

Official Journal

of the European Union

L 13



English edition

Legislation

Volume 56

17 January 2013

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Price: EUR 3

⁽¹⁾ 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.

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II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 25/2013

of 16 January 2013

amending Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council and the Annex to Commission Regulation (EU) No 231/2012 as regards the food additive potassium diacetate**(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 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives ⁽¹⁾, and in particular Article 10(3), Article 14 and Article 30(5) thereof,Having regard to Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings ⁽²⁾, and in particular Article 7(5) thereof,

Whereas:

- (1) Annex II to Regulation (EC) No 1333/2008 lays down a Union list of food additives approved for use in foods and their conditions of use.
- (2) Annex III to Regulation (EC) No 1333/2008 lays down a Union list of food additives approved for use in food additives, food enzymes, flavourings, nutrients and their conditions of use.
- (3) Commission Regulation (EU) No 231/2012 ⁽³⁾ lays down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008.
- (4) Those lists may be amended in accordance with the procedure referred to in Regulation (EC) No 1331/2008.
- (5) Pursuant to Article 3(1) of Regulation (EC) No 1331/2008, the Union list of food additives may be updated either on the initiative of the Commission or following an application.

- (6) An application for authorisation of the use of potassium diacetate as a preservative was submitted on 27 September 2010 and was made available to the Member States.

- (7) Potassium diacetate is requested for use as an alternative to the food additive sodium diacetate E 262 (ii) which is used as a growth inhibitor of microorganisms. The replacement of sodium diacetate E 262 (ii) by potassium diacetate can contribute to the reduction of dietary sodium intake.

- (8) Pursuant to Article 3(2) of Regulation (EC) No 1331/2008, the Commission is to seek the opinion of the Authority in order to update the Union list of food additives set out in Annex II to Regulation (EC) No 1333/2008, except where the update in question is not liable to have an effect on human health. Potassium diacetate is an equimolecular compound of two authorised food additives (potassium acetate E 261 and acetic acid E 260). The Scientific Committee for Food evaluated food additives of various technological functions in 1990. For acids, bases and their salts the evaluations were based on the anions and cations listed. Acetic acid (E 260) as well as its salts, ammonium-, sodium-, potassium- and calcium acetates and diacetates, were covered by the evaluation. The Committee established a group Acceptable Daily Intake not specified for all these substances. This implies that their use does not represent a hazard to health in order to achieve the desired technological effect. The authorisation of use of potassium diacetate in a similar way to potassium acetate is not liable to have an effect on human health and it is therefore not necessary to seek the opinion of the Authority.

- (9) Potassium diacetate should be authorised to be used in a the same way as potassium acetate. Therefore in the Annexes to Regulation (EC) No 1333/2008 the current name of additive E 261, i.e. 'potassium acetate', should be replaced by the expression 'potassium acetates' covering both potassium acetate and potassium diacetate.

⁽¹⁾ OJ L 354, 31.12.2008, p. 16.⁽²⁾ OJ L 354, 31.12.2008, p. 1.⁽³⁾ OJ L 83, 22.3.2012, p. 1.

- (10) Specifications for potassium diacetate should be included in Regulation (EU) No 231/2012. In the Annex to that Regulation, the number E 261 (ii) should be assigned to potassium diacetate and the number for potassium acetate, currently designated as E 261, should be changed to E 261 (i). This renumbering has no consequences on the labelling requirements set out in Articles 22 and 23 of Regulation (EC) No 1333/2008.
- (11) Pursuant to the transitional provisions of Commission Regulation (EU) No 1129/2011 of 11 November 2011 amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council by establishing a Union list of food additives ⁽¹⁾, Annex II establishing the Union list of food additives approved for use in foods and conditions of use applies from 1 June 2013. In order to allow the use of potassium diacetate before that date, it is necessary to specify an earlier date of application with regard to that food additive.
- (12) Regulations (EC) No 1333/2008 and (EU) No 231/2012 should therefore be amended accordingly.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health and neither the European Parliament nor the Council has opposed them,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes II and III to Regulation (EC) No 1333/2008 are amended in accordance with Annex I to this Regulation.

Article 2

The Annex to Regulation (EU) No 231/2012 is amended in accordance with Annex II to this Regulation.

Article 3

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

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

Done at Brussels, 16 January 2013.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 295, 12.11.2011, p. 1.

ANNEX I

A. Annex II to Regulation (EC) No 1333/2008 is amended as follows:

- (1) in Part B, point 3 'Additives other than colours and sweeteners', the entry for additive E 261 is replaced by the following:

'E 261	Potassium acetates (*)
(*) Period of application: From 6 February 2013.;	

- (2) in Part C, Group I, the entry for additive E 261 is replaced by the following:

'E 261	Potassium acetates (*)	<i>quantum satis</i>
(*) Period of application: From 6 February 2013.;		

- (3) in Part E:

- (a) in food category 04.2.3 'Canned or bottled fruit and vegetables', the entry for additive E 261 is replaced by the following:

'E 261	Potassium acetates	<i>quantum satis</i>		Period of application: From 6 February 2013.'
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- (b) in food category 07.1.1 'Bread prepared solely with the following ingredients: wheat flour, water, yeast or leaven, salt', the entry for additive E 261 is replaced by the following:

'E 261	Potassium acetates	<i>quantum satis</i>		Period of application: From 6 February 2013.'
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- (c) in food category 07.1.2 'Pain courant français; Friss búzakenyér, fehér és félbarna kenyerek' the entry for additive E 261 is replaced by the following:

'E 261	Potassium acetates	<i>quantum satis</i>		only <i>Friss búzakenyér, fehér és félbarna kenyerek</i> Period of application: From 6 February 2013.'
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- (d) in food category 08.1.2 'Meat preparations as defined by Regulation (EC) No 853/2004' the entry for additive E 261 is replaced by the following:

'E 261	Potassium acetates	<i>quantum satis</i>		only prepacked preparations of fresh minced meat Period of application: From 6 February 2013.'
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- (e) in food category 13.1.3 'Processed cereal-based foods and baby foods for infants and young children as defined by Directive 2006/125/EC' the entry for additive E 261 is replaced by the following:

'E 261	Potassium acetates	<i>quantum satis</i>		only processed cereal-based foods and baby foods, only for pH adjustment Period of application: From 6 February 2013.'
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B. Annex III to Regulation (EC) No 1333/2008 is amended as follows:

(a) in Part 3, the entry for additive E 261 is replaced by the following:

E 261	Potassium acetates	<i>quantum satis</i>	<i>quantum satis</i>	<i>quantum satis</i>	
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(b) in Part 5, Section A, the entry for additive E 261 is replaced by the following:

E 261	Potassium acetates	<i>quantum satis</i>	All nutrients'	
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(c) in Part 6, Table 1, the entry for additive E 261 is replaced by the following:

E 261	Potassium acetates'	
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ANNEX II

The Annex to Regulation (EU) No 231/2012 is amended as follows:

(a) in the entry for additive E 261, the heading is replaced by the following:

'E 261 (i) POTASSIUM ACETATE'

(b) the following entry is inserted after the entry for additive E 261 (i):

'E 261 (ii) POTASSIUM DIACETATE'

Synonyms

Definition

Potassium diacetate is a molecular compound of potassium acetate and acetic acid

Einecs

224-217-7

Chemical name

Potassium hydrogen diacetate

Chemical formula

$C_4H_7KO_4$

Molecular weight

158,2

Assay

Content 36 to 38 % of free acetic acid and 61 to 64 % of potassium acetate

Description

White crystals

Identification

pH

4,5-5 (10 % aqueous solution)

Test for acetate

Passes test

Test for potassium

Passes test

Purity

Water content

Not more than 1 % (Karl Fischer method)

Formic acid, formates and other oxidisable substances

Not more than 1 000 mg/kg expressed as formic acid

Arsenic

Not more than 3 mg/kg

Lead

Not more than 2 mg/kg

Mercury

Not more than 1 mg/kg'

COMMISSION IMPLEMENTING REGULATION (EU) No 26/2013**of 16 January 2013****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round 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, 16 January 2013.

*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	MA	66,0
	TN	102,6
	TR	139,9
	ZZ	102,8
0707 00 05	EG	194,1
	TR	156,4
	ZZ	175,3
0709 91 00	EG	144,1
	ZZ	144,1
0709 93 10	MA	104,4
	TR	155,4
	ZZ	129,9
0805 10 20	EG	54,5
	MA	56,7
	TR	67,7
	ZA	103,6
	ZZ	70,6
0805 20 10	IL	162,4
	MA	90,8
	ZZ	126,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL	123,4
	KR	139,5
	TR	83,1
	ZZ	115,3
0805 50 10	TR	75,8
	ZZ	75,8
0808 10 80	BA	47,0
	CN	87,6
	MK	44,1
	US	198,2
	ZZ	94,2
0808 30 90	CN	59,0
	US	135,5
	ZZ	97,3

⁽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'.

DECISIONS

DECISION OF THE EUROPEAN CENTRAL BANK

of 11 December 2012

amending Decision ECB/2007/7 concerning the terms and conditions of TARGET2-ECB

(ECB/2012/31)

(2013/31/EU)

THE EXECUTIVE BOARD OF THE EUROPEAN CENTRAL BANK,

references to national legislation relevant to Directive 98/26/EC of the European Parliament and of the Council of 19 May 1998 on settlement finality in payment and securities settlement systems ⁽⁴⁾,

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

HAS ADOPTED THIS DECISION:

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 11.6 and Articles 17, 22 and 23 thereof,

Article 1

Amendments to Decision ECB/2007/7

Decision ECB/2007/7 is amended as follows:

Having regard to Guideline ECB/2012/27 of 5 December 2012 on a Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2) ⁽¹⁾, and in particular Article 8(2) thereof,

(1) in Article 1(1)(c), the first footnote is replaced by the following:

Whereas:

- (1) Guideline ECB/2007/2 of 26 April 2007 on a Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2) ⁽²⁾ has been recently recast in order to incorporate rules previously internal to the Eurosystem and to add necessary definitions, as well as provisions with regards to inapplicability of sanctions to non-Union banks, information sharing with regards to suspension or termination of access to monetary policy operations and the consequences of such suspension or termination.
- (2) Therefore, it is necessary to amend Decision ECB/2007/7 of 24 July 2007 concerning the terms and conditions of TARGET2-ECB ⁽³⁾ in order to: (a) incorporate certain elements from Guideline ECB/2012/27 into the terms and conditions of TARGET2-ECB; and (b) update

⁽¹⁾ The Eurosystem's current policy for the location of infrastructure is set out in the following statements, which are all available on the ECB's website at www.ecb.europa.eu: (a) the "Policy statement on euro payment and settlement systems located outside the euro area" of 3 November 1998; (b) "The Eurosystem's policy line with regard to consolidation in central counterparty clearing" of 27 September 2001; (c) "The Eurosystem policy principles on the location and operation of infrastructures settling in euro-denominated payment transactions" of 19 July 2007; (d) "The Eurosystem policy principles on the location and operation of infrastructures settling euro-denominated payment transactions: specification of legally and operationally located in the euro area" of 20 November 2008; (e) "The Eurosystem oversight policy framework" of July 2011.;

(2) the Annex to Decision ECB/2007/7 is amended in accordance with the Annex to this Decision.

⁽¹⁾ Not yet published in the Official Journal.

⁽²⁾ OJ L 237, 8.9.2007, p. 1.

⁽³⁾ OJ L 237, 8.9.2007, p. 71.

⁽⁴⁾ OJ L 166, 11.6.1998, p. 45.

*Article 2***Entry into force**

This Decision shall enter into force on 1 January 2013.

Done at Frankfurt am Main, 11 December 2012.

The President of the ECB
Mario DRAGHI

ANNEX

The Annex to Decision ECB/2007/7 is amended as follows:

(1) Article 1 is amended as follows:

(a) the definition of 'Eurosystème CBs' is replaced by the following:

— "Eurosystème CB" means the ECB or a euro area NCB;

(b) the following definition is inserted:

— "euro area NCB" means the national central bank (NCB) of a Member State whose currency is the euro;

(2) in Article 20, paragraph 1 is replaced by the following:

'1. For the purposes of the first sentence of Article 3(1) of the Settlement Finality Directive and the third sentence of § 116, § 96(2), § 82 and § 340(3) of the German Insolvency Code (*Insolvenzordnung*) and the last sentence of § 46(2) of the KWG, payment orders are deemed entered into TARGET2-ECB at the moment that the relevant participant's PM account is debited.'

(3) in Article 25, paragraph 5 is replaced by the following:

'5. Notwithstanding Sections 675(u), 675(v), 675(x), 675y 675z, 676a, 676c of the German Civil Code (*Bürgerliches Gesetzbuch*), paragraphs 1 to 4 shall apply to the extent that the ECB's liability can be excluded.'

(4) in Article 33, the first sentence in paragraph 3 is replaced by the following:

'Participants, when acting as the payment service provider of a payer or payee, shall comply with all requirements resulting from administrative or restrictive measures imposed pursuant to Article 75 or 215 of the Treaty on the Functioning of the European Union to which they are subject, including with respect to notification and/or the obtaining of consent from a competent authority in relation to the processing of transactions. In addition:'

(5) Appendix VI is replaced by the following:

'Appendix VI

FEE SCHEDULE AND INVOICING

Fees and invoicing for direct participants

1. The monthly fee for the processing of payment orders in TARGET2-ECB for direct participants, depending on which option the direct participant has chosen, shall be either:

- (a) EUR 150 per PM account plus a flat fee per transaction (debit entry) of EUR 0,80; or
- (b) EUR 1 875 per PM account plus a fee per transaction (debit entry) determined as follows, based on the volume of transactions (number of processed items) per month:

Band	From	To	Price (EUR)
1	1	10 000	0,60
2	10 001	25 000	0,50
3	25 001	50 000	0,40
4	50 001	100 000	0,20
5	Above 100 000	—	0,125

Liquidity transfers between a participant's PM account and its sub-accounts shall not be subject to a charge.

2. There shall be an additional monthly fee for direct participants who do not wish the BIC of their account to be published in the TARGET2 directory of EUR 30 per account.
3. The following invoicing rules apply to direct participants. The direct participant shall receive the invoice for the previous month specifying the fees to be paid, no later than on the fifth business day of the following month. Payment shall be made at the latest on the 10th working day of that month to the account specified by the ECB and shall be debited from that participant's PM account.

Fees and invoicing for ancillary systems

4. An ancillary system using the ASI or the Participant Interface, irrespective of the number of any accounts it may hold with the ASCB and/or the SCB, shall be subject to a fee schedule consisting of three elements, as set out below.
 - (a) A fixed monthly fee of EUR 1 000 to be charged to each ancillary system (Fixed Fee I).
 - (b) A second monthly fixed fee of between EUR 417 and EUR 4 167, in proportion to the underlying gross value of the ancillary system's euro cash settlement transactions (Fixed Fee II):

Band	From (EUR million/day)	To (EUR million/day)	Annual fee (EUR)	Monthly fee (EUR)
1	0	below 1 000	5 000	417
2	1 000	below 2 500	10 000	833
3	2 500	below 5 000	20 000	1 667
4	5 000	below 10 000	30 000	2 500
5	10 000	below 50 000	40 000	3 333
6	Above 50 000	—	50 000	4 167

The gross value of the ancillary system's euro cash settlement transactions shall be calculated by the ASCB once a year on the basis of such gross value during the previous year and the calculated gross value shall be applied for calculating the fee as from 1 January of each calendar year.

- (c) A transaction fee calculated on the same basis as the schedule established for direct participants in paragraph 1 of this Appendix. The ancillary systems may choose one of the two options: either to pay a flat EUR 0,80 fee per payment instruction (Option A) or to pay a fee calculated on a degressive basis (Option B), subject to the following modifications:
 - (i) for Option B, the limits of the bands relating to volume of payment instructions are divided by two; and
 - (ii) a monthly fixed fee of EUR 150 (under Option A) or EUR 1 875 (under Option B) shall be charged in addition to Fixed Fee I and Fixed Fee II.
5. Any fee payable in relation to a payment instruction submitted or payment received by an ancillary system, via either the participant interface or the ASI, shall be exclusively charged to this ancillary system. The Governing Council may establish more detailed rules for the determination of billable transactions settled via the ASI.
6. Each ancillary system shall receive an invoice from its respective ASCB for the previous month based on the fees referred to in paragraph 4, no later than the fifth business day of the following month. Payments shall be made no later than the 10th business day of this month to the account specified by the ASCB or shall be debited from an account specified by the ancillary system.
7. For the purposes of this paragraph, each ancillary system that has been designated under Directive 98/26/EC shall be treated separately, even if two or more of them are operated by the same legal entity. The same rule shall apply to the ancillary systems that have not been designated under Directive 98/26/EC, in which case the ancillary systems shall be identified by reference to the following criteria: (a) a formal arrangement, based on a contractual or legislative instrument, e.g. an agreement among the participants and the system operator; (b) multiple membership; (c) common rules and standardised arrangements; (d) for the clearing, netting or settlement of payments or securities between the participants.'

DECISION OF THE EUROPEAN CENTRAL BANK**of 19 December 2012****amending Decision ECB/2010/24 on the interim distribution of the income of the European Central Bank on euro banknotes in circulation and arising from securities purchased under the securities markets programme****(ECB/2012/33)****(2013/32/EU)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

HAS ADOPTED THIS DECISION:

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 33 thereof,

*Article 1***Amendment**

Article 2(2) to (4) is replaced by the following:

Whereas:

- (1) Decision ECB/2010/24 of 25 November 2010 on the interim distribution of the income of the European Central Bank on euro banknotes in circulation and arising from securities purchased under the securities markets programme ⁽¹⁾ lays down how the European Central Bank (ECB) distributes to the NCBs: (a) its income on euro banknotes in circulation accrued each financial year; and (b) its income arising from securities purchased under the securities markets programme (SMP) earned in each financial year.
- (2) It is considered necessary to align the dates for the interim distribution of the ECB's income on euro banknotes in circulation with those for the distribution of the ECB's income arising from SMP securities. Unless otherwise decided by the Governing Council, the ECB should distribute these two types of income on the last working day in January of the following year. This gives the ECB sufficient time to determine the amount of any income earned from SMP securities.
- (3) Decision ECB/2010/24 needs to be amended accordingly,

‘2. Unless otherwise decided by the Governing Council, the ECB shall distribute to the NCBs its income on euro banknotes in circulation accrued and its income arising from SMP securities earned in each financial year on the last working day in January of the following year.

3. The amount of the ECB's income on euro banknotes in circulation may be reduced in accordance with any decision by the Governing Council on the basis of the Statute of the ESCB in respect of expenses incurred by the ECB in connection with the issue and handling of euro banknotes.’.

*Article 2***Entry into force**

This Decision shall enter into force on 31 December 2012.

Done at Frankfurt am Main, 19 December 2012.

The President of the ECB

Mario DRAGHI

⁽¹⁾ OJ L 6, 11.1.2011, p. 35.

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