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Price: EUR 3

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⁽¹⁾ Text with EEA relevance

EN

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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 69/2013

of 23 January 2013

concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

(1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.

(2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.

(3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

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*.

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

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

Done at Brussels, 23 January 2013.

*For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission*

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>1. An apparatus for the reception, recording or reproducing of audio and video (so-called 'digital media receiver') of a cylindrical shape with overall dimensions of approximately 13 (diameter) × 19 (height) cm.</p> <p>The apparatus incorporates:</p> <ul style="list-style-type: none"> — a microprocessor, — a hard disk drive of 500 GB, — an alphanumeric display, — an infrared receiver for the remote control. <p>It is equipped with the following interfaces:</p> <ul style="list-style-type: none"> — USB, — Ethernet, — HDMI, S-video, composite and component video outputs, — digital optical, digital coaxial and analogue audio outputs. <p>It is also equipped with control buttons and supplied with a remote control.</p> <p>The apparatus is capable of receiving audio and video signals in digital format from an external source (for example, a router, an automatic data-processing machine, a digital camera, a USB memory). The data may be stored on its hard disk. The data is reproduced on a monitor, a television set or through a stereo system.</p> <p>The apparatus cannot gain access to the internet.</p>	8521 90 00	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8521 and 8521 90 00.</p> <p>Given its characteristics, namely the capacity to receive, record and reproduce video signals from various sources and the size of the hard disk, the apparatus is considered to be a video recording or reproducing apparatus of heading 8521.</p> <p>It is therefore to be classified as a video recording or reproducing apparatus under CN code 8521 90 00.</p>
<p>2. An apparatus for the reception or reproduction of audio and video (so-called 'digital media receiver') of a cylindrical shape with overall dimensions of approximately 13 (diameter) × 19 (height) cm.</p> <p>The apparatus incorporates:</p> <ul style="list-style-type: none"> — a microprocessor, — an infrared receiver for the remote control, — an alpha-numeric display. <p>It is equipped with the following interfaces:</p> <ul style="list-style-type: none"> — USB, 	8521 90 00	<p>Classification is determined by General Rules 1, 2(a) and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8521 and 8521 90 00.</p> <p>Given that the apparatus has all the necessary electronics for performing the functions of video recording or reproducing of heading 8521 except for the hard disk, it is to be considered, as having, by virtue of General Rule 2(a), the essential character of a complete or finished product of heading 8521.</p> <p>The apparatus is therefore to be classified as an incomplete video recording or reproducing apparatus under CN code 8521 90 00.</p>

(1)	(2)	(3)
<ul style="list-style-type: none"> — Ethernet, — HDMI, S-video, composite and component video outputs, — digital optical, digital coaxial and analogue audio outputs, — a slot for a hard disk. <p>It is also equipped with control buttons and supplied with a remote control.</p> <p>The apparatus is capable of receiving audio and video signals in digital format from an external source (for example, a router, an automatic data-processing machine, a digital camera, a USB memory). The data may be stored on a hard disk inserted after importation. The data is reproduced on a monitor, a television set or through a stereo system.</p> <p>The apparatus cannot gain access to the internet.</p>		
<p>3. An apparatus for the reception and processing of audio (so-called 'digital audio streamer') with overall dimensions of approximately 19 × 9 × 8 cm.</p> <p>The apparatus incorporates:</p> <ul style="list-style-type: none"> — a microprocessor, — a vacuum fluorescent display with a resolution of 320 × 32 grayscale pixels, — an on-screen clock with alarm, — an infrared receiver for the remote control. <p>It is equipped with the following interfaces:</p> <ul style="list-style-type: none"> — Ethernet, — wireless Ethernet, — digital optical, digital coaxial and analogue audio outputs, — a headphone jack. <p>It is supplied with a remote control.</p> <p>The apparatus can function either in a stand alone mode connecting to an internet network (without an automatic data-processing (ADP) machine) or with software running on an ADP machine.</p> <p>It is capable of reproducing audio files stored on the ADP machine or any internet radio.</p>	8519 89 19	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8519, 8519 89 and 8519 89 19.</p> <p>Given its characteristics, the apparatus is designed to receive and process sound either directly from the internet or an ADP machine to various audio apparatus.</p> <p>The apparatus is therefore to be classified under CN code 8519 89 19 as other sound reproducing apparatus, not incorporating a sound recording device.</p>

COMMISSION IMPLEMENTING REGULATION (EU) No 70/2013
of 23 January 2013
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

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, 23 January 2013.

For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>The product has the following composition (% by weight):</p> <p>— ethyl alcohol 90</p> <p>— ethyl tertiary butyl ether (ETBE) 10</p> <p>The product is transported in bulk.</p>	2207 20 00	<p>Classification is determined by the General Rules 1, 3(a) and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 2207 and 2207 20 00.</p> <p>Heading 2207 provides a more specific description in comparison to heading 3824 which provides a more general description. Therefore, classification under heading 3824 is excluded by application of General Rule 3(a).</p> <p>The product is a simple mixture of ethyl alcohol and ETBE. The percentage level of ETBE in the product renders it unfit for human consumption but does not prevent the use of the product for industrial purposes (see also the HS Explanatory Notes to heading 2207, fourth paragraph).</p> <p>The product is therefore to be classified under CN code 2207 20 00 as denatured ethyl alcohol.</p>

COMMISSION IMPLEMENTING REGULATION (EU) No 71/2013**of 25 January 2013****amending Regulation (EU) No 206/2010 as regards the entry for Uruguay in the list of third countries, territories or parts thereof authorised for the introduction of fresh meat into the Union and correcting that Regulation as regards the model veterinary certificate for ovine and caprine animals intended for breeding or production after importation****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2004/68/EC of 26 April 2004 laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals, amending Directives 90/426/EEC and 92/65/EEC and repealing Directive 72/462/EEC⁽¹⁾, and in particular Article 6(1), Article 7 point (e), and Article 13(1) thereof,

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption⁽²⁾, and in particular the introductory phrase and points (1) and (4) of Article 8, thereof,

Whereas:

- (1) Commission Regulation (EU) No 206/2010⁽³⁾ lays down the veterinary certification requirements for the introduction into the Union of certain consignments of live animals or fresh meat. It also establishes lists of third countries, territories or parts thereof which fulfill certain criteria and from which therefore consignments may be introduced into the Union.
- (2) Regulation (EU) No 206/2010 authorises the imports of fresh deboned and matured bovine meat from the whole territory of Uruguay.
- (3) Uruguay is free of foot and mouth disease but practices vaccination. It has thus a general health status for bovine animals different from that of the Union. As a result Uruguay is only allowed to export fresh deboned and matured meat of bovine animals. The import requirements provide that the bovine animals intended for slaughter for export of fresh meat to the Union are sent directly from the holding of origin to the slaughter-

house. This rule excludes many small holdings from producing for the Union market as their animals always pass through assembly centres or animal markets before slaughter.

- (4) A Union audit in March 2012 confirmed that Uruguay's identification and movement registration system allows certifying veterinarians to verify the prior whereabouts of the animals. The system thus ensures that animals have stayed 40 days on one holding before transport to the slaughterhouse. Uruguay can also guarantee that the Union animal health import requirements for bovine animals destined for slaughter for export of fresh deboned and matured bovine meat to the Union are respected even if those animals pass through assembly centres and/or markets prior to slaughter due to a system that identifies all bovine animals individually so that they can be traced back to their origin.
- (5) Uruguay thus offers guarantees sufficient to ensure that all bovine animals whose meat is destined for export to the Union have the same health status when passing through an assembly centre (including markets) in Uruguay prior to slaughter. Therefore, the entry corresponding to this country in the list in Part 1 of Annex II to Regulation (EU) No 206/2010 should be adapted.
- (6) An error appeared in two references to footnotes contained in Part II.2 of the model certificate 'OVI-X' set out in Part 2 of Annex I to Regulation (EU) No 206/2010. Regulation (EU) No 206/2010 should therefore be amended and corrected accordingly.
- (7) 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***Amending provisions**

In Part 1 of Annex II to Regulation (EU) No 206/2010, the row relating to Uruguay is replaced by the following:

⁽¹⁾ OJ L 139, 30.4.2004; p. 321.

⁽²⁾ OJ L 18, 23.1.2003, p. 11.

⁽³⁾ OJ L 73, 20.3.2010, p. 1.

ISO code and name of third country	Code of Territory	Description of third country, territory or part thereof	Veterinary certificate		Specific conditions	Closing date ⁽²⁾	Opening date ⁽³⁾
			Model(s)	SG			
1	2	3	4	5	6	7	8
'UY – Uruguay	UY-0	Whole country	EQU				
			BOV	A and J	1		1 November 2001'
			OVI	A	1		

Article 2

Correcting provisions

In Part 2 of Annex I to Regulation (EU) No 206/2010, Part II of the model certificate 'OVI-X', is corrected as follows:

(a) in point II.2.8, the phrase:

⁽¹⁾*either* [II.2.8.2. are animals intended for production born in and continuously reared on holdings in which a case of scrapie has never been diagnosed;]

is replaced by the following:

⁽²⁾*either* [II.2.8.2. are animals intended for production born in and continuously reared on holdings in which a case of scrapie has never been diagnosed;]

(b) in point II.2.9, the introductory phrase:

'they are/were⁽¹⁾ dispatched from their holding(s) of origin, without passing through any market,'

is replaced by the following:

'they are/were⁽²⁾ dispatched from their holding(s) of origin, without passing through any market,'

Article 3

Entry into force

This Regulation shall enter into force on the 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, 25 January 2013.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 72/2013**of 25 January 2013****amending Regulations (EC) No 180/2008 and (EC) No 737/2008 as regards the period of designation of certain laboratories as EU reference laboratories****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals ⁽¹⁾, and in particular Article 55(1) thereof,

Having regard to Council Directive 2009/156/EC of 30 November 2009 on animal health conditions governing the movement and importation from third countries of equidae ⁽²⁾, and in particular Article 19(d) thereof,

Whereas:

(1) By Commission Regulation (EC) No 180/2008 of 28 February 2008 concerning the Community reference laboratory for equine diseases other than African horse sickness and amending Annex VII to Regulation (EC) No 882/2004 of the European Parliament and of the Council ⁽³⁾, the Commission designated ANSES with its laboratories for animal health and equine diseases, France, as the EU reference laboratory for equine diseases other than African horse sickness for a period of five years from 1 July 2008 and set up its functions, tasks and procedures regarding collaboration with laboratories responsible for diagnosing infectious diseases of equidae in the Member States.

(2) By Commission Regulation (EC) No 737/2008 of 28 July 2008 designating the Community reference laboratories for crustacean diseases, rabies and bovine tuberculosis, laying down additional responsibilities and tasks for the Community reference laboratories for rabies and bovine tuberculosis and amending Annex VII to Regulation (EC) No 882/2004 of the European Parliament and of the Council ⁽⁴⁾, the Commission designated the Centre for Environment, Fisheries & Aquaculture Science (Cefas), Weymouth Laboratory, United Kingdom, as the EU reference laboratory for crustacean diseases for a period of five years from 1 July 2008.

(3) In order to ensure a high quality and uniformity of analytical and diagnostic results in the Union, it is

important that the designated EU reference laboratories for equine diseases other than African horse sickness and for crustacean diseases continue to carry out their activities for another five year period.

(4) The period for which those laboratories were designated as EU reference laboratories should therefore be extended.

(5) After the entry into force of the Treaty of Lisbon, the laboratories listed in Regulation (EC) No 737/2008 previously referred to as 'Community reference laboratories' should now be referred to as 'European Union (EU) reference laboratories'.

(6) Regulations (EC) No 180/2008 and (EC) No 737/2008 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1(1) of Regulation (EC) No 180/2008, the date '30 June 2013' is replaced by the date '30 June 2018'.

Article 2

Article 1 of Regulation (EC) No 737/2008 is replaced by the following:

'Article 1

The Centre for Environment, Fisheries & Aquaculture Science (Cefas), Weymouth Laboratory, United Kingdom, is hereby designated as the EU reference laboratory for crustacean diseases from 1 July 2008 until 30 June 2018.'

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*.

⁽¹⁾ OJ L 328, 24.11.2006, p. 14.

⁽²⁾ OJ L 192, 23.7.2010, p. 1.

⁽³⁾ OJ L 56, 29.2.2008, p. 4.

⁽⁴⁾ OJ L 201, 30.7.2008, p. 29.

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

Done at Brussels, 25 January 2013.

For the Commission

The President

José Manuel BARROSO

COMMISSION REGULATION (EU) No 73/2013**of 25 January 2013****amending Annexes I and V to Regulation (EC) No 689/2008 of the European Parliament and of the Council concerning the export and import of dangerous chemicals**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 689/2008 of the European Parliament and of the Council of 17 June 2008 concerning the export and import of dangerous chemicals ⁽¹⁾, and in particular Article 22(4) thereof,

Whereas:

- (1) Regulation (EC) No 689/2008 implements the Rotterdam Convention on the Prior Informed Consent Procedure ('PIC procedure') for certain hazardous chemicals and pesticides in international trade, signed on 11 September 1998 and approved, on behalf of the Community, by Council Decision 2003/106/EC ⁽²⁾.
- (2) It is appropriate that regulatory action in respect of certain chemicals taken pursuant 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 ⁽³⁾, Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market ⁽⁴⁾ and Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC ⁽⁵⁾ be taken into account.
- (3) Decisions taken in respect of certain chemicals under the Stockholm Convention on persistent organic pollutants ('the Stockholm Convention'), signed on 22 May 2001 and approved, on behalf of the Community, by Council

Decision 2006/507/EC ⁽⁶⁾ and subsequent regulatory action in respect of those chemicals taken pursuant to Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC ⁽⁷⁾ should also be taken into account.

- (4) The substances acetochlor, asulam, chloropicrin and propargite have not been approved as active substances under Regulation (EC) No 1107/2009, with the effect that those substances are banned for pesticide use and thus should be added to the lists of chemicals contained in Parts 1 and 2 of Annex I to Regulation (EC) No 689/2008. The addition of acetochlor, asulam, chloropicrin and propargite to Annex I was suspended due to a new application for inclusion in Annex I to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽⁸⁾ submitted pursuant to Article 13 of Commission Regulation (EC) No 33/2008 of 17 January 2008 laying down detailed rules for the application of Council Directive 91/414/EEC as regards a regular and an accelerated procedure for the assessment of active substances which were part of the programme of work referred to in Article 8(2) of that Directive but have not been included into its Annex I ⁽⁹⁾. That new application resulted again in the decision not to approve the substances acetochlor, asulam, chloropicrin and propargite as active substances under Regulation (EC) No 1107/2009 with the effect that acetochlor, asulam, chloropicrin and propargite remain banned for pesticide use and that the reason for suspending the addition to Annex I disappeared. Therefore, the substances acetochlor, asulam, chloropicrin and propargite should be added to the lists of chemicals contained in Parts 1 and 2 of Annex I to Regulation (EC) No 689/2008.
- (5) The substance flufenoxuron has not been approved as an active substance under Regulation (EC) No 1107/2009 and the substance flufenoxuron has not been included as an active substance in Annex I, IA or IB to Directive 98/8/EC for product type 18, with the effect that flufenoxuron is severely restricted for pesticide use and thus should be added to the lists of chemicals contained in Parts 1 and 2 of Annex I to Regulation (EC) No 689/2008 because virtually all use is prohibited despite the fact that flufenoxuron has been included in Annex I to Directive 98/8/EC for product type 8 and may thus be authorised by Member States for use in wood preservatives subject to specific conditions. The addition of

⁽¹⁾ OJ L 204, 31.7.2008, p. 1.

⁽²⁾ OJ L 63, 6.3.2003, p. 27.

⁽³⁾ OJ L 309, 24.11.2009, p. 1.

⁽⁴⁾ OJ L 123, 24.4.1998, p. 1.

⁽⁵⁾ OJ L 396, 30.12.2006, p. 1.

⁽⁶⁾ OJ L 209, 31.7.2006, p. 1.

⁽⁷⁾ OJ L 158, 30.4.2004, p. 7.

⁽⁸⁾ OJ L 230, 19.8.1991, p. 1.

⁽⁹⁾ OJ L 15, 18.1.2008, p. 5.

flufenoxuron to Annex I was suspended due to a new application for inclusion in Annex I to Directive 91/414/EEC submitted pursuant to Article 13 of Regulation (EC) No 33/2008. That new application resulted again in the decision not to approve flufenoxuron as active substance under Regulation (EC) No 1107/2009 with the effect that the reason for suspending the addition to Annex I disappeared. Therefore, the substance flufenoxuron should be added to the lists of chemicals contained in Parts 1 and 2 of Annex I to Regulation (EC) No 689/2008.

- (6) The substance naled has not been included as an active substance in Annex I, IA or IB to Directive 98/8/EC and naled has not been included as an active substance in Annex I to Directive 91/414/EEC, with the effect that naled is banned for pesticide use and thus should be added to the lists of chemicals contained in Parts 1 and 2 of Annex I to Regulation (EC) No 689/2008.
- (7) The substances 2-naphthoxyacetic acid, diphenylamine and propanil have not been approved as active substances under Regulation (EC) No 1107/2009, with the effect that 2-naphthoxyacetic acid, diphenylamine and propanil are banned for pesticide use and thus should be added to the lists of chemicals contained in Parts 1 and 2 of Annex I to Regulation (EC) No 689/2008. The addition of 2-naphthoxyacetic acid, diphenylamine and propanil to Part 2 of Annex I was suspended due to a new application for inclusion in Annex I to Directive 91/414/EEC submitted pursuant to Article 13 of Regulation (EC) No 33/2008. This new application resulted again in the decision not to include the substances 2-naphthoxyacetic acid, diphenylamine and propanil as active substances in Annex I to Directive 91/414/EEC with the effect that 2-naphthoxyacetic acid, diphenylamine and propanil remain banned for pesticide use and that the reason for suspending the addition to Part 2 of Annex I disappeared. Therefore, the substances 2-naphthoxyacetic acid, diphenylamine and propanil should be added to the list of chemicals contained in Part 2 of Annex I to Regulation (EC) No 689/2008.
- (8) At its fifth meeting in June 2011, the Conference of the Parties to the Rotterdam Convention decided to include alachlor, aldicarb and endosulfan in Annex III to that Convention, with the effect that alachlor, aldicarb and endosulfan became subject to the PIC procedure under that Convention and thus should be removed from the list of chemicals contained in Part 2 and added to the list of chemicals contained in Part 3 of Annex I to Regulation (EC) No 689/2008.
- (9) The substance dichlorvos has not been included as an active substance in Annex I, IA or IB to Directive

98/8/EC and dichlorvos has not been included as an active substance in Annex I to Directive 91/414/EEC, with the effect that dichlorvos is banned for pesticide use. Since dichlorvos is already included in the lists of chemicals contained in Parts 1 and 2 of Annex I to Regulation (EC) No 689/2008, those entries should be amended to reflect the latest legal developments.

- (10) The substances bifenthrin and metam have been approved as active substances under Regulation (EC) No 1107/2009, with the effect that bifenthrin and metam are no longer banned for pesticide use. Consequently, the active substances bifenthrin and metam should be deleted from Part 1 of Annex I to Regulation (EC) No 689/2008.
- (11) The substance cyanamide should be removed from Part 2 of Annex I to Regulation (EC) No 689/2008 since evidence was submitted that the ban in the subcategory 'pesticide in the group of plant protection products' does not represent a severe restriction of the use of the substance at the level of the category 'pesticide' due to the fact that cyanamide has important uses as a biocide. Cyanamide has been identified and notified for evaluation under Directive 98/8/EC. Biocidal products containing cyanamide may thus continue to be authorised by Member States in accordance with their national rules, until a decision under that Directive is taken.
- (12) Regulation (EC) No 850/2004, as amended by Commission Regulation (EU) No 519/2012 ⁽¹⁾ implements the decision taken under the Stockholm Convention to list endosulfan in Part 1 of Annex A to the Stockholm Convention by adding that chemical to Part A of Annex I to Regulation (EC) No 850/2004. Consequently, that chemical should be added to Part 1 of Annex V to Regulation (EC) No 689/2008.
- (13) Regulation (EC) No 689/2008 should therefore be amended accordingly.
- (14) In order to allow enough time for industry to take the measures necessary for compliance with this Regulation and for Member States to take the measures necessary for implementation of this Regulation, its application should be deferred.
- (15) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 133 of Regulation (EC) No 1907/2006,

⁽¹⁾ OJ L 159, 20.6.2012, p. 1.

HAS ADOPTED THIS REGULATION:

(2) Annex V is amended in accordance with Annex II to this Regulation.

Article 1

Regulation (EC) No 689/2008 is amended as follows:

(1) Annex I is amended in accordance with Annex I 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 April 2013.

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

Done at Brussels, 25 January 2013.

For the Commission

The President

José Manuel BARROSO

ANNEX I

Annex I to Regulation (EC) No 689/2008 is amended as follows:

(1) Part 1 is amended as follows:

(a) the following entries are added:

Chemical	CAS No	Einecs No	CN code	Subcategory (*)	Use limitation (**)	Countries for which no notification is required
'Acetochlor +	34256-82-1	251-899-3	2924 29 98	p(1)	b	
Asulam +	3337-71-1 2302-17-2	222-077-1 218-953-8	2935 00 90	p(1)	b	
Chloropicrin +	76-06-2	200-930-9	2904 90 40	p(1)	b	
Flufenoxuron +	101463-69-8	417-680-3	2924 29 98	p(1)-p(2)	b-sr	
Naled +	300-76-5	206-098-3	2919 90 00	p(1)-p(2)	b-b	
Propargite +	2312-35-8	219-006-1	2920 90 85	p(1)	b'	

(b) the entries for alachlor and aldicarb are replaced by the following:

Chemical	CAS No	Einecs No	CN code	Subcategory (*)	Use limitation (**)	Countries for which no notification is required
'Alachlor #	15972-60-8	240-110-8	2924 29 98	p(1)	b	
Aldicarb #	116-06-3	204-123-2	2930 90 99	p(1)-p(2)	b-b'	

(c) the entry for dichlorvos is replaced by the following:

Chemical	CAS No	Einecs No	CN code	Subcategory (*)	Use limitation (**)	Countries for which no notification is required
'Dichlorvos +	62-73-7	200-547-7	2919 90 00	p(1)-p(2)	b-b'	

(d) the entry for endosulfan is replaced by the following:

Chemical	CAS No	Einecs No	CN code	Subcategory (*)	Use limitation (**)	Countries for which no notification is required
'Endosulfan #	115-29-7	204-079-4	2920 90 85	p(1)-p(2)	b-b'	

(e) the entry for bifenthrin is deleted;

(f) the entry for metam is deleted;

(2) Part 2 is amended as follows:

(a) the following entries are added:

Chemical	CAS RN	Einecs No	CN code	Category (*)	Use limitation (**)
'2-naphthoxyacetic acid	120-23-0	204-380-0	2918 99 90	p	b
Acetochlor	34256-82-1	251-899-3	2924 29 98	p	b
Asulam	3337-71-1 2302-17-2	222-077-1 218-953-8	2935 00 90	p	b
Chloropicrin	76-06-2	200-930-9	2904 90 40	p	b
Diphenylamine	122-39-4	204-539-4	2921 44 00	p	b
Flufenoxuron	101463-69-8	417-680-3	2924 29 98	p	sr
Naled	300-76-5	206-098-3	2919 90 00	p	b
Propanil	709-98-8	211-914-6	2924 29 98	p	b
Propargite	2312-35-8	219-006-1	2920 90 85	p	b'

(b) the entry for dichlorvos is replaced by the following:

Chemical	CAS RN	Einecs No	CN code	Category (*)	Use limitation (**)
'Dichlorvos	62-73-7	200-547-7	2919 90 00	p	b'

(c) the entry for alachlor is deleted;

(d) the entry for aldicarb is deleted;

(e) the entry for cyanamide is deleted;

(f) the entry for endosulfan is deleted;

(3) in Part 3, the following entries are added:

Chemical	Relevant CAS number(s)	HS code Pure substance	HS code Mixtures, preparations containing substance	Category
'Alachlor	15972-60-8	2924.29	3808.93	Pesticide
Aldicarb	116-06-3	2930.90	3808.91	Pesticide
Endosulfan	115-29-7	2920.90	3808.91	Pesticide'

ANNEX II

In Part 1 of Annex V to Regulation (EC) No 689/2008 the following entry is added:

Description of chemicals/article(s) subject to export ban	Additional details, where relevant (e.g. name of chemical, EC No, CAS No, etc.)	
	'Endosulfan	EC No 204-079-4 CAS No 115-29-7 CN code 2920 90 85'

COMMISSION IMPLEMENTING REGULATION (EU) No 74/2013**of 25 January 2013****amending Regulation (EU) No 1125/2010 as regards the intervention centres for cereals in Germany, Spain and Slovakia**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products ('Single CMO' Regulation) ⁽¹⁾, and in particular Article 41 in conjunction with Article 4 thereof,

Whereas:

- (1) The Annex to Commission Regulation (EU) No 1125/2010 of 3 December 2010 determining the intervention centres for cereals and amending Regulation (EC) No 1173/2009 ⁽²⁾ designates the intervention centres for cereals.
- (2) In accordance with Article 55(1) of Commission Regulation (EU) No 1272/2009 of 11 December 2009 laying down common detailed rules for the implementation of Council Regulation (EC) No 1234/2007 as regards buying-in and selling of agricultural products under public intervention ⁽³⁾, Germany, Spain and Slovakia have communicated to the Commission the amended list of their intervention centres for cereals and the list

of storage premises ⁽⁴⁾ attached to those centres which have been approved as fulfilling the minimum standards required by EU legislation.

- (3) Regulation (EU) No 1125/2010 should therefore be amended accordingly, and the list of storage premises attached thereto should be published on the internet, together with all the information required by the operators involved in public intervention.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EU) No 1125/2010 is amended in accordance with the Annex to this Regulation.

Article 2

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, 25 January 2013.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 318, 4.12.2010, p. 10.

⁽³⁾ OJ L 349, 29.12.2009, p. 1.

⁽⁴⁾ The addresses of the storage premises of the intervention centres are available on the European Commission website EUROPA/agriculture http://ec.europa.eu/agriculture/cereals/legislation/index_en.htm

ANNEX

The Annex to Regulation (EU) No 1125/2010 is amended as follows:

- (1) the section entitled 'GERMANY' is replaced by the following:

'GERMANY

Aschersleben	Güstrow	Neustadt
Augsburg	Hamburg	Nienburg
Bad Gandersheim	Hameln	Northeim
Bad Oldesloe	Herzberg	Pollhagen
Beverungen	Hildesheim	Querfurt
Brandenburg	Holzminden	Regensburg
Bremen	Itzehoe	Rethem/Aller
Bülstringen	Kappeln	Riesa
Buttstädt	Karstädt	Rosdorf
Dessau-Roßlau	Kiel	Rostock
Drebkau	Klötze	Schwerin
Ebeleben	Krefeld	Tangermünde
Eilenburg	Kyritz	Trebsen
Emden	Lübeck	Uelzen
Flensburg	Ludwigshafen	Wismar
Gransee	Magdeburg	Witzenhausen'
Großschirma	Malchin	

- (2) the section entitled 'SPAIN' is replaced by the following:

'SPAIN

Andalucia
Aragon
Castilla y Leon
Castilla La Mancha
Extremadura
Navarra'

- (3) the section entitled 'SLOVAKIA' is replaced by the following:

'SLOVAKIA

Bratislava
Trnava
Dunajská Streda
Nitra
Dvory nad Žitavou
Bánovce nad Bebravou
Martin
Veľký Krtíš
Rimavská Sobota
Šurany
Košice'

COMMISSION IMPLEMENTING REGULATION (EU) No 75/2013

of 25 January 2013

derogating from Regulation (EC) No 951/2006 as regards the application of representative prices and additional import duties for certain products in the sugar sector and repealing Implementing Regulation (EU) No 892/2012 fixing the representative prices and additional import duties for certain products in the sugar sector for the 2012/2013 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) ⁽¹⁾, and in particular Article 143 in conjunction with Article 4 thereof,

Whereas:

(1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups have been fixed for the 2012/2013 marketing year by Commission Implementing Regulation (EU) No 892/2012 ⁽²⁾.

(2) Article 141(2) of Regulation (EC) No 1234/2007 establishes that additional import duties are not be imposed where the imports are unlikely to disturb the Community market, or where the effects would be disproportionate to the intended objective.

(3) For a significant period of time, sugar prices in the Union market have been far above the reference price and, based on current market forecast, it is not expected that the world market price of sugar would be reduced to such levels that, taking into account the current import tariff, the imports of sugar would disturb the EU sugar market in the absence of additional duties. Under these circumstances of relatively high world market prices, imports of sugar products covered by Article 36(1) of 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 ⁽³⁾ are not likely to disturb the Union market and consequently no additional duties on these imports should be imposed. Taking into account the fundamentals of the world and Union sugar markets, this situation is unlikely to change significantly for the

next two marketing years, i.e. till the end of the Union quota regime. The Commission monitors constantly the sugar market and shall take any appropriate measures if necessary.

(4) As long as additional duties are not imposed, there is no need to fix the representative prices which are used to calculate them.

(5) It is then appropriate to derogate from the application of Article 36 of Regulation (EC) No 951/2006 until the end of the marketing year 2014/2015.

(6) Implementing Regulation (EU) No 892/2012 should therefore be repealed.

(7) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chair,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 36 of Regulation (EC) No 951/2006, the additional import duties shall not be applied to the products referred to in that Article until 30 September 2015.

Article 2

Implementing Regulation (EU) No 892/2012 is repealed. However, it shall remain applicable to additional duties imposed before the entering into force of the present Regulation.

Article 3

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 263, 28.9.2012, p. 37.

⁽³⁾ OJ L 178, 1.7.2006, p. 24.

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

Done at Brussels, 25 January 2013.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 76/2013**of 25 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, 25 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	64,0
	TN	75,6
	TR	111,8
	ZZ	83,8
0707 00 05	MA	158,2
	TR	150,0
	ZZ	154,1
0709 91 00	EG	119,3
	ZZ	119,3
0709 93 10	MA	83,6
	TR	165,0
	ZZ	124,3
0805 10 20	EG	56,7
	MA	58,9
	TN	60,7
	TR	63,6
	ZA	46,1
	ZZ	57,2
0805 20 10	MA	89,7
	ZZ	89,7
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL	103,1
	KR	138,1
	MA	158,2
	TR	79,1
	ZZ	119,6
0805 50 10	EG	87,0
	TR	73,7
	ZZ	80,4
0808 10 80	BR	86,6
	CN	101,1
	MK	38,5
	US	176,4
	ZZ	100,7
0808 30 90	CN	51,8
	US	138,2
	ZZ	95,0

⁽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 77/2013**of 25 January 2013****on the issue of licences for importing rice under the tariff quotas opened for the January 2013 subperiod by Implementing Regulation (EU) No 1273/2011**

THE EUROPEAN COMMISSION,

should therefore be determined by fixing the allocation coefficient to be applied to the quantity requested under the quotas concerned.

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

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

Having regard to Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences ⁽²⁾, and in particular Article 7(2) thereof,

Having regard to Commission Implementing Regulation (EU) No 1273/2011 of 7 December 2011 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice ⁽³⁾, and in particular the first paragraph of Article 5 thereof,

Whereas:

- (1) Implementing Regulation (EU) No 1273/2011 opened and provided for the administration of certain import tariff quotas for rice and broken rice, broken down by country of origin and split into several subperiods in accordance with Annex I to that Implementing Regulation.
- (2) January is the first subperiod for the quotas provided for under Article 1(1)(a), (b), (c) and (d) of Implementing Regulation (EU) No 1273/2011.
- (3) The notifications sent in accordance with point (a) of Article 8 of Implementing Regulation (EU) No 1273/2011 show that, for the quotas with order number 09.4153 — 09.4154 — 09.4112 — 09.4116 — 09.4117 — 09.4118 — 09.4119 — 09.4166, the applications lodged in the first 10 working days of January 2013 under Article 4(1) of that Implementing Regulation cover a quantity greater than that available. The extent to which import licences may be issued

- (4) Those notifications also show that, for the quotas with order number 09.4127 — 09.4128 — 09.4148 — 09.4149 — 09.4150 — 09.4152, the applications lodged in the first 10 working days of January 2013 under Article 4(1) of Implementing Regulation (EU) n° 1273/2011 cover a quantity less than that available.
- (5) The total quantity available for the following subperiod should also be fixed for the quotas with order number 09.4127 — 09.4128 — 09.4148 — 09.4149 — 09.4150 — 09.4152 — 09.4153 — 09.4154 — 09.4112 — 09.4116 — 09.4117 — 09.4118 — 09.4119 — 09.4166, in accordance with the first subparagraph of Article 5 of Implementing Regulation (EU) No 1273/2011.
- (6) In order to ensure sound management of the procedure of issuing import licences, this Regulation should enter into force immediately after its publication,

HAS ADOPTED THIS REGULATION:

Article 1

1. For import licence applications for rice under the quotas with order number 09.4153 — 09.4154 — 09.4112 — 09.4116 — 09.4117 — 09.4118 — 09.4119 — 09.4166 referred to in Implementing Regulation (EU) No 1273/2011 lodged in the first 10 working days of January 2013, licences shall be issued for the quantity requested, multiplied by the allocation coefficient set out in the Annex to this Regulation.

2. The total quantity available for the following subperiod under the quotas with order number 09.4127 — 09.4128 — 09.4148 — 09.4149 — 09.4150 — 09.4152 — 09.4153 — 09.4154 — 09.4112 — 09.4116 — 09.4117 — 09.4118 — 09.4119 — 09.4166, referred to in Implementing Regulation (EU) No 1273/2011, is 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*.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 238, 1.9.2006, p. 13.

⁽³⁾ OJ L 325, 8.12.2011, p. 6.

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

Done at Brussels, 25 January 2013.

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

ANNEX

Quantities to be allocated for the January 2013 subperiod and quantities available for the following subperiod under Implementing Regulation (EU) No 1273/2011

- (a) Quota of wholly milled or semi-milled rice covered by CN code 1006 30 as provided for in Article 1(1)(a) of Implementing Regulation (EU) No 1273/2011:

Origin	Order number	Allocation coefficient for the January 2013 subperiod (%)	Total quantity available for April 2013 subperiod (kg)
United States	09.4127	— ⁽¹⁾	23 039 000
Thailand	09.4128	— ⁽¹⁾	9 702 162
Australia	09.4129	— ⁽²⁾	1 019 000
Other origins	09.4130	— ⁽²⁾	1 805 000

⁽¹⁾ Applications cover quantities less than or equal to the quantities available: all applications are therefore acceptable.

⁽²⁾ No quantity available for this subperiod.

- (b) Quota of husked rice covered by CN code 1006 20 as provided for in Article 1(1)(b) of Implementing Regulation (EU) No 1273/2011

Origin	Order number	Allocation coefficient for the January 2013 subperiod (%)	Total quantity available for July 2013 subperiod (kg)
All countries	09.4148	— ⁽¹⁾	1 469 000

⁽¹⁾ Applications cover quantities less than or equal to the quantities available: all applications are therefore acceptable.

- (c) Quota of broken rice covered by CN code 1006 40 00 as provided for in Article 1(1)(c) of Implementing Regulation (EU) No 1273/2011

Origin	Order number	Allocation coefficient for the January 2013 subperiod (%)	Total quantity available for July 2013 subperiod (kg)
Thailand	09.4149	— ⁽¹⁾	51 571 716
Australia	09.4150	— ⁽²⁾	16 000 000
Guyana	09.4152	— ⁽²⁾	11 000 000
United States	09.4153	39,130434 %	4 500 001
Other origins	09.4154	1,265822 %	6 000 008

⁽¹⁾ Applications cover quantities less than or equal to the quantities available: all applications are therefore acceptable.

⁽²⁾ No allocation coefficient applied for this subperiod: no licence applications were notified to the Commission.

(d) Quota of wholly milled or semi-milled rice covered by CN code 1006 30 as provided for in Article 1(1)(d) of Implementing Regulation (EU) No 1273/2011

Origin	Order number	Allocation coefficient for the January 2013 subperiod (%)	Total quantity available for July 2013 subperiod (kg)
Thailand	09.4112	1,018434 %	0
United States	09.4116	1,779798 %	0
India	09.4117	0,850983 %	0
Pakistan	09.4118	0,919793 %	0
Other origins	09.4119	0,881843 %	0
All countries	09.4166	0,772365 %	17 011 010

DIRECTIVES

COUNCIL DIRECTIVE 2013/1/EU

of 20 December 2012

amending Directive 93/109/EC as regards certain detailed arrangements for the exercise of the right to stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 22(2) thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Acting in accordance with a special legislative procedure,

Whereas:

- (1) The right of every citizen of the Union to vote and to stand as a candidate in elections to the European Parliament in his Member State of residence is recognised under Article 20(2)(b) of the Treaty on the Functioning of the European Union and under Article 39(1) of the Charter of Fundamental Rights of the European Union. Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals ⁽²⁾ provides for arrangements for the exercise of that right.
- (2) The Commission reports of 12 December 2006 and of 27 October 2010 on the application of Directive 93/109/EC to the 2004 elections and the 2009 elections, respectively, revealed the need to amend certain provisions of Directive 93/109/EC.
- (3) Directive 93/109/EC provides that any citizen of the Union who has been deprived of his right to stand as a candidate under either the law of the Member State of residence or the law of his home Member State shall be precluded from exercising that right in the Member State of residence in elections to the European Parliament. To that end, Directive 93/109/EC requires a citizen of the Union, when submitting his application to stand as a candidate in a Member State other than the home Member State, to produce an attestation from the competent administrative authorities of the home Member State certifying that the person concerned has not been deprived of the right to stand as a candidate in the home Member State or that no such disqualification is known to them.
- (4) The difficulties encountered by such citizens in identifying the authorities empowered to issue that attestation and in obtaining it in good time act as a barrier to the exercise of the right to stand as a candidate and contribute to the low number of citizens of the Union standing as candidates in elections to the European Parliament in their Member State of residence.
- (5) The requirement for those citizens to submit such an attestation should accordingly be abolished and replaced by a statement confirming that the person concerned has not been deprived of the right to stand in the elections to the European Parliament, to be included in the formal declaration that those citizens are required to produce as part of their application.
- (6) The Member State of residence should be required to notify the home Member State of such declarations, in order to verify whether the citizen of the Union has in fact been deprived of the right to stand in elections to the European Parliament in the home Member State. Upon receipt of that notification, the home Member State should provide the Member State of residence with relevant information within a time-limit allowing for the admissibility of the candidacy to be effectively assessed.
- (7) Failure by the home Member State to provide that information on time should not result in the deprivation of the right to stand as a candidate in the Member State of residence. In cases where the relevant information is provided at a later stage, the Member State of residence should ensure, by appropriate measures and in accordance with the procedures provided for by its national law, that citizens of the Union deprived of the right to stand in their home Member State who were registered on the roll or have already been elected, are prevented from being elected or from exercising their mandate.
- (8) Given that the admissibility procedure in a Member State necessarily entails additional administrative steps for a national of another Member State than for the nationals of that Member State, it should be possible for Member States to set a different deadline for the submission of applications to stand as a candidate by citizens of the Union who are not nationals than that set for national citizens. Any difference in the deadline should be limited to that which is necessary and proportionate in order to allow for the notification of the information from the home Member State to be taken into account in good time, with a view to rejecting an

⁽¹⁾ European Parliament legislative resolutions of 26 September 2007 (OJ C 219 E, 28.8.2008, p. 193) and of 20 November 2012 (not yet published in the Official Journal).

⁽²⁾ OJ L 329, 30.12.1993, p. 34.

application before the nomination of the candidates. Establishing such a separate deadline should not affect the deadlines for obligations for other Member States to effect notifications pursuant to Directive 93/109/EC.

- (9) To facilitate communication between national authorities, Member States should designate one contact point to be responsible for the notification of information concerning such candidates.
- (10) To ensure a more efficient identification of candidates registered both on the list of their home Member State and that of the Member State of residence, the list of data to be required from citizens of the Union when submitting an application to stand as candidates in the Member State of residence should include their date and place of birth and the last address of residence in their home Member State.
- (11) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents, 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.
- (12) Directive 93/109/EC should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 93/109/EC is hereby amended as follows:

(1) Article 6 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. Any citizen of the Union who resides in a Member State of which he is not a national and who, through an individual judicial decision or an administrative decision provided that the latter can be subject to judicial remedies, has been deprived of his right to stand as a candidate under either the law of the Member State of residence or the law of his home Member State, shall be precluded from exercising that right in the Member State of residence in elections to the European Parliament.’;

(b) paragraph 2 is replaced by the following:

‘2. The Member State of residence shall check whether the citizens of the Union who have expressed a desire to exercise their right to stand as a candidate there have not been deprived of that right in the home Member State through an individual judicial decision or an administrative decision provided that the latter can be subject to judicial remedies.’;

(c) the following paragraphs are added:

‘3. For the purposes of paragraph 2 of this Article, the Member State of residence shall notify the home Member State of the declaration referred to in

Article 10(1). To that end, the relevant information that is available from the home Member State shall be provided in any appropriate manner within five working days from the reception of the notification or, where possible, within a shorter time-limit, if so requested by the Member State of residence. Such information may include only details which are strictly necessary for the implementation of this Article and may be used only for that purpose.

If the information is not received by the Member State of residence within the time-limit, the candidate shall none the less be admitted.

4. If the information provided invalidates the content of the declaration, the Member State of residence, irrespective of whether it receives the information within the time-limit or at a later stage, shall take the appropriate steps in accordance with its national law to prevent the person concerned from standing as a candidate or where this is not possible, to prevent this person either from being elected or from exercising the mandate.

5. Member States shall designate a contact point to receive and transmit the information necessary for the application of paragraph 3. They shall communicate to the Commission the name and contact details of the contact point and any updated information or changes concerning it. The Commission shall keep a list of contact points and make it available to the Member States.’;

(2) Article 10 is amended as follows:

(a) in paragraph 1, point (a) is replaced by the following:

‘(a) his nationality, date and place of birth, last address in the home Member State and his address in the electoral territory of the Member State of residence’;

(b) the following point is added to paragraph 1:

‘(d) that he has not been deprived of the right to stand as a candidate in the home Member State through an individual judicial decision or an administrative decision provided that the latter can be subject to judicial remedies.’;

(c) paragraph 2 is deleted.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 28 January 2014. They shall immediately inform the Commission thereof.

When Member States adopt those measures, 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.

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 20 December 2012.

For the Council
The President
E. FLOURENTZOU

DECISIONS

COUNCIL IMPLEMENTING DECISION

of 20 December 2012

amending Implementing Decision 2011/344/EU on granting Union financial assistance to Portugal

(2013/64/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) No 407/2010 of 11 May 2010 establishing a European financial stabilisation mechanism ⁽¹⁾, and in particular Article 3(2) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) In line with Article 3(10) of Council Implementing Decision 2011/344/EU ⁽²⁾, the Commission, together with the International Monetary Fund (IMF) and in liaison with the European Central Bank (ECB), has conducted the sixth review of the Portuguese authorities' progress on the implementation of the agreed measures under the economic and financial adjustment programme ('Programme') as well as of their effectiveness and economic and social impact.
- (2) After a strong decline of 3 % in 2012 in real terms, economic activity is expected to gradually recover starting from the second half of 2013 with quarterly growth rates returning to positive territory. Looking forward, the economic recovery is expected to gather pace in 2014 despite risks to the macroeconomic outlook. This includes potential headwinds from domestic consumption and a stronger-than-expected deterioration of the economic climate in some euro area Member States, which could have spill-over effects on Portugal.
- (3) The 5 % of gross domestic product (GDP) budget deficit target for 2012 remains valid, even though there are some risks. While the budgetary execution on the expenditure side remains under control, revenues until October continued to fall short of already downward revised

targets. Additional saving measures worth around 0,3 % of GDP are being implemented to meet the deficit target, but there are some uncertainties with regard to their final yield. Finally, the statistical authorities are still assessing whether the sale of the airport concession (ANA), estimated at 0,7 % of GDP, can be treated as a deficit-reducing operation.

- (4) The 2013 budget law, which was adopted on 27 November 2012, includes discretionary measures of more than 3 % of GDP to achieve the deficit target of 4,5 % of GDP in 2013. On the expenditure side, the budget envisages a sizeable reduction in the public sector wage bill through lower employment coupled with a reduction in overtime payments and other compensations. Rationalisation efforts in the health sector, state-owned enterprises (SOEs) and public-private partnerships (PPPs) will be deepened, while social spending will be further streamlined. On the revenue side, the 2013 budget provides for a comprehensive restructuring of the personal income tax that will reduce the number of brackets and increase the average tax rate in line with European standards, while preserving progressivity and curbing tax benefits. In addition, a surcharge of 3,5 % will be imposed on the part of taxable income above the minimum wage and a solidarity surcharge of 2,5 % on income above EUR 80 000 and of 5 % on income above EUR 250 000. Corporate income tax revenues will be increased by means of limiting the deductibility of interest costs, reducing the threshold for applying the highest surcharge on profits and changing the methodology for special prepayment to companies under group taxation, among others. The 2013 budget also includes changes in indirect taxation, in particular an increase in excise taxes on tobacco, alcohol and natural gas, a broadening of the base of property taxation after a revaluation of properties, and the creation of a financial transaction tax. In addition, social contributions will rise as they will also be charged on supplementary payments for public employees and on unemployment benefits.
- (5) Taking into account the measures in the 2013 budget, revenue increases will contribute by 80 % to the fiscal adjustment in 2013 while the remaining 20 % will come from expenditure reductions (after considering the effect of the reinstatement of the 13th salary in the public sector and 1,1 monthly pensions, following the

⁽¹⁾ OJ L 118, 12.5.2010, p. 1.

⁽²⁾ OJ L 159, 17.6.2011, p. 88.

decision of the Constitutional Court). In view of the risks associated with the strongly revenue-based adjustment, the Portuguese authorities are preparing contingency measures amounting to 0,5 % of GDP which will be activated if risks materialise. The measures will mainly consist of expenditure savings, in particular further reductions in payroll costs, and will be further specified in early 2013 in time for the seventh review.

- (6) The budgetary adjustment process is underpinned by a range of structural measures to enhance control over government expenditure and improve revenue collection. In particular, a comprehensive reform of the budgetary framework is provided for to bring it in line with best practices in budgetary procedures and management. The new commitment control system is starting to show results but implementation needs to be monitored closely in order to ensure that commitments are in line with funding. Reforms in the public administration, which have already produced significant savings, will continue. Key reforms to restructure the revenue administration are close to completion and the authorities are enhancing monitoring and strengthening revenue compliance. The renegotiation of PPPs has started and significant savings are projected for 2013 and beyond. SOEs are expected to reach operational balance on average by the end of 2012. Reforms in the health care sector are producing significant savings and implementation is continuing broadly in line with targets.
- (7) A comprehensive expenditure review has been initiated with the objective of enhancing the efficiency and equity of public services, while generating spending savings of about EUR 4 billion or 2,5 % of GDP. The exercise aims at reducing redundancies across the public sector functions and entities, and reallocating resources toward growth-friendly spending areas. The identification, quantification and timetable of the implementation of the measures should be specified by February 2013. The 2013 Stability Programme will provide further information on the medium-term fiscal consolidation plan.
- (8) Under the Commission's current projections for nominal GDP growth (– 1,0 % in 2011, – 2,7 % in 2012, 0,3 % in 2013 and 2 % in 2014) and the fiscal targets of 5 % of GDP in 2012, 4,5 % in 2013 and 2,5 % in 2014, the debt-to-GDP ratio is expected to develop as follows: 108,1 % in 2011, 120 % in 2012, 122,2 % in 2013 and 122,3 % in 2014. The debt-to-GDP ratio would level off from 2012 onwards and be placed on a downward path after 2014, assuming further progress in the reduction of the deficit. Debt dynamics are affected by several below-the-line operations, including sizeable acquisitions of financial assets, in particular for possible bank recapitalisation and financing to SOEs and differences between accrued and cash interest payments.
- (9) The capital augmentation exercise amounting to EUR 8,2 billion is nearly completed and will allow the participant banks to meet the European Banking Authority regulatory capital buffers as well as the end-of-year target for 2012 of a Core Tier 1 ratio of 10 %. The indicative loan-to-deposit target of 120 % by 2014

will likely be met with some banks already below the threshold at this stage. Efforts to diversify the sources of funding for the corporate sector are being strengthened. The legal acts on bank resolution, including recovery plans, bridge banks and a resolution fund, are being finalised.

- (10) Further progress has been made in implementing growth and competitiveness enhancing structural reforms. In addition to strengthening active labour market policies, the authorities are committed to reducing severance payments in order to promote labour market flexibility and job creation. The implementation of the action plans on secondary school and vocational training is overall progressing as scheduled.
- (11) The transposition of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market⁽¹⁾ aiming at reducing barriers to entry and boosting competition and economic activity, by facilitating access for new entrants to the market in the different economic regimes, is proceeding at good pace. Licensing procedures and other administrative burdens are also being simplified in different economic sectors such as environment and territorial planning, agriculture and rural development, industry, and geology. A framework law to set the main principles of the functioning of the most important national regulator authorities, including their endowment with strong independence and autonomy, is under preparation.
- (12) Reforms of the judicial system continue to advance according to the agreed schedule. Further progress has been achieved on the reduction of backlog cases and broader reforms such as the geographical reorganisation of the court districts and the reform of the Code of Civil Procedure.
- (13) Each measure required by this Decision is instrumental in re-establishing a sound economic and financial situation in Portugal and restoring its capacity to finance itself on the markets.
- (14) In the light of these developments, Implementing Decision 2011/344/EU should be amended,

HAS ADOPTED THIS DECISION:

Article 1

Article 3 of Implementing Decision 2011/344/EU is hereby amended as follows:

- (1) paragraph 7 is replaced by the following:

'7. Portugal shall adopt the following measures during 2013, in line with specifications in the Memorandum of Understanding:

⁽¹⁾ OJ L 376, 27.12.2006, p. 36.

- (a) The general government deficit shall not exceed 4,5 % of GDP in 2013. The 2013 budget shall include permanent consolidation measures of at least 3 % of GDP aiming at reducing the general government deficit within the timeframe referred to in paragraph 3. The Portuguese Government shall explore ways to increase the weight of expenditure reduction in the overall consolidation package for 2013 in order to ensure a medium-term growth-friendly fiscal adjustment tilted towards the expenditure side. Given budgetary execution risks, the Portuguese Government shall prepare contingency measures of 0,5 % of GDP by early 2013 which should be activated in case of a materialisation of such risks.
 - (b) The 2013 budget shall include revenue measures, in particular restructuring the personal income tax by simplifying the tax structure, increasing the average tax rate while preserving progressivity and broadening the tax base through the elimination of some tax benefits; broadening the corporate income tax base; increasing the investment income tax rate; increasing excise taxes; and introducing changes in recurrent property taxation.
 - (c) The 2013 budget shall include expenditure-saving measures, in particular rationalising public administration, education, healthcare and social benefits; reducing the wage bill by decreasing permanent and temporary staff and reducing overtime pay; streamlining public and private social transfers and subsidies; reducing transfers to local and regional authorities; and lowering operational and capital expenditures by SOEs.
 - (d) Portugal shall continue implementing its privatisation programme.
 - (e) Portugal shall develop common revenue forecasting guidelines for regional and local authorities.
 - (f) Portugal shall deepen the use of shared services in public administration.
 - (g) Portugal shall reduce the number of local branches of line ministries (e.g. tax, social security, justice) by merging them into the “Lojas do Cidadão” (administration and utilities single points of contact) and developing further the e-administration over the duration of the Programme.
 - (h) Portugal shall continue the reorganisation and rationalisation of the hospital network through specialisation, concentration and downsizing of hospital services, joint management and joint operation of hospitals, and shall finalise the implementation of the action plan by the end of 2013.
 - (i) With the support of internationally-renowned experts and following the adoption of the amendments to Law 6/2006 on New Urban Lease and of the decree law which simplifies the administrative procedure for renovation, Portugal shall undertake a comprehensive review of the functioning of the housing market.
 - (j) Portugal shall develop a nationwide land registration system to allow a more equal distribution of benefits and costs in the execution of urban planning.
 - (k) Portugal shall make fully operational the management tool to analyse, monitor and assess the results and impacts of education and training policies and shall establish the professional schools of reference.
 - (l) Portugal shall complete the adoption of the outstanding sectorial amendments necessary to fully implement Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (*).
 - (m) Portugal shall implement targeted measures to achieve a steady reduction of the backlogged enforcement cases with a view to resolving the backlog of court cases.
 - (n) Portugal shall adopt the framework Law on the main national regulator authorities in order to guarantee their full independence and financial, administrative and management autonomy.
 - (o) Portugal shall improve the business environment by completing pending reforms on the reduction of the administrative burden (Points of Single Contact provided for by Directive 2006/123/EC and “Zero Authorisation” projects) and by carrying out further simplification of existing licensing procedures, regulations and other administrative burdens in the economy which are a major obstacle for the development of economic activities.
 - (p) Portugal shall complete the reform of the port work legislation and the ports’ governance system, including the overhaul of port operation concessions.
 - (q) Portugal shall implement the measures enhancing the functioning of the transport system.
 - (r) Portugal shall implement the measures eliminating the energy tariff debt and fully transpose the Third EU Energy Package.
- (*) OJ L 376, 27.12.2006, p. 36.;
- (2) paragraph 9 is replaced by the following:
- ‘9. With a view to restoring confidence in the financial sector, Portugal shall adequately recapitalise its banking sector and ensure an orderly deleveraging process. In that regard, Portugal shall implement the strategy for the Portuguese banking sector agreed with the Commission, the ECB and the IMF so that financial stability is preserved. In particular, Portugal shall:
- (a) advise banks to strengthen their collateral buffers on a sustainable basis;

- (b) ensure a balanced and orderly deleveraging of the banking sector, which remains critical in permanently eliminating funding imbalances. Banks' funding plans aim at reducing the loan-to-deposit ratio to an indicative value of approximately 120 % in 2014 and reducing the reliance on Eurosystem funding in the medium term. Those funding plans shall be reviewed quarterly;
- (c) encourage the diversification of financing alternatives for the corporate sector, and in particular the SMEs, through an array of measures aiming at improving their access to the capital markets and export credit insurance;
- (d) continue to streamline the state-owned CGD group;
- (e) optimise the process for recovering the assets transferred from BPN to the three state-owned special purpose vehicles through the outsourcing to a professional third party of the management of the assets, with a mandate to gradually recover the assets over time; select the party managing the credits through a competitive bidding process and include adequate incentives to maximise the recoveries and minimise operational costs into the mandate; and ensure timely disposal of the subsidiaries and the assets in the other two state-owned special purpose vehicles;
- (f) on the basis of the set of preliminary proposals to encourage the diversification of financing alternatives to the corporate sector presented, develop and implement solutions that provide financing alternatives to traditional bank credit for the corporate sector; and assess the effectiveness of government-sponsored export credit insurance schemes with a view to taking appropriate measures compatible with Union law to promote exports;
- (g) ensure the initial and periodical funding arrangements for the Resolution Fund in two steps, first by the approval of a decree-law on the banks' contributions to the Resolution Fund, and secondly by the approval of a supervisory notice on the specific periodic contributions by banks; adopt the supervisory notices on the resolution plans; and prioritise, in the implementation of the recovery and resolution plans of banks, those banks that are of systemic importance;
- (h) implement the framework for financial institutions to engage in out-of-court debt restructuring for households, smooth the application for restructuring of corporate debt, and implement an action plan to raise public awareness of the restructuring tools;
- (i) submit to Parliament amendments to the legal framework governing access to public capital to allow the State, under strict circumstances and in accordance with State aid rules, to exercise control over an institution and to perform mandatory recapitalisations.'

Article 2

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 20 December 2012.

For the Council
The President
S. ALETRARIS

CORRIGENDA**Corrigendum to Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air**

(Official Journal of the European Union L 204 of 26 July 2006)

On page 2, recital 8, second sentence

for: 'A charge levied on each air carrier using an airport, proportionate to the number of passengers it carries to or from the airport, appears to be the most effective way of funding.'

read: 'A charge levied on each air carrier using an airport, proportionate to the number of passengers it carries to and from the airport, appears to be the most effective way of funding.'

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