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

EN

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

## II

(Non-legislative acts)

## REGULATIONS

## COUNCIL IMPLEMENTING REGULATION (EU) No 205/2013

of 7 March 2013

**extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) No 2/2012 on imports of certain stainless steel fasteners and parts thereof originating in the People's Republic of China to imports of certain stainless steel fasteners consigned from the Philippines, whether declared as originating in the Philippines or not and terminating the investigation concerning possible circumvention of anti-dumping measures imposed by that regulation by imports of certain stainless steel fasteners and parts thereof consigned from Malaysia and Thailand, whether declared as originating in Malaysia and Thailand or not**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community<sup>(1)</sup> ('the basic Regulation'), and in particular Article 13 thereof,

Having regard to the proposal from the European Commission,

Whereas:

## 1. PROCEDURE

### 1.1. Existing measures

- (1) By Implementing Regulation (EU) No 2/2012<sup>(2)</sup> the Council imposed a definitive anti-dumping duty of 24,7 % on imports of certain stainless steel fasteners and parts thereof originating in the People's Republic of China ('the PRC') for all other companies than the ones mentioned in Article 1(2) of that Regulation, following the expiry review of the measures imposed by Council Regulation (EC) No 1890/2005<sup>(3)</sup> ('the original Regulation'). These measures will hereinafter be referred to as 'the measures in force' or 'original measures' and the investigation that led to the measures imposed by the original Regulation will be hereinafter referred to as 'the original investigation'.

### 1.2. Initiation

- (2) Having determined, after consulting the Advisory Committee, that sufficient prima facie evidence existed

for the initiation of an investigation pursuant to Articles 13(3) and 14(5) of the basic Regulation, the European Commission ('the Commission') has decided, to investigate on its own initiative the possible circumvention of the anti-dumping measures imposed on imports of certain stainless steel fasteners and parts thereof originating in the PRC and to make imports of certain stainless steel fasteners and parts thereof consigned from Malaysia, Thailand and the Philippines, whether declared as originating in Malaysia, Thailand and the Philippines or not, subject to registration.

- (3) The investigation was initiated on 15 June 2012 by Commission Regulation (EU) No 502/2012<sup>(4)</sup> ('the initiating Regulation').
- (4) The prima facie evidence at the Commission's disposal was that following the imposition of the measures established in the original investigation a significant change in the pattern of trade involving exports from the PRC, Malaysia, Thailand and the Philippines to the Union occurred, for which there was no sufficient due cause or justification other than the imposition of the measures established in the original investigation. This change stemmed allegedly from the transshipment of certain stainless steel fasteners and parts thereof originating in the PRC via Malaysia, Thailand and the Philippines to the Union.
- (5) Furthermore, the evidence pointed to the fact that the remedial effects of the measures in force were being undermined both in terms of quantity and price. The evidence showed that these increased imports from Malaysia, Thailand and the Philippines were made at prices below the non-injurious price established in the original investigation, adjusted for the increase in the costs of the raw material.

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 51.

<sup>(2)</sup> OJ L 5, 7.1.2012, p. 1.

<sup>(3)</sup> OJ L 302, 19.11.2005, p. 1.

<sup>(4)</sup> OJ L 153, 14.6.2012, p. 8.

- (6) Finally, there was evidence that the prices of certain stainless steel fasteners and parts thereof consigned from Malaysia, Thailand and the Philippines were dumped in relation to the normal value previously established during the original investigation, adjusted for the increase in the costs of the raw material.

### 1.3. Investigation

- (7) The Commission officially advised the authorities of the PRC, Malaysia, Thailand and the Philippines, the exporting producers in those countries, the importers in the Union known to be concerned and the Union industry of the initiation of the investigation.
- (8) Exemption forms were sent to the producers/exporters in Malaysia, Thailand and the Philippines known to the Commission or through the Missions of the countries concerned to the European Union. Questionnaires were sent to the producers/exporters in the PRC known to the Commission or through the Mission of the PRC to the European Union. Questionnaires were also sent to the known importers in the Union.
- (9) Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the initiating Regulation. All parties were informed that non-cooperation might lead to the application of Article 18 of the basic Regulation and to findings being based on the facts available.
- (10) Seven Malaysian, six Thai and three Filipino producers/exporters and their related companies in the PRC, where applicable, have submitted replies to the exemption forms. Submissions of two Malaysian, one Thai and one Filipino companies were rejected due to formal reasons as the companies in question were either found not to be producers of the product under investigation or they failed to cooperate after the submission of the exemption form or the exemption form was submitted in a very late stage of the investigation.
- (11) The questionnaire replies were submitted by two Chinese exporters and four Union importers/groups of importers.
- (12) The Commission carried out the verification visits at the premises of the following companies:
- MCP Precision Sdn. Bhd. (Malaysia)
  - Sofasco Industries (M) Sdn. Bhd. (Malaysia)
  - Tigges Fastener Technology Sdn. Bhd. (Malaysia) and its related trading company Tigges Fastener Trading Sdn. Bhd. (Malaysia)
  - Tong Heer Fasteners Co. Sdn. Bhd. (Malaysia)
  - Well Union Metal Sdn. Bhd. (Malaysia) and its related companies in Taiwan: Linkwell Industry and Linkfast Industry
  - A.B.P. Stainless Steel Fastener Co., Ltd (Thailand)
  - Dura Fasteners Co., Ltd (Thailand)
  - Taiyo Fasteners Co., Ltd (Thailand)

— Tong Heer Fasteners Co., Ltd (Thailand)

— TPC Stainless & Steel Fasteners Co., Ltd (Thailand) and its related companies TPC Fasteners Co. Ltd, Thai Phaisarn Fastening Co. Ltd and Phaisarn Fastening Ltd Part. (Thailand)

— Multi-Tek Fasteners Inc. (the Philippines) and its related company in Taiwan Multi-Tek Fasteners & Parts Manufacturer Inc.

— Phil Shin Works Corporation (the Philippines)

— Rosario Fasteners Corporation (the Philippines) and its related company in Taiwan Lu Chu Shin Yee Works Co., Ltd

### 1.4. Reporting period and investigation period

- (13) The reporting period ('RP'), i.e. the period for which value added tests and dumping/underselling calculations were done, covered 12 months from 1 April 2011 to 31 March 2012. The investigation period ('IP'), i.e. the period for which analysis of changes in trade patterns were done and possible circumvention practices were examined, covered the period from the imposition of the original measures until the end of the RP.

## 2. RESULTS OF THE INVESTIGATION

### 2.1. General considerations

- (14) In accordance with Article 13(1) of the basic Regulation, the assessment of the existence of circumvention was made by analysing successively whether there was a change in the pattern of trade between the PRC, the three countries concerned and the Union; if this change stemmed from a practice, process or work for which there was insufficient due cause or economic justification other than the imposition of the duty; if there was evidence of injury or that the remedial effects of the duty were being undermined in terms of the prices and/or quantities of the product under investigation; and whether there was evidence of dumping in relation to the normal values previously established in the original investigation, if necessary in accordance with the provisions of Article 2 of the basic Regulation.

### 2.2. Product concerned and product under investigation

- (15) The product concerned by the possible circumvention is certain stainless steel fasteners and parts thereof, originating in the PRC, currently falling within CN codes 7318 12 10, 7318 14 10, 7318 15 30, 7318 15 51, 7318 15 61 and 7318 15 70 ('the product concerned').
- (16) The product under investigation is the same as the product concerned, but consigned from Malaysia, Thailand and the Philippines, whether declared as originating in Malaysia, Thailand and the Philippines or not, currently falling within the same CN codes as the product concerned ('the product under investigation').

(17) The investigation showed that stainless steel fasteners and parts thereof, as defined above, exported from the PRC to the Union and those consigned from Malaysia, Thailand and the Philippines to the Union have the same basic physical and technical characteristics and have the same uses, and are therefore to be considered as like products within the meaning of Article 1(4) of the basic Regulation.

### 2.3. Findings with regard to the Philippines

#### 2.3.1. Level of cooperation

- (18) As stated in recital 10 above, only three Filipino companies (one of them later found not to be a producer or exporter of the product under investigation) submitted an exemption form reply. Thus, the cooperating companies were representing 10 % of the Filipino exports of the product under investigation to the Union in the RP.
- (19) A questionnaire reply was also submitted by two Chinese producers/exporters; however, none of them was involved in export to the Philippines in the IP.
- (20) Taking into account the relatively low level of cooperation of the Filipino and Chinese companies the findings in respect of imports of certain stainless steel fasteners and parts thereof from the Philippines into the Union and exports of the product concerned from the PRC to the Philippines had to be made on the basis of

facts available in accordance with Article 18(1) of the basic Regulation. In this case Eurostat data was used to determine overall import volumes from the Philippines to the Union and Chinese export statistics were used for the determination of the overall exports from the PRC to the Philippines.

(21) With regard to the Chinese export statistics it should be noted that statistics of trade flows between the PRC and the Philippines cover whole HS codes that is a larger product group than the product concerned and the product under investigation. However, taking into account the very clear trend that existed, these data can be used to establish a change in pattern of trade.

(22) Finally, as an additional source of information the data provided by the Filipino authorities were used. Although these data were not complete and detailed enough to be a sole basis for the analysis they were suitable to cross-check findings with regard to the pattern of trade.

#### 2.3.2. Change in the pattern of trade

(23) After the imposition of the original measures on the imports from the PRC, imports into the Union of the product under investigation from the Philippines increased suddenly and markedly. From the minimal level of below 100 MT yearly in 2004-05 it rose to more than 12 000 MT in the RP.

	2004	2005	2006	2007	2008	2009	2010	2011	RP
Volume (MT)	69	23	1 369	6 048	7 046	5 406	15 580	14 528	12 075

Source: Eurostat

(24) At the same time exports from the PRC to the Philippines were increasing sharply in the years 2004-2011 from 1 100 MT to more than 15 000 MT.

	2004	2005	2006	2007	2008	2009	2010	2011	RP
Volume (MT)	1 104	2 022	2 107	3 727	3 856	7 513	11 262	15 553	15 632

Source: Chinese export statistics (Global Trade Atlas Database)

(25) The data clearly show that imports from the Philippines into the Union were negligible in 2004 and 2005. However, in 2006, following the imposition of the measures on the PRC, the imports surged suddenly and partly replaced the exports from the PRC to the Union market in terms of volume. Moreover, since the imposition of the measures in force, the decrease of the exports from the PRC to the Union has been significant (70 %). Furthermore, it is noted that the data received from the Filipino authorities confirm that only a small percentage of imports from the PRC was released for trade in the Filipino custom territory. Most of the import was directed to the special economic zones.

#### 2.3.3. Nature of the circumvention practice

(26) Article 13(1) of the basic Regulation requires that the change in the pattern of trade stems from a practice,

process or work for which there is insufficient due cause or economic justification other than the imposition of the duty. The practice, process or work includes, inter alia, the consignment of the product subject to measures via third countries.

(27) It is noted that Filipino exports of the cooperating companies amounted to some 10 % of the total Filipino exports to the Union in the RP. The remaining exports can be attributed to the producers that have not cooperated with the investigation or by pure transshipment practises. The latter conclusion is supported by the information and data provided by the Filipino authorities, in particular the facts that: (i) most of the imports from the PRC of the product concerned was directed to special economic zones and did not enter

the Filipino custom territories; (ii) the number of genuine producers of the product under investigation in the Philippines is very limited.

- (28) The existence of transshipment of Chinese-origin products via the Philippines was therefore confirmed.

2.3.4. *Insufficient due cause or economic justification other than the imposition of the anti-dumping duty*

- (29) The investigation did not bring to light any other due cause or economic justification for the transshipment than the avoidance of the measures in force on the product concerned. No elements were found, other than the duty, which could be considered as a compensation for the costs of transshipment, in particular regarding transport and reloading, of certain stainless steel fasteners and parts thereof originating in the PRC via the Philippines.

2.3.5. *Undermining of the remedial effect of the anti-dumping duty*

- (30) To assess whether the imported product under investigation had, in terms of quantities and prices, undermined the remedial effects of the measures in force on imports of the product concerned, Eurostat data was used as the best data available concerning quantities and prices of exports by the non-cooperating companies in the Philippines. The prices so determined were compared to the injury elimination level established for Union producers in the original investigation. Given the substantial time difference between the original IP and the RP in the present investigation, the significant developments in the basic elements of costs of production had to be taken into account. This was reflected in the adjustment of the non-injurious price on the basis of the increase in the price of the basic raw materials and, for the remaining elements of costs of manufacturing and sales, on the basis of the variation in the consumer price index in the Union.

- (31) The increase of imports from the Philippines into the Union from below 100 MT in 2004 to over 12 000 MT in the RP was considered to be significant in terms of quantities.

- (32) The comparison of the adjusted injury elimination level and the weighted average export price showed under-selling.

- (33) It was therefore concluded that the remedial effects of the measures in force are being undermined in terms of both quantities and prices.

2.3.6. *Evidence of dumping*

- (34) Finally, in accordance with Article 13(1) of the basic Regulation it was examined whether there was evidence of dumping in relation to the normal value established in the original investigation.

- (35) In the original Regulation the normal value was established on the basis of prices in Taiwan, which in that investigation was found to be an appropriate market economy analogue country for the PRC. However, given the substantial time difference between the original IP and the RP in the present investigation, the significant developments in the basic elements of costs of production had to be taken into account. This was reflected in the adjustment of the normal value on the basis of the increase in the price of the basic raw materials and, for the remaining elements of costs of manufacturing and sales, on the basis of the variation in the consumer price index in Taiwan.

- (36) The export price from the Philippines was based on facts available, i.e. on the average export price of certain stainless steel fasteners and parts thereof during the RP as reported by Eurostat. The use of facts available was due to the minimal level of cooperation by producers of the product under investigation in the Philippines. The average export price used for the calculation was cross-checked with the level of export prices of the two cooperating Filipino exporters and it appeared to be compatible with them.

- (37) For the purpose of a fair comparison between the normal value and the export price, due allowance, in the form of adjustments, was made for differences which affect prices and price comparability in accordance with Article 2(10) of the basic Regulation. Accordingly, adjustments were made for differences in transport, insurance and for non-refundable VAT on export sales in the PRC. Given that there was limited cooperation from the producers in the Philippines and the PRC, the adjustments had to be established on the basis of the best facts available. Thus, the adjustments for transport and insurance were based on per tonne transport and insurance cost established in the original investigation.

- (38) In accordance with Article 2(11) and (12) of the basic Regulation, dumping was calculated by comparing adjusted weighted average normal value as established in the original Regulation and the corresponding weighted average export prices of the Filipino import during this investigation's RP, expressed as a percentage of the CIF price at the Union frontier duty unpaid.

- (39) The comparison of the weighted average normal value and the weighted average export price as established showed dumping.

## 2.4. Findings with regard to Malaysia

### 2.4.1. Level of cooperation

- (40) As stated in recital 10 above, seven Malaysian companies submitted exemption form replies. One of these companies appeared not to be the producer of the product under investigation, while the other submitted its incomplete reply in the late stage of the investigation

which made it impossible to supplement deficiencies and verify the submitted information and data. Therefore, these two exemption form replies had to be disregarded. Nevertheless, the remaining five cooperating Malaysian companies represented 93 % of the Malaysian exports of the product under investigation to the Union in the RP.

	2004	2005	2006	2007	2008	2009	2010	2011	RP
Volume (MT)	1 701	1 849	7 930	13 548	13 712	9 809	9 615	13 498	13 363

Source: Eurostat

- (42) However, it should be stressed that following the verification visits it was confirmed that this increase in Malaysian exports to the Union can be explained by the increase of genuine production in Malaysia over the same period. Cooperating companies, which were found to be Malaysian producers not involved in the circumvention practices, represent 93 % of the export to the Union. The investigation revealed that only one of these companies was transshipping the product concerned but this practice concerned a small part of its sales and ended in 2009. None of the cooperating companies was also found to be involved in the assembling operations where the Chinese-origin parts or semi-products would be used.
- (43) Taking into account the above it is concluded that increased imports from Malaysia are justified by increase in the domestic production. Therefore, the change in the pattern of trade between Malaysia and the Union does not result from circumvention practices.

	2004	2005	2006	2007	2008	2009	2010	2011	RP
Volume (MT)	5 373	3 308	1 290	850	453	128	367	5 546	6 715

Source: Eurostat

- (46) Analyses of the exports from Thailand to the Union have to be made against the background of the fact that from November 2005 on Thailand, like the PRC, was subject to the Union anti-dumping measures<sup>(1)</sup>. These measures lapsed in November 2010. Following that there was a sharp increase in Thai exports to the Union — from 367 MT in 2010 to more than 5 500 MT in 2011 and more than 6 700 MT in the RP.
- (47) However, it should be noted that the Thai exports of the product under investigation to the Union in the RP are in absolute terms not much higher than in 2004 before the anti-dumping measures were imposed on the PRC and Thailand. In relative terms (as a share in total Union imports) imports from Thailand even dropped from almost 12 % to 7 %.
- (48) The investigation did not reveal any transshipping or assembling operations where the Chinese-origin parts

#### 2.4.2. Change in pattern of trade

- (41) After the imposition of the original measures on the imports from the PRC, imports into the Union of the product under investigation from Malaysia was increasing steadily. From the level of below 2 000 MT yearly in 2004-05 it rose to more than 13 000 MT in the RP.

### 2.5. Findings with regard to Thailand

#### 2.5.1. Level of cooperation

- (44) As stated in recital 10 above, six Thai companies submitted exemption form replies. One of these companies failed to cooperate in the further procedure which made it impossible to supplement deficiencies and held on-spot verification of the submitted information and data. Therefore, this exemption form reply was disregarded. Nevertheless, the remaining five cooperating Thai companies represented 67 % of the Thai exports of the product under investigation to the Union in the RP.

#### 2.5.2. Change in the pattern of trade

- (45) After the imposition of the original measures on the imports from the PRC, imports into the Union of the product under investigation from Thailand showed the following trend:

or semi-products would be used. Taking into account the fact that before the imposition of anti-dumping measures the exports from Thailand were definitely of genuine Thai production, it is difficult to conclude that the current level of export which is similar in volume would have different origin. It should be also stressed that the two biggest Thai producers cooperating in this investigation were also present in the original investigation against Thailand.

- (49) Taking into account the above it is concluded that increased imports from Thailand are to a large extent justified by domestic production. Therefore, the change in the pattern of trade between Thailand and the Union does not result from circumvention practices.

### 3. MEASURES

- (50) Given the above, it was concluded that the definitive anti-dumping duty imposed on imports of certain stainless steel fasteners and the parts thereof originating

<sup>(1)</sup> OJ L 302, 19.11.2005, p. 1.

in the PRC was circumvented by transshipment via the Philippines within the meaning of Article 13(1) of the basic Regulation.

- (51) In accordance with the first sentence of Article 13(1) of the basic Regulation, the measures in force on imports of the product concerned should be extended to imports of the product under investigation, i.e. the same product but consigned from the Philippines, whether declared as originating in the Philippines or not.
- (52) In light of the low level of the cooperation in this investigation, the measures to be extended should be the measures established in Article 1(2) of Implementing Regulation (EU) No 2/2012 for 'all other companies' from the PRC, which is presently a definitive anti-dumping duty of 27,4 % applicable to the net, free-at-Union-frontier price, before duty.
- (53) In accordance with Articles 13(3) and 14(5) of the basic Regulation, which provide that any extended measure should apply to imports which entered the Union under registration imposed by the initiating Regulation, duties should be collected on those registered imports of certain stainless steel fasteners and parts thereof consigned from the Philippines.

#### 4. TERMINATION OF THE INVESTIGATION IN RESPECT OF IMPORTS FROM MALAYSIA AND THAILAND

- (54) In view of the findings regarding Malaysia and Thailand, the investigation concerning possible circumvention of anti-dumping measures by imports of certain stainless steel fasteners and parts thereof consigned from Malaysia and Thailand should be terminated and the registration of imports of certain stainless steel fasteners and parts thereof consigned from Malaysia and Thailand, introduced by the initiating Regulation, should be discontinued.

#### 5. REQUESTS FOR EXEMPTION

- (55) As explained in the recital 10, 16 companies located in Malaysia, Thailand and the Philippines submitted exemption form responses requesting an exemption from the possible extended measures in accordance with Article 13(4) of the basic Regulation.
- (56) The exemption requests of the Malaysian and Thai companies were not assessed as the measures are not extended to these two countries.
- (57) One of the three Filipino companies requesting exemption was found not to produce and export the product under investigation during the IP and no conclusions could be drawn as to the nature of its operations. Therefore, an exemption to this company can not be granted at this stage. However, should it appear, after extension of the anti-dumping measures in force, that the conditions in Articles 11(4) and 13(4) of the basic Regulation are fulfilled, the company may request a review of its situation.

- (58) Following the verification visits it was confirmed that the remaining two Filipino exporting producers were genuine. It is therefore concluded that they were not engaged in circumvention practices and therefore exemptions to these companies can be granted.
- (59) It is considered that special measures are needed in this case in order to ensure the proper application of such exemptions. These special measures are the requirement of the presentation to the customs authorities of the Member States of a valid commercial invoice, which shall conform to the requirements set out in the Annex to this Regulation. Imports not accompanied by such an invoice shall be made subject to the extended anti-dumping duty.
- (60) Other Filipino producers which did not come forward in this proceeding and did not export the product under investigation during the IP, which intend to lodge a request for an exemption from the extended anti-dumping duty pursuant to Articles 11(4) and 13(4) of the basic Regulation, will be required to complete an exemption form in order to enable the Commission to assess such a request. The Commission would normally also carry out an on-spot verification visit. Provided that the conditions set out in Articles 11(4) and 13(4) of the basic Regulation are met, an exemption may be warranted. Where an exemption is warranted, the Commission may, after consultation of the Advisory Committee, authorise, by decision, the exemption of imports from companies which do not circumvent the anti-dumping measures imposed by Implementing Regulation (EU) No 2/2012 from the duty extended by this Regulation.

#### 6. DISCLOSURE

- (61) All interested parties were informed of the essential facts and considerations leading to the above conclusions and were invited to comment. Following disclosure, no comments were received,

HAS ADOPTED THIS REGULATION:

#### Article 1

1. The definitive anti-dumping duty applicable to 'all other companies' from the PRC imposed by Article 1(2) of Implementing Regulation (EU) No 2/2012 on imports of certain stainless steel fasteners and parts thereof originating in the PRC, is hereby extended to imports of certain stainless steel fasteners and parts thereof consigned from the Philippines, whether declared as originating in the Philippines or not, currently falling under CN codes ex 7318 12 10, ex 7318 14 10, ex 7318 15 30, ex 7318 15 51, ex 7318 15 61 and ex 7318 15 70 (TARIC codes 7318 12 10 11, 7318 12 10 91, 7318 14 10 11, 7318 14 10 91, 7318 15 30 11, 7318 15 30 61, 7318 15 30 81, 7318 15 51 11, 7318 15 51 61, 7318 15 51 81, 7318 15 61 11, 7318 15 61 61, 7318 15 61 81, 7318 15 70 11, 7318 15 70 61 and 7318 15 70 81), with the exception of those produced by the companies listed below:

Company	Additional Taric Code
Multi-Tek Fasteners Inc., Clark Freeport Zone, Pampanga, Philippines	B355
Rosario Fasteners Corporation, Cavite Economic Area, Philippines	B356

2. The application of exemptions granted to the companies specifically mentioned in paragraph 1 of this Article or authorised by the Commission in accordance with Article 3(2) shall be conditional upon presentation to the customs authorities of the Member States of a valid commercial invoice, which shall conform to the requirements set out in the Annex. If no such invoice is presented, the anti-dumping duty as imposed by paragraph 1 of this Article shall apply.

3. The duty extended by paragraph 1 of this Article shall be collected on imports consigned from the Philippines, whether declared as originating in the Philippines or not, registered in accordance with Article 2 of Regulation (EU) No 502/2012 and Articles 13(3) and 14(5) of Regulation (EC) No 1225/2009 with the exception of those produced by the companies listed in paragraph 1.

4. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

#### Article 2

The investigation concerning possible circumvention of anti-dumping measures imposed by Implementing Regulation (EU) No 2/2012 on imports of certain stainless steel fasteners and parts thereof originating in the PRC, by imports of certain stainless steel fasteners and parts thereof consigned from

Malaysia and Thailand, whether declared as originating in Malaysia and Thailand or not, is hereby terminated.

#### Article 3

1. Requests for exemption from the duty extended by Article 1 shall be made in writing in one of the official languages of the European Union and must be signed by a person authorised to represent the entity requesting the exemption. The request must be sent to the following address:

European Commission  
 Directorate-General for Trade  
 Directorate H  
 Office: N-105 08/20  
 1049 Bruxelles/Brussel  
 BELGIQUE/BELGIË  
 Fax +32 22956505

2. In accordance with Article 13(4) of Regulation (EC) No 1225/2009 the Commission, after consulting the Advisory Committee, may authorise, by decision, the exemption of imports from companies which do not circumvent the anti-dumping measures imposed by Implementing Regulation (EU) No 2/2012 from the duty extended by Article 1.

#### Article 4

Customs authorities are hereby directed to discontinue the registration of imports, established in accordance with Article 2 of Regulation (EU) No 502/2012.

#### Article 5

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

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

Done at Brussels, 7 March 2013.

For the Council  
 The President  
 A. SHATTER

## ANNEX

A declaration signed by an official of the entity issuing the commercial invoice, in the following format, must appear on the valid commercial invoice referred to in Article 1(2):

- (1) the name and function of the official of the entity issuing the commercial invoice;
  - (2) the following declaration: 'I, the undersigned, certify that the (volume) of (product concerned) sold for export to the European Union covered by this invoice was manufactured by (company name and address) (TARIC additional code) in (country concerned). I declare that the information provided in this invoice is complete and correct.;
  - (3) date and signature.
-

**COUNCIL IMPLEMENTING REGULATION (EU) No 206/2013****of 11 March 2013****implementing Article 12(1) of Regulation (EU) No 359/2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Iran**

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 359/2011 of 12 April 2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Iran <sup>(1)</sup>, and in particular Article 12(1) thereof,

Whereas:

- (1) On 12 April 2011, the Council adopted Regulation (EU) No 359/2011.
- (2) In view of the ongoing human rights abuses in Iran, additional persons and an additional entity should be

included in the list of persons, entities and bodies subject to restrictive measures as set out in Annex I to Regulation (EU) No 359/2011,

HAS ADOPTED THIS REGULATION:

*Article 1*

The persons and the entity listed in the Annex to this Regulation shall be added to the list set out in Annex I to Regulation (EU) No 359/2011.

*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, 11 March 2013.

*For the Council*  
*The President*  
C. ASHTON

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<sup>(1)</sup> OJ L 100, 14.4.2011, p. 1.

## ANNEX

## List of the persons and the entity referred to in Article 1

## Persons

	Name	Identifying information	Reasons	Date of listing
1.	RASHIDI AGHDAM, Ali Ashraf		Head of Evin Prison, appointed around June/July 2012. Since his appointment, conditions in the prison deteriorated and reports referenced intensified ill-treatment of prisoners. In October 2012, nine female prisoners went on hunger strike in protest of the violation of their rights and violent treatment by prison guards.	12.3.2013
2.	KIASATI Morteza		Judge of the Ahwaz Revolutionary Court, Branch 4, imposed death sentences on four Arab political prisoners, Taha Heidarian, Abbas Heidarian, Abd al-Rahman Heidarian (three brothers) and Ali Sharifi.  They were arrested, tortured and hanged without due process. These cases and the lack of due process were referenced in a report dated 13/09/12 by the UN Special Rapporteur on human rights in Iran, the UN Secretary General's report on Iran of 22/08/12, and by various NGOs.	12.3.2013
3.	MOUSSAVI, Seyed Mohammad Bagher		Ahwaz Revolutionary Court judge, Branch 2, imposed death sentences on five Ahwazi Arabs, Mohammad Ali Amouri, Hashem Sha'bani Amouri, Hadi Rashedi, Seyed Jaber Alboshoka, Seyed Mokhtar Alboshoka, on 17/3/12 for "activities against national security" and "enmity against God".  The sentences were upheld by Iran's Supreme Court on 9/01/13. The five were reported by NGOs to have been arrested without charge for over a year, tortured and sentenced without due process.	12.3.2013
4.	SARAFRAZ, Mohammad (Dr.)  (aka: Haj-agma Sarafraz)	Date of Birth: appr. 1963 Place of Birth: Tehran Place of Residence: Tehran Place of Work: IRIB and PressTV HQ, Tehran	Head of IRIB World Service and Press TV, responsible for all programming decisions. Closely associated with the state security apparatus. Under his direction Press TV, along with IRIB, has worked with the Iranian security services and prosecutors to broadcast forced confessions of detainees, including that of Iranian-Canadian journalist and film-maker Maziar Bahari, in the weekly programme "Iran Today". Independent broadcast regulator OFCOM fined Press TV	12.3.2013

	Name	Identifying information	Reasons	Date of listing
			<p>in the UK GBP 100,000 for broadcasting Bahari's confession in 2011, which was filmed in prison whilst Bahari was under duress.</p> <p>Sarafraz therefore is associated with violating the right to due process and fair trial.</p>	
5.	JAFARI, Asadollah		Prosecutor of Mazandaran Province, reported by NGOs to be responsible for illegal arrests and violations of the rights of Baha'i detainees from initial arrest to keeping them in solitary confinement in the Intelligence Detention Centre. Six concrete examples of cases where due process was violated are documented by NGOs, including in 2011 and 2012.	12.3.2013
6.	EMADI, Hamid Reza (aka: Hamidreza Emadi)	<p>Date of Birth: appr. 1973</p> <p>Place of Birth: Hamedan</p> <p>Place of residence: Tehran</p> <p>Place of work: Press TV HQ, Tehran</p>	Press TV Newsroom Director. Responsible for producing and broadcasting the forced confessions of detainees, including journalists, political activists, persons belonging to Kurdish and Arab minorities, violating internationally recognised rights to a fair trial and due process. Independent broadcast regulator OFCOM fined Press TV in the UK GBP 100,000 for broadcasting the forced confession of Iranian-Canadian journalist and film-maker Maziar Bahari in 2011, which was filmed in prison whilst Bahari was under duress. NGOs have reported further instances of forced televised confessions by Press TV. Emadi is therefore associated with violating the right to due process and fair trial.	12.3.2013
7.	HAMBAR, Rahim		Judge of Branch 1 of Tabriz Revolutionary Court. Responsible for heavy sentences against journalists and Azeri ethnic minority and workers' rights activists, accusing them of spying, acts against national security, propaganda against the Iranian regime and insulting the leader of Iran. His judgments reportedly did not follow due process on many occasions and detainees were forced into false confessions. A high profile case involved 20 volunteer earthquake relief workers (following an earthquake in Iran in August 2012) to whom he gave prison sentences for their attempts to assist earthquake victims. The court found the workers guilty of "collaboration in assembly and collusion to commit crimes against national security."	12.3.2013

	Name	Identifying information	Reasons	Date of listing
8.	MUSAVI-TABAR, Seyyed Reza		Head of the Revolutionary Prosecution of Shiraz. Responsible for illegal arrests and ill treatment of political activists, journalists, human rights defenders, Baha'is and prisoners of conscience, who were harassed, tortured, interrogated and denied access to lawyers and due process. NGOs reported that Musavi-Tabar signed judicial orders in the notorious No 100 Detention Centre (a male prison), including an order to detain female Baha'i prisoner Raha Sabet for three years in solitary confinement.	12.3.2013
9.	KHORAMABADI, Abdolsamad	Head of "Commission to Determine the Instances of Criminal Content".	<p>Abdolsamad Khoramabadi is Head of the "Commission to Determine the Instances of Criminal Content", a governmental organization in charge of online censorship and cyber crime. Under his leadership the Commission defined "cybercrime" by a number of vague categories that criminalize creation and publication of content deemed inappropriate by the regime. He is responsible for repression and the blocking of numerous opposition sites, electronic newspapers, blogs, sites of human rights NGOs and of Google and Gmail since September 2012. He and the Commission actively contributed to the death in detention of the blogger Sattar Beheshti in November 2012.</p> <p>Thus the Commission he is heading is directly responsible for systemic violations of human rights, in particular by banning and filtering websites to the general public, and occasionally disabling Internet access altogether.</p>	12.3.2013

#### Entities

	Name	Identifying information	Reasons	Date of listing
1.	Center to Investigate Organized Crime (aka: Cyber Crime Office or Cyber Police)	<p>Location: Tehran, Iran</p> <p>Website: <a href="http://www.cyberpolice.ir">http://www.cyberpolice.ir</a></p>	The Iranian Cyber Police is a unit of the Islamic Republic of Iran Police, founded in January 2011, which is headed by Esmail Ahmadi-Moqaddam (listed). According to press reports police chief Ahmadi-Moqaddam underlined that the Cyber Police would take on anti-revolutionary and dissident groups who used Internet-based social networks in 2009 to trigger protests against the re-election of President Mahmoud Ahmadinejad.	12.3.2013

	Name	Identifying information	Reasons	Date of listing
			<p>In January 2012, the Cyber Police issued new guidelines for Internet cafés, requiring users to provide personal information that would be kept by café owners for six months, as well as a record of the websites they visited. The rules also require café owners to install closed-circuit television cameras and maintain the recordings for six months. These new rules may create a logbook that authorities can use to track down activists or whomever is deemed a threat to national security.</p> <p>In June 2012, Iranian media reported that the Cyber Police would be launching a crack down on virtual private networks (VPNs).</p> <p>On October 30, 2012, the Cyber Police arrested the blogger Sattar Beheshti (reportedly without a warrant) for "actions against national security on social networks and Facebook." Beheshti had criticized the Iranian government in his blog. Beheshti was found dead in his prison cell on November 3, and is believed to have been tortured to death by the Cyber Police authorities.</p>	

## COMMISSION IMPLEMENTING REGULATION (EU) No 207/2013

of 11 March 2013

**derogating from Council Regulation (EC) No 73/2009 as regards the deadline for reviewing the decision on specific support for 2013 and from Commission Regulation (EC) No 1120/2009 as regards the notification of such a review**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003<sup>(1)</sup>, and in particular Article 142(c) and (r) thereof,

Whereas:

- (1) Pursuant to Article 68(8) of Regulation (EC) No 73/2009, by 1 September 2012, Member States could review the decision referred to in Article 69(1) of that Regulation and decide, with effect from 2013, to modify the amounts for the funding of the specific support provided for in Article 68(1) or put an end to the application of that support.
- (2) As a result of the continuous increase of feed prices due to adverse climatic conditions having affected some of the most important Union and world suppliers of grains in 2012, Member States are facing an aggravation of the economic situation of agricultural holdings, particularly in the dairy, beef and veal and sheep and goat sectors. Those sectors were, at the end of that year, encountering severe financial difficulties due to the significant share of feed prices in their production costs. An emergency situation has ensued where there exists a real risk of a slowing or a suspension of the activity leading eventually to a decrease or an abandonment of production in those sectors. The current situation could not have been foreseen at the time when decisions for the year 2013 could have been reviewed by Member States in accordance with Article 68(8) of Regulation (EC) No 73/2009.
- (3) The specific support provided for in Article 68(1) appears to be a suitable tool for addressing such a situation by granting support to holdings the viability of which is threatened. In order to address the aggravation of the situation of farmers in the dairy, beef and veal and sheep and goat sectors and to avoid serious practical and specific problems which may consist in reconversion

towards other agricultural activities or transfer of holdings, Member States should be allowed to review the decisions taken for the year 2013 within a new time period.

- (4) For the same reasons, the deadline laid down in Article 50(3) of Commission Regulation (EC) No 1120/2009 of 29 October 2009 laying down detailed rules for the implementation of the single payment scheme provided for in Title III of Council Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers<sup>(2)</sup> for notification of such a review to the Commission should be extended.
- (5) It is therefore appropriate to derogate from Regulations (EC) No 73/2009 and (EC) No 1120/2009.
- (6) As the derogations concern the year 2013, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Direct Payments,

HAS ADOPTED THIS REGULATION:

*Article 1*

**Derogation from Regulation (EC) No 73/2009**

By way of derogation from Article 68(8) of Regulation (EC) No 73/2009, Member States may, by 22 March 2013, review the decision taken pursuant to Article 69(1) of that Regulation as regards the specific support to be granted to the dairy, beef and veal and/or sheep and goat sectors with effect from the year 2013.

*Article 2*

**Derogation from Regulation (EC) No 1120/2009**

By way of derogation from the first subparagraph of Article 50(3) of Regulation (EC) No 1120/2009, Member States shall inform the Commission by 22 March 2013 of the specific support measures they intend to apply in the dairy, beef and veal and/or sheep and goat sectors.

<sup>(1)</sup> OJ L 30, 31.1.2009, p. 16.

<sup>(2)</sup> OJ L 316, 2.12.2009, p. 1.

*Article 3***Entry into force**

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, 11 March 2013.

*For the Commission*  
*The President*  
José Manuel BARROSO

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## COMMISSION IMPLEMENTING REGULATION (EU) No 208/2013

of 11 March 2013

## on traceability requirements for sprouts and seeds intended for the production of sprouts

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety<sup>(1)</sup>, and in particular Article 18(5) thereof,

Whereas:

- (1) Regulation (EC) No 178/2002 lays down the general principles governing food and feed in general, and food and feed safety in particular, at Union and national level. Article 18 of that Regulation provides that the traceability of food, feed, food-producing animals, and any other substance intended to be, or expected to be, incorporated into a food or feed is to be established at all stages of production, processing and distribution.
- (2) That Article also provides that food business operators must be able to identify any person from whom they have been supplied with food and they are also to have in place systems and procedures to identify the other businesses to which their products have been supplied. That information is to be made available to the competent authority upon demand.
- (3) Following the outbreak of Shiga toxin-producing *E. coli* (STEC) in May 2011 in the Union, consumption of sprouts was identified as the most likely origin of the outbreaks.
- (4) On 20 October 2011, the European Food Safety Authority ('EFSA') adopted a Scientific Opinion on the risk posed by Shiga toxin-producing *Escherichia coli* (STEC) and other pathogenic bacteria in seeds and sprouted seeds<sup>(2)</sup>. In its Opinion, EFSA concludes that the contamination of dry seeds with bacterial pathogens is the most likely initial source of the sprout-associated outbreaks. In addition, the Opinion states that, due to the high humidity and the favourable temperature during

sprouting, bacterial pathogens present on dry seeds can multiply during sprouting and result in a public health risk.

- (5) Traceability is an efficient tool ensuring food safety, since it allows tracing a food through all stages of production, processing and distribution, thereby allowing rapid reaction in case of food-borne outbreaks. In particular, traceability of certain food of non-animal origin may assist in the removal of unsafe food from the market, thereby protecting consumers.
- (6) In order to ensure the traceability pursuant to Article 18 of Regulation (EC) No 178/2002, the names and addresses of both the food business operator supplying the sprouts or seeds intended for the production of sprouts and the food business operator to whom such seeds or sprouts were supplied should always be available. The requirement relies on the 'one-step back'- 'one-step forward' approach which implies that food business operators have in place a system enabling them to identify their immediate supplier(s) and their immediate customer(s), except when they are final consumers.
- (7) The conditions for the production of sprouts may pose a potentially high public health risk, as they may result in a significant multiplication of food-borne pathogens. In the case of a food-borne outbreak linked to the consumption of sprouts, rapid tracing of the commodities concerned is therefore essential to limit the public health impact of such outbreak.
- (8) In addition, the trade in seeds intended for the production of sprouts is widespread, increasing the need for traceability.
- (9) Specific rules for the traceability of sprouts and of seeds intended for the production of sprouts should therefore be laid down in this Regulation.
- (10) In particular, it is appropriate to lay down the requirement that food business operators provide additional information on the volume or quantity of such seeds or sprouts, the date of dispatch, together with a reference identifying the batch and a detailed description of the seeds or sprouts.

<sup>(1)</sup> OJ L 31, 1.2.2002, p. 1.

<sup>(2)</sup> EFSA Journal 2011; 9(11):2424.

- (11) In order to reduce the administrative burden on food business operators, it is appropriate to allow for flexibility as regards the format in which food business operators keep on records and transmit the relevant information as part of the traceability requirements.
- (12) 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

##### Subject matter

This Regulation lays down rules on the traceability of batches of:

- (i) sprouts;
- (ii) seeds intended for the production of sprouts.

This Regulation shall not apply to sprouts after they have undergone a treatment which eliminates microbiological hazards, compatible with European Union legislation.

#### Article 2

##### Definitions

For the purposes of this Regulation, the following definitions apply:

- (a) 'sprouts' means the product obtained from the germination of seeds and their development in water or another medium, harvested before the development of true leaves and which is intended to be eaten whole, including the seed;
- (b) 'batch' means a quantity of sprouts or seeds intended for the production of sprouts, with the same taxonomic name, which is dispatched from the same establishment to the same destination on the same day. One or more batches can make up a consignment. However, seeds with a different taxonomic name, which are mixed in the same packaging and intended to be germinated together and sprouts thereof are also considered as one batch.

In addition the definition of 'consignment' in Article 2 of Commission Regulation (EU) No 211/2013 <sup>(1)</sup> shall apply for the purpose of this Regulation.

<sup>(1)</sup> See page 26 of this Official Journal.

#### Article 3

##### Traceability requirements

1. Food business operators, at all stages of production processing and distribution, shall ensure that the following information concerning the batches of seeds intended for the production of sprouts, or the batches of sprouts is kept on records. The food business operator shall also ensure that the information needed to comply with these provisions is transmitted to the food business operator to whom the seeds or sprouts are supplied:

- (a) an accurate description of the seeds or sprouts, including the taxonomic name of the plant;
- (b) the volume or quantity of the seeds or sprouts supplied;
- (c) where the seeds or sprouts had been dispatched from another food business operator, the name and address of:
  - (i) the food business operator from which the seeds or sprouts have been dispatched;
  - (ii) the consignor (owner) if different from the food business operator from which the seeds or sprouts have been dispatched;
- (d) the name and address of the food business operator to whom the seeds or sprouts are dispatched;
- (e) the name and address of the consignee (owner), if different from the food business operator to whom the seeds or sprouts are dispatched;
- (f) a reference identifying the batch, as appropriate;
- (g) the date of dispatch.

2. The information referred to in paragraph 1 may be kept on records and transmitted in any appropriate form, provided that it is easily retrievable by the food business operator to whom the seeds or sprouts are supplied.

3. The food business operators must transmit the relevant information referred to in paragraph 1 on a daily basis. The records referred to in paragraph 1 shall be updated on a daily basis and kept available for a sufficient time after the sprouts can be assumed to have been consumed.

4. The food business operator shall provide the information referred to in paragraph 1 to the competent authority, upon request, without undue delay.

*Article 4*

**Traceability requirements for imported seeds and sprouts**

1. Consignments of seeds intended for the production of sprouts and consignments of sprouts shall be accompanied, when imported into the Union, by a certificate as provided in Article 3 of Regulation (EU) No 211/2013.

2. The food business operator importing seeds or sprouts shall keep the certificate referred to in paragraph 1 for a sufficient time after the sprouts can be assumed to have been consumed.

3. All food business operator handling the imported seeds intended for the production of sprouts shall provide copies of

the certificate referred to in paragraph 1 to all food business operators to which the seeds are dispatched until those seeds are received by the producer of the sprouts.

Where seeds intended for the production of sprouts are sold packaged at retail, all food business operators handling the imported seeds shall provide copies of the certificate referred to in paragraph 1 to all food business operators to which the seeds are dispatched until they are packaged for sale at retail.

*Article 5*

**Entry into force and application**

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 July 2013.

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

Done at Brussels, 11 March 2013.

*For the Commission*  
*The President*  
José Manuel BARROSO

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## COMMISSION REGULATION (EU) No 209/2013

of 11 March 2013

## amending Regulation (EC) No 2073/2005 as regards microbiological criteria for sprouts and the sampling rules for poultry carcasses and fresh poultry meat

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs <sup>(1)</sup>, and in particular Article 4(4) thereof,

Whereas:

- (1) Regulation (EC) No 852/2004 lays down general rules for food business operators on the hygiene of foodstuffs, taking particular account of procedures based on the application of hazard analysis and critical control point (HACCP) principles. Article 4 of that Regulation provides that food business operators are to adopt specific hygiene measures concerning, inter alia, compliance with microbiological criteria for foodstuffs and sampling and analysis requirements.
- (2) Commission Regulation (EC) No 2073/2005 of 15 November 2005 on microbiological criteria for foodstuffs <sup>(2)</sup> lays down microbiological criteria for certain micro-organisms and the implementing rules to be complied with by food business operators when implementing the general and specific hygiene measures referred to in Article 4 of Regulation (EC) No 852/2004.
- (3) Chapter 1 of Annex I to Regulation (EC) No 2073/2005 sets out the food safety criteria to be complied with by certain food categories, including sampling plans, analytical reference methods and limits for micro-organisms or their toxins and metabolites. That Chapter lists the food safety criteria for sprouted seeds, as regards *Salmonella*.
- (4) Following the outbreak of Shiga toxin-producing *E. coli* (STEC) in May 2011 in the Union, consumption of sprouts was identified as the most likely origin of the outbreaks.

- (5) On 20 October 2011 the European Food Safety Authority ('EFSA') adopted a Scientific Opinion on the risk posed by Shiga toxin-producing *Escherichia coli* and other pathogenic bacteria in seeds and sprouted seeds <sup>(3)</sup>. In its Opinion, EFSA concludes that the contamination of dry seeds with bacterial pathogens is the most likely initial source of the sprout-associated outbreaks. In addition, the Opinion states that, due to the high humidity and the favourable temperature during sprouting, bacterial pathogens present on dry seeds can multiply during sprouting and result in a public health risk.
- (6) In its Opinion, EFSA recommends, inter alia, that microbiological criteria should be strengthened as one of the components of a food safety management system for the sprouted seeds production chain. That recommendation concerns the existing microbiological criteria on *Salmonella* for sprouted seeds and the consideration of microbiological criteria on other pathogens. EFSA also states that available data indicates a higher risk for sprouts in comparison with other sprouted seeds.
- (7) In its Opinion, EFSA considers different options for microbiological criteria for pathogenic *E. coli* for seeds: before the start of the production process, during sprouting and in the final product. In that context, EFSA states that the detection and mitigation of a contamination problem earlier in the sprouted seed production chain may have advantages as it avoids contamination being amplified during the full sprouting process. It also acknowledges that testing seeds alone does not allow for the detection of contamination which may come at a later stage in the production process. EFSA therefore concludes that microbiological criteria could be useful during the sprouting process and/or for the final product. When considering a microbiological criterion for the final sprouted seeds, EFSA notes that the time required for the detection methods for pathogenic bacteria combined with the short shelf-life may not allow withdrawing the product in the event of non-compliance. In its opinion EFSA considers that it is currently not possible to evaluate the extent of public health protection provided by specific microbiological criteria for seeds and sprouted seeds. This highlights the need for data collection to conduct quantitative risk assessment. Therefore this criterion should be reviewed taking into account progress in science, technology and methodology, emerging pathogenic micro-organisms in foodstuffs and information from risk assessment.

<sup>(1)</sup> OJ L 139, 30.4.2004, p. 1.

<sup>(2)</sup> OJ L 338, 22.12.2005, p. 1.

<sup>(3)</sup> EFSA Journal 2011; 9(11):2424.

- (8) In order to ensure the protection of public health in the Union and in view of that EFSA Opinion, Commission Regulation (EU) No 211/2013 of 11 March 2013 on certification requirements for imports into the Union of sprouts and seeds intended for the production of sprouts<sup>(1)</sup> and Commission Implementing Regulation (EU) No 208/2013 of 11 March 2013 on traceability requirements for sprouts and seeds intended for the production of sprouts<sup>(2)</sup> were adopted.
- (9) In addition to the measures laid down in those acts and considering the potential major health risk posed by the possible presence of pathogens in sprouts, provisions on additional microbiological criteria should be laid down following the EFSA recommendations, in particular on STEC serogroups which are considered of most important public health concern.
- (10) Microbiological criteria are one of several control options in food safety and should be used by food business operators as a means to verify implementation of an effective food safety management system. However, due to the low prevalence and the heterogeneous distribution of some pathogens in seeds and sprouted seeds, the statistical limitations of sampling plans, and the lack of information about the application of good agricultural practices in the production of seeds, it is necessary to test all batches of seeds for the presence of the pathogens in cases where food business operators have not put in place food safety management systems including steps that reduce the microbiological risk. If food management systems are in place and if their effectiveness is confirmed by historical data, a reduction of sampling frequency may be considered. Such frequency should, however, never be less than once per month.
- (11) When laying down microbiological criteria for sprouts, flexibility should be provided with regard to the stages of sampling and the type of samples which are to be taken, in order to take into account the diversity of production systems, while maintaining equivalent food safety standards. In particular, it is appropriate to provide for alternatives to the sampling of sprouts in cases where the sampling is technically difficult. The testing of spent irrigation water for pathogenic bacteria has been proposed as an alternative strategy, as it seems to be a good indicator of the types of micro-organisms in the sprouts themselves. Due to the uncertainties regarding the sensitivity of this strategy, it is needed that food businesses operators using this alternative establish a sampling plan, including sampling procedures and sampling points of the spent irrigation water.
- (12) Certain STEC serogroups (namely O157, O26, O103, O111, O145 and O104:H4) are recognised to be those causing the most of the Haemolytic Uremic Syndrome (HUS) cases occurring in the EU. Furthermore serotype O104:H4 caused the outbreak in May 2011 in the Union. Therefore microbiological criteria should be considered for these six serogroups. It cannot be excluded that other STEC serogroups may be pathogenic to humans as well. In fact, such STEC may cause less severe forms of disease such as diarrhoea and or bloody diarrhoea or may also cause HUS and therefore represent a hazard for the consumer's health.
- (13) Sprouts should be considered to be ready-to-eat food, as they can be consumed without the need for cooking or other processing, which would otherwise be effective in eliminating or reducing to an acceptable level pathogenic micro-organisms. Food business operators producing sprouts should therefore comply with the food safety criteria for ready-to-eat food laid down in Union legislation, including the sampling of processing areas and equipment as part of their sampling scheme.
- (14) Regulation (EC) No 2160/2003 of the European Parliament and of the Council of 17 November 2003 on the control of *Salmonella* and other specified food-borne zoonotic agents<sup>(3)</sup> aims at ensuring that proper and effective measures are taken to detect and control *Salmonella* and other zoonotic agents at all relevant stages of production, processing and distribution in order to reduce their prevalence and the risk they pose to public health.
- (15) Regulation (EC) No 2160/2003, as amended by Commission Regulation (EU) No 1086/2011<sup>(4)</sup>, lays down detailed rules on a *Salmonella* food safety criterion for fresh poultry meat. As a consequence of the amendments made to Regulation (EC) No 2160/2003, Regulation (EC) No 2073/2005 was also amended by Regulation (EU) No 1086/2011. However, by that amendment, certain terminological ambiguities were introduced in the text of Regulation (EC) No 2073/2005. Those ambiguities should, in the interest of clarity and consistency of Union legislation, be clarified.
- (16) Regulation (EC) No 2073/2005 should therefore be amended accordingly.
- (17) The measures provided for in this Regulation are in accordance with the opinion of the of the Standing Committee on the Food Chain and Animal Health and neither the European Parliament nor the Council has opposed them,

(1) See page 26 of this Official Journal.

(2) See page 16 of this Official Journal.

(3) OJ L 325, 12.12.2003, p. 1.

(4) OJ L 281, 28.10.2011, p. 7.

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 2073/2005 is amended as follows:

(1) In Article 2, the following point (m) is added:

(m) the definition of “sprouts” in Article 2(a) of Commission Implementing Regulation (EU) No 208/2013 of 11 March 2013 on traceability requirements for sprouts and seeds intended for the production of sprouts (\*);

\_\_\_\_\_  
(\* See page 16 of this Official Journal.);

(2) Annex I is amended in accordance with the Annex to this Regulation.

*Article 2*

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

It shall apply from 1 July 2013.

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

Done at Brussels, 11 March 2013.

*For the Commission*  
*The President*  
José Manuel BARROSO

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## ANNEX

Annex I to Regulation (EC) No 2073/2005 is amended as follows:

(1) Chapter 1 is amended as follows:

- (a) footnote 12 is deleted;
- (b) in row 1.18 the reference to footnote 12 is replaced by the reference to footnote 23;
- (c) the following row 1.29 and the corresponding footnotes 22 and 23 are added:

'1.29 Sprouts <sup>(23)</sup>	Shiga toxin producing <i>E. coli</i> (STEC) O157, O26, O111, O103, O145 and O104:H4	5	0	Absence in 25 grams	CEN/ISO TS 13136 <sup>(22)</sup>	Products placed on the market during their shelf-life
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<sup>(22)</sup> Taking into account the most recent adaptation by the European Union reference laboratory for *Escherichia coli*, including Verotoxigenic *E. coli* (VTEC), for the detection of STEC O104:H4.

<sup>(23)</sup> Excluding sprouts that have received a treatment effective to eliminate *Salmonella* spp. and STEC.;

(2) Chapter 3 is amended as follows:

(a) in Section 3.2, the part concerning 'Sampling rules for poultry carcasses and fresh poultry meat' is amended as follows:

(i) the first paragraph is replaced by the following:

'Slaughterhouses shall sample whole poultry carcasses with neck skin for *Salmonella* analyses. Cutting and processing establishments other than those adjacent to a slaughterhouse cutting and processing meat received only from this slaughterhouse, shall also take samples for *Salmonella* analysis. When doing so, they shall give priority to whole poultry carcasses with neck skin, if available, but ensuring that also poultry portions with skin and/or poultry portions without skin or with only a small amount of skin are covered, and that choice shall be risk-based.;

(ii) the fourth paragraph is replaced by the following:

'For the *Salmonella* analyses for fresh poultry meat other than poultry carcasses, five samples of at least 25 g of the same batch shall be collected. The sample taken from poultry portions with skin shall contain skin and a thin surface muscle slice in case the amount of skin is not sufficient to form a sample unit. The sample taken from poultry portions without skin or with only a small amount of skin shall contain a thin surface muscle slice or slices added to any skin present to make a sufficient sample unit. The slices of meat shall be taken in a way that includes as much as possible of the surface of the meat.;

(b) the following Section 3.3 is added:

### '3.3. Sampling rules for sprouts

For the purposes of this Section, the definition of batch in Article 2(b) of Implementing Regulation (EU) No 208/2013 will apply.

#### A. General rules for sampling and testing

1. Preliminary testing of the batch of seeds

Food business operators producing sprouts shall carry out a preliminary testing of a representative sample of all batches of seeds. A representative sample shall include at least 0,5 % of the weight of the batch of seeds in sub samples of 50 g or be selected based on a structured statistically equivalent sampling strategy verified by the competent authority.

For the purposes of performing the preliminary testing, the food business operator must sprout the seeds in the representative sample under the same conditions as the rest of the batch of seeds to be sprouted.

2. Sampling and testing of the sprouts and the spent irrigation water

Food business operators producing sprouts shall take samples for microbiological testing at the stage where the probability of finding Shiga toxin producing *E. coli* (STEC) and *Salmonella* spp. is the highest, in any case not before 48 hours after the start of the sprouting process.

Samples of sprouts shall be analysed according to the requirements in rows 1.18 and 1.29 of Chapter 1.

However, if a food business operator producing sprouts has a sampling plan, including sampling procedures and sampling points of the spent irrigation water, they may replace the sampling requirement under the sampling plans set out in rows 1.18 and 1.29 of Chapter 1 with the analysis of 5 samples of 200 ml of the water that was used for the irrigation of the sprouts.

In that case requirements set out in rows 1.18 and 1.29 of Chapter 1 shall apply to the analysis of the water that was used for the irrigation of the sprouts, with the limit of absence in 200 ml.

When testing a batch of seeds for the first time, food business operators may only place sprouts on the market if the results of the microbiological analysis comply with rows 1.18 and 1.29 of Chapter 1, or the limit of absence in 200 ml if they analyse spent irrigation water.

### 3. Sampling frequency

Food business operators producing sprouts shall take samples for microbiological analysis at least once a month at the stage where the probability of finding Shiga toxin producing *E. coli* (STEC) and *Salmonella* spp. is the highest, in any case not before 48 hours after the start of the sprouting process.

### B. Derogation from the preliminary testing of all batches of seeds set out in point A.1 of this Section

When justified on the basis of the following conditions and authorised by the competent authority, food business operators producing sprouts may be exempted from the sampling set out in point A.1 of this Section:

- (a) the competent authority is satisfied that the food business operator implements a food safety management system in that establishment, which may include steps in the production process, which reduces the microbiological risk; and,
  - (b) historical data confirms that during at least 6 consecutive months prior to granting the authorisation, all batches of the different types of sprouts produced in the establishment comply with the food safety criteria set out in rows 1.18 and 1.29 of Chapter 1.
-

## COMMISSION REGULATION (EU) No 210/2013

of 11 March 2013

## on the approval of establishments producing sprouts pursuant to Regulation (EC) No 852/2004 of the European Parliament and of the Council

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs<sup>(1)</sup>, and in particular Article 6(3)(c) thereof,

Whereas:

- (1) Regulation (EC) No 852/2004 lays down general rules for food business operators on the hygiene of foodstuffs, inter alia, for primary production and associated operations. That Regulation provides that food business operators are to ensure that establishments are approved by the competent authority, following at least one on-site visit when approval is required under national legislation, under Regulation (EC) No 853/2004 of the European Parliament and of the Council<sup>(2)</sup> or under a decision adopted pursuant to Regulation (EC) No 852/2004.
- (2) Following the outbreaks of Shiga toxin-producing *E. coli* in May 2011 in the Union, consumption of sprouts was identified as the most likely origin of the outbreaks.
- (3) On 20 October 2011, the European Food Safety Authority ('EFSA') adopted a Scientific Opinion on the risk posed by Shiga toxin-producing *Escherichia coli* (STEC) and other pathogenic bacteria in seeds and sprouted seeds<sup>(3)</sup>. In its Opinion, EFSA concludes that the contamination of dry seeds with bacterial pathogens is the most likely initial source of the sprout-associated outbreaks. In addition, the Opinion states that, due to the high humidity and the favourable temperature during sprouting, bacterial pathogens present on dry seeds can multiply during sprouting and result in a public health risk.
- (4) In order to ensure the protection of public health in the Union and in view of that EFSA Opinion, Commission Regulation (EU) No 209/2013<sup>(4)</sup> amending Commission Regulation (EC) No 2073/2005 of 15 November 2005

on microbiological criteria for foodstuffs<sup>(5)</sup>, Commission Regulation (EU) No 211/2013<sup>(6)</sup> and Commission Implementing Regulation (EU) No 208/2013<sup>(7)</sup> were adopted.

- (5) In addition to the measures laid down in those acts, establishments producing sprouts should be subject to approval in accordance with Regulation (EC) No 852/2004. Such approvals, granted following at least one on-site visit, would ensure that such establishments comply with the relevant hygiene rules, thereby ensuring a high level of protection of public health. The approval of such establishments should be conditional upon their compliance with a number of requirements in order to ensure that the possibility of contamination within the facility where sprouts are produced is reduced.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee of the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the purpose of this Regulation, the definition of 'sprouts' in Article 2 of Implementing Regulation (EU) No 208/2013 shall apply.

*Article 2*

Food business operators shall ensure that establishments producing sprouts are approved by the competent authority in accordance with Article 6 of Regulation (EC) No 852/2004. The competent authority shall approve those establishments only provided that they comply with the requirements set out in Annex I to Regulation (EC) No 852/2004 and in the Annex to this Regulation.

*Article 3*

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

It shall apply from 1 July 2013.

<sup>(1)</sup> OJ L 139, 30.4.2004, p. 1.<sup>(2)</sup> OJ L 139, 30.4.2004, p. 55.<sup>(3)</sup> EFSA Journal 2011;9(11):2424.<sup>(4)</sup> See page 19 of this Official Journal.<sup>(5)</sup> OJ L 338, 22.12.2005, p. 1.<sup>(6)</sup> See page 26 of this Official Journal.<sup>(7)</sup> See page 16 of this Official Journal.

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

Done at Brussels, 11 March 2013.

*For the Commission*  
*The President*  
José Manuel BARROSO

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ANNEX

**Requirements for the approval of establishments producing sprouts**

1. The design and layout of establishments shall permit good food hygiene practices, including protection against contamination between and during operations. In particular, surfaces (including surfaces of equipment) in areas where foods are handled and those in contact with food shall be maintained in a sound condition and be easy to clean and, where necessary, to disinfect.
  2. Adequate facilities shall be provided for the cleaning, disinfecting and storage of working utensils and equipment. These facilities shall be easy to clean and have an adequate supply of hot and cold water.
  3. Adequate provision shall be made, where necessary, for washing food. Every sink or other such facility provided for the washing of food shall have an adequate supply of potable water and be kept clean and, where necessary, disinfected.
  4. All equipment with which seeds and sprouts come into contact shall be so constructed, be of such materials and be kept in such good order, repair and condition as to minimise any risk of contamination, and to enable it to be kept clean and, where necessary, to be disinfected.
  5. Appropriate procedures shall be in place to ensure that:
    - (a) the establishment producing sprouts is kept clean and, where necessary, disinfected;
    - (b) all equipment with which seeds and sprouts come into contact is effectively cleaned and, where necessary, disinfected. The cleaning and disinfection of such equipment shall take place at a frequency sufficient to avoid any risk of contamination.
-

## COMMISSION REGULATION (EU) No 211/2013

of 11 March 2013

## on certification requirements for imports into the Union of sprouts and seeds intended for the production of sprouts

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules <sup>(1)</sup>, and in particular Article 48(1) thereof,

Whereas:

- (1) Regulation (EC) No 882/2004 lays down general rules for the performance of official controls to verify compliance with rules aiming, in particular, at preventing, eliminating or reducing to acceptable levels risks to humans and animals either directly or through the environment.
- (2) Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety <sup>(2)</sup>, lays down the general principles governing food and feed in general, and food and feed safety in particular, at Union and national level. That Regulation provides that food and feed imported into the Union for placing on the market within the Union is to comply with the relevant requirements of food law or conditions recognised by the Union to be at least equivalent thereto.
- (3) Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs <sup>(3)</sup> lays down general rules for food business operators on the hygiene of foodstuffs. That Regulation provides that food business operators are to ensure that all stages of production, processing and distribution of food under their control satisfy the relevant hygiene requirements laid down therein. In particular, Regulation (EC) No 852/2004 provides that food business operators carrying out primary production and those associated operations listed in Annex I thereto are to comply with the general hygiene provisions laid down in Part A of that Annex.
- (4) Following the outbreak of Shiga toxin-producing *E. coli* (STEC) in May 2011 in the Union, the consumption of sprouted seeds was identified as the most likely origin of the outbreaks.
- (5) On 20 October 2011, the European Food Safety Authority (‘EFSA’) adopted a Scientific Opinion on the risk posed by Shiga toxin-producing *Escherichia coli* (STEC) and other pathogenic bacteria in seeds and sprouted seeds <sup>(4)</sup>. In its Opinion, EFSA concludes that the contamination of dry seeds with bacterial pathogens is the most likely initial source of the sprout-associated outbreaks. In addition, the Opinion states that, due to the high humidity and the favourable temperature during sprouting, bacterial pathogens present on dry seeds can multiply during sprouting and result in a public health risk.
- (6) In order to ensure the protection of public health in the Union and in view of that EFSA Opinion, Commission Implementing Regulation (EU) No 208/2013 <sup>(5)</sup> was adopted. That implementing Regulation lays down rules on the traceability of consignments of sprouts and of seeds intended for the production of sprouts.
- (7) In order to ensure an adequate level of protection of public health, it is appropriate that sprouts and seeds intended for the production of sprouts imported into the Union also comply with the requirements laid down in Regulation (EC) No 852/2004, and, for sprouts, with the traceability requirements laid down in Implementing Regulation (EU) No 208/2013 and with the microbiological criteria laid down in Commission Regulation (EC) No 2073/2005 <sup>(6)</sup>. Appropriate certification requirements should therefore be laid down for such commodities imported into the Union.
- (8) Currently Union legislation does not provide for certificates for the import into the Union of sprouts and of seeds intended for the production of sprouts. It is therefore appropriate to set out in this Regulation a model certificate for the import of such commodities into the Union.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health and neither the European Parliament nor the Council has opposed them,

<sup>(1)</sup> OJ L 165, 30.4.2004, p. 1.<sup>(2)</sup> OJ L 31, 1.2.2002, p. 1.<sup>(3)</sup> OJ L 139, 30.4.2004, p. 1.<sup>(4)</sup> *EFSA Journal* 2011; 9(11):2424.<sup>(5)</sup> See page 16 of this Official Journal.<sup>(6)</sup> OJ L 338, 22.12.2005, p. 1.

HAS ADOPTED THIS REGULATION:

*Article 1*

**Scope**

This Regulation shall apply to consignments of sprouts or seeds intended for the production of sprouts imported into the Union excluding sprouts which have undergone a treatment which eliminates microbiological hazards compatible with European Union legislation.

*Article 2*

**Definitions**

For the purposes of this Regulation:

- (a) the definition of 'sprouts' in Article 2(a) of Implementing Regulation (EU) No 208/2013 shall apply;
- (b) 'consignment' means a quantity of sprouts or seeds intended for the production of sprouts and which is:
  - (i) originating from the same third country;
  - (ii) covered by the same certificate(s);
  - (iii) conveyed by the same means of transport.

*Article 3*

**Certification requirement**

1. Consignments of sprouts or seeds intended for the production of sprouts imported into the Union and originating in or dispatched from third countries shall be accompanied by a certificate in accordance with the model set out in the Annex, attesting that the sprouts or seeds were produced under conditions which comply with the general hygiene provisions for primary production and associated operations set out in Part A of Annex I to Regulation (EC) No 852/2004 and the sprouts were produced under conditions which comply with the tracea-

bility requirements laid down in Implementing Regulation (EU) No 208/2013, have been produced in establishments approved in accordance with the requirements laid down in Article 2 of Commission Regulation (EU) No 210/2013 <sup>(1)</sup> and respect the microbiological criteria laid down in Annex I to Regulation (EC) No 2073/2005.

The certificate must be drawn up in the official language or languages of the third country of dispatch and the Member State in which the import into the EU takes place, or be accompanied by a certified translation into that language or languages. If the Member State of destination so requests, certificates must also be accompanied by a certified translation into the official language or languages of that Member State. However, a Member State may consent to the use of an official Union language other than its own.

2. The original of the certificate shall accompany the consignment until it reaches its destination as indicated in the certificate.

3. In the case of splitting of the consignment, a copy of the certificate shall accompany each part of the consignment.

*Article 4*

**Transitional provision**

For a transitional period until 1 July 2013, consignments of sprouts or seeds intended for the production of sprouts originating in or dispatched from third countries may continue to be imported into the Union without the certificate provided for in Article 3.

*Article 5*

**Entry into force**

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, 11 March 2013.

*For the Commission*

*The President*

José Manuel BARROSO

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<sup>(1)</sup> See page 24 of this Official Journal.

## ANNEX

**MODEL CERTIFICATE FOR THE IMPORT OF SPROUTS OR SEEDS INTENDED FOR THE PRODUCTION OF SPROUTS**

**COUNTRY****Certificate to EU**

<b>Part I: Details of dispatched consignment</b>	I.1. Consignor Name Address  Tel.		I.2. Certificate reference No		I.2.a.		
			I.3.				
			I.4.				
	I.5. Consignee Name Address  Postcode Tel.		I.6.				
	I.7. Country of origin	ISO code	I.8. Region of origin	Code	I.9. Country of destination	ISO code	I.10.
	I.11. Place of origin of seeds and/or sprouts Name Address			I.12.			
	I.13. Place of loading			I.14. Date of departure			
	I.15. Means of transport  Aeroplane <input type="checkbox"/> Ship <input type="checkbox"/> Railway wagon <input type="checkbox"/> Road vehicle <input type="checkbox"/> Other <input type="checkbox"/> Identification Documentation references			I.16.			
				I.17.			
	I.18. Description of commodity			I.19. Commodity code (HS code)			
					I.20. Quantity (Kgs)		
I.21. Temperature of product Ambient <input type="checkbox"/> Chilled <input type="checkbox"/>			I.22. Number of packages				
I.23. Seal/Container No			I.24. Type of packaging				
I.25. Commodities declared for: Human consumption <input type="checkbox"/>							
I.26.			I.27.				
I.28. Identification of the commodities							
Manufacturing plant		Number of packages		Nature of commodity		Net weight	Batch number

**Certificate for the import of sprouts or seeds intended for  
the production of sprouts**

COUNTRY

<b>Part II: Certification</b>	<b>II. Health information</b>	II.a Certificate reference No							
	<p>I, the undersigned, hereby declare that I am aware of the relevant provisions of Regulation (EC) No 852/2004 and certify that:</p> <ul style="list-style-type: none"> <li>— the seeds described above were produced under conditions which comply with Regulation (EC) No 852/2004 and in particular with the general hygiene provisions for primary production and associated operations set out in Part A of Annex I thereto;</li> <li>— the sprouts were produced in establishments approved in accordance with the requirements laid down in Article 2 of Regulation (EU) No 210/2013;</li> <li>— the sprouts were produced under conditions which comply with the traceability requirements laid down in Implementing Regulation (EU) No 208/2013 and respect the microbiological criteria laid down in Annex I to Regulation (EC) No 2073/2005.</li> </ul> <p><b>Notes</b></p> <p><b>Part I:</b></p> <ul style="list-style-type: none"> <li>— Box reference I.7: Insert the ISO code of the country of origin of the seeds.</li> <li>— Box reference I.11: Name of the place of origin which must be the same as the country of origin in box 1.7. Please indicate the name and address of the establishment collecting seeds and/or sprouts. Delete as appropriate.</li> <li>— Box reference I.15: Registration number (railway wagons or container and road vehicles), flight number (aircraft) or name (ship). In the case of transport in containers, the total number of containers and their registration number and where there is a serial number of the seal it must be indicated in box I.23. In case of unloading and reloading, the consignor must inform the competent authorities of the appropriate place of controls in the European Union.(optional).</li> <li>— Box reference I.19: Use the appropriate Harmonised System (HS) code of the World Customs Organisation: (optional).</li> <li>— Box reference I.20: Indicate total gross weight and total net weight.</li> <li>— Box reference I.23: for containers or boxes, the container number and the seal number (if applicable) must be included.</li> <li>— Box reference I.28: <i>Manufacturing plant</i>: insert the name of the establishments of production of seeds.</li> </ul> <p><b>Part II:</b></p> <ul style="list-style-type: none"> <li>— The colour of the signature shall be different to that of the printing. The same rule applies to stamps other than those embossed or watermark.</li> </ul>								
<p>Official inspector</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Name (in capital letters):</td> <td style="width: 50%;">Qualification and title:</td> </tr> <tr> <td>Date:</td> <td>Signature:</td> </tr> <tr> <td>Stamp</td> <td></td> </tr> </table>				Name (in capital letters):	Qualification and title:	Date:	Signature:	Stamp	
Name (in capital letters):	Qualification and title:								
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## COMMISSION REGULATION (EU) No 212/2013

of 11 March 2013

replacing Annex I to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards additions and modifications with respect to the products covered by that Annex

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in and on food and feed of plant and animal origin and amending Council Directive 91/414/EEC <sup>(1)</sup>, and in particular Article 4 thereof,

Whereas:

- (1) Several Member States have requested modifications and additions in Annex I to Regulation (EC) No 396/2005, in the column 'Examples of related varieties or other products to which the same MRL applies'.
- (2) Those additions are necessary in order to include in Annex I to Regulation (EC) No 396/2005 new fruits, vegetables and cereals which have become available on the market in the Member States.
- (3) It is appropriate to add the following fruits, vegetables, cereals and animal products: Buddha's hand, tangor, red date/Chinese date/Chinese jujube, tayberries, longan, langsat, salak, crosne, edible burdock, other bulb onions, other green onions, antroewa/white eggplant, sopropo/bitter melon, angled luffa/teroi, snake gourd, lauki, chayote, marrow (late variety), baby corn, mung bean sprouts, alfalfa sprouts, dandelion greens, kohlrabi leaves, tajar leaves, bitterblad/bitawiri, malabar nightshade, banana leaves, morning glory/Chinese convolvulus/water convolvulus/water spinach/kangkung, water clover, water mimosa, cilantro/stinking/long coriander/stink weed, leaves of root parsley, holy basil, sweet basil, hairy basil, lemon grass, pennywort, wild betel leaf, curry leaves, banana flower, guar beans, fresh soya beans, Indian/wild rice, borage leaves and stems, climbing wattle, fungus mycelium, purple viper's bugloss/Canary flower, finger millet, pearl millet, Canary grass seeds, green pepper, deer and comb honey.

- (4) For consistency it is appropriate to move wild game from the category 'Other farm animals' to 'Other terrestrial animal products', and edible flowers from the category 'others' to a category representing an example of a crop.
- (5) In order to better apply rules on international taxonomical nomenclature it is appropriate to adapt the Latin names for pistachios, apples, cherries, strawberries, dewberries, blueberries, kumquats, potatoes, yams, beetroot, peppers, okra, broccoli, head cabbage, Chinese cabbage, kale, kohlrabi, scarole, rucola, leaves and sprouts of brassica, beet leaves, witloof, celery leaves, basil, palm hearts, sorghum, coffee beans, rose petals, jasmine flowers, lime (linden), rooibos leaves, dill, Sichuan pepper, cinnamon, turmeric, sugar beet and banana.
- (6) Taking into account requests from interested parties and enforcement bodies and in view of the form in which the products occur on the market, some amendments should be made as regards the parts of the products to which the MRLs are to apply.
- (7) It is appropriate to provide for such amendments as regards tea, cocoa beans, hops, kohlrabi and for products of animal origin.
- (8) In the interest of clarity, it is appropriate to replace Annex I to Regulation (EC) No 396/2005.
- (9) Regulation (EC) No 396/2005 should therefore be amended accordingly.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health and neither the European Parliament nor the Council has opposed them.

HAS ADOPTED THIS REGULATION:

## Article 1

Annex I to Regulation (EC) No 396/2005 is replaced by the text in the Annex to this Regulation.

<sup>(1)</sup> OJ L 70, 16.3.2005, p. 1.

*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*.

Done at Brussels, 11 March 2013.

*For the Commission*  
*The President*  
José Manuel BARROSO

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## ANNEX

## 'ANNEX I

**Products of plant and animal origin referred to in Article 2(1)**

Code number <sup>(1)</sup>	Groups to which the MRLs apply	Examples of individual products within the groups to which the MRLs apply	Scientific Name <sup>(2)</sup>	Examples of related varieties or other products to which the same MRL applies	Parts of the products to which the MRLs apply
0100000	<b>1. FRUIT FRESH OR FROZEN; NUTS</b>				
0110000	<b>(i) Citrus fruit</b>				Whole product
0110010		Grapefruit	<i>Citrus paradisi</i>	Shaddocks, pomelos, sweeties, tangelo (except mineola), ugli and other hybrids	
0110020		Oranges	<i>Citrus sinensis</i>	Bergamot, bitter orange, chinotto and other hybrids	
0110030		Lemons	<i>Citrus limon</i>	Citron, lemon, Buddha's hand ( <i>Citrus medica</i> var. <i>sarcodactylis</i> )	
0110040		Limes	<i>Citrus aurantifolia</i>		
0110050		Mandarins	<i>Citrus reticulata</i>	Clementine, tangerine, mineola and other hybrids; tangor ( <i>Citrus reticulata</i> x <i>sinensis</i> )	
0110990		Others <sup>(3)</sup>			
0120000	<b>(ii) Tree nuts</b>				Whole product after removal of shell (except chestnuts)
0120010		Almonds	<i>Prunus dulcis</i>		
0120020		Brazil nuts	<i>Bertholletia excelsa</i>		
0120030		Cashew nuts	<i>Anacardium occidentale</i>		
0120040		Chestnuts	<i>Castanea sativa</i>		
0120050		Coconuts	<i>Cocos nucifera</i>		
0120060		Hazelnuts	<i>Corylus avellana</i>	Filbert	
0120070		Macadamia	<i>Macadamia ternifolia</i>		
0120080		Pecans	<i>Carya illinoensis</i>		
0120090		Pine nuts	<i>Pinus pinea</i>		

Code number <sup>(1)</sup>	Groups to which the MRLs apply	Examples of individual products within the groups to which the MRLs apply	Scientific Name <sup>(2)</sup>	Examples of related varieties or other products to which the same MRL applies	Parts of the products to which the MRLs apply
0120100		Pistachios	<i>Pistacia vera</i>		
0120110		Walnuts	<i>Juglans regia</i>		
0120990		Others <sup>(3)</sup>			
0130000	<b>(iii) Pome fruit</b>				Whole product after removal of stems
0130010		Apples	<i>Malus domestica</i>	Crab apple	
0130020		Pears	<i>Pyrus communis</i>	Oriental pear	
0130030		Quinces	<i>Cydonia oblonga</i>		
0130040		Medlar <sup>(4)</sup>	<i>Mespilus germanica</i>		
0130050		Loquat <sup>(4)</sup>	<i>Eriobotrya japonica</i>		
0130990		Others <sup>(3)</sup>			
0140000	<b>(iv) Stone fruit</b>				Whole product after removal of stems
0140010		Apricots	<i>Prunus armeniaca</i>		
0140020		Cherries	<i>Prunus avium</i> , <i>Prunus cerasus</i>	Sweet cherries, sour cherries	
0140030		Peaches	<i>Prunus persica</i>	Nectarines and similar hybrids	
0140040		Plums	<i>Prunus domestica</i>	Damson, greengage, mirabelle, sloe, red date/Chinese date/Chinese jujube ( <i>Ziziphus zizyphus</i> )	
0140990		Others <sup>(3)</sup>			
0150000	<b>(v) Berries &amp; small fruit</b>				Whole product after removal of caps/crowns and stems except in the case of currants: fruits with stems
0151000	<b>(a) Table and wine grapes</b>				
0151010		Table grapes	<i>Vitis vinifera</i>		
0151020		Wine grapes	<i>Vitis vinifera</i>		

Code number <sup>(1)</sup>	Groups to which the MRLs apply	Examples of individual products within the groups to which the MRLs apply	Scientific Name <sup>(2)</sup>	Examples of related varieties or other products to which the same MRL applies	Parts of the products to which the MRLs apply
0152000	(b) Strawberries		<i>Fragaria</i> spp.		
0153000	(c) Cane fruit				
0153010		Blackberries	<i>Rubus fruticosus</i>		
0153020		Dewberries	<i>Rubus caesius</i>	Loganberries, tayberries, boysenberries, cloudberries and other <i>Rubus</i> hybrids	
0153030		Raspberries	<i>Rubus idaeus</i>	Wineberries, arctic bramble/raspberry, ( <i>Rubus arcticus</i> ), nectar raspberries ( <i>Rubus arcticus</i> x <i>Rubus idaeus</i> )	
0153990		Others <sup>(3)</sup>			
0154000	(d) Other small fruit & berries				
0154010		Blueberries	<i>Vaccinium</i> spp. except <i>V. macrocarpon</i> and <i>V. vitis-idaea</i>	Bilberries	
0154020		Cranberries	<i>Vaccinium macrocarpon</i>	Cowberries/red bilberries ( <i>V. vitis-idaea</i> )	
0154030		Currants (red, black and white)	<i>Ribes nigrum</i> , <i>Ribes rubrum</i>		
0154040		Gooseberries	<i>Ribes uva-crispa</i>	Including hybrids with other <i>Ribes</i> species	
0154050		Rose hips	<i>Rosa canina</i>		
0154060		Mulberries <sup>(4)</sup>	<i>Morus</i> spp.	Arbutus berry	
0154070		Azarole <sup>(4)</sup> (mediteranean medlar)	<i>Crataegus azarolus</i>	Kiwiberry ( <i>Actinidia arguta</i> )	
0154080		Elderberries <sup>(4)</sup>	<i>Sambucus nigra</i>	Black chokeberry/appleberry, mountain ash, buckthorn/sea sallowthorn, hawthorn, serviceberries, and other treeberries	
0154990		Others <sup>(3)</sup>			

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0160000	(vi) <b>Miscellaneous fruit</b>				Whole product after removal of stems, or crown (pineapples)
0161000	(a) Edible peel				
0161010		Dates	<i>Phoenix dactylifera</i>		
0161020		Figs	<i>Ficus carica</i>		
0161030		Table olives	<i>Olea europaea</i>		
0161040		Kumquats <sup>(4)</sup>	<i>Fortunella</i> spp.	Marumi kumquats, nagami kumquats, limequats ( <i>Citrus aurantifolia</i> x <i>Fortunella</i> spp.)	
0161050		Carambola <sup>(4)</sup>	<i>Averrhoa carambola</i>	Bilimbi	
0161060		Persimmon <sup>(4)</sup>	<i>Diospyros kaki</i>		
0161070		Jambolan <sup>(4)</sup> (java plum),	<i>Syzygium cumini</i>	Java apple/water apple, pommerac, rose apple, Brazilian cherry, Surinam cherry/grumichama ( <i>Eugenia uniflora</i> )	
0161990		Others <sup>(3)</sup>			
0162000	(b) Inedible peel, small				
0162010		Kiwi	<i>Actinidia deliciosa</i> syn. <i>A. chinensis</i>		
0162020		Lychee (Litchi)	<i>Litchi chinensis</i>	Pulasan, rambutan/hairy litchi, longan, mangosteen, langsat, salak	
0162030		Passion fruit	<i>Passiflora edulis</i>		
0162040		Prickly pear <sup>(4)</sup> (cactus fruit)	<i>Opuntia ficus-indica</i>		
0162050		Star apple <sup>(4)</sup>	<i>Chrysophyllum cainito</i>		
0162060		American persimmon <sup>(4)</sup> (Virginia kaki)	<i>Diospyros virginiana</i>	Black sapote, white sapote, green sapote, canistel/yellow sapote, mammei sapote	
0162990		Others <sup>(3)</sup>			
0163000	(c) Inedible peel, large				

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0163010		Avocados	<i>Persea americana</i>		
0163020		Bananas	<i>Musa x paradisiaca</i> , <i>M. acuminata</i>	Dwarf banana, plantain, apple banana	
0163030		Mangoes	<i>Mangifera indica</i>		
0163040		Papaya	<i>Carica papaya</i>		
0163050		Pomegranate	<i>Punica granatum</i>		
0163060		Cherimoya <sup>(4)</sup>	<i>Annona cherimola</i>	Custard apple, sugar apple/sweetsop, ilama ( <i>Annona diversifolia</i> ) and other medium sized <i>Annonaceae</i> fruits	
0163070		Guava <sup>(4)</sup>	<i>Psidium guajava</i>	Red pitaya/dragon fruit ( <i>Hylocereus undatus</i> )	
0163080		Pineapples	<i>Ananas comosus</i>		
0163090		Bread fruit <sup>(4)</sup>	<i>Artocarpus altilis</i>	Jackfruit	
0163100		Durian <sup>(4)</sup>	<i>Durio zibethinus</i>		
0163110		Soursop <sup>(4)</sup> (guanabana)	<i>Annona muricata</i>		
0163990		Others <sup>(3)</sup>			
0200000	<b>2. VEGETABLES FRESH OR FROZEN</b>				
0210000	<b>(i) Root and tuber vegetables</b>				Whole product after removal of tops (if any) and adhering soil
0211000	(a) Potatoes		<i>Solanum tuberosum</i>		
0212000	(b) Tropical root and tuber vegetables				
0212010		Cassava	<i>Manihot esculenta</i>	Dasheen, eddoe/Japanese taro, tannia	
0212020		Sweet potatoes	<i>Ipomoea batatas</i>		
0212030		Yams	<i>Dioscorea</i> spp.	Potato bean/yam bean, Mexican yam bean	

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0212040		Arrowroot <sup>(4)</sup>	<i>Maranta arundinacea</i>		
0212990		Others <sup>(3)</sup> , <sup>(4)</sup>			
0213000	(c) Other root and tuber vegetables except sugar beet				
0213010		Beetroot	<i>Beta vulgaris</i> subsp. <i>vulgaris</i> var. <i>conditiva</i>		
0213020		Carrots	<i>Daucus carota</i>		
0213030		Celeriac	<i>Apium graveolens</i> var. <i>rapaceum</i>		
0213040		Horseradish	<i>Armoracia rusticana</i>	Angelica roots, lovage roots, gentiana roots	
0213050		Jerusalem artichokes	<i>Helianthus tuberosus</i>	Crosne	
0213060		Parsnips	<i>Pastinaca sativa</i>		
0213070		Parsley root	<i>Petroselinum crispum</i>		
0213080		Radishes	<i>Raphanus sativus</i> var. <i>sativus</i>	Black radish, Japanese radish, small radish and similar varieties, tiger nut ( <i>Cyperus esculentus</i> )	
0213090		Salsify	<i>Tragopogon porifolius</i>	Scorzonera, Spanish salsify/Spanish oysterplant, edible burdock	
0213100		Swedes	<i>Brassica napus</i> var. <i>napobrassica</i>		
0213110		Turnips	<i>Brassica rapa</i>		
0213990		Others <sup>(3)</sup>			
0220000	(ii) <b>Bulb vegetables</b>				Whole product after removal of easily detachable skin and soil (when dry) or roots and soil (when fresh)
0220010		Garlic	<i>Allium sativum</i>		

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0220020		Onions	<i>Allium cepa</i>	Other bulb onions, silverskin onions	Bulbs
0220030		Shallots	<i>Allium ascalonicum</i> ( <i>Allium cepa</i> var. <i>aggregatum</i> )		
0220040		Spring onions and welsh onions	<i>Allium cepa</i> ; <i>Allium fistulosum</i>	Other green onions and similar varieties	Bulbs with pseudostems and leaves
0220990		Others <sup>(3)</sup>			
0230000	<b>(iii) Fruiting vegetables</b>				Whole product after removal of stems (in case of sweet corn without husks and in case of physalis without sepals)
0231000	(a) Solanacea				
0231010		Tomatoes	<i>Lycopersicon esculentum</i>	Cherry tomatoes, <i>Physalis</i> spp., gojiberry, wolfberry ( <i>Lycium barbarum</i> and <i>L. chinense</i> ), tree tomato	
0231020		Peppers	<i>Capsicum annuum</i> var. <i>grossum</i> and var. <i>longum</i>	Chilli peppers	
0231030		Aubergines (egg plants)	<i>Solanum melongena</i>	Pepino, antroewa/white eggplant ( <i>S. macrocarpon</i> )	
0231040		Okra (lady's fingers)	<i>Abelmoschus esculentus</i>		
0231990		Others <sup>(3)</sup>			
0232000	(b) Cucurbits — edible peel				
0232010		Cucumbers	<i>Cucumis sativus</i>		
0232020		Gherkins	<i>Cucumis sativus</i>		
0232030		Courgettes	<i>Cucurbita pepo</i> var. <i>melopepo</i>	Summer squash, marrow (patisson), lauki ( <i>Lagenaria siceraria</i> ), chayote, sopropro/bitter melon, snake gourd, angled luffa/teroi	
0232990		Others <sup>(3)</sup>			

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0233000	(c) Cucurbits-inedible peel				
0233010		Melons	<i>Cucumis melo</i>	Kiwano	
0233020		Pumpkins	<i>Cucurbita maxima</i>	Winter squash, marrow (late variety)	
0233030		Watermelons	<i>Citrullus lanatus</i>		
0233990		Others <sup>(3)</sup>			
0234000	(d) Sweet corn		<i>Zea mays</i> var. <i>sacharata</i>	Baby corn	Kernels plus cob without husks
0239000	(e) Other fruiting vegetables				
0240000	(iv) <b>Brassica vegetables</b>				
0241000	(a) Flowering brassica				Curd only
0241010		Broccoli	<i>Brassica oleracea</i> var. <i>italica</i>	Calabrese, Broccoli raab, Chinese broccoli	
0241020		Cauliflower	<i>Brassica oleracea</i> var. <i>botrytis</i>		
0241990		Others <sup>(3)</sup>			
0242000	(b) Head brassica				Whole plant after removal of roots and decayed leaves
0242010		Brussels sprouts	<i>Brassica oleracea</i> var. <i>gemmifera</i>		Only cabbage buttons
0242020		Head cabbage	<i>Brassica oleracea</i> convar. <i>capitata</i>	Pointed head cabbage, red cabbage, savoy cabbage, white cabbage	
0242990		Others <sup>(3)</sup>			
0243000	(c) Leafy brassica				Whole plant after removal of roots and decayed leaves
0243010		Chinese cabbage	<i>Brassica rapa</i> var. <i>pekinensis</i>	Indian or Chinese) mustard, pak choi, Chinese flat cabbage/ai goo choi), choi sum, Peking cabbage/pe-tsai	

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0243020		Kale	<i>Brassica oleracea</i> convar. <i>acephala</i>	Borecole/curly kale, collards, Portuguese Kale, Portuguese cabbage, cow cabbage	
0243990		Others <sup>(3)</sup>			
0244000	(d) Kohlrabi		<i>Brassica oleracea</i> var. <i>gongyloides</i>		Whole product after removal of roots, tops and adhering soil (if any)
0250000	(v) Leaf vegetables & fresh herbs				Whole product after removal of roots and decayed outer leaves and soil (if any)
0251000	(a) Lettuce and other salad plants including Brassicaceae				
0251010		Lamb's lettuce	<i>Valerianella locusta</i>	Italian corn salad	
0251020		Lettuce	<i>Lactuca sativa</i>	Head lettuce, lollo rosso (cutting lettuce), iceberg lettuce, romaine (cos) lettuce	
0251030		Scarole (broad-leaf endive)	<i>Cichorium endivia</i> var. <i>latifolium</i>	Wild chicory, red-leaved chicory, radicchio, curly leaf endive, sugar loaf ( <i>C. endivia</i> var. <i>crispum</i> / <i>C. intybus</i> var. <i>foliosum</i> ), dandelion greens	
0251040		Cress <sup>(4)</sup>	<i>Lepidium sativum</i>	Mung bean sprouts, alfalfa sprouts	
0251050		Land cress <sup>(4)</sup>	<i>Barbarea verna</i>		
0251060		Rocket, Rucola <sup>(4)</sup>	<i>Eruca sativa</i>	Wild rocket ( <i>Diplotaxis</i> spp.)	
0251070		Red mustard <sup>(4)</sup>	<i>Brassica juncea</i> var. <i>rugosa</i>		
0251080		Leaves and sprouts of <i>Brassica</i> spp <sup>(4)</sup> , including <b>turnip greens</b>	<i>Brassica</i> spp.	Mizuna, leaves of peas and radish and other babyleaf crops, including brassica crops (crops harvested up to 8 true leaf stage), kohlrabi leaves <sup>(5)</sup> ,	
0251990		Others <sup>(3)</sup>			
0252000	(b) Spinach & similar (leaves)				

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0252010		Spinach	<i>Spinacia oleracea</i>	New Zealand spinach, amaranthus spinach (pak-khom, tampara), tajar leaves, bitterblad/bitawiri	
0252020		Purslane <sup>(4)</sup>	<i>Portulaca oleracea</i>	Winter purslane/miner's lettuce, garden purslane, common purslane, sorrel, glassworth, agretti ( <i>Salsola soda</i> )	
0252030		Beet leaves (chard)	<i>Beta vulgaris</i> subsp. <i>vulgaris</i> var. <i>cicla</i> and <i>B. vulgaris</i> subsp. <i>vulgaris</i> var. <i>flavescens</i>	Leaves of beetroot	
0252990		Others <sup>(3)</sup>			
0253000	(c) Vine leaves (grape leaves) <sup>(4)</sup>		<i>Vitis vinifera</i>	Malabar nightshade, banana leaves, climbing wattle ( <i>Acacia pennata</i> )	
0254000	(d) Water cress		<i>Nasturtium officinale</i>	Morning glory/Chinese convolvulus/water convolvulus/water spinach/kangkung ( <i>Ipomea aquatica</i> ), water clover, water mimosa	
0255000	(e) Witloof		<i>Cichorium intybus</i> var. <i>foliosum</i>		
0256000	(f) Herbs				
0256010		Chervil	<i>Anthriscus cerefolium</i>		
0256020		Chives	<i>Allium schoenoprasum</i>		
0256030		Celery leaves	<i>Apium graveolens</i> var. <i>secalinum</i>	Fennel leaves, coriander leaves, dill leaves, caraway leaves, lovage, angelica, sweet ciselny and other <i>Apiacea</i> leaves, culantro/stinking/long coriander/stink weed ( <i>Eryngium foetidum</i> )	
0256040		Parsley	<i>Petroselinum crispum</i>	leaves of root parsley	
0256050		Sage <sup>(4)</sup>	<i>Salvia officinalis</i>	Winter savory, summer savory, <i>Borago officinalis</i> leaves	

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0256060		Rosemary <sup>(4)</sup>	<i>Rosmarinus officinalis</i>		
0256070		Thyme <sup>(4)</sup>	<i>Thymus</i> spp.	Marjoram, oregano	
0256080		Basil <sup>(4)</sup>	<i>Ocimum</i> spp.	Balm leaves, mint, peppermint, holy basil, sweet basil, hairy basil, edible flowers (marigold flower and others), pennywort, wild betel leaf, curry leaves	
0256090		Bay leaves <sup>(4)</sup> (laurel)	<i>Laurus nobilis</i>	Lemon grass	
0256100		Tarragon <sup>(4)</sup>	<i>Artemisia dracunculus</i>	Hyssop	
0256990		Others <sup>(3)</sup>			
0260000	(vi) <b>Legume vegetables (fresh)</b>				Whole product
0260010		Beans (with pods)	<i>Phaseolus vulgaris</i>	Green bean/French beans/snap beans, scarlet runner bean, slicing bean, yard long beans, guar beans, soya beans	
0260020		Beans (without pods)	<i>Phaseolus vulgaris</i>	Broad beans, flageolets, jack bean, lima bean, cowpea	
0260030		Peas (with pods)	<i>Pisum sativum</i>	Mangetout/sugar peas/snow peas	
0260040		Peas (without pods)	<i>Pisum sativum</i>	Garden pea, green pea, chickpea	
0260050		Lentils <sup>(4)</sup>	<i>Lens culinaris</i> syn. <i>L. esculenta</i>		
0260990		Others <sup>(3)</sup>			
0270000	(vii) <b>Stem vegetables (fresh)</b>				Whole product after removal of decayed tissue, soil and roots
0270010		Asparagus	<i>Asparagus officinalis</i>		
0270020		Cardoons	<i>Cynara cardunculus</i>	<i>Borago officinalis</i> stems	
0270030		Celery	<i>Apium graveolens</i> var. <i>dulce</i>		

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0270040		Fennel	<i>Foeniculum vulgare</i>		
0270050		Globe artichokes	<i>Cynara scolymus</i>	Banana flower	Whole flower head including receptacle
0270060		Leek	<i>Allium porrum</i>		
0270070		Rhubarb	<i>Rheum x hybridum</i>		Stalks after removal of roots and leaves
0270080		Bamboo shoots <sup>(4)</sup>	<i>Bambusa vulgaris</i>		
0270090		Palm hearts <sup>(4)</sup>	<i>Euterpa oleracea</i> , <i>Cocos nucifera</i> , <i>Bactris gasipaes</i> , <i>Daemonorops jenkinsiana</i>		
0270990		Others <sup>(4)</sup>			
0280000	(viii) <b>Fungi</b>				Whole product after removal of soil or growing medium
0280010		Cultivated fungi		Common mushroom <sup>(4)</sup> , oyster mushroom, shiitake <sup>(4)</sup> , fungus mycelium (vegetative parts)	
0280020		Wild fungi <sup>(4)</sup>		Chanterelle, truffle, morel, cep	
0280990		Others <sup>(3)</sup>			
0290000	(ix) <b>Sea weeds</b> <sup>(4)</sup>				Whole product after removal of decayed leaves
0300000	<b>3. PULSES, DRY</b>				Dry seeds
0300010		Beans	<i>Phaseolus vulgaris</i>	Broad beans, navy beans, flageolets, jack beans, lima beans, field beans, cowpeas	
0300020		Lentils	<i>Lens culinaris</i> syn. <i>L. esculenta</i>		
0300030		Peas	<i>Pisum sativum</i>	Chickpeas, field peas, chickling vetch	
0300040		Lupins <sup>(4)</sup>	<i>Lupinus</i> spp.		
0300990		Others <sup>(3)</sup>			

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0400000	<b>4. OILSEEDS AND OILFRUITS</b>				Whole product after removal of shell, stone and husk when possible
0401000	(i) <b>Oilseeds</b>				
0401010		Linseed	<i>Linum usitatissimum</i>		
0401020		Peanuts	<i>Arachis hypogaea</i>		
0401030		Poppy seed	<i>Papaver somniferum</i>		
0401040		Sesame seed	<i>Sesamum indicum</i> syn. <i>S. orientale</i>		
0401050		Sunflower seed	<i>Helianthus annuus</i>		
0401060		Rape seed	<i>Brassica napus</i>	Bird rapeseed, turnip rape	
0401070		Soya bean	<i>Glycine max</i>		
0401080		Mustard seed	<i>Brassica nigra</i>		
0401090		Cotton seed	<i>Gossypium</i> spp.		Undelinted
0401100		Pumpkin seeds <sup>(4)</sup>	<i>Cucurbita pepo</i> var. <i>oleifera</i>	Other seeds of <i>Cucurbitaceae</i>	
0401110		Safflower <sup>(4)</sup>	<i>Carthamus tinctorius</i>		
0401120		Borage <sup>(4)</sup>	<i>Borago officinalis</i>	Purple viper's bugloss/Canary flower ( <i>Echium plantagineum</i> ) Corn Gromwell ( <i>Buglossoides arvensis</i> )	
0401130		Gold of pleasure <sup>(4)</sup>	<i>Camelina sativa</i>		
0401140		Hempseed <sup>(4)</sup>	<i>Cannabis sativa</i>		
0401150		Castor bean	<i>Ricinus communis</i>		
0401990		Others <sup>(3)</sup>			
0402000	(ii) <b>Oilfruits</b>				
0402010		Olives for oil production <sup>(4)</sup>	<i>Olea europaea</i>		Whole fruit after removal of stems (if any) after removal of soil (if any)

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0402020		Palm nuts (palmoil kernels) <sup>(4)</sup>	<i>Elaeis guineensis</i>		
0402030		Palmfruit <sup>(4)</sup>	<i>Elaeis guineensis</i>		
0402040		Kapok <sup>(4)</sup>	<i>Ceiba pentandra</i>		
0402990		Others <sup>(3)</sup>			
0500000	<b>5. CEREALS</b>				Whole grains
0500010		Barley	<i>Hordeum</i> spp.		
0500020		Buckwheat	<i>Fagopyrum esculentum</i>	Amaranthus, quinoa	
0500030		Maize	<i>Zea mays</i>		
0500040		Millet <sup>(4)</sup>	<i>Panicum</i> spp.	Foxtail millet, teff, finger millet, pearl millet	
0500050		Oats	<i>Avena sativa</i>		
0500060		Rice	<i>Oryza sativa</i>	Indian/wild rice ( <i>Zizania aquatica</i> )	
0500070		Rye	<i>Secale cereale</i>		
0500080		Sorghum <sup>(4)</sup>	<i>Sorghum</i> spp.		
0500090		Wheat	<i>Triticum aestivum</i> , <i>T. durum</i>	Spelt, triticale	
0500990		Others <sup>(3)</sup>		Canary grass seeds ( <i>Phalaris canariensis</i> ),	
0600000	<b>6. TEA, COFFEE, HERBAL INFUSIONS AND COCOA</b>				
0610000	(i) <b>Tea</b>	Tea	<i>Camellia sinensis</i>		dried leaves, stalks and flowers of <i>Camellia sinensis</i> , fermented or otherwise treated
0620000	(ii) <b>Coffee beans</b> <sup>(4)</sup>		<i>Coffea arabica</i> , <i>Coffea canephora</i> , <i>Coffea. liberica</i>		Green beans
0630000	(iii) <b>Herbal infusions</b> <sup>(4)</sup> , <sup>(6)</sup> <b>(dried)</b>				

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0631000	(a) Flowers				Whole flowers after removal of stalks and decayed leaves
0631010		Camomille flowers	<i>Matricaria recutita</i> , <i>Chamaemelum nobile</i>		
0631020		Hybiscus flowers	<i>Hibiscus sabdariffa</i>		
0631030		Rose petals	<i>Rosa</i> spp.		
0631040		Jasmine flowers	<i>Jasminum officinale</i>	Elderflowers ( <i>Sambucus nigra</i> )	
0631050		Lime (linden)	<i>Tilia cordata</i>		
0631990		Others <sup>(3)</sup>			
0632000	(b) Leaves				Whole product after removal of roots and decayed leaves
0632010		Strawberry leaves	<i>Fragaria</i> spp.		
0632020		Rooibos leaves	<i>Aspalathus</i> spp.	Ginkgo leaves	
0632030		Maté	<i>Ilex paraguariensis</i>		
0632990		Others <sup>(3)</sup>			
0633000	(c) Roots				Whole product after removal of tops and adhering soil
0633010		Valerian root	<i>Valeriana officinalis</i>		
0633020		Ginseng root	<i>Panax ginseng</i>		
0633990		Others <sup>(3)</sup>			
0639000	(d) Other herbal infusions				
0640000	(iv) <b>Cocoabeans</b> <sup>(4)</sup> , <b>(fermented or dried)</b>		<i>Theobroma cacao</i>		Green beans
0650000	(v) <b>Carob</b> <sup>(4)</sup> <b>(st johns bread)</b>		<i>Ceratonina siliqua</i>		Whole product after removal of stems or the crown

Code number <sup>(1)</sup>	Groups to which the MRLs apply	Examples of individual products within the groups to which the MRLs apply	Scientific Name <sup>(2)</sup>	Examples of related varieties or other products to which the same MRL applies	Parts of the products to which the MRLs apply
0700000	<b>7. HOPS (dried),</b>		<i>Humulus lupulus</i>		Dried cones including hop pellets and unconcentrated powder
0800000	<b>8. SPICES <sup>(4)</sup></b>				Whole product, dry
0810000	<b>(i) Seeds</b>				
0810010		Anise	<i>Pimpinella anisum</i>		
0810020		Black caraway	<i>Nigella sativa</i>		
0810030		Celery seed	<i>Apium graveolens</i>	Lovage seed	
0810040		Coriander seed	<i>Coriandrum sativum</i>		
0810050		Cumin seed	<i>Cuminum cyminum</i>		
0810060		Dill seed	<i>Anethum graveolens</i>		
0810070		Fennel seed	<i>Foeniculum vulgare</i>		
0810080		Fenugreek	<i>Trigonella foenum-graecum</i>		
0810090		Nutmeg	<i>Myristica fragans</i>		
0810990		Others <sup>(3)</sup>			
0820000	<b>(ii) Fruits and berries</b>				
0820010		Allspice	<i>Pimenta dioica</i>		
0820020		Sichuan pepper (Anise pepper, Japan pepper)	<i>Zanthoxylum piperitum</i>		
0820030		Caraway	<i>Carum carvi</i>		
0820040		Cardamom	<i>Elettaria cardamomum</i>		
0820050		Juniper berries	<i>Juniperus communis</i>		
0820060		Pepper, black, green and white	<i>Piper nigrum</i>	Long pepper, pink pepper	

Code number <sup>(1)</sup>	Groups to which the MRLs apply	Examples of individual products within the groups to which the MRLs apply	Scientific Name <sup>(2)</sup>	Examples of related varieties or other products to which the same MRL applies	Parts of the products to which the MRLs apply
0820070		Vanilla pods	<i>Vanilla fragrans</i> syn. <i>Vanilla planifolia</i>		
0820080		Tamarind	<i>Tamarindus indica</i>		
0820990		Others <sup>(3)</sup>			
0830000	(iii) <b>Bark</b>				
0830010		Cinnamon	<i>Cinnamomum</i> spp.	Cassia	
0830990		Others <sup>(3)</sup>			
0840000	(iv) <b>Roots or rhizome</b>				
0840010		Liquorice	<i>Glycyrrhiza glabra</i>		
0840020		Ginger	<i>Zingiber officinale</i>		
0840030		Turmeric (Curcuma)	<i>Curcuma</i> spp.		
0840040		Horseradish	<i>Armoracia rusticana</i>		
0840990		Others <sup>(3)</sup>			
0850000	(v) <b>Buds</b>				
0850010		Cloves	<i>Syzygium aromaticum</i>		
0850020		Capers	<i>Capparis spinosa</i>		
0850990		Others <sup>(3)</sup>			
0860000	(vi) <b>Flower stigma</b>				
0860010		Saffron	<i>Crocus sativus</i>		
0860990		Others <sup>(3)</sup>			
0870000	(vii) <b>Aril</b>				
0870010		Mace	<i>Myristica fragrans</i>		
0870990		Others <sup>(3)</sup>			

Code number <sup>(1)</sup>	Groups to which the MRLs apply	Examples of individual products within the groups to which the MRLs apply	Scientific Name <sup>(2)</sup>	Examples of related varieties or other products to which the same MRL applies	Parts of the products to which the MRLs apply
0900000	<b>9. SUGAR PLANTS <sup>(4)</sup></b>				
0900010		Sugar beet (root)	<i>Beta vulgaris</i> subsp. <i>vulgaris</i> var. <i>altissima</i>		Whole product after removal of tops and adhering soil
0900020		Sugar cane	<i>Saccharum officinarum</i>		Whole product after removal of decayed tissue, soil and roots
0900030		Chicory <sup>(4)</sup> roots	<i>Cichorium intybus</i>		Whole product after removal of tops and adhering soil
0900990		Others <sup>(3)</sup>			
1000000	<b>10. PRODUCTS OF ANIMAL ORIGIN-TERRESTRIAL ANIMALS</b>				
1010000	<b>(i) Tissue</b>				Whole product
1011000	(a) Swine		<i>Sus scrofa</i>		
1011010		Muscle			Meat after removal of trimmable fat
1011020		Fat			
1011030		Liver			
1011040		Kidney			
1011050		Edible offal			
1011990		Others <sup>(3)</sup>			
1012000	(b) Bovine		<i>Bos</i> spp.		
1012010		Muscle			Meat after removal of trimmable fat
1012020		Fat			
1012030		Liver			
1012040		Kidney			
1012050		Edible offal			
1012990		Others <sup>(3)</sup>			

Code number <sup>(1)</sup>	Groups to which the MRLs apply	Examples of individual products within the groups to which the MRLs apply	Scientific Name <sup>(2)</sup>	Examples of related varieties or other products to which the same MRL applies	Parts of the products to which the MRLs apply
1013000	(c) Sheep		<i>Ovis aries</i>		
1013010		Muscle			Meat after removal of trimmable fat
1013020		Fat			
1013030		Liver			
1013040		Kidney			
1013050		Edible offal			
1013990		Others <sup>(3)</sup>			
1014000	(d) Goat		<i>Capra hircus</i>		
1014010		Muscle			Meat after removal of trimmable fat
1014020		Fat			
1014030		Liver			
1014040		Kidney			
1014050		Edible offal			
1014990		Others <sup>(3)</sup>			
1015000	(e) Horses, asses, mules or hinnies		<i>Equus spp.</i>		
1015010		Muscle			Meat after removal of trimmable fat
1015020		Fat			
1015030		Liver			
1015040		Kidney			
1015050		Edible offal			
1015990		Others <sup>(3)</sup>			

Code number <sup>(1)</sup>	Groups to which the MRLs apply	Examples of individual products within the groups to which the MRLs apply	Scientific Name <sup>(2)</sup>	Examples of related varieties or other products to which the same MRL applies	Parts of the products to which the MRLs apply
1016000	(f) Poultry -chicken, geese, duck, turkey and Guinea fowl-, ostrich, pigeon		<i>Gallus gallus</i> , <i>Anser anser</i> , <i>Anas platyrhynchos</i> , <i>Meleagris gallopavo</i> , <i>Numida meleagris</i> , <i>Coturnix coturnix</i> , <i>Struthio camelus</i> , <i>Columba</i> spp.		
1016010		Muscle			Meat after removal of trimmable fat
1016020		Fat			
1016030		Liver			
1016040		Kidney			
1016050		Edible offal			
1016990		Others <sup>(3)</sup>			
1017000	(g) Other farm animals			Rabbit, kangaroo, deer	
1017010		Muscle			Meat after removal of trimmable fat
1017020		Fat			
1017030		Liver			
1017040		Kidney			
1017050		Edible offal			
1017990		Others <sup>(3)</sup>			
1020000	(ii) <b>Milk</b>				Whole product based on a fat content of 4 % by weight <sup>(7)</sup>
1020010		Cattle			
1020020		Sheep			
1020030		Goat			
1020040		Horse			

Code number <sup>(1)</sup>	Groups to which the MRLs apply	Examples of individual products within the groups to which the MRLs apply	Scientific Name <sup>(2)</sup>	Examples of related varieties or other products to which the same MRL applies	Parts of the products to which the MRLs apply
1020990		Others <sup>(3)</sup>			
1030000	(iii) <b>Bird eggs</b>				Whole product after removal of the shell <sup>(8)</sup>
1030010		Chicken			
1030020		Duck			
1030030		Goose			
1030040		Quail			
1030990		Others <sup>(3)</sup>			
1040000	(iv) <b>Honey</b>		<i>Apis mellifera</i> , <i>Melipona</i> spp.	Royal jelly, pollen, honey comb with honey (comb honey)	Whole product
1050000	(v) <b>Amphibians and reptiles</b>		<i>Rana</i> spp. <i>Crocodilia</i> spp.	Frog legs, crocodiles	
1060000	(vi) <b>Snails</b>		<i>Helix</i> spp.		Whole product after removal of the shell
1070000	(vii) <b>Other terrestrial animal products</b>			Wild game	Meat after removal of trimmable fat
1100000	<b>11. FISH, FISH PRODUCTS, SHELL FISH, MOLLUSCS AND OTHER MARINE AND FRESHWATER FOOD PRODUCTS <sup>(9)</sup></b>				
1200000	<b>12. CROPS OR PARTS OF CROPS EXCLUSIVELY USED FOR ANIMAL FEED <sup>(9)</sup></b>				

<sup>(1)</sup> The code number is introduced by this Annex and is intended to set a classification under this and other related Annexes to Regulation (EC) No 396/2005.

<sup>(2)</sup> The scientific name of the items listed in the column 'Examples of individual products within the groups to which the MRLs apply', where possible and relevant, is mentioned. As much as possible the International System of Nomenclature for Cultivated Plants is followed.

<sup>(3)</sup> The word 'others' covers anything not explicitly mentioned under the rest of the codes within 'Groups to which the MRLs apply'.

<sup>(4)</sup> MRLs in Annexes II and III for the product do not apply to products or parts of the product used exclusively as ingredients for animal feed, until separate MRLs will be applicable.

<sup>(5)</sup> As of 1 January 2017 the MRLs shall apply also to kohlrabi leaves.

<sup>(6)</sup> As long as not specified in other commodity groups.

<sup>(7)</sup> In all cases the MRL values are expressed as mg/kg of raw milk.

Where the residue definition is marked as fat soluble (by letter F) the MRL is based on raw cow milk with a fat content of 4 % by weight; for raw milk of other species the MRL value shall be adjusted proportionally according to the fat content of the raw milk of that species.

<sup>(8)</sup> In all cases the MRL values are expressed as mg/kg of eggs.

Where the residue definition is marked as fat soluble (with F) the MRL is based on hens eggs with a fat content of 10 % by weight; for eggs of other species the MRL value shall be adjusted proportionally according to the fat content of the eggs of that species, if the fat content is higher than 10 % by weight.

<sup>(9)</sup> MRLs not applicable until the individual products are identified and listed.

**COMMISSION IMPLEMENTING REGULATION (EU) No 213/2013****of 11 March 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) <sup>(1)</sup>,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

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

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

Done at Brussels, 11 March 2013.

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

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

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

## ANNEX

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

(EUR/100 kg)		
CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	IL	120,3
	MA	74,5
	TN	96,9
	TR	111,0
	ZZ	100,7
0707 00 05	EG	191,6
	MA	170,1
	TR	167,5
	ZZ	176,4
0709 93 10	MA	53,0
	TR	149,2
	ZZ	101,1
0805 10 20	EG	54,2
	IL	73,3
	MA	92,7
	TN	59,6
	TR	73,8
	ZZ	70,7
0805 50 10	TR	76,2
	ZZ	76,2
0808 10 80	AR	116,3
	BR	93,6
	CL	118,1
	CN	76,1
	MK	28,7
	US	163,9
0808 30 90	ZZ	99,5
	AR	126,6
	CL	125,1
	TR	167,1
	US	191,0
	ZA	115,4
	ZZ	145,0

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

# DIRECTIVES

## COMMISSION DIRECTIVE 2013/9/EU

of 11 March 2013

### amending Annex III to Directive 2008/57/EC of the European Parliament and of the Council on the interoperability of the rail system within the Community

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to 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 <sup>(1)</sup>, and in particular Article 30(3) thereof,

Whereas:

- (1) Measures designed to amend non-essential elements of Directive 2008/57/EC and relating to the adaptation of Annexes II to IX to that Directive are to be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 29(4) of Directive 2008/57/EC.
- (2) The United Nations Convention on the Rights of Persons with Disabilities, to which the European Union is a party <sup>(2)</sup>, establishes, in Article 3, accessibility as one of its general principles and requires, in Article 9, that States Parties take appropriate measures to ensure to persons with disabilities access on an equal basis with others. These measures shall include the identification and elimination of obstacles and barriers to accessibility and shall apply, inter alia, to transportation. In accordance with Article 216(2) TFEU, agreements concluded by the Union are binding upon the institutions of the Union and on its Member States, and Directive 2008/57/EC — as an instrument of European Union secondary legislation — is subject to the obligations deriving from the Convention.
- (3) Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations <sup>(3)</sup> states in recital 10 that disabled persons and persons with reduced mobility have the same right as all other citizens to

free movement, freedom of choice and non-discrimination and should have opportunities for rail travel comparable to those of other citizens. Article 21 of the Regulation requires railway undertakings and station managers to ensure, through compliance with the TSI for persons with reduced mobility, that stations, platforms, rolling stock and other facilities are accessible to disabled persons and persons with reduced mobility.

- (4) An adaptation of Annex III to Directive 2008/57/EC is necessary in order to include therein an explicit reference to accessibility. Accessibility is an essential requirement that is both a general requirement for the interoperability of the rail system and applies specifically to the infrastructure, rolling stock, operations and telematics applications for passengers' subsystems. Annex III to Directive 2008/57/EC should therefore be amended accordingly.
- (5) The measures provided for in this Directive do not in any way affect the principle of gradual implementation set out in Directive 2008/57/EC, notably that target subsystems indicated in a TSI may be obtained gradually within a reasonable timescale and that each TSI should indicate an implementation strategy in order to make a gradual transition from the existing situation to the final situation in which compliance with the TSI will be the norm.
- (6) The measures provided for in this Directive are consistent with an approach to achieving access on an equal basis by applying technical solutions or operational measures or both.
- (7) The measures provided for in this Directive are in accordance with the opinion of the Committee established pursuant to Article 29(1) of Directive 2008/57/EC,

HAS ADOPTED THIS DIRECTIVE:

#### Article 1

Annex III to Directive 2008/57/EC, which sets out Essential Requirements, is hereby amended as follows:

<sup>(1)</sup> OJ L 191, 18.7.2008, p. 1.

<sup>(2)</sup> Council Decision 2010/48/EC of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities (OJ L 23, 27.1.2010, p. 35).

<sup>(3)</sup> OJ L 315, 3.12.2007, p. 14.

(1) the following paragraphs shall be added to Section 1:

‘1.6. *Accessibility*

1.6.1. The “infrastructure” and “rolling stock” subsystems must be accessible to persons with disabilities and persons with reduced mobility in order to ensure access on an equal basis with others by way of the prevention or removal of barriers, and by way of other appropriate measures. This shall include the design, construction, renewal, upgrade, maintenance and operation of the relevant parts of the subsystems to which the public has access.

1.6.2. The “operations” and “telematics applications for passengers” subsystems must provide for the necessary functionality required to facilitate access to persons with disabilities and persons with reduced mobility on an equal basis with others by way of the prevention or removal of barriers, and by way of other appropriate measures.’;

(2) the following paragraph shall be added to subparagraph 1 of Section 2:

‘2.1.2. *Accessibility*

2.1.2.1. Infrastructure subsystems to which the public has access must be accessible to persons with disabilities and persons with reduced mobility in accordance with 1.6.’;

(3) the following paragraph shall be added to subparagraph 4 of Section 2:

‘2.4.5. *Accessibility*

2.4.5.1. Rolling stock subsystems to which the public has access must be accessible to persons with disabilities and persons with reduced mobility in accordance with 1.6.’;

(4) the following paragraph shall be added to subparagraph 6 of Section 2:

‘2.6.4. *Accessibility*

2.6.4.1. Appropriate steps must be taken to ensure that operating rules provide for the necessary functionality required to ensure accessibility for persons with disabilities and persons with reduced mobility.’;

(5) the following paragraph shall be added to subparagraph 7 of Section 2:

‘2.7.5. *Accessibility*

2.7.5.1. Appropriate steps must be taken to ensure that telematics applications for passengers subsystems provide for the necessary functionality required to ensure accessibility for persons with disabilities and persons with reduced mobility.’

*Article 2*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 2014 at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

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

3. The obligations for transposition and implementation of this Directive shall not apply to the Republic of Cyprus and the Republic of Malta for as long as no railway system is established within their territories.

*Article 3*

This Directive shall enter into force on the twentieth 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, 11 March 2013.

*For the Commission*

*The President*

José Manuel BARROSO

# DECISIONS

## COUNCIL DECISION 2013/124/CFSP

of 11 March 2013

### amending Decision 2011/235/CFSP concerning restrictive measures directed against certain persons and entities in view of the situation in Iran

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Whereas:

- (1) On 12 April 2011, the Council adopted Decision 2011/235/CFSP <sup>(1)</sup>.
- (2) On the basis of a review of Decision 2011/235/CFSP, the restrictive measures should be renewed until 13 April 2014.
- (3) Furthermore, in view of the gravity of the human rights situation in Iran, additional persons and an additional entity should be included in the list of persons and entities subject to restrictive measures as set out in the Annex to Decision 2011/235/CFSP.
- (4) Decision 2011/235/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

#### *Article 1*

Article 6(2) of Decision 2011/235/CFSP is replaced by the following:

'2. This Decision shall apply until 13 April 2014. It shall be kept under constant review. It shall be renewed or amended, as appropriate, if the Council deems that its objectives have not been met.'

#### *Article 2*

The persons and the entity listed in the Annex to this Decision shall be added to the list set out in the Annex to Decision 2011/235/CFSP.

#### *Article 3*

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

Done at Brussels, 11 March 2013.

*For the Council*  
*The President*  
C. ASHTON

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<sup>(1)</sup> OJ L 100, 14.4.2011, p. 51.

## ANNEX

## List of the persons and the entity referred to in Article 2

## Persons

	Name	Identifying information	Reasons	Date of listing
1.	RASHIDI AGHDAM, Ali Ashraf		Head of Evin Prison, appointed around June/July 2012. Since his appointment, conditions in the prison deteriorated and reports referenced intensified ill-treatment of prisoners. In October 2012, nine female prisoners went on hunger strike in protest of the violation of their rights and violent treatment by prison guards.	12.3.2013
2.	KIASATI Morteza		Judge of the Ahwaz Revolutionary Court, Branch 4, imposed death sentences on four Arab political prisoners, Taha Heidarian, Abbas Heidarian, Abd al-Rahman Heidarian (three brothers) and Ali Sharifi.  They were arrested, tortured and hanged without due process. These cases and the lack of due process were referenced in a report dated 13/09/12 by the UN Special Rapporteur on human rights in Iran, the UN Secretary General's report on Iran of 22/08/12, and by various NGOs.	12.3.2013
3.	MOUSSAVI, Seyed Mohammad Bagher		Ahwaz Revolutionary Court judge, Branch 2, imposed death sentences on five Ahwazi Arabs, Mohammad Ali Amouri, Hashem Sha'bani Amouri, Hadi Rashedi, Sayed Jaber Alboshoka, Sayed Mokhtar Alboshoka, on 17/3/12 for "activities against national security" and "enmity against God".  The sentences were upheld by Iran's Supreme Court on 9/01/13. The five were reported by NGOs to have been arrested without charge for over a year, tortured and sentenced without due process.	12.3.2013
4.	SARAFRAZ, Mohammad (Dr.)  (aka: Haj-agma Sarafraz)	Date of Birth: appr. 1963  Place of Birth: Tehran  Place of Residence: Tehran  Place of Work: IRIB and PressTV HQ, Tehran	Head of IRIB World Service and Press TV, responsible for all programming decisions. Closely associated with the state security apparatus. Under his direction Press TV, along with IRIB, has worked with the Iranian security services and prosecutors to broadcast forced confessions of detainees, including that of Iranian-Canadian journalist and film-maker Maziar Bahari, in the weekly programme "Iran Today". Independent broadcast regulator OFCOM fined Press TV in the UK GBP 100,000 for broadcasting Bahari's confession in 2011, which was filmed in prison whilst Bahari was under duress.  Sarafraz therefore is associated with violating the right to due process and fair trial.	12.3.2013
5.	JAFARI, Asadollah		Prosecutor of Mazandaran Province, reported by NGOs to be responsible for illegal arrests and violations of the rights of Baha'i detainees from initial arrest to keeping them in solitary confinement in the Intelligence Detention Centre. Six concrete examples of cases where due process was violated are documented by NGOs, including in 2011 and 2012.	12.3.2013

	Name	Identifying information	Reasons	Date of listing
6.	EMADI, Hamid Reza  (aka: Hamidreza Emadi)	Date of Birth: appr. 1973  Place of Birth: Hamedan  Place of residence: Tehran  Place of work: Press TV HQ, Tehran	Press TV Newsroom Director. Responsible for producing and broadcasting the forced confessions of detainees, including journalists, political activists, persons belonging to Kurdish and Arab minorities, violating internationally recognised rights to a fair trial and due process. Independent broadcast regulator OFCOM fined Press TV in the UK GBP 100,000 for broadcasting the forced confession of Iranian-Canadian journalist and film-maker Maziar Bahari in 2011, which was filmed in prison whilst Bahari was under duress. NGOs have reported further instances of forced televised confessions by Press TV. Emadi is therefore associated with violating the right to due process and fair trial.	12.3.2013
7.	HAMBAR, Rahim		Judge of Branch 1 of Tabriz Revolutionary Court. Responsible for heavy sentences against journalists and Azeri ethnic minority and workers' rights activists, accusing them of spying, acts against national security, propaganda against the Iranian regime and insulting the leader of Iran. His judgments reportedly did not follow due process on many occasions and detainees were forced into false confessions. A high profile case involved 20 volunteer earthquake relief workers (following an earthquake in Iran in August 2012) to whom he gave prison sentences for their attempts to assist earthquake victims. The court found the workers guilty of "collaboration in assembly and collusion to commit crimes against national security."	12.3.2013
8.	MUSAVI-TABAR, Seyyed Reza		Head of the Revolutionary Prosecution of Shiraz. Responsible for illegal arrests and ill treatment of political activists, journalists, human rights defenders, Baha'is and prisoners of conscience, who were harassed, tortured, interrogated and denied access to lawyers and due process. NGOs reported that Musavi-Tabar signed judicial orders in the notorious No 100 Detention Centre (a male prison), including an order to detain female Baha'i prisoner Raha Sabet for three years in solitary confinement.	12.3.2013
9.	KHORAMABADI, Abdolsamad	Head of "Commission to Determine the Instances of Criminal Content".	Abdolsamad Khoramabadi is Head of the "Commission to Determine the Instances of Criminal Content", a governmental organization in charge of online censorship and cyber crime. Under his leadership the Commission defined "cybercrime" by a number of vague categories that criminalize creation and publication of content deemed inappropriate by the regime. He is responsible for repression and the blocking of numerous opposition sites, electronic newspapers, blogs, sites of human rights NGOs and of Google and Gmail since September 2012. He and the Commission actively contributed to the death in detention of the blogger Sattar Beheshti in November 2012. Thus the Commission he is heading is directly responsible for systemic violations of human rights, in particular by banning and filtering websites to the general public, and occasionally disabling Internet access altogether.	12.3.2013

## Entities

	Name	Identifying information	Reasons	Date of listing
1.	Center to Investigate Organized Crime (aka: Cyber Crime Office or Cyber Police)	Location: Tehran, Iran  Website: <a href="http://www.cyberpolice.ir">http://www.cyberpolice.ir</a>	<p>The Iranian Cyber Police is a unit of the Islamic Republic of Iran Police, founded in January 2011, which is headed by Esmail Ahmadi-Moqaddam (listed). According to press reports police chief Ahmadi-Moqaddam underlined that the Cyber Police would take on anti-revolutionary and dissident groups who used Internet-based social networks in 2009 to trigger protests against the re-election of President Mahmoud Ahmadinejad.</p> <p>In January 2012, the Cyber Police issued new guidelines for Internet cafés, requiring users to provide personal information that would be kept by café owners for six months, as well as a record of the websites they visited. The rules also require café owners to install closed-circuit television cameras and maintain the recordings for six months. These new rules may create a logbook that authorities can use to track down activists or whomever is deemed a threat to national security.</p> <p>In June 2012, Iranian media reported that the Cyber Police would be launching a crack down on virtual private networks (VPNs).</p> <p>On October 30, 2012, the Cyber Police arrested the blogger Sattar Beheshti (reportedly without a warrant) for "actions against national security on social networks and Facebook." Beheshti had criticized the Iranian government in his blog. Beheshti was found dead in his prison cell on November 3, and is believed to have been tortured to death by the Cyber Police authorities.</p>	12.3.2013



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