

# Official Journal

## of the European Union

L 218



English edition

Legislation

Volume 55

15 August 2012

## Contents

II *Non-legislative acts*

## REGULATIONS

- ★ **Commission Regulation (EU) No 734/2012 of 10 August 2012 establishing a prohibition of fishing for Atlantic salmon in EU waters of subdivisions 22-31 (Baltic Sea excl. Gulf of Finland) by vessels flying the flag of Sweden** ..... 1
- ★ **Commission Implementing Regulation (EU) No 735/2012 of 14 August 2012 amending Implementing Regulation (EU) No 540/2011 as regards the conditions of approval of the active substance potassium hydrogen carbonate <sup>(1)</sup>** ..... 3
- ★ **Commission Implementing Regulation (EU) No 736/2012 of 14 August 2012 fixing the coefficients applicable to cereals exported in the form of Irish whiskey for the period 2012/2013** ..... 6
- ★ **Commission Implementing Regulation (EU) No 737/2012 of 14 August 2012 on the protection of certain stocks in the Celtic Sea** ..... 8
- Commission Implementing Regulation (EU) No 738/2012 of 14 August 2012 establishing the standard import values for determining the entry price of certain fruit and vegetables ..... 10
- Commission Implementing Regulation (EU) No 739/2012 of 14 August 2012 amending the representative prices and additional import duties for certain products in the sugar sector fixed by Implementing Regulation (EU) No 971/2011 for the 2011/12 marketing year ..... 12

Price: EUR 3

(Continued overleaf)

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

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

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

Commission Implementing Regulation (EU) No 740/2012 of 14 August 2012 fixing the import duties in the cereals sector applicable from 16 August 2012 .....	14
---	----

## DECISIONS

2012/474/EU:

★ <b>Commission Implementing Decision of 13 August 2012 on the approval by the Commission of sampling plans for the weighing of fisheries products in accordance with Article 60(1) and 60(3) of Council Regulation (EC) No 1224/2009 and of control plans for the weighing of fisheries products in accordance with Article 61(1) of Regulation (EC) No 1224/2009</b> ( <i>notified under document C(2012) 5568</i> ) .....	17
--	----

2012/475/EU:

★ <b>Decision of the European Central Bank of 2 August 2012 repealing Decision ECB/2011/25 on additional temporary measures relating to Eurosystem refinancing operations and eligibility of collateral</b> ( <i>ECB/2012/17</i> ) .....	19
--	----

## GUIDELINES

2012/476/EU:

★ <b>Guideline of the European Central Bank of 2 August 2012 on additional temporary measures relating to Eurosystem refinancing operations and eligibility of collateral and amending Guideline ECB/2007/9</b> ( <i>ECB/2012/18</i> ) .....	20
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## II

*(Non-legislative acts)*

## REGULATIONS

## COMMISSION REGULATION (EU) No 734/2012

of 10 August 2012

**establishing a prohibition of fishing for Atlantic salmon in EU waters of subdivisions 22-31 (Baltic Sea excl. Gulf of Finland) by vessels flying the flag of Sweden**

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS REGULATION:

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

*Article 1***Quota exhaustion**

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

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2012 shall be deemed to be exhausted from the date set out in that Annex.

Whereas:

*Article 2***Prohibitions**

(1) Council Regulation (EU) No 1256/2011 of 30 November 2011 fixing for 2012 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) No 1124/2010 <sup>(2)</sup>, lays down quotas for 2012.

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

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2012.

*Article 3***Entry into force**

(3) It is therefore necessary to prohibit fishing activities for that stock,

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

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

Done at Brussels, 10 August 2012.

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

Lowri EVANS

*Director-General for Maritime Affairs and Fisheries*

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

<sup>(2)</sup> OJ L 320, 3.12.2011, p. 3.

## ANNEX

No	11/Baltic
Member State	Sweden
Stock	SAL/3BCD-F
Species	Atlantic Salmon ( <i>Salmo Salar</i> )
Zone	EU waters of subdivisions 22-31 (Baltic Sea excl. Gulf of Finland)
Date	9 July 2012

**COMMISSION IMPLEMENTING REGULATION (EU) No 735/2012****of 14 August 2012****amending Implementing Regulation (EU) No 540/2011 as regards the conditions of approval of the active substance potassium hydrogen carbonate****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

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

Whereas:

(1) The active substance potassium hydrogen carbonate was included in Annex I to Council Directive 91/414/EEC <sup>(2)</sup> by Commission Directive 2008/127/EC <sup>(3)</sup> in accordance with the procedure provided for in Article 24b of Commission Regulation (EC) No 2229/2004 of 3 December 2004 laying down further detailed rules for the implementation of the fourth stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC <sup>(4)</sup>. Since the replacement of Directive 91/414/EEC by Regulation (EC) No 1107/2009, this substance is deemed to have been approved under that Regulation and is listed in Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances <sup>(5)</sup>.

(2) In accordance with Article 25a of Regulation (EC) No 2229/2004, the European Food Safety Authority, hereinafter 'the Authority', presented to the Commission its view on the draft review report for potassium hydrogen carbonate <sup>(6)</sup> on 16 December 2011. The draft review report and the view of the Authority were reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 13 July 2012 in the format of the Commission review report for potassium hydrogen carbonate.

(3) The Authority communicated its view on potassium hydrogen carbonate to the notifier, and the Commission invited it to submit comments on the review report.

(4) It is confirmed that the active substance potassium hydrogen carbonate is to be deemed to have been approved under Regulation (EC) No 1107/2009.

(5) In accordance with Article 13(2) of Regulation (EC) No 1107/2009 in conjunction with Article 6 thereof and in the light of current scientific and technical knowledge, it is necessary to amend the conditions of approval of potassium hydrogen carbonate. Taking into account the fact that the use of potassium hydrogen carbonate as insecticide was assessed by Belgium and has not shown additional risks, it is appropriate to allow this use in addition to the use as fungicide.

(6) The Annex to Implementing Regulation (EU) No 540/2011 should therefore be amended accordingly.

(7) A reasonable period of time should be allowed before the application of this Regulation in order to allow Member States, the notifier and holders of authorisations for plant protection products containing potassium hydrogen carbonate to meet the requirements resulting from amendment to the conditions of the approval.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

*Article 1*

Part A of the Annex to Implementing Regulation (EU) No 540/2011 is amended in accordance with the Annex to this Regulation.

*Article 2*

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

It shall apply from 1 February 2013.

<sup>(1)</sup> OJ L 309, 24.11.2009, p. 1.

<sup>(2)</sup> OJ L 230, 19.8.1991, p. 1.

<sup>(3)</sup> OJ L 344, 20.12.2008, p. 89.

<sup>(4)</sup> OJ L 379, 24.12.2004, p. 13.

<sup>(5)</sup> OJ L 153, 11.6.2011, p. 1.

<sup>(6)</sup> Conclusion on the peer review of the pesticide risk assessment of the active substance potassium hydrogen carbonate, *EFSA Journal* 2012; 10(1):2524. Available online: [www.efsa.europa.eu/efsajournal.htm](http://www.efsa.europa.eu/efsajournal.htm)

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

Done at Brussels, 14 August 2012.

*For the Commission*

*The President*

José Manuel BARROSO

  

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## ANNEX

In Part A of the Annex to Implementing Regulation (EU) No 540/2011, row 244 on the active substance potassium hydrogen carbonate is replaced by the following:

Number	Common name, identification numbers	IUPAC name	Purity <sup>(1)</sup>	Date of approval	Expiration of approval	Specific provisions
'244	Potassium hydrogen carbonate  CAS No 298-14-6 CIPAC No 853	Potassium hydrogen carbonate	≥ 99,5 %  Impurities:  Pb max. 10 mg/kg  As max. 3 mg/kg	1 September 2009	31 August 2019	<p>PART A</p> <p>Only uses as fungicide and insecticide may be authorised.</p> <p>PART B</p> <p>For the implementation of the uniform principles as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on potassium hydrogen carbonate (SANCO/2625/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 13 July 2012 shall be taken into account.</p> <p>In this overall assessment Member States shall pay particular attention to the risk to honeybees. Conditions of use shall include, where appropriate, risk mitigation measures.'</p>

<sup>(1)</sup> Further details on identity and specification of active substance are provided in their review report.

**COMMISSION IMPLEMENTING REGULATION (EU) No 736/2012****of 14 August 2012****fixing the coefficients applicable to cereals exported in the form of Irish whiskey for the period 2012/2013**

THE EUROPEAN COMMISSION,

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

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

Having regard to Commission Regulation (EC) No 1670/2006 of 10 November 2006 laying down certain detailed rules for the application of Council Regulation (EC) No 1784/2003 as regards the fixing and granting of adjusted refunds in respect of cereals exported in the form of certain spirit drinks <sup>(2)</sup>, and in particular Article 5 thereof,

Whereas:

- (1) Article 4(1) of Regulation (EC) No 1670/2006 lays down that the quantities of cereals eligible for the refund are to be the quantities placed under control and distilled, weighted by a coefficient to be fixed annually for each Member State concerned. The coefficient is to express the average ratio between the total quantities exported and the total quantities marketed of the spirit drink concerned, on the basis of the trend noted in those quantities during the number of years corresponding to the average ageing period of the spirit drink in question.
- (2) According to the information provided by Ireland in respect of the period 1 January to 31 December 2011, the average ageing period for Irish whiskey in 2011 was five years.

- (3) Commission Implementing Regulation (EU) No 899/2011 of 7 September 2011 fixing the coefficients applicable to cereals exported in the form of Irish whiskey for the period 2011/12 <sup>(3)</sup> has exhausted its effects, as it concerns the coefficients applicable for the year 2011/2012. The coefficients for the period 1 October 2012 to 30 September 2013 should therefore be fixed accordingly.

- (4) Article 10 of Protocol 3 to the Agreement on the European Economic Area excludes the grant of refunds in respect of exports to Liechtenstein, Iceland and Norway. Moreover, the Union has concluded agreements abolishing export refunds with certain third countries. Under the terms of Article 7(2) of Regulation (EC) No 1670/2006, this should be taken into account in calculating the coefficients for 2012/2013,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the period 1 October 2012 to 30 September 2013, the coefficients provided for in Article 4 of Regulation (EC) No 1670/2006 applying to cereals used in Ireland for manufacturing Irish whiskey shall be as set out 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*.

It shall apply from 1 October 2012 to 30 September 2013.

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

Done at Brussels, 14 August 2012.

*For the Commission*

*The President*

José Manuel BARROSO

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

<sup>(2)</sup> OJ L 312, 11.11.2006, p. 33.

<sup>(3)</sup> OJ L 231, 8.9.2011, p. 13.



## ANNEX

Coefficients applicable in Ireland		
Period of application	Coefficient applicable	
	to barley used in the production of Irish whiskey, category B <sup>(1)</sup>	to cereals used in the production of Irish whiskey, category A
From 1 October 2012 to 30 September 2013	0,227	0,970

<sup>(1)</sup> Including malted barley.

**COMMISSION IMPLEMENTING REGULATION (EU) No 737/2012**  
**of 14 August 2012**  
**on the protection of certain stocks in the Celtic Sea**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fisheries resources through technical measures for the protection of juveniles of marine organisms <sup>(1)</sup>, and in particular Article 45(1) thereof,

Whereas:

(1) In accordance with Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy <sup>(2)</sup>, the common fisheries policy must provide for coherent measures concerning the conservation, management and exploitation of living aquatic resources, including specific measures to reduce the impact of fishing activities on marine ecosystems and non-target species.

(2) Article 45(1) of Regulation (EC) No 850/98 provides that, where the conservation of stocks of marine organisms calls for immediate action, the Commission may, in addition to or by way of derogation from that Regulation, adopt any measures necessary.

(3) Advice received in June 2011 from the International Council for the Exploration of the Sea (hereinafter 'ICES') shows that discarding rates in the Celtic Sea, particularly of juvenile haddock and whiting, are high and increasing. Discarding fish before they have reproduced reduces the potential yield for future years and thus threatens the sustainability of the stocks.

(4) Both the fleets targeting Norway lobster and the fleets using bottom trawls and seines to target mixed finfish have high levels of haddock and whiting discards due to the poor selectivity of the gears used. ICES also states that the cod stock is highly dependent on recruitment of fish, and that technical measures should be encouraged to reduce discards. With recent high recruitment in both haddock and whiting stocks in the Celtic Sea, discarding is expected to get worse this year. Consequently, ICES advises that technical measures should be introduced urgently to increase selectivity and reduce discards of haddock, whiting and cod.

(5) It is therefore necessary to introduce the use of square-meshed panels to improve the size selectivity of the gears

used and protect the juvenile fish entering the stock, whilst maintaining as much of the catches of target species as possible. Square-meshed panels have been shown to reduce fishing mortality significantly by allowing fish to escape and are an effective measure that can be introduced immediately.

(6) In October 2011 the North Western Waters Regional Advisory Council (NWWAC) issued advice that the current technical measures in the Celtic Sea should be improved to reduce discards, especially of haddock and whiting, by requiring the use of an appropriately positioned square-meshed panel of a specified size depending on the gear type and engine power of the vessel.

(7) Therefore, the conservation of haddock and whiting stocks in the Celtic Sea require immediate action.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

*Article 1*

**Scope**

1. This Regulation shall apply to fishing vessels operating with bottom trawls or seines in the International Council for the Exploration of the Sea (ICES) divisions VIIg, VIIj and the part of VIIj that lies north of latitude 50° N and east of 11° W (hereinafter the 'Celtic Sea'), where:

(a) bottom trawls and seines are of single mesh size equal to or larger than 100 millimetres (hereinafter 'TR1 vessels');

(b) bottom trawls and seines are of single mesh size equal or larger than 70 millimetres and less than 100 millimetres (hereinafter 'TR2 vessels'); or

(c) where the vessel using bottom trawls or seines has an engine power of less than 112 kilowatts (hereinafter 'low-powered vessels').

2. Paragraph 1 shall not apply to fishing vessels operating with beam trawls.

*Article 2*

**Technical measures**

1. By way of derogation from point (a) of Article 7(1) of Regulation (EC) No 850/98, the following technical measures shall apply for vessels as referred to in Article 1:

<sup>(1)</sup> OJ L 125, 27.4.1998, p. 1.

<sup>(2)</sup> OJ L 358, 31.12.2002, p. 59.

- (a) TR1 and low-powered vessels shall use a square-meshed panel of a mesh size of at least 100 millimetres;
- (b) TR2 vessels shall use a square-meshed panel of a mesh size of at least 110 millimetres.

2. By way of derogation from point (a) of Article 7(2) of Regulation (EC) No 850/98, the square-meshed panel as referred to in paragraph 1 shall be placed into the top panel of the codend. The rearmost edge of the square-meshed panel, which is the part closest to the codline, shall be no more than 9 metres from the codline.

#### Article 3

##### **Onboard observer programme**

1. Without prejudice to Commission Regulation (EC) No 665/2008 <sup>(1)</sup>, each Member State whose vessels are concerned by the technical measures referred to in Article 2 shall

immediately establish an onboard observer programme to record the effectiveness of those measures. In particular, the observer programme shall estimate haddock, whiting and cod catches and discards with a precision of no less than 20 %.

2. Member States shall submit to the Commission a report on the selective performance of the gear, including the total catches and discards of vessels subject to the observer programme no later than 15 October of each year in which the programme is implemented.

#### Article 4

##### **Entry into force and application**

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

Article 2 shall apply from 26 September 2012.

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

Done at Brussels, 14 August 2012.

*For the Commission*

*The President*

José Manuel BARROSO

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<sup>(1)</sup> OJ L 186, 15.7.2008, p. 3.

**COMMISSION IMPLEMENTING REGULATION (EU) No 738/2012****of 14 August 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) <sup>(1)</sup>,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

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

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

Done at Brussels, 14 August 2012.

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

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

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

## ANNEX

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

(EUR/100 kg)		
CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	MK	45,6
	TR	55,3
	ZZ	50,5
0707 00 05	MK	56,9
	TR	104,5
	ZZ	80,7
0709 93 10	TR	106,7
	ZZ	106,7
0805 50 10	AR	92,1
	TR	95,0
	UY	90,2
	ZA	95,0
	ZZ	93,1
0806 10 10	EG	202,1
	MA	168,7
	MK	50,2
	TR	165,0
	ZZ	146,5
0808 10 80	AR	168,7
	BR	106,3
	CL	131,4
	NZ	114,8
	US	194,6
	ZA	96,5
	ZZ	135,4
0808 30 90	AR	111,1
	CL	165,2
	CN	80,2
	TR	154,7
	ZA	96,3
	ZZ	121,5
0809 30	TR	166,3
	ZZ	166,3
0809 40 05	BA	65,2
	IL	69,8
	ZZ	67,5

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

**COMMISSION IMPLEMENTING REGULATION (EU) No 739/2012****of 14 August 2012****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Implementing Regulation (EU) No 971/2011 for the 2011/12 marketing year**

THE EUROPEAN COMMISSION,

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

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

Having regard to Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector <sup>(2)</sup>, and in particular Article 36(2), second subparagraph, second sentence thereof,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups for the 2011/12 marketing year are fixed by Commission Implementing Regulation (EU) No 971/2011 <sup>(3)</sup>. Those prices and duties were last amended by Commission Implementing Regulation (EU) No 732/2012 <sup>(4)</sup>.

- (2) The data currently available to the Commission indicate that those amounts should be amended in accordance with Article 36 of Regulation (EC) No 951/2006.

- (3) 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*

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Implementing Regulation (EU) No 971/2011 for the 2011/12 marketing year, are hereby amended as set out in the Annex hereto.

*Article 2*

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

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

Done at Brussels, 14 August 2012.

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

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

<sup>(2)</sup> OJ L 178, 1.7.2006, p. 24.

<sup>(3)</sup> OJ L 254, 30.9.2011, p. 12.

<sup>(4)</sup> OJ L 215, 11.8.2012, p. 17.

## ANNEX

**Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 15 August 2012**

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 12 10 <sup>(1)</sup>	39,31	0,00
1701 12 90 <sup>(1)</sup>	39,31	2,81
1701 13 10 <sup>(1)</sup>	39,31	0,00
1701 13 90 <sup>(1)</sup>	39,31	3,11
1701 14 10 <sup>(1)</sup>	39,31	0,00
1701 14 90 <sup>(1)</sup>	39,31	3,11
1701 91 00 <sup>(2)</sup>	46,68	3,47
1701 99 10 <sup>(2)</sup>	46,68	0,33
1701 99 90 <sup>(2)</sup>	46,68	0,33
1702 90 95 <sup>(3)</sup>	0,47	0,23

<sup>(1)</sup> For the standard quality defined in point III of Annex IV to Regulation (EC) No 1234/2007.<sup>(2)</sup> For the standard quality defined in point II of Annex IV to Regulation (EC) No 1234/2007.<sup>(3)</sup> Per 1 % sucrose content.

**COMMISSION IMPLEMENTING REGULATION (EU) No 740/2012****of 14 August 2012****fixing the import duties in the cereals sector applicable from 16 August 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) <sup>(1)</sup>,

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 <sup>(2)</sup>, 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 August 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 August 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, 14 August 2012.

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

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

<sup>(2)</sup> 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 August 2012**

CN code	Description	Import duties <sup>(1)</sup> (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 <sup>(2)</sup>	0,00
1007 10 90 1007 90 00	Grain sorghum other than hybrids for sowing	0,00

<sup>(1)</sup> 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.

<sup>(2)</sup> 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

31.7.2012-13.8.2012

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

(EUR/tonne)

	Common wheat <sup>(1)</sup>	Maize	Durum wheat, high quality	Durum wheat, medium quality <sup>(2)</sup>	Durum wheat, low quality <sup>(3)</sup>
Exchange	Minneapolis	Chicago	—	—	—
Quotation	293,97	256,29	—	—	—
Fob price USA	—	—	273,29	263,29	243,29
Gulf of Mexico premium	—	16,98	—	—	—
Great Lakes premium	16,67	—	—	—	—

<sup>(1)</sup> Premium of EUR 14/t incorporated (Article 5(3) of Regulation (EU) No 642/2010).<sup>(2)</sup> Discount of EUR 10/t (Article 5(3) of Regulation (EU) No 642/2010).<sup>(3)</sup> 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: 16,76 EUR/t

Freight costs: Great Lakes-Rotterdam: 52,45 EUR/t

## DECISIONS

## COMMISSION IMPLEMENTING DECISION

of 13 August 2012

**on the approval by the Commission of sampling plans for the weighing of fisheries products in accordance with Article 60(1) and 60(3) of Council Regulation (EC) No 1224/2009 and of control plans for the weighing of fisheries products in accordance with Article 61(1) of Regulation (EC) No 1224/2009**

*(notified under document C(2012) 5568)***(Only the Dutch, English, Estonian, Finnish, German, Lithuanian, Polish and Swedish texts are authentic)**

(2012/474/EU)

THE EUROPEAN COMMISSION,

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

Having regard to the Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 <sup>(1)</sup>, and in particular Article 60(1) and (3) and Article 61(1) thereof,

Having regard to the submission of sampling plans and control plans by Member States,

Whereas:

(1) Pursuant to Article 60(1) and (2) of Regulation (EC) No 1224/2009 a Member State should ensure that all fisheries products are weighed on landing prior to the fisheries products being held in storage, transported or sold, on systems approved by the control authorities unless it has adopted a sampling plan approved by the Commission and based on the risk-based methodology established in Article 76(1) of Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy <sup>(2)</sup> in conjunction with Annex XIX to the same Regulation.

(2) Pursuant to Article 60(3) of Regulation (EC) No 1224/2009 Member States may permit fisheries products to be weighed on board the fishing vessel, by

way of derogation from the general weighing obligation established in Article 60(1), and provided the Member State has adopted a sampling plan as referred to in Article 60(1), approved by the Commission and based on the risk-based methodology established in Article 76(2) of Implementing Regulation (EU) No 404/2011 in conjunction with Annex XX to the same Regulation.

(3) Pursuant to Article 61(1) of Regulation (EC) No 1224/2009 Member States may permit fisheries products to be weighed after transport from the place of landing provided that they are transported to a destination on the territory of the Member State concerned and that this Member State has adopted a control plan approved by the Commission and based on the risk-based methodology established in Article 77(1) of Implementing Regulation (EU) No 404/2011 in conjunction with Annex XXI to the same Regulation.

(4) Sampling plans of Germany (14.11.2011), Ireland (7.11.2011), Lithuania (11.1.2012), the Netherlands (18.1.2012), Poland (5.3.2012), Finland (7.11.2011) and the United Kingdom (15.12.2011) and control plans of Germany (14.11.2011), Estonia (15.12.2011), Ireland (7.11.2011), Poland (5.3.2012), Finland (7.11.2011) and the United Kingdom (15.12.2011) have been submitted to the Commission for approval. They are in line with the relevant risk-based methodologies. They should therefore be approved.

(5) This Decision constitutes the approval decision within the meaning of Article 60(1) and (3) and Article 61(1) of Regulation (EC) No 1224/2009.

(6) The Commission needs to monitor the application of the sampling plans and control plans both with respect to their effective operation as well as to their regular review by the Member State concerned. For that reason Member States should report to the Commission on the application of these plans,

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

<sup>(2)</sup> OJ L 112, 30.4.2011, p. 1.

HAS ADOPTED THIS DECISION:

*Article 1*

1. The sampling plans according to Article 60(1) of Regulation (EC) No 1224/2009 of Germany, Ireland, Lithuania, Poland, Finland and the United Kingdom for the weighing of fisheries products are approved.
2. The sampling plans according to Article 60(3) in conjunction with Article 60(1) of Regulation (EC) No 1224/2009 of Germany, Ireland, Lithuania, the Netherlands and the United Kingdom for the weighing of fisheries products on board the fishing vessel are approved.
3. The control plans according to Article 61(1) of Regulation (EC) No 1224/2009 of Germany, Estonia, Ireland, Poland, Finland and the United Kingdom for the weighing of fisheries products after transport to a destination on the territory of the Member State concerned are approved.

*Article 2*

The Member States referred to in Article 1 shall transmit a report to the Commission on the application of the sampling plans and control plans referred to in Article 1 before 1 April 2014.

*Article 3*

This Decision is addressed to the Federal Republic of Germany, the Republic of Estonia, Ireland, the Republic of Lithuania, the Kingdom of the Netherlands, the Republic of Poland, the Republic of Finland and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 13 August 2012.

*For the Commission*

Maria DAMANAKI

*Member of the Commission*

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**DECISION OF THE EUROPEAN CENTRAL BANK****of 2 August 2012****repealing Decision ECB/2011/25 on additional temporary measures relating to Eurosystem refinancing operations and eligibility of collateral****(ECB/2012/17)**

(2012/475/EU)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first indent of Article 127(2) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular the first indent of Article 3.1, Article 12.1, Article 18 and the second indent of Article 34.1,

Whereas:

- (1) Decision ECB/2011/25 of 14 December 2011 on additional temporary measures relating to Eurosystem refinancing operations and eligibility of collateral<sup>(1)</sup> should be replaced by Guideline ECB/2012/18 of 2 August 2012 on additional temporary measures relating to Eurosystem refinancing operations and eligibility of collateral and amending Guideline ECB/2007/9<sup>(2)</sup> to allow the national central banks to implement the additional enhanced credit support measures in the contractual and regulatory framework applicable to their counterparties.

- (2) Decision ECB/2011/25 should be repealed,

HAS ADOPTED THIS DECISION:

*Article 1***Repeal of Decision ECB/2011/25**

1. Decision ECB/2011/25 is repealed with effect from 14 September 2012.
2. References to the repealed Decision shall be construed as references to Guideline ECB/2012/18.

*Article 2***Entry into force**

This Decision shall enter into force two days following its adoption.

Done at Frankfurt am Main, 2 August 2012.

*The President of the ECB*

Mario DRAGHI

<sup>(1)</sup> OJ L 341, 22.12.2011, p. 65.

<sup>(2)</sup> See page 20 of this Official Journal.

# GUIDELINES

## GUIDELINE OF THE EUROPEAN CENTRAL BANK

of 2 August 2012

**on additional temporary measures relating to Eurosystem refinancing operations and eligibility of collateral and amending Guideline ECB/2007/9**

**(ECB/2012/18)**

(2012/476/EU)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first indent of Article 127(2) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular the first indent of Article 3.1 and Articles 5.1, 12.1, 14.3 and 18.2 thereof,

Whereas:

institutions and markets statistics<sup>(3)</sup> need to be aligned with the amendments to Regulation (EC) No 1745/2003 of the European Central Bank of 12 September 2003 on the application of minimum reserves (ECB/2003/9)<sup>(4)</sup> introduced by Regulation (EU) No 1358/2011<sup>(5)</sup>.

(3) NCBs should not be obliged to accept as collateral in Eurosystem credit operations eligible bank bonds guaranteed by a Member State under a European Union/International Monetary Fund programme or by a Member State whose credit assessment does not meet the Eurosystem benchmark for establishing its minimum requirement for high credit standards, as set out in Decision ECB/2011/25.

(1) Pursuant to Article 18.1 of the Statute of the European System of Central Banks and of the European Central Bank, the European Central Bank (ECB) and the national central banks of Member States whose currency is the euro (hereinafter the 'NCBs') may conduct credit operations with credit institutions and other market participants, with lending being based on adequate collateral. The general conditions under which the ECB and the NCBs stand ready to enter into credit operations, including the criteria determining the eligibility of collateral for the purposes of Eurosystem credit operations, are laid down in Annex I to Guideline ECB/2011/14 of 20 September 2011 on monetary policy instruments and procedures of the Eurosystem<sup>(1)</sup>.

(2) On 8 December 2011 and 20 June 2012 the Governing Council decided on additional enhanced credit support measures to support bank lending and liquidity in the euro area money market, including measures set out in Decision ECB/2011/25 of 14 December 2011 on additional temporary measures relating to Eurosystem refinancing operations and eligibility of collateral<sup>(2)</sup>. In addition, references to the reserve ratio in Guideline ECB/2007/9 of 1 August 2007 on monetary, financial

(4) Decision ECB/2011/25 reviewed the exception from the close links prohibition set out in Section 6.2.3.2 of Annex I to Guideline ECB/2011/14 with respect to government-guaranteed bank bonds own used as collateral by counterparties.

(5) Counterparties participating in Eurosystem credit operations should be allowed to increase the levels of own use of government-guaranteed bank bonds that they had on 3 July 2012 subject to the *ex ante* approval of the Governing Council in exceptional circumstances. The requests submitted to the Governing Council for the *ex ante* approval need to be accompanied by a funding plan.

(6) Decision ECB/2011/25 needs to be replaced by this Guideline, which should be implemented by the NCBs in their contractual or regulatory arrangements.

<sup>(1)</sup> OJ L 331, 14.12.2011, p. 1.

<sup>(2)</sup> OJ L 341, 22.12.2011, p. 65.

<sup>(3)</sup> OJ L 341, 27.12.2007, p. 1.

<sup>(4)</sup> OJ L 250, 2.10.2003, p. 10.

<sup>(5)</sup> Regulation (EU) No 1358/2011 of the European Central Bank of 14 December 2011 amending Regulation (EC) No 1745/2003 on the application of minimum reserves (ECB/2003/9) (ECB/2011/26) (OJ L 338, 21.12.2011, p. 51).

- (7) The additional measures set out in this Guideline should apply temporarily, until the Governing Council considers that they are no longer necessary, to ensure an appropriate monetary policy transmission mechanism,

HAS ADOPTED THIS GUIDELINE:

#### Article 1

##### **Additional measures relating to refinancing operations and eligible collateral**

1. The rules for the conduct of Eurosystem monetary policy operations and the eligibility criteria for collateral laid down in this Guideline shall apply in conjunction with Guideline ECB/2011/14.

2. In the event of any discrepancy between this Guideline and Guideline ECB/2011/14, as implemented at national level by the NCBs, the former shall prevail. The NCBs shall continue to apply all provisions of Guideline ECB/2011/14 unaltered unless otherwise provided for in this Guideline.

#### Article 2

##### **Option to terminate or modify longer-term refinancing operations**

The Eurosystem may decide that, under certain conditions, counterparties may reduce the amount of, or terminate, certain longer-term refinancing operations before maturity. Such conditions shall be published in the announcement of the relevant tender or another format deemed appropriate by the Eurosystem.

#### Article 3

##### **Admission of certain additional asset-backed securities**

1. In addition to asset-backed securities (ABS) eligible under Chapter 6 of Annex I to Guideline ECB/2011/14, ABS which do not fulfil the credit assessment requirements under Section 6.3.2 of Annex I to Guideline ECB/2011/14 but which otherwise comply with all eligibility criteria applicable to ABS pursuant to Guideline ECB/2011/14, shall be eligible as collateral for Eurosystem monetary policy operations, provided that they have two ratings of at least triple B <sup>(1)</sup>, at issuance and at any time subsequently. They shall also satisfy all the following requirements:

- (a) the cash-flow generating assets backing the ABS shall belong to one of the following asset classes: (i) residential mortgages; (ii) loans to small and medium-sized enterprises (SMEs); (iii) commercial mortgages; (iv) auto loans; (v) leasing; and (vi) consumer finance;

<sup>(1)</sup> A 'triple B' rating is a rating of at least 'Baa3' from Moody's, 'BBB-' from Fitch or Standard & Poor's, or a rating of 'BBB' from DBRS.

- (b) there shall be no mix of different asset classes in the cash-flow generating assets;

- (c) the cash-flow generating assets backing the ABS shall not contain loans which are any of the following:

- (i) non-performing at the time of issuance of the ABS;

- (ii) non-performing when incorporated in the ABS during the life of the ABS, for example by means of a substitution or replacement of the cash-flow generating assets;

- (iii) at any time, structured, syndicated or leveraged;

- (d) the ABS transaction documents shall contain servicing continuity provisions.

2. ABS referred to in paragraph 1 that have two ratings of at least single A <sup>(2)</sup> shall be subject to a valuation haircut of 16 %.

3. ABS referred to in paragraph 1 that do not have two ratings of at least single A shall be subject to the following valuation haircuts: (a) ABS backed by commercial mortgages shall be subject to a valuation haircut of 32 %; and (b) all other ABS shall be subject to a valuation haircut of 26 %.

4. A counterparty may not submit ABS, which are eligible pursuant to paragraph 1 as collateral, if the counterparty, or any third party with which it has close links, acts as an interest rate hedge provider in relation to the ABS.

5. An NCB may accept as collateral for Eurosystem monetary policy operations ABS whose underlying assets include residential mortgages or loans to SMEs or both and which do not fulfil the credit assessment requirements under Section 6.3.2 of Annex I to Guideline ECB/2011/14 and the requirements referred to in paragraph 1(a) to (d) and paragraph 4 above but which otherwise comply with all eligibility criteria applicable to ABS pursuant to Guideline ECB/2011/14 and have two ratings of at least triple B. Such ABS shall be limited to those issued before 20 June 2012 and shall be subject to a valuation haircut of 32 %.

<sup>(2)</sup> A 'single A' rating is a rating of at least 'A3' from Moody's, 'A-' from Fitch or Standard & Poor's, or a rating of 'AL' from DBRS.



6. For the purposes of this Article:

- (1) 'residential mortgage', besides residential real estate mortgage-backed loans, shall include guaranteed residential real estate loans (without a real estate mortgage) if the guarantee is payable promptly on default. Such guarantee may be provided in different contractual formats, including contracts of insurance, provided they are granted by a public sector entity or a financial institution subject to public supervision. The credit assessment of the guarantor for the purposes of such guarantees must comply with credit quality step 3 in the Eurosystem's harmonised rating scale over the life of the transaction;
- (2) 'small enterprise' and 'medium-sized enterprise' shall mean an entity engaged in an economic activity, irrespective of its legal form, where the reported sales for the entity or if the entity is a part of a consolidated group, for the consolidated group is less than EUR 50 million;
- (3) 'non-performing loan' shall include loans where payment of interest or principal is past due by 90 or more days and the obligor is in default, as defined in point 44 of Annex VII to Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of the business of credit institutions<sup>(1)</sup>, or when there are good reasons to doubt that payment will be made in full;
- (4) 'structured loan' means a structure involving subordinated credit claims;
- (5) 'syndicated loan' means a loan provided by a group of lenders in a lending syndicate;
- (6) 'leveraged loan' means a loan provided to a company that already has a considerable degree of indebtedness, such as buy-out or take-over-financing, where the loan is used for the acquisition of the equity of a company which is also the obligor of the loan;
- (7) 'servicing continuity provisions' means provisions in the legal documentation of an ABS which ensure that a default by the servicer does not lead to a termination of servicing and which include triggers for the appointment of a back-up servicer and a high-level action plan outlining the operational steps to be taken once a back-up servicer is appointed and how the administration of the loans will be transferred.

#### Article 4

##### Admission of certain additional credit claims

1. NCBs may accept as collateral for Eurosystem monetary policy operations credit claims that do not satisfy the Eurosystem eligibility criteria.

<sup>(1)</sup> OJ L 177, 30.6.2006, p. 1.

2. NCBs which decide to accept credit claims in accordance with paragraph 1 shall establish eligibility criteria and risk control measures for this purpose by specifying deviations from the requirements of Annex I to Guideline ECB/2011/14. Such eligibility criteria and risk control measures shall include the criterion that the credit claims are governed by the laws of the Member State of the NCB establishing the eligibility criteria and risk control measures. The eligibility criteria and risk control measures shall be subject to the Governing Council's prior approval.

3. In exceptional circumstances NCBs may, subject to the Governing Council's prior approval, accept credit claims: (a) in application of the eligibility criteria and risk control measures established by another NCB pursuant to paragraphs 1 and 2; or (b) governed by the law of any Member State other than the Member State in which the accepting NCB is established.

4. Another NCB shall only provide assistance to an NCB accepting credit claims pursuant to paragraph 1 if bilaterally agreed between both NCBs and subject to prior approval by the Governing Council.

#### Article 5

##### Acceptance of certain government-guaranteed bank bonds

1. NCBs shall not be obliged to accept as collateral for Eurosystem credit operations eligible bank bonds guaranteed by a Member State under a European Union/International Monetary Fund programme, or by a Member State whose credit assessment does not comply with the Eurosystem's benchmark for establishing its minimum requirement for high credit standards for issuers and guarantors of marketable assets in accordance with Sections 6.3.1 and 6.3.2 of Annex I to Guideline ECB/2011/14.

2. NCBs shall inform the Governing Council whenever they decide not to accept the securities described in paragraph 1 as collateral.

3. Counterparties may not submit bank bonds issued by themselves and guaranteed by an EEA public sector entity with the right to impose taxes and such bonds issued by closely linked entities as collateral for Eurosystem credit operations in excess of the nominal value of these bonds already submitted as collateral on 3 July 2012.

4. In exceptional cases, the Governing Council may decide on derogations from the requirement laid down in paragraph 3. A request for a derogation shall be accompanied by a funding plan.



*Article 6***Verification**

The NCBs shall forward to the ECB by 14 August 2012 at the latest the texts and means by which they intend to comply with Articles 1 to 5.

*Article 7***Amendment to Guideline ECB/2007/9**

In Part 5 of Annex III the paragraph following Table 2 is replaced by the following:

***'Calculation of lump-sum allowance for control purposes (R6):***

**Lump-sum allowance:** The allowance is applied to every credit institution. Each credit institution deducts a maximum lump sum designed to reduce the administrative cost of managing very small reserve requirements. Should [reserve base × reserve ratio] be less than EUR 100 000, then the lump sum allowance equals [reserve base × reserve ratio]. Should [reserve base × reserve ratio] be greater than or equal to EUR 100 000, then the lump sum allowance equals EUR 100 000. Institutions allowed to report statistical data regarding their consolidated reserve base as a group (as defined in Part 2, Section 1 of Annex III to Regulation (EC) No 25/2009 (ECB/2008/32)) hold minimum reserves through one of the institutions in the group which is acting as an intermediary exclusively for these institutions. In accordance with Article 11 of Regulation (EC) No 1745/2003 of the European Central Bank of 12 September 2003 on the application of minimum reserves (ECB/2003/9) (\*), in the latter case only the group as a whole is entitled to deduct the lump sum allowance.

The minimum (or “required”) reserves are computed as follows:

Minimum (or “required”) reserves = reserve base × reserve ratio - lump sum allowance

The reserve ratio applies in accordance with Regulation (EC) No 1745/2003 (ECB/2003/9).

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(\*) OJ L 250, 2.10.2003, p. 10.’

*Article 8***Entry into force**

This Guideline shall enter into force two days following its adoption.

It shall apply from 14 September 2012.

*Article 9***Addressees**

This Guideline is addressed to all Eurosystem central banks.

Done at Frankfurt am Main, 2 August 2012.

*For the Governing Council of the ECB*

*The President of the ECB*

Mario DRAGHI

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