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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 16 June 2011

on the signing and conclusion of the Agreement between the European Union and the Intergovernmental Organisation for International Carriage by Rail on the Accession of the European Union to the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999

(Text with EEA relevance)

(2013/103/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91, in conjunction with Articles 218(5) and 218(6)(a)(v) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) The development of rail interoperability, both within the Union and between the Union and neighbouring countries, is a key component of the common transport policy, targeted in particular at establishing a better balance between the various modes of transport.
- (2) The Union has exclusive competence or shared competence with its Member States in the areas covered by the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999 (hereinafter referred to as 'the Convention').
- (3) The Union's accession to the Convention for the purpose of exercising its competence is permitted by virtue of Article 38 of the Convention.
- (4) On behalf of the Union, the Commission has negotiated an Agreement (hereinafter referred to as 'the Agreement') with the Intergovernmental Organisation for International Carriage by Rail (hereinafter referred to as 'OTIF') on the Accession of the Union to the Convention.

(5) The Agreement should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement between the European Union and the Intergovernmental Organisation for International Carriage by Rail on the Accession of the European Union to the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999 (hereinafter referred to as 'the Agreement') is hereby approved on behalf of the Union.

The text of the Agreement is attached to this Decision.

Article 2

When signing the Agreement a declaration, as set out in Annex I to this Decision, shall be made by the Union concerning the exercise of its competence and a declaration, as set out in Annex II to this Decision, shall be made by the Union in respect of Article 2 of the Agreement.

Article 3

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in order to bind the Union and to make the declarations referred to in Article 2.

Article 4

The Commission shall represent the Union at OTIF meetings.

Article 5

The internal arrangements for the preparation for OTIF meetings and for the representation and voting at such meetings are set out in Annex III to this Decision.

Article 6

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

Done at Luxembourg, 16 June 2011.

For the Council
The President
VÖLNER P.

ANNEX I

DECLARATION BY THE EUROPEAN UNION CONCERNING THE EXERCISE OF COMPETENCE

In the rail sector, the European Union (hereinafter referred to as 'the Union') shares competence with the Member States of the Union (hereinafter referred to as the 'Member States') pursuant to Articles 90 and 91, in conjunction with Article 100(1), and Articles 171 and 172 of the Treaty on the Functioning of the European Union (TFEU).

Title VI of the TFEU establishes the Union's common transport policy, and Title XVI provides for the Union's contribution to the establishment and development of trans-European networks in the area of transport.

More specifically, Article 91 of Title VI of the TFEU provides that the Union may adopt:

- common rules applicable to international transport to or from the territory of a Member State or passing across the territory of one or more Member States,
- the conditions under which non-resident carriers may operate transport services within a Member State,
- measures to improve transport safety,
- any other appropriate provisions.

With regard to trans-European networks, Article 171 of Title XVI of the TFEU provides, more specifically, that the Union:

- shall establish a series of guidelines covering the objectives, priorities and broad lines of measures envisaged in the sphere of trans-European networks; these guidelines shall identify projects of common interest,
- shall implement any measures that may prove necessary to ensure the interoperability of the networks, in particular in the field of technical standardisation,
- may support projects of common interest supported by Member States, which are identified in the framework of the guidelines referred to in the first indent, particularly through feasibility studies, loan guarantees or interest-rate subsidies; the Union may also contribute, through the Cohesion Fund, to the financing of specific projects in Member States in the area of transport infrastructure.

On the basis of these two provisions the Union has adopted a substantial number of legal instruments applicable to rail transport.

Under Union law, the Union has acquired exclusive competence in matters of rail transport where the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999 (hereinafter referred to as 'the Convention') or legal instruments adopted pursuant to it may affect or alter the scope of these existing Union rules.

For subject matters governed by the Convention in relation to which the Union has exclusive competence, Member States have no competence.

Where Union rules exist but are not affected by the Convention or legal instruments adopted pursuant to it, the Union shares competence on matters in relation to the Convention with Member States.

A list of the relevant Union instruments in force at the time of the conclusion of the Agreement is contained in the Appendix to this Annex. The scope of the Union competence arising out of these texts has to be assessed in relation to the specific provisions of each text, especially the extent to which these provisions establish common rules. Union competence is subject to continuous development. In the framework of the Treaty on European Union and the TFEU, the competent institutions of the Union may take decisions which determine the extent of the competence of the Union. The Union therefore reserves the right to amend this declaration accordingly, without this constituting a prerequisite for the exercise of its competence in matters covered by the Convention.

Appendix to Annex I

EUROPEAN UNION INSTRUMENTS RELATING TO SUBJECTS DEALT WITH BY THE CONVENTION

To date, the Union has exercised its competence, inter alia, through the following Union instruments:

ECONOMIC/MARKET ACCESS LEGISLATION

- Regulation No 11 concerning the abolition of discrimination in transport rates and conditions, in implementation of Article 79(3) of the Treaty establishing the European Economic Community (OJ 52, 16.8.1960, p. 1121/60),
- Council Directive 91/440/EEC of 29 July 1991 on the development of the Community's railways (OJ L 237, 24.8.1991, p. 25),
- Council Directive 95/18/EC of 19 June 1995 on the licensing of railway undertakings (OJ L 143, 27.6.1995, p. 70),
- Directive 2001/12/EC of the European Parliament and of the Council of 26 February 2001 amending Council Directive 91/440/EEC on the development of the Community's railways (OJ L 75, 15.3.2001, p. 1),
- Directive 2001/13/EC of the European Parliament and of the Council of 26 February 2001 amending Council Directive 95/18/EC on the licensing of railway undertakings (OJ L 75, 15.3.2001, p. 26),
- Directive 2001/14/EC of the European Parliament and of the Council of 26 February 2001 on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (OJ L 75, 15.3.2001, p. 29),
- Directive 2004/51/EC of the European Parliament and of the Council of 29 April 2004 amending Council Directive 91/440/EEC on the development of the Community's railways (OJ L 164, 30.4.2004, p. 164, corrected version in OJ L 220, 21.6.2004, p. 58),
- Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations (OJ L 315, 3.12.2007, p. 14),
- Directive 2007/58/EC of the European Parliament and of the Council of 23 October 2007 amending Council Directive 91/440/EEC on the development of the Community's railways and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure (OJ L 315, 3.12.2007, p. 44).

INTEROPERABILITY AND SAFETY LEGISLATION

- Council Directive 96/48/EC of 23 July 1996 on the interoperability of the trans-European high-speed rail system (OJ L 235, 17.9.1996, p. 6),
- Directive 2001/16/EC of the European Parliament and of the Council of 19 March 2001 on the interoperability of the trans-European conventional rail system (OJ L 110, 20.4.2001, p. 1),
- Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (OJ L 164, 30.4.2004, p. 44, corrected version in OJ L 220, 21.6.2004, p. 16),
- Directive 2004/50/EC of the European Parliament and of the Council of 29 April 2004 amending Council Directive 96/48/EC on the interoperability of the trans-European high-speed rail system and Directive 2001/16/EC of the European Parliament and of the Council on the interoperability of the trans-European conventional rail system (OJ L 164, 30.4.2004, p. 114, corrected version in OJ L 220, 21.6.2004, p. 40),
- Regulation (EC) No 881/2004 of the European Parliament and of the Council of 29 April 2004 establishing a European Railway Agency (Agency Regulation) (OJ L 164, 30.4.2004, p. 1, corrected version in OJ L 220, 21.6.2004, p. 3),
- Directive 2007/59/EC of the European Parliament and of the Council of 23 October 2007 on the certification of train drivers operating locomotives and trains on the railway system in the Community (OJ L 315, 3.12.2007, p. 51),
- Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community (OJ L 191, 18.7.2008, p. 1),

- Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13),
- Directive 2008/110/EC of the European Parliament and of the Council of 16 December 2008 amending Directive 2004/49/EC on safety on the Community's railways (Railway Safety Directive) (OJ L 345, 23.12.2008, p. 62),
- Regulation (EC) No 1335/2008 of the European Parliament and of the Council of 16 December 2008 amending Regulation (EC) No 881/2004 establishing a European Railway Agency (Agency Regulation) (OJ L 354, 31.12.2008, p. 51),
- Regulation (EU) No 913/2010 of the European Parliament and of the Council of 22 September 2010 concerning a European rail network for competitive freight (OJ L 276, 20.10.2010, p. 22).

PUBLIC SERVICE OBLIGATIONS

- Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road (OJ L 315, 3.12.2007, p. 1).

ANNEX II

DECLARATION BY THE EUROPEAN UNION IN RESPECT OF ARTICLE 2 OF THE AGREEMENT

The term 'governing the particular subject concerned' is to be understood as applying to the specific case which is governed by a provision of the Convention, including its appendices, and is not governed by European Union legislation.

ANNEX III

INTERNAL ARRANGEMENTS FOR THE COUNCIL, THE MEMBER STATES AND THE COMMISSION IN PROCEEDINGS UNDER OTIF

Bearing in mind the requirement of unity of the international representation of the Union and its Member States in accordance with the Treaty on European Union and the Treaty on the Functioning of the European Union and the case law of the Court of Justice of the European Union also at the stage of implementation of international obligations, the Council, the Member States and the Commission will apply the following internal arrangements:

1. Scope

These internal arrangements will apply to any meeting of any of the bodies set up under OTIF. Any reference to a 'meeting' in these arrangements is understood to include *mutatis mutandis* a reference also to other proceedings, such as a written procedure.

2. Coordination procedure

2.1. To prepare for any OTIF meeting, including but not limited to the meetings of the General Assembly, the Administrative Committee and other Committees, coordination meetings will be held:

- in Brussels, within the competent Council Working Party (usually the Land Transport Working Party), as early as possible and as many times as necessary ahead of the OTIF meeting and, in addition,
- on the spot, particularly at the beginning and, if necessary, during and at the end of an OTIF meeting.

2.2. The coordination meetings will agree on positions on behalf of the Union only or, where relevant, on behalf of the Union and its Member States. Positions of the Member States relating to their exclusive competence may be subject to coordination at these meetings if so agreed by the Member States.

2.3. The coordination meetings will decide on the exercise of responsibilities with respect to statements and voting in relation to each item of the OTIF meeting agenda, on which a statement may be made or a vote is expected.

2.4. To prepare the coordination meetings referred to in point 2.1, including draft statements and position papers, preliminary discussions will, if necessary, be held in the appropriate Committee created by the relevant Union rail legislation, namely:

- the Committee on the transport of dangerous goods for items covered by Appendix C to the Convention; if these items affect rail interoperability, or the common safety approach developed under Directive 2004/49/EC, the Committee on rail interoperability and safety is also to be involved,
- the Committee on the development of the Union's railways for items covered by Appendices A, B, D or E to the Convention and for other systems of uniform law elaborated by the OTIF,
- the Committee on rail interoperability and safety for items covered by Appendices F or G to the Convention.

2.5. Before any OTIF meeting the Commission will give an indication of which agenda items are subject to Union coordination and will prepare draft statements and position papers to be discussed at coordination meetings.

2.6. If the Commission and the Member States in coordination meetings cannot agree a common position, including for reasons of disagreement on the repartition of competence, the matter will be referred to the Committee of Permanent Representatives and/or the Council.

3. Statements and voting in the OTIF meetings

3.1. Where an agenda item deals with matters of exclusive Union competence, the Commission will speak and vote for the Union. After due coordination, the Member States can also speak in order to support and/or develop the Union position.

3.2. Where an agenda item deals with matters of exclusive national competence, Member States will speak and vote.

3.3. Where an agenda item deals with matters containing elements of both national and Union competence, the Presidency and the Commission will express the common position. After due coordination, Member States can speak to support and/or develop the common position. The Member States or the Commission, as appropriate, will vote on behalf of the Union and its Member States in accordance with the common position. The decision on who will be voting is made in the light of where the preponderance of the competence lies (e.g. mainly national or mainly Union competence).

- 3.4. Where an agenda item deals with matters containing elements both of national and of Union competence and the Commission and the Member States have not been able to agree a common position as referred to in point 2.6, Member States and the Commission can speak and vote on matters falling clearly within their respective competence.
- 3.5. On matters for which there is no agreement between the Commission and the Member States on division of competence, or where it has not been possible to obtain the majority needed for a Union position, a maximum effort will be made to clarify the situation or achieve a Union position. Pending this, and after due coordination, the Member States and/or the Commission, as appropriate, would be entitled to speak on condition that the position expressed will not prejudice a future Union position, will be coherent with Union policies and previous Union positions, and will be in conformity with Union law.
- 3.6. The representatives of the Member States and of the Commission may participate in OTIF working groups preparing the technical committees of OTIF namely the Committee of Experts for the Carriage of Dangerous Goods (RID) and the Committee of Technical Experts (TEC). During participation in these working groups the representatives of the Member States and the Commission may present technical contributions and fully participate in the technical discussions on the basis of their technical knowledge. These discussions will not bind the Union.

The representatives of the Member States and the Commission will make serious efforts to reach a common position and to defend this position during the discussions in the OTIF working groups.

4. **Review of these arrangements**

At the request of a Member State or the Commission, these arrangements will be reviewed, taking account of experience gained from their operation.

AGREEMENT

between the European Union and the Intergovernmental Organisation for International Carriage by Rail on the Accession of the European Union to the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999

THE EUROPEAN UNION, hereinafter referred to as 'the Union',

of the one part, and

THE INTERGOVERNMENTAL ORGANISATION FOR INTERNATIONAL CARRIAGE BY RAIL, hereinafter referred to as 'OTIF',

of the other part,

Together hereinafter referred to as 'the Contracting Parties',

HAVING REGARD to the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999 (hereinafter referred to as 'the Convention'), and in particular Article 38 thereof,

HAVING REGARD to the responsibilities which the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU) confers on the Union in certain areas covered by the Convention,

RECALLING that following the entry into force of the Treaty of Lisbon on 1 December 2009, the Union has replaced and succeeded the European Community and from that date exercises all rights and assumes all obligations of the European Community,

WHEREAS the Convention establishes an Intergovernmental Organisation for International Carriage by Rail (OTIF), the headquarters of which are at Bern,

WHEREAS the purpose of the Union's accession to the Convention is to assist OTIF in pursuing its objective of promoting, improving and facilitating international rail transport in both technical and legal respects,

WHEREAS by virtue of Article 3 of the Convention, the obligations arising out of the Convention with regard to international cooperation do not take precedence, for Parties to the Convention which are also Member States of the Union or States party to the Agreement on the European Economic Area, over their obligations as Member States of the Union or States party to the Agreement on the European Economic Area,

WHEREAS a disconnection clause is necessary for those parts of the Convention which fall within the competence of the Union, in order to indicate that Member States of the Union cannot invoke and apply the rights and obligations deriving from the Convention directly among themselves,

WHEREAS the Convention applies fully between the Union and its Member States on the one hand, and the other Parties to the Convention, on the other hand,

WHEREAS the Union's accession to the Convention requires the rules for applying the provisions of the Convention to the Union and its Member States to be clearly established,

WHEREAS the conditions of the Union's accession to the Convention must allow the Union to exercise within the framework of the Convention the competences conferred on it by its Member States,

HAVE AGREED AS FOLLOWS:

Article 1

The Union hereby accedes to the Convention under the terms and conditions laid down in this Agreement, in accordance with Article 38 of the Convention.

Article 2

Without prejudice to the object and the purpose of the Convention to promote, improve and facilitate international traffic by rail and without prejudice to its full application with respect to other Parties to the Convention, in their mutual relations, Parties to the Convention which are Member States of the Union shall apply Union rules and shall therefore not apply the rules arising from that Convention except in so far as there is no Union rule governing the particular subject concerned.

Article 3

Subject to the provisions of this Agreement, provisions in the Convention shall be so interpreted as also to include the Union, within the framework of its competence, and the various terms used to designate the Parties to the Convention and their representatives are to be understood accordingly.

Article 4

The Union shall not contribute to the budget of OTIF and shall not take part in decisions concerning that budget.

Article 5

Without prejudice to the exercise of its voting rights under Article 6, the Union shall be entitled to be represented and involved in the work of all OTIF bodies in which any of its Member States is entitled to be represented as a Party to the Convention, and where matters falling within its competence may be dealt with.

The Union may not be a member of the Administrative Committee. It may be invited to participate in meetings of that Committee when the Committee wishes to consult it on matters of common interest that have been placed on the agenda.

Article 6

1. For decisions in matters where the Union has exclusive competence, the Union shall exercise the voting rights of its Member States under the Convention.

2. For decisions in matters where the Union shares competence with its Member States, either the Union or its Member States shall vote.

3. Subject to Article 26, paragraph 7, of the Convention, the Union shall have a number of votes equal to that of its Member States who are also Parties to the Convention. When the Union votes, its Member States shall not vote.

4. The Union shall, on a case-by-case basis, inform the other Parties to the Convention of the cases where, with regard to the various items on the agendas of the General Assembly and the other deliberating bodies, it will exercise the voting rights provided for in paragraphs 1 to 3. That obligation shall also apply when decisions are taken by correspondence. That information is to be provided early enough to the OTIF Secretary-General in order to allow its circulation together with meeting documents or a decision to be taken by correspondence.

Article 7

The scope of the competence of the Union shall be indicated in general terms in a written declaration made by the Union at the time of the conclusion of this Agreement. That declaration may be modified as appropriate by notification from the Union to OTIF. It shall not replace or in any way limit the matters that may be covered by the notifications of Union competence to be made prior to OTIF decision-making by means of formal voting or otherwise.

Article 8

Title V of the Convention shall apply to any dispute arising between the Contracting Parties in respect of the interpretation, application or implementation of this Agreement, including its existence, validity and termination.

Article 9

This Agreement shall enter into force on the first day of the first month following the signature of this Agreement by the Contracting Parties. Article 34, paragraph 2, of the Convention shall not apply in this case.

Article 10

This Agreement shall remain in force for an indefinite period.

If all Parties to the Convention which are Member States of the Union denounce the Convention, the notification of that denunciation, as well as of the denunciation of this Agreement, shall be considered to have been given by the Union at the same time as the last Member State of the Union to denounce the Convention notifies its denunciation under Article 41 of the Convention.

Article 11

Parties to the Convention other than Member States of the Union, which apply relevant Union legislation as a result of their international agreements with the Union, may, with the acknowledgement of the Depositary of the Convention, enter individual declarations with regard to the preservation of their rights and obligations under their agreements with the Union, the Convention and related regulations.

This Agreement shall be drawn up in duplicate, one original kept by OTIF and the other by the Union, in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, and Swedish languages, each text being equally authentic. This is without prejudice to Article 45, paragraph 1, of the Convention.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, duly empowered to this effect, have signed this Agreement.

Za Европейския съюз
Por la Unión Europea
Za Evropskou unii
For Den Europæiske Union
Für die Europäische Union
Euroopa Liidu nimel
Για την Ευρωπαϊκή Ένωση
For the European Union
Pour l'Union européenne
Per l'Unione europea
Eiropas Savienības vārdā –
Europos Sąjungos vardu
Az Európai Unió részéről
Għall-Unjoni Ewropea
Voor de Europese Unie
W imieniu Unii Europejskiej
Pela União Europeia
Pentru Uniunea Europeană
Za Európsku úniu
Za Evropsko unijo
Euroopan unionin puolesta
För Europeiska unionen

Handwritten signature

Za Междуправителствената организация за международни железопътни превози (OTIF)
Por la Organización Intergubernamental para los Transportes Internacionales por Ferrocarril (OTIF)
Za Mezivládní organizaci pro mezinárodní železniční přepravu (OTIF)
For Den Mellemstatslige Organisation for Internationale Jernbanefordringer (OTIF)
Für die Zwischenstaatliche Organisation für den internationalen Eisenbahnverkehr (OTIF)
Rahvusvaheliste Raudteevedude Valitsustevahelise Organisatsiooni (OTIF) nimel
Για το Διακυβερνητικό Οργανισμό Διεθνών Σιδηροδρομικών Μεταφορών (OTIF)
For the Intergovernmental Organisation for International Carriage by Rail (OTIF)
Pour l'Organisation intergouvernementale pour les transports internationaux ferroviaires (OTIF)
Per l'Organizzazione intergovernativa per i trasporti internazionali per ferrovia (OTIF)
Starptautisko dzelzceļa pārvadājumu starpvaldību organizācijas (OTIF) vārdā –
Tarptautinio vežimo geležinkeliais tarpvyriausybės organizacijos (OTIF) vardu
A Nemzetközi Vasúti Fuvarozásügyi Államközi Szervezet (OTIF) részéről
Għall-Organizzazzjoni Intergovernattiva għat-Trasport Internazzjonali bil-Ferrovija (OTIF)
Voor de Intergouvernementale Organisatie voor het internationale spoorwegvervoer (OTIF)
W imieniu Międzyrządowej Organizacji Międzynarodowych Przewozów Kolejami (OTIF)
Pela Organização Intergovernamental para os Transportes Internacionais Ferroviários (OTIF)
Pentru Organizația Interguvernamentală pentru Transporturile Internaționale Feroviare (OTIF)
Za Medzivládnú organizáciu pre medzinárodnú železničnú prepravu (OTIF)
Za Medvladno organizacija za mednarodni železniški promet (OTIF)
Valtioiden välisen kansainvälisten rautatiekuljetusten järjestön (OTIF) puolesta
För Mellanstatliga organisationen för internationell järnvägstrafik (Otif)

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REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 165/2013

of 22 February 2013

fixing for 2013 the amount of aid in advance for private storage of butter

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 43(a) and (d), in conjunction with Article 4 thereof,

Whereas:

- (1) Article 28 of Regulation (EC) No 1234/2007 provides for the granting of private storage aid for butter.
- (2) Developments in prices and stocks of butter indicate an imbalance in the market which may be eliminated or reduced by the seasonal storage. In view of the current market situation, it is appropriate to grant aid for private storage of butter as from 1 March 2013.
- (3) Commission Regulation (EC) No 826/2008 of 20 August 2008 laying down common rules for the granting of private storage aid for certain agricultural products ⁽²⁾ has established common rules for the implementation of a private storage aid scheme.
- (4) Pursuant to Article 6 of Regulation (EC) No 826/2008, aid fixed in advance is to be granted in accordance with the detailed rules and conditions provided for in Chapter III of that Regulation.
- (5) In accordance with Article 29 of Regulation (EC) No 1234/2007 the aid should be fixed in the light of storage costs and the likely trends in prices for fresh butter and butter from stocks.
- (6) It is appropriate to fix aid for the costs for entry and exit of the products concerned and for daily costs for cold storage and financing.

- (7) To facilitate the implementation of the present measure and taking into consideration the existing practice in the Member States, the aid should relate only to products that have been fully placed into storage. Consequently, a derogation from Article 7(3) of Regulation (EC) No 826/2008 should be provided for.
- (8) For reasons of administrative efficiency and simplification, where the required information concerning storage details are already included in the application for aid, it is appropriate to waive the request to notify the same information after the conclusion of the contract as provided for in point (a) of the first paragraph of Article 20 of Regulation (EC) No 826/2008.
- (9) For reasons of simplification and logistic efficiency, Member States should be allowed to waive the requirement to mark the contract number on each unit stored where the contract number is entered in the stores register.
- (10) For reasons of administrative efficiency and simplification, taking into account the particular situation for butter storage, the checks provided for in Article 36(6) of Regulation (EC) No 826/2008 should be carried out in respect of at least one half of the contracts. Consequently, a derogation from that Article should be provided for.
- (11) Commission Regulation (EC) No 792/2009 of 31 August 2009 laying down detailed rules for the Member States' notification to the Commission of information and documents in implementation of the common organisation of the markets, the direct payments' regime, the promotion of agricultural products and the regimes applicable to the outermost regions and the smaller Aegean islands ⁽³⁾ lays down common rules for notifying information and documents by the competent authorities of the Member States to the Commission. Those rules cover in particular the obligation for the Member States to use the information systems made available by the Commission and the validation of the access rights of the authorities or individuals authorised to send notifications. In addition, that Regulation sets common principles applying to the information

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 223, 21.8.2008, p. 3.

⁽³⁾ OJ L 228, 1.9.2009, p. 3.

systems in order to guarantee the authenticity, integrity and legibility over time of the documents. It also provides for personal data protection.

- (12) Pursuant to Regulation (EC) No 792/2009 the obligation to use the information systems in accordance with that Regulation has to be provided for in the regulations establishing a specific notification obligation.
- (13) The Commission has developed an information system that allows managing documents and procedures electronically in its own internal working procedures and in its relations with the authorities involved in the common agricultural policy.
- (14) It is considered that notification obligations for the private storage of butter can be fulfilled via that system in accordance with Regulation (EC) No 792/2009, in particular those provided for in Article 35 of Regulation (EC) No 826/2008.
- (15) For reasons of clarity, this Regulation should expire on the final date laid down for the end of contractual storage.
- (16) 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

1. This Regulation provides for private storage aid for salted and unsalted butter as referred to in Article 28(a) of Regulation (EC) No 1234/2007 for contracts concluded from 1 March 2013.
2. Regulation (EC) No 826/2008 shall apply save as otherwise provided for in this Regulation.

Article 2

The unit of measurement referred to in Article 16(2)(c) of Regulation (EC) No 826/2008 is the 'storage lot' which corresponds to the quantity of the product covered by this Regulation, weighing at least 1 tonne and of homogeneous composition and quality, produced in a single factory, taken into storage in a single warehouse on a single day.

Article 3

1. By way of derogation from Article 7(3) of Regulation (EC) No 826/2008, applications shall only relate to products that have been fully placed into storage.
2. Point (a) of the first paragraph of Article 20 of Regulation (EC) No 826/2008 shall not apply.

3. Member States may waive the requirements referred to in Article 22(1)(e) of Regulation (EC) No 826/2008 to mark the contract number provided that the store manager undertakes to enter the contract number in the register referred to in point III of Annex I to that Regulation.

4. By way of derogation from Article 36(6) of Regulation (EC) No 826/2008, at the end of the contractual storage period, the authority responsible for checking shall, throughout the whole removal period from August 2013 to February 2014, in respect of at least one half of the number of contracts, by sampling, verify weight and identification of the butter in storage.

Article 4

1. The aid for the products referred in Article 1 shall be:
- EUR 14,88 per tonne of storage for fixed storage costs,
- EUR 0,25 per tonne per day of contractual storage.
2. Entry into contractual storage shall take place between 1 March and 15 August 2013. Removal from store may take place only as from 16 August 2013. Contractual storage shall end on the day preceding that of the removal from storage or at the latest the last day of February following the year of entry into store.
3. Aid may be granted only where the contractual storage period is between 90 and 210 days.

Article 5

1. Member States shall notify the Commission of the following:
- (a) by each Tuesday for the previous week, the quantities for which contracts have been concluded as well as the quantities of products for which applications to conclude contracts have been submitted, as required under Article 35(1)(a) of Regulation (EC) No 826/2008;
- (b) not later than the end of each month for the previous month, the information on the stocks required under Article 35(1)(b) of Regulation (EC) No 826/2008.
2. The notifications referred to in paragraph 1 shall be made in accordance with Regulation (EC) No 792/2009.

Article 6

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

It shall expire on 28 February 2014.

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

Done at Brussels, 22 February 2013.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 166/2013**of 22 February 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, 22 February 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	IL	87,0
	MA	68,4
	TN	86,1
	TR	95,9
	ZZ	84,4
0707 00 05	EG	191,6
	MA	170,1
	TR	164,2
	ZZ	175,3
0709 91 00	EG	72,9
	ZZ	72,9
0709 93 10	MA	43,4
	TR	120,8
	ZZ	82,1
0805 10 20	EG	48,2
	IL	71,4
	MA	60,5
	TN	56,2
	TR	60,8
	ZZ	59,4
0805 20 10	IL	129,1
	MA	108,9
	ZZ	119,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	EG	57,7
	IL	140,5
	KR	134,8
	MA	128,5
	TR	77,3
	ZZ	107,8
0805 50 10	TR	54,4
	ZZ	54,4
0808 10 80	CN	82,6
	MK	31,3
	US	172,4
	ZZ	95,4
0808 30 90	AR	139,5
	CL	176,6
	CN	84,0
	TR	67,9
	US	187,5
	ZA	111,0
	ZZ	127,8

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

DECISIONS

COMMISSION IMPLEMENTING DECISION

of 21 February 2013

amending Decision 2007/777/EC as regards the entry for Brazil in the list of third countries and parts thereof from where imports into the Union of biltong/jerky and pasteurised meat products are authorised

(notified under document C(2013) 899)

(Text with EEA relevance)

(2013/104/EU)

THE EUROPEAN COMMISSION,

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

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 ⁽¹⁾, and in particular the introductory phrase of Article 8, the first paragraph of point 1 of Article 8 and point 4 of Article 8 thereof,

Whereas:

(1) Commission Decision 2007/777/EC of 29 November 2007 laying down the animal and public health conditions and model certificates for imports of certain meat products and treated stomachs, bladders and intestines for human consumption from third countries and repealing Decision 2005/432/EC ⁽²⁾ sets a list of third countries or parts thereof from which the introduction of meat products and treated stomachs, bladders and intestines into the Union is authorised, and sets the treatments required in order to control the animal health risks associated with such introduction.

(2) Part 3 of Annex II to Decision 2007/777/EC sets out the list of third countries or parts thereof from which imports into the Union of biltong/jerky and pasteurised meat products are authorised.

(3) Regions of Brazil from which introduction into the Union of products obtained from meat of domestic bovine animals that has undergone a specific treatment are authorised, are currently listed in Part 2 of Annex II to Decision 2007/777/EC.

(4) Brazil has requested the Commission to also authorise imports from those regions into the Union of biltong/jerky obtained from meat of domestic bovine animals that has undergone the appropriate specific treatment.

(5) Taking into account the animal health situation demonstrated to the Commission in those regions of Brazil, it is appropriate to authorise imports from those regions into the Union of biltong/jerky obtained from meat of domestic bovine animals that has undergone the specific treatment ‘E’ or ‘F’ set out in Part 4 of Annex II to Decision 2007/777/EC.

(6) Decision 2007/777/EC should therefore be amended accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

In Part 3 of Annex II to Decision 2007/777/EC, the following entry for Brazil is inserted after the entry for Argentina:

BR	Brazil BR-2	E or F	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX
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⁽¹⁾ OJ L 18, 23.1.2003, p. 11.
⁽²⁾ OJ L 312, 30.11.2007, p. 49.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 February 2013.

For the Commission

Tonio BORG

Member of the Commission

IV

(Acts adopted before 1 December 2009 under the EC Treaty, the EU Treaty and the Euratom Treaty)

COMMISSION RECOMMENDATION

of 9 October 2009

on mobilising Information and Communications Technologies to facilitate the transition to an energy-efficient, low-carbon economy

(2013/105/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 211 thereof,

Whereas:

- (1) In April 2006, the European Parliament and the Council adopted a Directive on Energy End-Use Efficiency and Energy Services ⁽¹⁾, setting the framework for measures addressing energy saving potential in the energy end-use sectors not covered by the Emissions Trading Scheme (ETS).
- (2) National Energy Efficiency Action Plans (NEEAPs) required by the Directive 2006/32/EC play a central role in planning and reporting on implementation of national measures addressing energy efficiency with the exception of the ETS. In their first NEEAPs a number of EU Member States have indicated plans to tackle the energy saving potential of ICT ⁽²⁾.
- (3) In October 2006, the Commission adopted the Communication *Action plan for energy efficiency: Realising the potential* ⁽³⁾ which underscores the need for a paradigm shift to change the behavioural patterns of our societies so that we use less energy while maintaining our quality of life.
- (4) Subsequently, in March 2007 the European Council confirmed the objective to save 20% of the EU's energy consumption compared with projections for 2020 and endorsed the target of 20% reduction of greenhouse gas emissions by 2020. The European Council also called for the development of a sustainable EU climate and energy policy in recognition of the link between energy consumption and carbon emissions. Unlocking the

potential to reduce 20% of the EU's energy consumption is expected to result in significant cost savings and environmental benefits.

- (5) In January 2008, the Commission adopted the Communication 20 20 by 2020: *Europe's climate change opportunity*, proposing a far-reaching package of concrete proposals indicating that the agreed climate change targets are technologically and economically feasible and provide a unique business opportunity for thousands of European companies ⁽⁴⁾. The proposals were approved by the European Council ⁽⁵⁾ and the European Parliament in December 2008.
- (6) In May 2008, the Commission adopted the Communication *Addressing the challenge of energy efficiency through information and communication technologies* ⁽⁶⁾ in which it recognised the potential of Information and Communication Technologies (ICT) to provide a cost-effective means of improving energy efficiency across industry and broader civil society.
- (7) In July 2008 the Commission adopted the Communication *on the Sustainable Consumption and Production and Sustainable Industrial Policy Action Plan* ⁽⁷⁾, (SCP/SIP), with proposals aiming to improve the environmental performance of products throughout their life-cycle and to increase the demand for more sustainable goods, while encouraging EU industry to take advantage of opportunities to innovate.
- (8) In support of the SCP/SIP Action Plan and based on a related mandate in the Communication *Integrated Product Policy: Building on Environmental Life-Cycle Thinking* ⁽⁸⁾, the Commission is developing, via its Joint Research Centre, a guidance handbook ⁽⁹⁾ on quantifying and analysing the environmental life cycle impact of products and processes, including carbon emissions and energy efficiency.

⁽¹⁾ OJ L 114, 27.4.2006, p. 64.

⁽²⁾ As mentioned in the Synthesis of the complete assessment of all 27 National Energy Efficiency Action Plans, 'Moving forward together on saving energy', SEC(2009)889 final, required by Directive 2006/32/EC.

⁽³⁾ COM(2006) 545.

⁽⁴⁾ COM(2008) 30.

⁽⁵⁾ Conclusions of the European Council 11 and 12, December 2008 - Presidency conclusions, 17271/1/08 REV 1, 13 February 2009.

⁽⁶⁾ COM(2008) 241.

⁽⁷⁾ COM(2008) 397.

⁽⁸⁾ COM(2003) 302.

⁽⁹⁾ The International Reference Life Cycle Reference System (ILCD) Handbook and supporting Data Network. <http://lct.jrc.ec.europa.eu/eplca/deliverables/international-reference-life-cycle-data-system-ilcd-handbook>.

- (9) In November 2008, the Commission adopted a European Economic Recovery Plan⁽¹⁾ for a faster return to economic growth, emphasising the immediate need for investment in energy efficiency and clean technologies. To implement this plan, in the Communication *Investing today for tomorrow's Europe* ⁽²⁾, the Commission proposed a package of measures to channel financial support towards energy and high speed broadband networks.
- (10) As part of the European Economic Recovery Plan, the Commission has launched Public-Private Partnerships that aim to further develop green technologies and smart energy infrastructures in the buildings, manufacturing and transport domains: the Energy Efficient Buildings, Factories of the Future and Green Cars Initiatives, respectively.
- (11) In December 2008, the Commission adopted, as part of the Green Transport initiative, an Action Plan for the Deployment of Intelligent Transport Systems in Europe and an accompanying Proposal for a Directive laying down the framework for the deployment of Intelligent Transport Systems (ITS) in the field of road transport and interfaces with other transport modes ⁽³⁾. The Commission proposed specific measures aimed to accelerate the deployment of ITS with the aim of improving energy efficiency in transport systems.
- (12) Energy use by ICT equipment and services represents about 8% of electrical power in the EU, and about 2% of carbon emissions ⁽⁴⁾. The Directive 2005/32/EC of the European Parliament and of the Council of 6 July 2005 establishing a framework for the setting of ecodesign requirements for energy-using products ⁽⁵⁾ provides EU-wide rules for placing energy-using products on the market, including ICT products, in relation to their energy efficiency and environmental performance over their full life-cycle. The Directive also gives opportunities to voluntary initiatives tabled by industry.
- (13) In its Communication *on mobilising Information and Communications Technologies to facilitate the transition to an energy-efficient, low-carbon economy* ⁽⁶⁾, the Commission underscored the untapped potential for the ICT sector to focus on systemic improvements to its own processes, including operations, manufacturing, service delivery and supply chain management.
- (14) The results of a public consultation ⁽⁷⁾ published in September 2009 confirmed that different companies currently pursue different strategies to improve their energy and environmental performance. A co-ordinated approach would better highlight opportunities, focus investment and yield economic benefits for the sector as a whole, as well as contributing to energy-efficiency goals.
- (15) Setting ambitious targets by the ICT sector for improving the energy and environmental performance of its processes is of the utmost importance. Progress towards such targets should be measurable and verifiable. Targets should be updated as more reliable baseline data becomes available. The ICT sector has expressed an interest in setting up an ICT for Energy Efficiency (ICT4EE) Forum that would work to adopt and implement a framework to measure the sector's energy and carbon footprints, set targets and benchmark progress.
- (16) For the purposes of this Recommendation, the ICT sector refers to the ICT manufacturing industries, ICT trade industries and ICT services industries as defined by the Organisation for Economic Co-operation and Development ⁽⁸⁾.
- (17) It is estimated that ICT-enabled improvements in other sectors could save about 15% of total carbon emissions by 2020 ⁽⁹⁾. Significant ICT-enabled energy efficiency gains are expected to be achievable in the short term in buildings and construction, in transport logistics and energy end-use.
- (18) The ICT sector can deliver simulation, modelling, analysis, monitoring and visualisation tools that are vitally needed to facilitate a whole building approach to the design and operation of buildings that takes into account the many factors that influence energy demand. However investments are hampered by the absence of a sector-wide reliable and transparent means of quantifying and tracking energy and cost savings over time, which ideally would form the basis of design strategies and tools.
- (19) Transport and logistics industries rely heavily on the use of ICT for the functioning and optimisation of their overall operations, in particular transportation and storage requirements. They are thus well-positioned to take a leading role in optimising the energy and carbon footprints of their services and providing relevant information to customers.

(1) COM(2008) 800, A European Economic Recovery Plan.

(2) COM(2009) 36.

(3) COM(2008) 886, Action Plan for the Deployment of Intelligent Transport Systems in Europe and COM(2008) 887, Proposal for a Directive: Framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other transport modes.

(4) Bio Intelligence 'Impacts of Information and Communication Technologies on Energy Efficiency'.

(5) OJ L 191, 22.7.2005, p. 29.

(6) COM(2009) 111 final.

(7) Public Consultation on Information and Communication Technologies for a Low Carbon Society, March 30 - June 14, 2009.

(8) OECD Guide to Measuring the Information Society, Rev. July 2009. www.oecd.org/sti/measuring-infoeconomy/guide.

(9) SMART 2020: Enabling the low carbon economy in the information age, a report by The Climate Group on behalf of the Global eSustainability Initiative (GeSI).

- (20) In the buildings and construction, and transport and logistics domains, a need for comparable methodologies for measuring energy performance and carbon emissions has already been identified, and work to this end has already been initiated. Common methodologies should serve to provide reliable data and a basis upon which ICT tools could be developed.
- (21) Partnerships between sectors could accelerate the development and wide-scale roll-out of ICT-based solutions for monitoring, managing and measuring energy-use and carbon emissions in energy-using activities, thus helping to provide a reliable basis for energy-saving and emissions-reducing decisions.
- (22) Smart metering can provide real-time information flows and the possibility of new control loops, thereby enabling better management and control of energy, and influencing final consumption by consumers, in particular when metering is accompanied by informative billing. Several Member States have introduced, or are considering legal obligations to introduce, smart metering. Concerted action by Member States to set minimum functional specifications for smart meters would help avoid technical barriers, ensure interoperability and enable the introduction of innovative ICT-based applications for managing energy end-use.
- (23) Smart metering and smart grids are important means to maximise energy savings in buildings, for the widespread deployment of electric vehicles, and for efficient energy supply and distribution and for integrating renewable energy sources. Applications and services stemming from such developments will likely give rise to new sectors of economic activity, involving actors from both the energy and ICT sectors. The conditions conducive to spawning new markets should be considered alongside pilot schemes and other exploratory initiatives.
- (24) For the purposes of this Recommendation, dematerialisation of ICT should be understood as reducing the need for the physical equipment that underlies electronic services delivery. Dematerialisation is of particular relevance to public procurement of ICT. This can be achieved by optimising the use of existing physical resources, by optimising the configuration of ICT systems and by ensuring that extensions or upgrades to existing systems are not contractually or technically limited.
- (25) There is a readiness at all levels of government to engage in activities to improve energy efficiency and reduce carbon emissions, as evidenced by the public consultation referred to in recital 14. The role of ICT in achieving these objectives is also the focus of ongoing initiatives by public authorities across Europe. Effective cooperation among national, regional and local levels of Member State governments is needed to ensure coherence between measures, exploit positive synergy between them and build a body of collective knowledge from sharing the results of experience.
- (26) It is estimated that the wider use of applications such as, on-line public services and applications, and advanced collaboration technologies could save at least 1 to 2% of total energy-use by 2020 worldwide ⁽¹⁾. For the EU to generate savings on a large scale, a Europe-wide broadband infrastructure will be essential.
- (27) No single organisation or group of stakeholders can act effectively alone. Concerted action by many organisations, in both the public and private sectors, including partnerships at city and regional levels, can pioneer systemic change across society. Moreover, the Commission wishes to encourage the exchange of best practices on the use of ICT solutions to improve energy efficiency.
- (28) Engagement at national, regional and local level is necessary if real progress is to be made. It is therefore up to the Member States national, regional and local policy makers to confirm their full commitment to facilitating the timely implementation of the measures set out in this Recommendation.
- HEREBY RECOMMENDS that the Information and Communication Technologies sector
- In order to curtail its growing share of global carbon emissions and strengthen the potential of Information and Communication Technologies (ICT) to play a central and critical role in the transition to an energy-efficient, low carbon economy,
- (1) commits to a progressive decarbonisation process leading to a measurable and verifiable reduction in energy intensity and carbon emissions of all processes involved in the production, transport and sales of ICT equipment and components.
- (2) participates, through its sector associations, in an exercise to be initiated by the European Commission that aims to:
- (a) develop a framework to measure its energy and environmental performance, for which the sector will be expected to contribute the baseline data by 2010;
- (b) adopt and implement common methodologies to this end by 2011;
- (c) identify, by 2011, energy efficiency targets that aim to exceed the EU 2020 targets by 2015;
- (d) issue a roadmap within three months of adoption of this Recommendation, thereafter annual reports;
- ⁽¹⁾ SMART 2020: Enabling the low carbon economy in the information age, a report by The Climate Group on behalf of the Global eSustainability Initiative (GeSI).

- (3) works with the European Commission and other relevant public bodies and international organisations in order to develop an auditing and verification framework assessing whether and how energy intensity and carbon emissions reduction targets will be met by individual companies.
- (4) in close cooperation with the buildings and construction sector identifies ICT solutions to improve the environmental and energy performance of new and existing buildings, and construction and renovation practices, leading to a joint roadmap for large-scale adoption of such solutions.
- (5) in close cooperation with the buildings and construction sector addresses barriers to the wider use of ICT modelling and simulation tools and other relevant applications that facilitate and assist compliance with applicable regulatory regimes governing buildings performance.
- (6) in close cooperation with the transport and logistics sector identifies ICT solutions to improve the environmental and energy performance of their services, leading to a joint roadmap for large-scale adoption of such solutions, in coordination with the work carried out under the ITS Action Plan.
- (7) in close cooperation with the transport and logistics sector drafts a systematic framework to provide comprehensive, comparable and reliable data on the energy consumption and carbon emissions of freight and transport operations and services to all potential users.
- HEREBY RECOMMENDS THAT MEMBERS STATES:
- In order to ensure full coherence of ICT policies with national, local and regional approaches to making the transition to an energy-efficient, low-carbon economy,
- (8) through their competent national authorities:
- (a) by the end of 2010 at the latest, agree on a common minimum functional specification for smart metering that focuses on providing consumers with improved information on, and improved capabilities to manage, their energy consumption;
- (b) by the end of 2012 at the latest, set up a coherent timeframe for the rollout of smart metering.
- (9) adopt and implement procurement practices that leverage the strength of public sector demand to promote the dematerialisation of ICT goods and services.
- (10) facilitate, at all levels of administration, the use of relevant ICT tools to better understand the implications of different policies and avoid negative spill-over effects from their interaction.
- (11) encourage the use of energy simulation and modelling in the education and training of professionals in critical sectors, in particular:
- (a) architects, builders and installers;
- (b) energy auditors;
- (c) logistics and the transport of goods or persons;
- (d) public services, planning and policy functions.
- (12) through their national, regional and local authorities, pursue, and, where necessary, upgrade strategies for the roll-out of a dependable, high-speed, broadband infrastructure to facilitate monitoring and management of consumption, distribution and production of energy including renewables, and the introduction of community-wide systems such as smart metering, smart-grids and smart-cities.
- (13) in addition to their obligation foreseen in the Art. 3.11 and Annex I.2 of the Directive 2009/72/EC for the internal market in electricity⁽¹⁾ engage all relevant stakeholders in large-scale pilots and demonstrations of smart metering and smart grids, to build consensus on the requirements for the emergence of future ICT-enabled innovations.
- (14) through their national, regional and local authorities, make use of open digital platforms to facilitate an integrated approach to urban planning and public service delivery, and to support knowledge-sharing, catalogues of best practices, and the maintenance of easily accessible information repositories.
- (15) through their national, regional and local authorities, open up opportunities for creative forms of collaboration and problem-solving at the community level through calls for ideas, competitions, and where possible by providing open access to a wide range of public digital resources and public data.
- (16) through their national, regional and local authorities, extend the benefits of substituting offline administrative processes with online applications and services, which realise energy efficiency improvements, to all segments of their communities.

⁽¹⁾ OJ L 211, 14.8.2009, p. 55.

HEREBY INVITES the Member States:

to inform the Commission of action taken in response to this Recommendation within 12 months of its publication, and once a year thereafter.

Done at Brussels, 9 October 2009.

For the Commission
Viviane REDING
Member of the Commission

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