</i> <i>In 9E101.b. 'UAV' means unmanned aerial vehicle systems capable of a range exceeding 300 km.</i>

PART 2

Introductory Notes

1. Unless otherwise stated, reference numbers used in the column below entitled "Description" refer to the descriptions of dual-use items set out in Annex I to Regulation (EC) No 428/2009.
2. A reference number in the column below entitled "Related item from Annex I to Regulation (EC) No 428/2009" means that the characteristics of the item described in the "Description" column lie outside the parameters set out in the description of the dual-use entry referred to.
3. Definitions of terms between 'single quotation marks' are given in a technical note to the relevant item.
4. Definitions of terms between "double quotation marks" can be found in Annex I to Regulation (EC) No 428/2009.

General Notes

1. The object of the controls contained in this Annex should not be defeated by the export of any non-controlled goods (including plant) containing one or more controlled components when the controlled component or components is/are the principal element of the goods and can feasibly be removed or used for other purposes.

NB: *In judging whether the controlled component or components is/are to be considered the principal element, it is necessary to weigh the factors of quantity, value and technological know-how involved and other special circumstances which might establish the controlled component or components as the principal element of the goods being procured.*

2. The items specified in this Annex include both new and used goods.

General Technology Note (GTN)

(To be read in conjunction with Section B of Part 1)

1. The sale, supply, transfer or export of "technology" which is "required" for the "development", "production" or "use" of goods the sale, supply, transfer or export of which is controlled in Section I.C.A of this Part, is controlled in accordance with the provisions of Section I.C.B of this Part.
2. The "technology" "required" for the "development", "production" or "use" of goods under control remains under control even when it is applicable to non-controlled goods.
3. Controls do not apply to that "technology" which is the minimum necessary for the installation, operation, maintenance (checking) and repair of those goods which are not controlled or the export of which has been authorised in accordance with this Regulation.
4. Controls on "technology" transfer do not apply to information "in the public domain", to "basic scientific research" or to the minimum necessary information for patent applications.

I.C.A. GOODS**(Materials and chemicals)**

No	Description	Related item from Annex I to Regulation (EC) No 428/2009
I.C.A.001	Chemicals at 95 % concentration or greater, as follows: 1. Ethylene dichloride, (CAS 107-06-2)	
I.C.A.002	Chemicals at 95 % concentration or greater, as follows: 1. Nitromethane, (CAS 75-52-5) 2. Picric acid, (CAS 88-89-1)	
I.C.A.003	Chemicals at 95 % concentration or greater, as follows: 1. Aluminum chloride, (CAS 7446-70-0) 2. Arsenic, (CAS 7440-38-2) 3. Arsenic trioxide, (CAS 1327-53-3) 4. Bis(2-chloroethyl)ethylamine hydrochloride, (CAS 3590-07-6) 5. Bis(2-chloroethyl)methylamine hydrochloride, (CAS 55-86-7) 6. Tris(2-chloroethyl)amine hydrochloride, (CAS 817-09-4)	

I.C.B. TECHNOLOGY

B.001	'Technology' required for the "development", "production" or "use" of the items in Section I.C.A. <i>Technical Note:</i> <i>The term 'technology' includes "software".</i>	
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ANNEX II

ANNEX IX

LIST OF EQUIPMENT, GOODS AND TECHNOLOGY REFERRED TO IN ARTICLE 2b

Introductory Notes

1. Unless otherwise stated, reference numbers used in the column below entitled "Description" refer to the descriptions of dual-use items set out in Annex I to Regulation (EC) No 428/2009.
2. A reference number in the column below entitled "Related item from Annex I to Regulation (EC) No 428/2009" means that the characteristics of the item described in the "Description" column lie outside the parameters set out in the description of the dual-use entry referred to.
3. Definitions of terms between 'single quotation marks' are given in a technical note to the relevant item.
4. Definitions of terms between "double quotation marks" can be found in Annex I to Regulation (EC) No 428/2009.

General Notes

1. The object of the controls contained in this Annex should not be defeated by the export of any non-controlled goods (including plant) containing one or more controlled components when the controlled component or components is/are the principal element of the goods and can feasibly be removed or used for other purposes.

NB: *In judging whether the controlled component or components is/are to be considered the principal element, it is necessary to weigh the factors of quantity, value and technological know-how involved and other special circumstances which might establish the controlled component or components as the principal element of the goods being procured.*

2. The items specified in this Annex include both new and used goods.

General Technology Note (GTN)

(To be read in conjunction with Section B of this Annex)

1. The sale, supply, transfer or export of "technology" which is "required" for the "development", "production" or "use" of goods the sale, supply, transfer or export of which is controlled in Section IX.A of this Annex, is controlled in accordance with the provisions of Section B.
2. The "technology" "required" for the "development", "production" or "use" of goods under control remains under control even when it is applicable to non-controlled goods.
3. Controls do not apply to that "technology" which is the minimum necessary for the installation, operation, maintenance (checking) and repair of those goods which are not controlled or the export of which has been authorised in accordance with this Regulation.
4. Controls on "technology" transfer do not apply to information "in the public domain", to "basic scientific research" or to the minimum necessary information for patent applications.

IX.A. GOODS

IX.A1. Materials, chemicals, 'micro-organisms' and 'toxins'

No	Description	Related item from Annex I to Regulation (EC) No 428/2009
IX.A1.001	Chemicals at 95 % concentration or greater, as follows: Tributylphosphite, (CAS 102-85-2) Isocyanatomethane, (CAS 624-83-9) Quinaldine, (CAS 91-63-4) 2-bromochloroethane, (CAS 107-04-0)	

No	Description	Related item from Annex I to Regulation (EC) No 428/2009
IX.A1.002	Chemicals at 95 % concentration or greater, as follows: Benzil, (CAS 134-81-6) Diethylamine, (CAS 109-89-7) Diethyl ether, (CAS 60-29-7) Dimethyl ether, (CAS 115-10-6) Dimethylaminoethanol, (CAS 108-01-0)	
IX.A1.003	Chemicals at 95 % concentration or greater, as follows: 2-methoxyethanol, (CAS 109-86-4) Butyrylcholinesterase (BCHE) Diethylenetriamine, (CAS 111-40-0) Dichloromethane, (CAS 75-09-3) Dimethylaniline, (CAS 121-69-7) Ethyl bromide, (CAS 74-96-4) Ethyl chloride, (CAS 75-00-3) Ethylamine, (CAS 75-04-7) Hexamine, (CAS 100-97-0) Isopropyl bromide, (CAS 75-26-3) Isopropyl ether, (CAS 108-20-3) Methylamine, (CAS 74-89-5) Methyl bromide, (CAS 74-83-9) Monoisopropylamine, (CAS 75-31-0) Obidoxime chloride, (CAS 114-90-9) Potassium bromide, (CAS 7758-02-3) Pyridine, (CAS 110-86-1) Pyridostigmine bromide, (CAS 101-26-8) Sodium bromide, (CAS 7647-15-6) Sodium metal, (CAS 7440-23-5) Tributylamine, (CAS 102-82-9) Triethylamine, (CAS 121-44-8) Trimethylamine, (CAS 75-50-3)	

IX.A2. Materials Processing

No	Description	Related item from Annex I to Regulation (EC) No 428/2009
IX.A2.001	Floor-mounted fume hoods (walk-in-style) with a minimum nominal width of 2,5 meters.	
IX.A2.002	Full face-mask air-purifying and air-supplying respirators other than those specified in 1A004 or 2B352f1.	1A004.a
IX.A2.003	Class II biological safety cabinets or isolators with similar performance standards.	2B352.f.2

No	Description	Related item from Annex I to Regulation (EC) No 428/2009
IX.A2.004	Batch centrifuges with a rotor capacity of 4 litres or greater, usable with biological materials.	
IX.A2.005	<p>Fermenters capable of cultivation of pathogenic "micro-organisms", viruses or for toxin production, without the propagation of aerosols, having a capacity of 5 litres or more but less than 20 litres.</p> <p><i>Technical Note:</i></p> <p><i>Fermenters include bioreactors, chemostats and continuous-flow systems.</i></p>	2B352.b
IX.A2.007	Conventional or turbulent air-flow clean-air rooms and self contained fan-HEPA or ULPA filter units that may be used for P3 or P4 (BSL 3, BSL 4, L3, L4) containments facilities.	2B352.a
IX.A2.008	<p>Chemical manufacturing facilities, equipment and components, other than those specified in 2B350 or A2.009 as follows:</p> <p>a. Reaction vessels or reactors, with or without agitators, with total internal (geometric) volume greater than 0,1 m³ (100 litres) and less than 20 m³ (20 000 litres), where all surfaces that come in direct contact with the fluid(s) being processed or contained are made from the following materials:</p> <p>1. Stainless steels with more than or equal to 10,5 % chromium and less than or equal to 1,2 % carbon;</p> <p>b. Agitators for use in reaction vessels or reactors specified in 2B350.a.; where all surfaces that come in direct contact with the fluid(s) being processed or contained are made from the following materials:</p> <p>1. Stainless steels with more than or equal to 10,5 % chromium and less than or equal to 1,2 % carbon;</p> <p>c. Storage tanks, containers or receivers with a total internal (geometric) volume greater than 0,1 m³ (100 litres) where all surfaces that come in direct contact with the fluid(s) being processed or contained are made from the following materials:</p> <p>1. Stainless steels with more than or equal to 10,5 % chromium and less than or equal to 1,2 % carbon;</p> <p>d. Heat exchangers or condensers with a heat transfer surface area greater than 0,05 m², and less than 30 m²; and tubes, plates, coils or blocks (cores) designed for such heat exchangers or condensers, where all surfaces that come in direct contact with the fluid(s) being processed are made from the following materials:</p> <p>1. Stainless steels with more than or equal to 10,5 % chromium and less than or equal to 1,2 % carbon;</p> <p><i>Technical Note:</i></p> <p><i>The materials used for gaskets and seals and other implementation of sealing functions do not determine the control status of the heat exchanger.</i></p> <p>e. Distillation or absorption columns of internal diameter greater than 0,1 m; where all surfaces that come in direct contact with the fluid(s) being processed are made from the following materials:</p> <p>1. Stainless steels with more than or equal to 10,5 % chromium and less than or equal to 1,2 % carbon;</p>	<p>2B350.a-e</p> <p>2B350.g</p> <p>2B350.i</p>

No	Description	Related item from Annex I to Regulation (EC) No 428/2009
	<p>f. Valves with 'nominal sizes' greater than 10 mm and casings (valve bodies) designed for such valves where all surfaces that come in direct contact with the fluid(s) being processed or contained are made from the following materials:</p> <ol style="list-style-type: none"> 1. Stainless steels with more than or equal to 10,5 % chromium and less than or equal to 1,2 % carbon; <p><i>Technical Note:</i></p> <ol style="list-style-type: none"> 1. <i>The materials used for gaskets and seals and other implementation of sealing functions do not determine the control status of the valve.</i> 2. <i>The 'nominal size' is defined as the smaller of the inlet and outlet diameters.</i> <p>g. Multiple-seal and seal-less pumps, with manufacturer's specified maximum flow-rate greater than 0,6 m³/hour, in which all surfaces that come in direct contact with the chemical(s) being processed are made from the following materials:</p> <ol style="list-style-type: none"> 1. Stainless steels with more than or equal to 10,5 % chromium and less than or equal to 1,2 % carbon. <p>h. Vacuum pumps with a manufacturer's specified maximum flow-rate greater than 1 m³/h (under standard temperature (273 K (0 °C)) and pressure (101,3 kPa) conditions), and casings (pump bodies) and preformed casing-liners, impellers, rotors and jet pump nozzles designed for such pumps, in which all surfaces that come into direct contact with the chemicals being processed are made from any of the following materials:</p> <ol style="list-style-type: none"> 1. 'Alloys' with more than 25 % nickel and 20 % chromium by weight; 2. Ceramics; 3. 'Ferrosilicon'; 4. Fluoropolymers (polymeric or elastomeric materials with more than 35 % fluorine by weight); 5. Glass (including vitrified or enamelled coatings or glass lining); 6. Graphite or 'carbon graphite'; 7. Nickel or 'alloys' with more than 40 % nickel by weight; 8. Stainless steel with 20 % nickel and 19 % chromium or more by weight; 9. Tantalum or tantalum 'alloys'; 10. Titanium or titanium 'alloys'; 11. Zirconium or zirconium 'alloys'; or 12. Niobium (columbium) or niobium 'alloys'. <p><i>Technical Notes:</i></p> <ol style="list-style-type: none"> 1. <i>The materials used for diaphragms or gaskets and seals and other implementation of sealing functions do not determine the status of control of the pump.</i> 	

No	Description	Related item from Annex I to Regulation (EC) No 428/2009
	<p>2. 'Carbon graphite' is a composition consisting of amorphous carbon and graphite, in which the graphite content is 8 % or more by weight.</p> <p>3. 'Ferosilicons' are silicon iron alloys with more than 8 % silicon by weight or more.</p> <p><i>For the listed materials in the above entries, the term 'alloy' when not accompanied by a specific elemental concentration is understood as identifying those alloys where the identified metal is present in a higher percentage by weight than any other element.</i></p>	
IX.A2.009	<p>Chemical manufacturing facilities, equipment and components, other than specified in 2B350 or A2.008 as follows:</p> <p>Reaction vessels or reactors, with or without agitators, with a total internal (geometric) volume greater than 0,1 m³ (100 litres) and less than 20 m³ (20 000 litres) where all surfaces that come in direct contact with the fluid(s) being processed or contained are made from the following materials:</p> <p>Stainless steel with 20 % nickel and 19 % chromium or more by weight;</p> <p>Agitators for use in reaction vessels or reactors specified in a. where all surfaces that come in direct contact with the fluid(s) being processed or contained are made from the following materials:</p> <p>Stainless steel with 20 % nickel and 19 % chromium or more by weight;</p> <p>Storage tanks, containers or receivers with a total internal (geometric) volume greater than 0,1 m³ (100 litres) where all surfaces that come in direct contact with the fluid(s) being processed or contained are made from the following materials:</p> <p>Stainless steel with 20 % nickel and 19 % chromium or more by weight;</p> <p>Heat exchangers or condensers with a heat transfer surface area greater than 0,05 m², and less than 30 m²; and tubes, plates, coils or blocks (cores) designed for such heat exchangers or condensers, where all surfaces that come in direct contact with the fluid(s) being processed are made from the following materials:</p> <p>Stainless steel with 20 % nickel and 19 % chromium or more by weight;</p> <p><i>Technical Note:</i></p> <p><i>The materials used for gaskets and seals and other implementation of sealing functions do not determine the control status of the heat exchanger.</i></p> <p>Distillation or absorption columns of internal diameter greater than 0,1 m; and liquid distributors, vapour distributors or liquid collectors, in which all surfaces that come in direct contact with the chemical(s) being processed are made from the following materials:</p> <p>Stainless steel with 20 % nickel and 19 % chromium or more by weight;</p> <p>Valves having a nominal diameter of 10 mm or more, and casings (valve bodies), balls or plugs designed for such valves, in which all surfaces that come in direct contact with the chemical(s) being processed or contained are made from the following materials:</p> <p>Stainless steel with 20 % nickel and 19 % chromium or more by weight;</p>	

No	Description	Related item from Annex I to Regulation (EC) No 428/2009
	<p><i>Technical note:</i></p> <p>The 'nominal size' is defined as the smaller of the inlet and outlet port diameters.</p> <p>Multiple-seal and seal-less pumps with manufacturer's specified maximum flow-rate greater than 0,6 m³/hour (measured under standard temperature (273 K or 0 °C) and pressure (101,3 kPa) conditions); and casings (pump bodies), preformed casing liners, impellers, rotors or jet pump nozzles designed for such pumps, in which all surfaces that come in direct contact with the chemical(s) being processed are made from any of the following materials:</p> <p>Ceramics;</p> <p>Ferrosilicon (silicon iron alloys with more than 8 % silicon by weight or more);</p> <p>Stainless steel with 20 % nickel and 19 % chromium or more by weight;</p> <p><i>Technical Notes:</i></p> <p>The materials used for diaphragms or gaskets and seals and other implementation of sealing functions do not determine the control status of the pump.</p> <p>For the listed materials in the above entries, the term 'alloy' when not accompanied by a specific elemental concentration is understood as identifying those alloys where the identified metal is present in a higher percentage by weight than any other element.</p>	

B. TECHNOLOGY

No	Description	Related item from Annex I to Regulation (EC) No 428/2009
IX.B.001	<p>'Technology' required for the "development", "production" or "use" of the items in Section IX.A.</p> <p><i>Technical Note:</i></p> <p>The term 'technology' includes "software".</p>	

ANNEX III

ANNEX X

LIST OF LUXURY GOODS REFERRED TO IN ARTICLE 11B

1. Pure-bred horses
CN Codes: 0101 21 00
2. Caviar and caviar substitutes; in the case of caviar substitutes, if the sales prices exceed EUR 20 per 100 grams
CN Codes: ex 1604 31 00, ex 1604 32 00
3. Truffles
CN Codes: 2003 90 10
4. Wines (including sparkling wines) exceeding a sales price of EUR 50 per litre, spirits exceeding and spirituous beverages exceeding a sales price of EUR 50 per litre
CN Codes: ex 2204 21 to ex 2204 29, ex 2208, ex 2205
5. Cigars and cigarillos exceeding a sales price of EUR 10 each cigar or cigarillo
CN Codes: ex 2402 10 00
6. Perfumes and toilet waters exceeding a sales price of EUR 70 per 50 ml and cosmetics, including beauty and make-up products exceeding a sales price of EUR 70 each
CN Codes: ex 3303 00 10, ex 3303 00 90, ex 3304, ex 3307, ex 3401
7. Leather, saddlery and travel goods, handbags and similar articles exceeding a sales price of EUR 200 each
CN Codes: ex 4201 00 00, ex 4202, ex 4205 00 90
8. Garments, clothing accessories and shoes (regardless of their material) articles exceeding a sales price of EUR 600 per item
CN Codes: ex 4203, ex 4303, ex 61, ex 62, ex 6401, ex 6402, ex 6403, ex 6404, ex 6405, ex 6504, ex 6605 00, ex 6506 99, ex 6601 91 00, ex 6601 99, ex 6602 00 00
9. Pearls, precious and semi-precious stones, articles of pearls, jewellery, gold or silversmith articles
CN Codes: 7101, 7102, 7103, 7104 20, 7104 90, 7105, 7106, 7107, 7108, 7109, 7110, 7111, 7113, 7114, 7115, 7116
10. Coins and banknotes, not being legal tender
CN Codes: ex 4907 00, 7118 10, ex 7118 90
11. Cutlery of precious metal or plated or clad with precious metal
CN Codes: ex 7114, ex 7115, ex 8214, ex 8215, ex 9307
12. Tableware of porcelain, china, stone- or earthenware or fine pottery exceeding a sales price of EUR 500 each
CN Codes: ex 6911 10 00, ex 6912 00 30, ex 6912 00 50
13. Lead crystal glassware exceeding a sales price of EUR 200 each
CN Codes: ex 7009 91 00, ex 7009 92 00, ex 7010, ex 7013 22, ex 7013 33, ex 7013 41, ex 7013 91, ex 7018 10, ex 7018 90, ex 7020 00 80, ex 9405 10 50, ex 9405 20 50, ex 9405 50, ex 9405 91
14. Luxury vehicles for the transport of persons on earth, air or sea, as well as their accessories; in the case of new vehicles, if the sales prices exceeds EUR 25 000; in the case of used vehicles, if the sales price exceeds EUR 15 000
CN Codes: ex 8603, ex 8605 00 00, ex 8702, ex 8703, ex 8711, ex 8712 00, ex 8716 10, ex 8716 40 00, ex 8716 80 00, ex 8716 90, ex 8801 00, ex 8802 11 00, ex 8802 12 00, ex 8802 20 00, ex 8802 30 00, ex 8802 40 00, ex 8805 10, ex 8901 10, ex 8903

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15. Clocks and watches and their parts if the individual item exceeds a sales price of EUR 500
CN Codes: ex 9101, ex 9102, ex 9103, ex 9104, ex 9105, ex 9108, ex 9109, ex 9110, ex 9111, ex 9112, ex 9113, ex 9114
16. Works of art, collectors' pieces and antiques
CN Codes: 97
17. Articles and equipment for skiing, golf and water sports, if the individual item exceeds a sales price of EUR 500
CN Codes: ex 4015 19 00, ex 4015 90 00, ex 6112 20 00, ex 6112 31, ex 6112 39, ex 6112 41, ex 6112 49, ex 6113 00, ex 6114, ex 6210 20 00, ex 6210 30 00, ex 6210 40 00, ex 6210 50 00, ex 6211 11 00, ex 6211 12 00, ex 6211 20, ex 6211 32 90, ex 6211 33 90, ex 6211 39 00, ex 6211 42 90, ex 6211 43 90, ex 6211 49 00, ex 6402 12, ex 6403 12 00, ex 6404 11 00, ex 6404 19 90, ex 9004 90, ex 9020, ex 9506 11, ex 9506 12, ex 9506 19 00, ex 9506 21 00, ex 9506 29 00, ex 9506 31 00, ex 9506 32 00, ex 9506 39, ex 9507
18. Articles and equipment for billiard, automatic bowling, casino games and games operated by coins or banknotes, if the individual item exceeds a sales price of EUR 500
CN Codes: ex 9504 20, ex 9504 30, ex 9504 40 00, ex 9504 90 80'.
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COMMISSION IMPLEMENTING REGULATION (EU) No 510/2012**of 15 June 2012****amending Regulation (EC) No 1238/95 as regards the application fee payable to the Community Plant Variety Office**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights ⁽¹⁾, and in particular Article 113 thereof,

After consulting the Administrative Council of the Community Plant Variety Office,

Whereas:

- (1) Commission Regulation (EC) No 1238/95 of 31 May 1995 establishing implementing rules for the application of Council Regulation (EC) No 2100/94 as regards the fees payable to the Community Plant Variety Office ⁽²⁾, sets out the fees payable to the Community Plant Variety Office ('the Office'), and the levels of those fees.
- (2) The reserve of the Office has exceeded the level necessary to maintain a balanced budget and to safeguard the continuity of its operations. For this reason the application fee should be reduced.

(3) Regulation (EC) No 1238/95 should therefore be amended accordingly.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Community Plant Variety Rights,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 7 of Regulation (EC) No 1238/95, paragraph 1 is replaced by the following:

'1. The applicant for a Community plant variety right (the applicant) shall pay an application fee of EUR 650 for the processing of the application as referred to in Article 113(2)(a) of the Basic Regulation.'

Article 2

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

It shall apply from 1 January 2013.

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

Done at Brussels, 15 June 2012.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 227, 1.9.1994, p. 1.

⁽²⁾ OJ L 121, 1.6.1995, p. 31.

COMMISSION IMPLEMENTING REGULATION (EU) No 511/2012

of 15 June 2012

on notifications concerning producer and interbranch organisations and contractual negotiations and relations provided for in Council Regulation (EC) No 1234/2007 in the milk and milk products sector

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 points (b) and (c) of Article 126e(2) and Article 185f(6) thereof,

Whereas:

- (1) Section IIA of Chapter II of Title II of Part II of Regulation (EC) No 1234/2007 inserted by Regulation (EU) No 261/2012 of the European Parliament and of the Council ⁽²⁾ contains rules concerning producer organisations and interbranch organisations in the milk and milk products sector.
- (2) Articles 126a and 126b of Regulation (EC) No 1234/2007 lay down rules concerning the recognition of producer organisations and their associations and of interbranch organisations. Pursuant to those Articles notifications are to be made by Member States to the Commission concerning the decisions to grant, refuse or withdraw recognition. To prepare the reports to the Council and the European Parliament, pursuant to Article 184(9) of Regulation (EC) No 1234/2007, information is needed on the number of recognised entities, on their size in terms of raw milk volumes produced by their member producers and, where appropriate, on the reasons for refusal or withdrawal of their recognition.
- (3) Article 126c of Regulation (EC) No 1234/2007 lays down rules concerning the negotiations of contracts for the delivery of raw milk. Pursuant to that Article notifications are to be made by producer organisations and Member States.
- (4) Article 126d of Regulation (EC) No 1234/2007 provides that Member States have to notify the Commission of the rules they have adopted for regulating the supply of cheese with a protected designation of origin or protected geographical indication.
- (5) Pursuant to Article 185f of Regulation (EC) No 1234/2007, Member States that decide that every delivery of raw milk in their territory by a farmer to a processor of raw milk must be covered by a written contract between the parties and/or decide that first

purchasers must make a written offer for a contract for the delivery of raw milk by the farmers, have to notify the Commission of the rules they have adopted with regard to contractual relations.

- (6) Uniform rules should be laid down concerning the content of those notifications and the date by which they should be submitted.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

1. No later than 31 March each year, with regard to decisions taken during the previous calendar year, Member States shall notify the Commission, pursuant to Article 126a(4)(d) and Article 126b(3)(e) of Regulation (EC) No 1234/2007 of:

- (a) the number of producer organisations, associations of recognised producer organisations, hereinafter referred to as "associations", and interbranch organisations that they granted recognition, and, where applicable, the annual marketable raw milk volumes produced by producer organisations and associations;
- (b) the number of applications for recognition submitted by producer organisations, associations and interbranch organisations that they refused and a summary of the reasons for such refusal;
- (c) the number of recognised producer organisations, associations and interbranch organisations whose recognition they withdrew and a summary of the reasons for such withdrawal.

2. Where a notification referred to in point (a) of paragraph 1 relates to a transnational producer organisation or association, the notification shall indicate, where applicable, the annual marketable raw milk volumes produced by members per Member State.

Article 2

1. The notifications of the volumes of raw milk covered by contractual negotiations referred to in Article 126c(2)(f) of Regulation (EC) No 1234/2007 shall be made to the competent authority of the Member State or Member States

- (a) where the production of raw milk takes place and,
- (b) if different, where the delivery to a processor or a collector takes place.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 94, 30.3.2012, p. 38.

2. A notification referred to in paragraph 1 shall be made before the start of negotiations and shall indicate the producer organisation's or the association's estimate of production volume to be covered by the negotiation and the expected time period of delivery of the raw milk volume.

3. By 31 January each year, each producer organisation or association shall, in addition to the notification referred to in paragraph 1, notify the volume of raw milk, specified per Member State of production, that was actually delivered under the contracts negotiated by the producer organisation in the previous calendar year.

Article 3

1. No later than 15 March each year, Member States shall notify the Commission, pursuant to Article 126c(8) of Regulation (EC) No 1234/2007 of:

- (a) the total volume of raw milk, specified per Member State of production, delivered in their territory under contracts negotiated by the recognised producer organisations and associations in accordance with Article 126c(2)(f) of Regulation (EC) No 1234/2007 in the previous calendar year, as notified to the competent authorities under Article 2(3) of this Regulation;
- (b) the number of cases in which National Competition Authorities decided that a particular negotiation should either be reopened or should not take place at all in accordance with Article 126c(6) of Regulation (EC) No 1234/2007 and a short summary of those decisions.

2. Where the notifications received under Article 2(1) of this Regulation relate to negotiations covering more than one Member State, Member States shall, for the purposes of the second subparagraph of Article 126c(6) of Regulation (EC) No 1234/2007, forward forthwith to the Commission the information necessary for the Commission to assess whether competition is excluded or SME processors of raw milk are seriously damaged.

Article 4

1. The notifications pursuant to Article 126d(7) of Regulation (EC) No 1234/2007 shall contain the rules adopted by

the Member States for regulating the supply of cheese with a protected designation of origin or protected geographical indication as well as a summary note indicating:

- (a) the name of the cheese;
- (b) the name and type of organisation requesting the regulation of supply;
- (c) the means selected for the regulation of supply;
- (d) the date of entry into force of the rules;
- (e) the time period in which the rules apply.

2. Member States shall inform the Commission when they repeal rules before the end of the period referred to in point (e) of paragraph 1.

Article 5

The notifications referred to in Article 185f(5) of Regulation (EC) No 1234/2007 shall contain the rules adopted by the Member States as regards the contracts referred to in Article 185f(1) thereof, as well as a summary note indicating:

- (a) whether the Member State has decided that deliveries of raw milk by a farmer to a processor must be covered by a written contract between the parties and, if so, the stage or stages of the delivery required to be covered by such contracts, if the delivery is made through one or more collectors, and any minimum duration for written contracts;
- (b) whether the Member State has decided that the first purchaser of raw milk must make a written offer for a contract to the farmer, and, where appropriate, the minimum duration for the contract which the offer must include.

Article 6

This Regulation shall enter into force on the third 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, 15 June 2012.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 512/2012**of 15 June 2012****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 15 June 2012.

*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	MK	45,6
	TR	43,1
	ZZ	44,4
0707 00 05	MK	19,0
	TR	119,1
	ZZ	69,1
0709 93 10	TR	99,0
	ZZ	99,0
0805 50 10	AR	74,0
	BO	105,1
	TR	92,4
	ZA	101,4
	ZZ	93,2
0808 10 80	AR	114,0
	BR	92,7
	CH	68,9
	CL	97,5
	NZ	131,4
	US	160,1
	UY	61,9
	ZA	104,5
	ZZ	103,9
0809 10 00	IL	705,0
	TR	223,1
	ZZ	464,1
0809 29 00	TR	448,5
	ZZ	448,5
0809 40 05	ZA	249,8
	ZZ	249,8

⁽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 513/2012
of 15 June 2012
fixing the import duties in the cereals sector applicable from 16 June 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 16 June 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 16 June 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, 15 June 2012.

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 16 June 2012

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

⁽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

1.6.2012-14.6.2012

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	237,71	183,97	—	—	—
Fob price USA	—	—	235,68	225,68	205,68
Gulf of Mexico premium	—	24,85	—	—	—
Great Lakes premium	50,93	—	—	—	—

⁽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: 17,08 EUR/t

Freight costs: Great Lakes-Rotterdam: 51,92 EUR/t

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