

# Official Journal

## of the European Union

L 202



English edition

Legislation

Volume 56

27 July 2013

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Price: EUR 3

(Continued overleaf)

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

EN

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

## II

*(Non-legislative acts)*

## INTERNATIONAL AGREEMENTS

**Information relating to the entry into force of the Agreement between the European Union and Ukraine amending the Agreement between the European Community and Ukraine on the facilitation of the issuance of visas**

The Agreement between the European Union and Ukraine amending the Agreement between the European Community and Ukraine on the facilitation of the issuance of visas entered into force on 1 July 2013, the procedure provided for in Article 2 of the Agreement having been completed on 13 May 2013.

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**Information relating to the entry into force of the Agreement between the European Union and the Republic of Moldova amending the Agreement between the European Community and the Republic of Moldova on the facilitation of the issuance of visas**

The Agreement between the European Union and the Republic of Moldova amending the Agreement between the European Community and the Republic of Moldova on the facilitation of the issuance of visas entered into force on 1 July 2013, the procedure provided for in Article 2 of the Agreement having been completed on 14 May 2013.

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# REGULATIONS

## COUNCIL IMPLEMENTING REGULATION (EU) No 721/2013

of 22 July 2013

**amending Implementing Regulation (EU) No 405/2011 imposing a definitive countervailing duty and collecting definitively the provisional duty imposed on imports of certain stainless steel bars and rods originating in India**

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 597/2009 of 11 June 2009 on protection against subsidised imports from countries not members of the European Community <sup>(1)</sup> ('the basic Regulation'), and in particular Article 19 thereof,

Having regard to the proposal submitted by the European Commission after consulting the Advisory Committee,

Whereas:

### 1. PROCEDURE

#### 1.1. Previous investigation and existing countervailing measures

- (1) In April 2011, by Implementing Regulation (EU) No 405/2011 <sup>(2)</sup> ('the definitive Regulation'), the Council imposed a definitive countervailing duty on imports of certain stainless steel bars and rods ('SSB') currently falling within CN codes 7222 20 21, 7222 20 29, 7222 20 31, 7222 20 39, 7222 20 81 and 7222 20 89 and originating in India. The investigation, which led to the adoption of the definitive Regulation, is hereinafter referred to as 'the original investigation'.
- (2) The definitive measures consisted of *ad valorem* countervailing duties, ranging between 3,3 % and 4,3 % imposed on imports from individually named exporters, a 4,0 % duty rate imposed on non-sampled cooperating companies and a residual duty rate of 4,3 % imposed on all other companies in India.

#### 1.2. Initiation of a partial interim review

- (3) A request for a partial interim review was lodged by Viraj Profiles Vpl. Ltd, an exporting producer located in India ('the applicant'). The request was limited in scope to the

examination of subsidisation as far as the applicant was concerned. The applicant had provided *prima facie* evidence that the circumstances with regard to subsidisation on the basis of which measures were imposed had changed significantly and that those changes were of a lasting nature.

- (4) Having determined, after consulting the Advisory Committee, that sufficient evidence existed to justify the initiation of a partial interim review, the Commission announced on 9 August 2012, by a notice published in the *Official Journal of the European Union* <sup>(3)</sup> ('notice of initiation'), the initiation of a partial interim review, in accordance with Article 19 of the basic Regulation, limited to the examination of subsidisation in respect of the applicant.

#### 1.3. Review investigation period

- (5) The review investigation of subsidisation covered the period from 1 July 2011 to 30 June 2012 ('the review investigation period' or 'RIP').

#### 1.4. Parties concerned by the investigation

- (6) The Commission officially informed the applicant, the Government of India ('the GOI') and Eurofer as the representative of the Union industry in the original investigation ('the Union industry'), of the initiation of the partial interim review investigation. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set out in the notice of initiation.
- (7) The written and oral comments submitted by the parties at the stage of initiation were considered and, where appropriate, taken into account.

- (8) In order to obtain the information necessary for its investigation, the Commission sent a questionnaire to the applicant. In addition, a questionnaire was sent to the GOI.

<sup>(1)</sup> OJ L 188, 18.7.2009, p. 93.

<sup>(2)</sup> OJ L 108, 28.4.2011, p. 3.

<sup>(3)</sup> OJ C 239, 9.8.2012, p. 2.

- (9) Replies to the questionnaire were received from the applicant and from the GOI.
- (10) The Commission sought and verified all information it deemed necessary for the determination of subsidisation. Verification visits were carried out at the premises of the applicant.

## 2. PRODUCT CONCERNED

- (11) The product under review is the same product as the one defined in the original investigation, namely stainless steel bars and rods, not further worked than cold-formed or cold finished, other than bars and rods of circular cross-section of a diameter of 80 mm or more, currently falling within CN codes 7222 20 21, 7222 20 29, 7222 20 31, 7222 20 39, 7222 20 81 and 7222 20 89 and originating in India.

## 3. SUBSIDISATION

### 3.1. Introduction

- (12) On the basis of the information submitted by the GOI and interested parties and the replies to the Commission's questionnaire, the following schemes allegedly used by applicant were investigated:

- (a) Export Promotion Capital Goods Scheme (EPCGS);
- (b) Export Oriented Units Scheme (EOU);
- (c) Export Credit Scheme (ECS);

- (13) Schemes (a) and (b) are based on the Foreign Trade (Development and Regulation) Act 1992 (No 22 of 1992) which entered into force on 7 August 1992 ('Foreign Trade Act'). The Foreign Trade Act authorises the GOI to issue notifications regarding the export and import policy. These are summarised in a document called 'Foreign Trade Policy' documents, issued by the Ministry of Commerce every five years and updated regularly. The Foreign Trade Policy document relevant to the RIP is the 'Foreign Trade Policy 2009-2014' ('FTP 09-14'). In addition, the GOI also sets out the procedures governing the FTP 09-14 in a 'Handbook of Procedures, Volume I' ('HOP I 09-14'), which is updated on a regular basis.

- (14) The ECS scheme specified under (c) is based on sections 21 and 35A of the Banking Regulation Act 1949, which allows the Reserve Bank of India to direct commercial banks in the field of export credits.

- (15) Furthermore, following the allegation of the Union industry, the Commission investigated whether the applicant:

- (a) was benefiting from the Electricity Duty Exemption Scheme (EDES);
- (b) was using local subsidy programmes of the State of Maharashtra;

- (c) was benefiting from provisions of inputs for less than adequate remuneration;

- (d) was benefiting from incentives related to power generation and distribution;

- (e) was benefiting from purchases of cheap raw materials from related off-shore companies.

- (16) Finally, the Commission verified that the following schemes investigated in the original investigation:

- (a) Duty Entitlement Passbook Scheme (DEPBS);
- (b) Advanced Authorization Scheme (AAS);

are still not being used by the applicant.

### 3.2. Findings

#### 3.2.1. Export Promotion Capital Goods Scheme

- (17) The investigation revealed that the applicant used this scheme during the RIP. However, it was found that the incentives received were insignificant at 0,02 %. Therefore, it was considered that it was not necessary to further evaluate the countervailability of this scheme.

#### 3.2.2. Export Oriented Unit Scheme

- (18) It was found that the applicant had the status of EOU and received the subsidies under this scheme in the RIP.

- (19) With regard to this scheme the company claimed that the Commission should deviate from the method of calculation of the benefit received under EOU used in the original investigation. The company argued that certain benefits under the EOU scheme should be treated as a permissible duty drawback scheme within the meaning of Annexes II and III of the basic Regulation and therefore they should not be countervailable.

- (20) However, since it was found that regardless of which method of calculation would be used, the subsidy rate established with respect to this scheme would not exceed 0,22 %, leading to an overall subsidy margin below *de minimis* level, it was decided not to analyse further this claim in the context of this review investigation.

#### 3.2.3. Export Credits Scheme

- (21) It was found that the applicant was not using this scheme in the RIP.

#### 3.2.4. Electricity Duty Exemption Scheme

- (22) The investigation revealed that the applicant used this scheme during the RIP. However, it was found that

the incentives received were insignificant. Therefore, it was considered that it was not necessary to further evaluate the countervailability of this scheme.

#### 3.2.5. Local Subsidy Programs of the State of Maharashtra

- (23) It was found that the applicant was not using this scheme in the RIP.

#### 3.2.6. Others

- (24) The investigation did not reveal any other benefits for the applicant in the RIP related to the terms of raw materials and energy purchases which would involve a financial contribution of the GOI and could therefore be treated as subsidies within the meaning of Article 3(1)(a)(ii) and Article 3(2) of the basic Regulation. Therefore, the allegations of the Union industry listed in the recital (15) points (c)-(e) were found irrelevant in the context of this review.

### 4. AMOUNT OF COUNTERVAILABLE SUBSIDIES

- (25) It is recalled that the original investigation established the amount of countervailable subsidies for the applicant, expressed *ad valorem*, at 4,3 %.
- (26) During the RIP, the amount of countervailable subsidies for the applicant, expressed *ad valorem*, resulting from only one subsidy scheme, was found to be 0,22 %.
- (27) Account taken of the above, it is concluded that the level of subsidisation with regard to the applicant exporting producer concerned has decreased.
- (28) It was also examined whether the changed circumstances with regard to the examined schemes could be considered to be of a lasting nature.
- (29) As mentioned above, the findings with regard to the EPCGS scheme during this interim review confirmed the findings of the original investigation where the subsidy granted under this scheme was found to be insignificant.
- (30) Moreover, while in the original investigation the main benefit to the applicant was conferred under the EOU scheme, the benefit under this scheme has dropped during the RIP. Evidence has been obtained that this change is of a lasting nature as it relates to the decreased level of customs tariffs on stainless steel scrap and ferro-nickel, two main raw materials used by the applicant for the production of the product concerned.

### 5. COUNTERVAILING MEASURES

- (31) On the basis of the above there are indications that the applicant will continue to receive subsidies in the future of an amount which is below the *de minimis* level. Hence, it is considered appropriate to amend the countervailing

duty rate applicable to the applicant in order to reflect the current level of subsidisation. Such duty rate should be established at 0 % for the applicant.

- (32) With regard to the rate of duty currently applicable to imports of the product concerned from exporting producers listed in the Annex to the definitive Regulation, it is noted that the current detailed arrangements of the investigated schemes and their countervailability have not changed with respect to the previous investigation. Thus there is no reason to re-calculate the subsidy and duty rates of these companies. Consequently, the rates of the duty applicable to the companies listed in the Annex to the definitive Regulation remain unchanged.
- (33) With regard to all other companies' duty rate, it is noted that in the original investigation its level was set at the level of the highest individual subsidy margin found for the sampled companies. That corresponded to the subsidy margin of the applicant. Given that the margin of the applicant has changed following this interim review, the all-other-companies rate should be revised and set at the next highest subsidy margin. Since the next highest rate is the one applicable to the companies listed in the Annex, the rate of duty for all other companies should be set at that level, i.e. 4 %.

### 6. DISCLOSURE

- (34) The GOI and the other interested parties were informed of the essential facts and considerations upon which it was intended to propose to amend the duty rate applicable to the applicant.
- (35) The written and oral comments submitted by the parties were considered and, where appropriate, taken into account.
- (36) All interested parties, who so requested and showed that there were particular reasons why they should be heard, were granted a hearing.

HAS ADOPTED THIS REGULATION:

#### Article 1

Paragraph 2 of Article 1 of Implementing Regulation (EU) No 405/2011 is replaced by the following:

'2. The rate of the definitive countervailing duty applicable to the net, free-at-Union-frontier price, before duty, of the product described in paragraph 1 and manufactured by the companies below shall be:

Company	Duty (%)	TARIC additional code
Chandan Steel Ltd, Mumbai	3,4	B002

Company	Duty (%)	TARIC additional code
Venus Wire Industries Pvt. Ltd, Mumbai; Precision Metals, Mumbai; Hindustan Inox Ltd, Mumbai; Sieves Manufacturer India Pvt. Ltd, Mumbai	3,3	B003
Viraj Profiles Vpl. Ltd, Thane	0	B004

Company	Duty (%)	TARIC additional code
Companies listed in the Annex	4,0	B005
All other companies	4,0	B999'

*Article 2*

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, 22 July 2013.

*For the Council*

*The President*

C. ASHTON

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**COMMISSION IMPLEMENTING REGULATION (EU) No 722/2013**  
**of 25 July 2013**  
**concerning the classification of certain goods in the Combined Nomenclature**

THE EUROPEAN COMMISSION,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

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

*Article 3*

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

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

Done at Brussels, 25 July 2013.

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

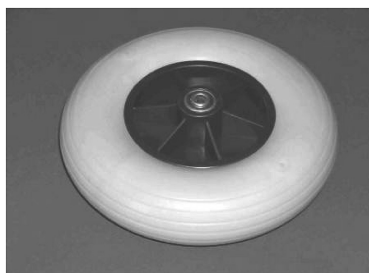
<sup>(1)</sup> OJ L 256, 7.9.1987, p. 1.

<sup>(2)</sup> OJ L 302, 19.10.1992, p. 1.

## ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>A wheel with a diameter of approximately 20 cm and a width of approximately 5 cm, consisting of a plastic rim and a solid plastic tyre.</p> <p>The rim has a central hole and a ball bearing made of carbon steel.</p> <p>The wheel can be mounted on various articles such as carriages for disabled persons, walkers/rollators and hospital beds.</p> <p>(*) see image</p>	3926 90 97	<p>Classification is determined by General Rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 3926, 3926 90 and 3926 90 97.</p> <p>The intended principal use of the wheel is not inherent to its objective characteristics, as it is equally suitable for goods of, for example, heading 8713 (carriages for disabled persons), heading 9021 (walkers/rollators) and heading 9402 (hospital beds). Classification as a part of a specific article is therefore excluded.</p> <p>The wheel is composite goods consisting of different materials (plastics and carbon steel). The component that gives the wheel its essential character is the rim made of plastics, as it contributes the most to the structure of the wheel.</p> <p>The article is therefore to be classified under CN code 3926 90 97 as other articles of plastics.</p>

(\*) The image is purely for information.



## COMMISSION REGULATION (EU) No 723/2013

of 26 July 2013

**amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of extracts of rosemary (E 392) in certain low fat meat and fish products**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives<sup>(1)</sup>, and in particular Article 10(3) thereof,

Whereas:

- (1) Annex II to Regulation (EC) No 1333/2008 lays down a Union list of food additives approved for use in foods and their conditions of use.
- (2) That list may be amended in accordance with the common procedure referred to in Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings<sup>(2)</sup>.
- (3) Pursuant to Article 3(1) of Regulation (EC) No 1331/2008, the Union list of food additives may be updated either on the initiative of the Commission or following an application.
- (4) An application for the authorisation of use of extracts of rosemary (E 392) as an antioxidant in meat preparations, low fat non-heat-treated and heat-treated processed meat and low fat processed fish and fishery products including molluscs and crustaceans was submitted on 3 February 2012 and has been made available to the Member States.
- (5) Antioxidants are substances which protect food against deterioration caused by oxidation, such as fat rancidity and colour changes. The current maximum levels of the use of extracts of rosemary (E 392) authorised in processed meat and processed fish and fishery products including molluscs and crustaceans are set according to the fat content in the respective food categories (except

for dried sausages and dehydrated meat). The allowed maximum level of use of extracts of rosemary (E 392) set according to the fat content in the respective food categories does not ensure a sufficient protection of food with low fat content since there is a critical minimum dosage of this antioxidant to achieve the desired effect. Currently, extracts of rosemary (E 392) could be used at effective dosages in the products with a higher fat content. However, also the low fat products could be subject to severe oxidation due to a high proportion of unsaturated fatty acids. Therefore, it is appropriate to set the maximum level of use of extracts of rosemary (E 392) at 15 mg/kg for products with a fat content not higher than 10 % while maintaining the allowed maximum level of 150 mg/kg expressed on fat basis for the products with a fat content higher than 10 %.

- (6) In 2008 the European Food Safety Authority ('the Authority') evaluated the safety of extracts of rosemary (E 392) when used as a food additive<sup>(3)</sup> and concluded that the proposed uses and use levels would not be of safety concern. In a conservative estimate of dietary exposure it was assumed by the Authority that the extracts of rosemary would be used at the maximum level of use (i.e. at 150 mg/kg in processed meat, poultry and fish/seafood products) in all the proposed foods in each food category. This assumption covered also non-heat-treated and heat-treated processed meat and processed fish and fishery products including molluscs and crustaceans with a fat content not higher than 10 %.
- (7) Pursuant to Article 3(2) of Regulation (EC) No 1331/2008, the Commission is to seek the opinion of the Authority in order to update the Union list of food additives set out in Annex II to Regulation (EC) No 1333/2008, except where the update in question is not liable to have an effect on human health. In view of the aforesaid Authority's opinion of 2008, setting the maximum level of use of extracts of rosemary (E 392) at 15 mg/kg for non-heat-treated and heat-treated processed meat and processed fish and fishery products including molluscs and crustaceans with a fat content not higher than 10 % constitutes an update of that list which is not liable to have an effect on human health, therefore, it is not necessary to seek the opinion of the Authority.
- (8) Following the above, Annex II to Regulation (EC) No 1333/2008 should be amended accordingly.

<sup>(1)</sup> OJ L 354, 31.12.2008, p. 16.

<sup>(2)</sup> OJ L 354, 31.12.2008, p. 1.

<sup>(3)</sup> EFSA Journal (2008) 721, 1-29.

- (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,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex II to Regulation (EC) No 1333/2008 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*.

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

Done at Brussels, 26 July 2013.

*For the Commission*

*The President*

José Manuel BARROSO

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## ANNEX

Part E of Annex II to Regulation (EC) No 1333/2008 is amended as follows:

(1) in food category 08.2.1 'Non-heat-treated processed meat' the entry concerning the additive 'E 392 — Extracts of rosemary — excluding dried sausages' is replaced by the following:

	'E 392	Extracts of rosemary	15	(46)	only meat with a fat content not higher than 10 %, excluding dried sausages
	E 392	Extracts of rosemary	150	(41) (46)	only meat with a fat content higher than 10 %, excluding dried sausages'

(2) in food category 08.2.2 'Heat-treated processed meat' the entry concerning the additive 'E 392 — Extracts of rosemary — excluding dried sausages' is replaced by the following:

	'E 392	Extracts of rosemary	15	(46)	only meat with a fat content not higher than 10 %, excluding dried sausages
	E 392	Extracts of rosemary	150	(41) (46)	only meat with a fat content higher than 10 %, excluding dried sausages'

(3) in food category 09.2 'Processed fish and fishery products including molluscs and crustaceans' the entry concerning the additive E 392 is replaced by the following:

	'E 392	Extracts of rosemary	15	(46)	only fish and fishery products including molluscs and crustaceans with a fat content not higher than 10 %
	E 392	Extracts of rosemary	150	(41) (46)	only fish and fishery products including molluscs and crustaceans with a fat content higher than 10 %'

**COMMISSION REGULATION (EU) No 724/2013****of 26 July 2013****amending Regulation (EU) No 231/2012 as regards specifications on several polyols****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives <sup>(1)</sup>, and in particular Article 14 thereof,

Having regard to Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings <sup>(2)</sup>, and in particular Article 7(5) thereof,

Whereas:

- (1) Commission Regulation (EU) No 231/2012 <sup>(3)</sup> lays down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008.
- (2) Those specifications may be updated in accordance with the common procedure referred to in Article 3(1) of Regulation (EC) No 1331/2008, either on the initiative of the Commission or following an application.
- (3) On 29 November 2011 an application was submitted for the amendment of specifications concerning several polyols which was subsequently made available to the Member States.
- (4) Regulation (EU) No 231/2012 lays down specifications for Mannitol (E 421(i)) and Mannitol manufactured by fermentation (E 421(ii)). In order to achieve more clarity and coherence, the currently authorised food additive 'Mannitol (E 421(i))' should be renamed as 'Mannitol by hydrogenation and consequently its definition should be altered. Therefore, the specifications for that food additive should be amended.
- (5) Isomalt (E 953) is manufactured in a two-stage process in which sugar is first transformed into isomaltulose and then hydrogenated. The crystalline form is obtained by a drying process afterwards. A request was made to include a different form of isomalt, aqueous solutions of isomalt, in the specifications laid down by Regulation (EU) No 231/2012. The proposed form complies with

those specifications and is available for commercial use. That form of isomalt is cost-saving and time-efficient for the industry and is consequently of interest, for example, to confectionery manufacturers. Therefore, the description of Isomalt (E 953) in the specifications should be amended.

- (6) The specifications laid down by Regulation (EU) No 231/2012 provide that one of the purity criteria for polyols is the level of demineralisation or residual minerals, characterised by chlorides, sulphates and/or sulphated ashes. The same polyols are used as excipients for pharmaceutical products, and the European Pharmacopoeia have adopted conductivity as the method to evaluate the level of demineralisation of polyols. By doing so, a triple measure (of chlorides, sulphates and/or sulphated ashes) was replaced by a single one, simpler to carry out, cost-effective and more friendly to the environment. Therefore, specifications should be amended for the food additives Sorbitol (E 420 (i)), Sorbitol syrup (E 420 (ii)), Mannitol (E 421 (i)), Mannitol manufactured by fermentation (E 421 (ii)), Isomalt (E 953), Maltitol (E 965 (i)), Maltitol syrup (E 965 (ii)), Xylitol (E 967) and Erythritol (E 968) by deleting the criteria on chlorides, sulphates and sulphated ashes and replacing them with a single criterion, conductivity.
- (7) Pursuant to Article 3(2) of Regulation (EC) No 1331/2008, the Commission is to seek the opinion of the European Food Safety Authority in order to update the Union list of food additives, except where the update in question is not liable to have an effect on human health. Since the updates concerned are not liable to have an effect on human health, it is not necessary to seek the opinion of the European Food Safety Authority.
- (8) Regulation (EU) No 231/2012 should therefore be amended accordingly.
- (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,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

<sup>(1)</sup> OJ L 354, 31.12.2008, p. 16.

<sup>(2)</sup> OJ L 354, 31.12.2008, p. 1.

<sup>(3)</sup> OJ L 83, 22.3.2012, 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*.

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

Done at Brussels, 26 July 2013.

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

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## ANNEX

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

- (1) In the entry for food additive E 420 (i) Sorbitol, the specifications as regards purity are replaced by the following:

<b>Purity</b>	
Water content	Not more than 1,5 % (Karl Fischer Method)
Conductivity	Not more than 20 µS/cm (on 20 % dry solids solution) at temperature 20 °C
Reducing sugars	Not more than 0,3 % (expressed as glucose on dry weight basis)
Total sugars	Not more than 1 % (expressed as glucose on dry weight basis)
Nickel	Not more than 2 mg/kg (expressed on dry weight basis)
Arsenic	Not more than 3 mg/kg (expressed on dry weight basis)
Lead	Not more than 1 mg/kg (expressed on dry weight basis)'

- (2) In the entry for food additive E 420 (ii) Sorbitol syrup, the specifications as regards purity are replaced by the following:

<b>Purity</b>	
Water content	Not more than 31 % (Karl Fischer Method)
Conductivity	Not more than 10 µS/cm (on the product as such) at temperature 20 °C
Reducing sugars	Not more than 0,3 % (expressed as glucose on dry weight basis)
Nickel	Not more than 2 mg/kg (expressed on dry weight basis)
Arsenic	Not more than 3 mg/kg (expressed on dry weight basis)
Lead	Not more than 1 mg/kg (expressed on dry weight basis)'

- (3) The entry for food additive E 421(i) Mannitol is amended as follows:

- (a) the heading is replaced by the following:

**'E 421 (i) MANNITOL BY HYDROGENATION'**

- (b) the definition is replaced by the following:

<b>Definition</b>	<p>Manufactured by catalytic hydrogenation of carbohydrate solutions containing glucose and/or fructose.</p> <p>The product contains min. 96 % mannitol. The part of the product which is not mannitol is mainly composed of sorbitol (2 % max), maltitol (2 % max) and isomalt (1,1 GPM (1-O-alpha-D-Glucopyranosyl-D-mannitol dehydrate): 2 % max and 1,6 GPS (6-O-alpha-D-Glucopyranosyl-D-Sorbitol): 2 % max). Unspecified impurities shall not represent more than 0,1 % of each.'</p>
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(c) the specifications as regards purity are replaced by the following:

<b>Purity</b>	
Water content	Not more than 0,5 % (Karl Fischer Method)
Conductivity	Not more than 20 µS/cm (on 20 % dry solids solution) at temperature 20 °C
Reducing sugars	Not more than 0,3 % (expressed as glucose)
Total sugars	Not more than 1 % (expressed as glucose)
Nickel	Not more than 2 mg/kg
Lead	Not more than 1 mg/kg

(4) In the entry for food additive E 421(ii) Mannitol manufactured by fermentation the specifications as regards purity are replaced by the following:

<b>Purity</b>	
Arabitol	Not more than 0,3 %
Water content	Not more than 0,5 % (Karl Fischer Method)
Conductivity	Not more than 20 µS/cm (on 20 % dry solids solution) at temperature 20 °C
Reducing sugars	Not more than 0,3 % (expressed as glucose)
Total sugars	Not more than 1 % (expressed as glucose)
Lead	Not more than 1 mg/kg

(5) The entry for food additive E 953 Isomalt is amended as follows:

(a) the specification as regards description is replaced by the following:

<b>Description</b>	Odourless, white, slightly hygroscopic, crystalline mass or aqueous solution with a minimum concentration of 60 %
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(b) the specifications as regards purity are replaced by the following:

<b>Purity</b>	
Water content	Not more than 7 % for solid product (Karl Fischer Method)
Conductivity	Not more than 20 µS/cm (on 20 % dry solids solution) at temperature 20 °C
D-Mannitol	Not more than 3 %
D-Sorbitol	Not more than 6 %
Reducing sugars	Not more than 0,3 % (expressed as glucose on dry weight basis)
Nickel	Not more than 2 mg/kg (expressed on dry weight basis)
Arsenic	Not more than 3 mg/kg (expressed on dry weight basis)
Lead	Not more than 1 mg/kg (expressed on dry weight basis)

(6) In the entry for food additive E 965 (i) Maltitol, the specifications as regards purity are replaced by the following:

<b>Purity</b>	
Appearance of the aqueous solution	The solution is clear and colourless
Water content	Not more than 1 % (Karl Fischer Method)
Conductivity	Not more than 20 µS/cm (on 20 % dry solids solution) at temperature 20 °C
Reducing sugars	Not more than 0,1 % (expressed as glucose on an anhydrous basis)
Nickel	Not more than 2 mg/kg (expressed on anhydrous basis)
Arsenic	Not more than 3 mg/kg (expressed on anhydrous basis)
Lead	Not more than 1 mg/kg (expressed on anhydrous basis)

(7) In the entry for food additive E 965 (ii) Maltitol syrup, the specifications as regards purity are replaced by the following:

<b>Purity</b>	
Appearance of the aqueous solution	The solution is clear and colourless
Water content	Not more than 31 % (Karl Fischer Method)
Conductivity	Not more than 10 µS/cm (on the product as such) at temperature 20 °C
Reducing sugars	Not more than 0,3 % (expressed as glucose on an anhydrous basis)
Nickel	Not more than 2 mg/kg
Lead	Not more than 1 mg/kg

(8) In the entry for food additive E 967 Xylitol, the specifications as regards purity are replaced by the following:

<b>Purity</b>	
Water content	Not more than 1 % (Karl Fischer Method)
Conductivity	Not more than 20 µS/cm (on 20 % dry solids solution) at temperature 20 °C
Reducing sugars	Not more than 0,2 % (expressed as glucose on dry weight basis)
Other polyhydric alcohols	Not more than 1 % (expressed on dry weight basis)
Nickel	Not more than 2 mg/kg (expressed on dry weight basis)
Arsenic	Not more than 3 mg/kg (expressed on dry weight basis)
Lead	Not more than 1 mg/kg (expressed on dry weight basis)

(9) In the entry for food additive E 968 Erythritol, the specifications as regards purity are replaced by the following:

**Purity**

Loss on drying	Not more than 0,2 % (70 °C, 6 hours, in a vacuum desiccator)
Conductivity	Not more than 20 µS/cm (on 20 % dry solids solution) at temperature 20 °C
Reducing substances	Not more than 0,3 % expressed as D-glucose
Ribitol and glycerol	Not more than 0,1 %
Lead	Not more than 0,5 mg/kg'

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**COMMISSION IMPLEMENTING REGULATION (EU) No 725/2013****of 26 July 2013****concerning the authorisation of ammonium chloride as a feed additive for ruminants, cats and dogs  
(holder of the authorisation BASF SE)****(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 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition<sup>(1)</sup>, and in particular Article 9(2) thereof,

Whereas:

(1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation. Article 10 of that Regulation provides for the re-evaluation of additives authorised pursuant to Council Directive 70/524/EEC<sup>(2)</sup>.

(2) Ammonium chloride was authorised in accordance with Directive 70/524/EEC as a feed additive, without a time limit, for use on cats and dogs and with a time limit for all pets with the exception of cats and dogs by Commission Directive 86/525/EEC<sup>(3)</sup>. That additive was subsequently entered in the Register of feed additives as an existing product, in accordance with Article 10(1) of Regulation (EC) No 1831/2003.

(3) In accordance with Article 10(2) of Regulation (EC) No 1831/2003 in conjunction with Article 7 of that Regulation, an application was submitted for the re-evaluation of ammonium chloride as a feed additive for cats and dogs and, in accordance with Article 7 of that Regulation, for a new use for ruminants, requesting that additive to be classified in the additive category 'technological additives'. That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.

(4) The European Food Safety Authority ('the Authority') concluded in its opinion of 24 May 2012<sup>(4)</sup> that,

under the proposed conditions of use, the ammonium chloride does not have an adverse effect on animal health, human health or the environment. It recognised that the ammonium chloride is a potent urinary acidifier and a supplementation of feed for ruminants, cats and dogs results in a decrease of the urinary pH. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.

(5) The assessment of the ammonium chloride shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that additive should be authorised as specified in the Annex to this Regulation.

(6) Since safety reasons do not require the immediate application of the modifications to the conditions of authorisation, it is appropriate to allow a transitional period for interested parties to prepare themselves to meet the new requirements resulting from the authorisation.

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

HAS ADOPTED THIS REGULATION:

*Article 1***Authorisation**

The ammonium chloride specified in the Annex, belonging to the additive category 'zootechnical additives' and to the functional group 'other zootechnical additives', is authorised as an additive in animal nutrition, subject to the conditions laid down in that Annex.

*Article 2***Transitional measures**

The additive specified in the Annex for use for cats and dogs and feed containing that additive, which are produced and labelled before 16 August 2015 in accordance with the rules applicable before 16 August 2013 may continue to be placed on the market and used until the existing stocks are exhausted.

<sup>(1)</sup> OJ L 268, 18.10.2003, p. 29.

<sup>(2)</sup> OJ L 270, 14.12.1970, p. 1.

<sup>(3)</sup> OJ L 310, 5.11.1986, p. 19.

<sup>(4)</sup> EFSA Journal 2012; 10(6):2738.

*Article 3*

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

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

Done at Brussels, 26 July 2013.

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

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## ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						mg/kg of complete feedingstuff with a moisture content of 12 %			

**Category of zootechnical additives. Functional group: other zootechnical additives (reduction of urinary pH)**

4d8	BASF SE	Ammonium chloride	<i>Additive composition</i> Ammonium chloride ≥ 99,0 % (Solid form) <i>Characterisation of the active substance</i> Ammonium chloride ≥ 99,0 % NH <sub>4</sub> Cl CAS No: 12125-02-9 Sodium chloride ≤ 0,5 % Produced by chemical synthesis <i>Method of analysis</i> <sup>(1)</sup> Quantification of ammonium chloride in feed additive: titration with sodium hydroxide (European Pharmacopoeia, monograph 0007) or titration with silver nitrate (JECFA monograph ammonium chloride).	Ruminants	—	—	10 000 for a period not exceeding three months 5 000 for a period exceeding three months	1. The additive shall be incorporated into feed in the form of a premixture. 2. For safety: breathing protection, eye protection, gloves and protective clothing shall be used during handling. 3. The mixture of different sources of ammonium chloride shall not exceed the permitted maximum levels in complete feedingstuffs for ruminants.	16 August 2023
				Cats and dogs			5 000		

<sup>(1)</sup> Details of the analytical methods are available at the following address of the Reference Laboratory: [http://irmm.jrc.ec.europa.eu/EURLs/EURL\\_feed\\_additives/Pages/index.aspx](http://irmm.jrc.ec.europa.eu/EURLs/EURL_feed_additives/Pages/index.aspx)

**COMMISSION IMPLEMENTING REGULATION (EU) No 726/2013****of 26 July 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, 26 July 2013.

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

Jerzy PLEWA  
*Director-General for Agriculture and  
Rural Development*

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

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

## ANNEX

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

(EUR/100 kg)		
CN code	Third country code <sup>(1)</sup>	Standard import value
0707 00 05	TR	147,7
	ZZ	147,7
0709 93 10	TR	123,3
	ZZ	123,3
0805 50 10	AR	85,8
	CL	73,3
	TR	70,0
	UY	91,8
	ZA	90,7
	ZZ	82,3
0806 10 10	CL	206,7
	EG	219,9
	MA	188,7
	MX	242,3
	TR	170,7
	ZZ	205,7
0808 10 80	AR	179,9
	BR	110,4
	CL	127,5
	CN	96,2
	NZ	144,0
	US	156,0
	ZA	120,9
	ZZ	133,6
0808 30 90	AR	104,3
	CL	147,8
	CN	77,3
	NZ	112,3
	TR	179,1
	ZA	115,4
	ZZ	122,7
0809 10 00	TR	186,3
	ZZ	186,3
0809 29 00	TR	338,7
	ZZ	338,7
0809 30	TR	150,8
	ZZ	150,8
0809 40 05	BA	62,3
	TR	115,1
	XS	70,8
	ZZ	82,7

<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'.

## DECISIONS

## POLITICAL AND SECURITY COMMITTEE DECISION EUTM MALI/1/2013

of 19 July 2013

**on the appointment of an EU Mission Commander for the European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali)**

(2013/399/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular the third paragraph of Article 38 thereof,

Having regard to Council Decision 2013/34/CFSP of 17 January 2013 on a European Union military mission to contribute to the training of Malian Armed Forces (EUTM Mali) <sup>(1)</sup>, and in particular Article 5 thereof,

Whereas:

- (1) Pursuant to Article 5(1) of Decision 2013/34/CFSP, the Council authorised the Political and Security Committee (PSC), in accordance with Article 38 of the Treaty on European Union, to take the relevant decisions concerning the political control and strategic direction of EUTM Mali, including the decision to appoint an EU Mission Commander.
- (2) By virtue of Article 2 of Decision 2013/34/CFSP, Brigadier General François LECOINTRE was appointed EU Mission Commander for EUTM Mali.
- (3) On 19 June 2013 France proposed the appointment of Brigadier General Bruno GUIBERT as the new EU Mission Commander for EUTM Mali to succeed Brigadier General François LECOINTRE.
- (4) On 28 June 2013 the EU Military Committee recommended that the PSC appoint Brigadier General Bruno GUIBERT as EU Mission Commander for EUTM Mali.

- (5) In accordance with Article 5 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications,

HAS ADOPTED THIS DECISION:

*Article 1*

Brigadier General Bruno GUIBERT is hereby appointed EU Mission Commander for the European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali) as from 1 August 2013.

*Article 2*

This Decision shall enter into force on 1 August 2013.

Done at Brussels, 19 July 2013.

*For the Political and Security Committee*  
*The Chairperson*  
W. STEVENS

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<sup>(1)</sup> OJ L 14, 18.1.2013, p. 19.

**POLITICAL AND SECURITY COMMITTEE DECISION EUCAP NESTOR/3/2013****of 23 July 2013****on the appointment of the Head of the European Union Mission on Regional Maritime Capacity Building in the Horn of Africa (EUCAP NESTOR)**

(2013/400/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular the third paragraph of Article 38 thereof,

Having regard to Council Decision 2012/389/CFSP of 16 July 2012 on the European Union Mission on Regional Maritime Capacity Building in the Horn of Africa (EUCAP NESTOR) <sup>(1)</sup>, and in particular Article 9(1) thereof,

Whereas:

- (1) Pursuant to Council Decision 2012/389/CFSP, the Political and Security Committee (PSC) is authorised, in accordance with Article 38 of the Treaty, to take the relevant decisions for the purpose of exercising political control and strategic direction of the European Union Mission on Regional Maritime Capacity Building in the Horn of Africa (EUCAP NESTOR), including the decision to appoint a Head of Mission.
- (2) On 16 July 2012, the PSC adopted Decision EUCAP NESTOR/1/2012 <sup>(2)</sup> appointing Mr Jacques LAUNAY as Head of EUCAP NESTOR as from 17 July 2012.
- (3) On 12 July 2013, the High Representative of the Union for Foreign Affairs and Security Policy proposed the

appointment of Mr Etienne DE MONTAIGNE DE PONCINS as Head of EUCAP NESTOR from 16 July 2013 to 15 July 2014, to succeed Mr Jacques LAUNAY,

HAS ADOPTED THIS DECISION:

*Article 1*

Mr Etienne DE MONTAIGNE DE PONCINS is hereby appointed Head of the European Union Mission on Regional Maritime Capacity Building for the Horn of Africa (EUCAP NESTOR) from 16 July 2013 to 15 July 2014.

*Article 2*

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

It shall apply from 16 July 2013.

Done at Brussels, 23 July 2013.

*For the Political and Security Committee*  
*The Chairperson*  
W. STEVENS

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<sup>(1)</sup> OJ L 187, 17.07.2012, p. 40.

<sup>(2)</sup> OJ L 198, 25.7.2012, p. 16.

**POLITICAL AND SECURITY COMMITTEE DECISION EUCAP SAHEL NIGER/1/2013****of 23 July 2013****extending the mandate of the Head of Mission of the European Union CSDP mission in Niger  
(EUCAP SAHEL Niger)**

(2013/401/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular the third paragraph of Article 38 thereof,

Having regard to Council Decision 2012/392/CFSP of 16 July 2012 on the European Union CSDP mission in Niger (EUCAP SAHEL Niger) <sup>(1)</sup>,

Whereas:

- (1) Pursuant to Article 9(1) of Decision 2012/392/CFSP, the Political and Security Committee (PSC) is authorised, in accordance with Article 38 of the Treaty, to take the relevant decisions for the purpose of exercising political control and strategic direction of the European Union CSDP mission in Niger (EUCAP SAHEL Niger), including the decision to appoint a Head of Mission.
- (2) On 17 July 2012, the PSC adopted Decision EUCAP SAHEL Niger/1/2012 <sup>(2)</sup>, appointing General Francisco ESPINOSA NAVAS as Head of Mission of EUCAP SAHEL Niger from 17 July 2012 to 16 July 2013.
- (3) On 9 July 2013, the Council adopted Decision 2013/368/CFSP <sup>(3)</sup>, extending the period covered by the financial reference amount of EUCAP SAHEL Niger until 31 October 2013.

- (4) On 12 July 2013, the High Representative of the Union for Foreign Affairs and Security Policy proposed the extension of the mandate of General Francisco ESPINOSA NAVAS as Head of Mission of EUCAP SAHEL Niger from 17 July 2013 to 31 October 2013,

HAS ADOPTED THIS DECISION:

*Article 1*

The mandate of General Francisco ESPINOSA NAVAS as Head of Mission of EUCAP SAHEL Niger is hereby extended until 31 October 2013.

*Article 2*

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

It shall apply from 17 July 2013.

Done at Brussels, 23 July 2013.

*For the Political and Security Committee*  
*The Chairperson*  
W. STEVENS

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<sup>(1)</sup> OJ L 187, 17.7.2012, p. 48.

<sup>(2)</sup> Political and Security Committee Decision EUCAP SAHEL Niger/1/2012 of 17 July 2012 on the appointment of the Head of Mission of the European Union CSDP Mission in Niger (EUCAP SAHEL Niger) (OJ L 200, 27.7.2012, p. 17).

<sup>(3)</sup> Council Decision 2013/368/CFSP of 9 July 2013 amending Decision 2012/392/CFSP on the European Union CSDP Mission in Niger (EUCAP Sahel Niger) (OJ L 189, 10.7.2013, p. 13).

## COMMISSION DECISION

of 16 April 2013

**on the measure SA.20112 (C 35/2006) implemented by Sweden for Konsum Jämtland Ekonomisk Förening**

(notified under document C(2013) 1913)

(Only the Swedish version is authentic)

(Text with EEA relevance)

(2013/402/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first paragraph of Article 108(2) thereof,

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof,

Having called on interested parties to submit their comments pursuant to the provisions cited above <sup>(1)</sup>,

Whereas:

## 1. PROCEDURE

- (1) By a complaint registered on 14 November 2005, Den Nya Valfärden foundation informed the Commission about the sale of a plot of land by the Municipality of Åre to Konsum Jämtland Ekonomisk Förening ('Konsum'), allegedly involving illegal state aid ('the contested sale').
- (2) By letter dated 3 January 2006, the Commission requested additional information from the Swedish authorities, which was submitted by letters dated 2 and 28 March 2006.
- (3) By letter dated 3 January 2006, the Commission requested additional information from the complainant, which was submitted by letter dated 1 February 2006.
- (4) By letter dated 19 July 2006, the Commission informed Sweden that it had decided to initiate the procedure laid down in Article 88 of the EC Treaty in respect of the contested sale <sup>(2)</sup>.
- (5) The Commission decision to initiate the procedure was published in the *Official Journal of the European Union* <sup>(3)</sup>. The Commission invited interested parties to submit their comments on the measure.
- (6) Sweden submitted observations by letter dated 27 September 2006. The Commission received no comments from interested parties.

- (7) By letter dated 24 January 2007, the Commission requested additional information from the Swedish authorities, which was submitted by letter dated 21 February 2007.
- (8) On 30 January 2008, the Commission adopted a final decision ('the decision') <sup>(4)</sup>, concluding that the contested sale contained aid within the meaning of Article 87(1) of the EC Treaty <sup>(5)</sup>.
- (9) The decision was appealed against by Konsum. In its judgment of 13 December 2011 in Case T-244/08, the General Court annulled the decision. Consequently, the Commission had to re-examine the measure and take a new decision on the contested sale.
- (10) By letter dated 22 March 2012, the Commission requested additional information from the Swedish authorities, which was provided by letter dated 23 April 2012.
- (11) After the submission of information provided by the Swedish authorities in April 2012, Den Nya Valfärden submitted comments by letter dated 21 May 2012.
- (12) By letter dated 15 May 2012, Lidl Sverige KB ('Lidl') provided supplementary information in addition to the comments submitted by Den Nya Valfärden. In addition, Den Nya Valfärden provided further information at a meeting with the Commission, which took place on 25 June 2012.
- (13) By letter dated 5 December 2012, the Commission requested additional clarification from the Swedish authorities, which replied by letter dated 23 January 2013.

## 2. DESCRIPTION OF THE MEASURE

## 2.1. The parties involved

- (14) The municipality of Åre ('the Municipality') is located in Jämtland County, Sweden, and has approximately 10 100 inhabitants.

<sup>(1)</sup> OJ C 204, 26.8.2006, p. 5.

<sup>(2)</sup> Case C 35/2006.

<sup>(3)</sup> OJ C 204, 26.8.2006, p. 5.

<sup>(4)</sup> Commission Decision of 30 January 2008 on State aid C 35/2006 (ex NN 37/06) implemented by Sweden for Konsum Jämtland Ekonomisk Förening (OJ L 126, 14.5.2008, p. 3).

<sup>(5)</sup> With effect from 1 December 2009, Articles 87 and 88 of the EC Treaty have become Articles 107 and 108, respectively, of the TFEU; the two sets of provisions are, in substance, identical. For the purposes of this Decision, references to Articles 107 and 108 of the TFEU should be understood as references to Articles 87 and 88 of the EC Treaty, respectively, where appropriate.

- (15) Konsum, the alleged beneficiary of the contested sale, is a cooperative society which sells consumer goods, including food and groceries, throughout Jämtland County. On 1 January 2006, Konsum merged with Konsum Nord ekonomisk förening. Both companies collaborate with Kooperativa förbundet, which is an association of Swedish cooperative societies. Kooperativa förbundet is the parent company of the KF Group which owns, among others, Norwegian retailers.
- (16) Åre Centrum AB ('Åre Centrum') is a private real estate company operating independently from the Municipality. At the time of the contested sale, Åre Centrum was owned by SkiStar AB and other enterprises in Åre. Since 2007, Åre Centrum is part of the private company DIÖS Fastigheter AB.
- (17) The complainant, Den Nya Valfärden, is a Swedish foundation which is mainly funded by the Confederation of Swedish Enterprise. Its mission is, among other things, to defend the interests of Swedish enterprises by monitoring the functioning of free competition in Sweden. In its complaint regarding the contested sale, Den Nya Valfärden is acting on behalf of one of its members, Lidl.
- (18) Lidl was the first foreign operator in the food sector to enter the Swedish market in 2003 and is a direct competitor of Konsum in the food and groceries retailing sector.

## 2.2. The contested sale

- (19) The complaint concerns the sale of a plot of land by the Municipality to Konsum on 5 October 2005 for a price which was allegedly below market value.
- (20) This sale was part of a larger property transaction, involving a number of different land sales and a number of different parties. These sales aimed at implementing a master development plan (hereinafter 'the MDP'), which was adopted by the Municipality on 21 June 2005. One of the objectives of the MDP was to implement certain development works in order to create a traffic-free zone around the central square of Åre ('Åre Torg'). In this respect, Åre Centrum was chosen as contractor to carry out the modernisation of Åre Torg in accordance with the MDP.
- (21) As part of this plan, the following land sale transactions took place in October 2005:
- 1) By contract dated 4 October 2005, Konsum sold its property at Åre Torg (designation Mörviken 2:91) <sup>(1)</sup> to Åre Centrum for SEK 8,5 million (about EUR 910 000).
  - 2) By contracts dated 3 and 5 October 2005, the Municipality sold land to Konsum comprising the

property units Åre Prästbord 1:30, 1:68 and 1:69 <sup>(2)</sup> in the Produkthuset area for SEK 2 million (about EUR 213 000) ('the contested sale').

- 3) By contract dated 4 October 2005, Åre Centrum sold a plot of land to Konsum for SEK 1 million (about EUR 107 000) with the designation Åre Prästbord 1:76 <sup>(3)</sup>, adjacent to the aforementioned property units Åre Prästbord 1:30, 1:68 and 1:69.

- (22) Initially, the price of the contested plot of land was supposed to be set at SEK 1 at the Municipal Executive meeting of 24 August 2005. However, by a phone call followed by an e-mail dated 23 August 2005, Lidl made an offer of SEK 6,6 million (about EUR 710 602) for the same plot of land, so that the sale price was re-negotiated by the Municipality and Konsum from SEK 1 to SEK 1 million (about EUR 107 000). However, the price of SEK 1 million was revoked following an appeal submitted by two members of the Municipal Council to the County Administrative Court.
- (23) A price of SEK 2 million for the contested plot of land was ultimately approved by the Municipal Executive Board on 5 October 2005. On the same day, the final sale agreement was signed by Konsum and the Municipality.

## 2.3. The complaint

- (24) According to the complainant, the contested sale was not preceded by a formal bidding procedure and no independent expert valuation was carried out. The contested sale is, in its view, in breach of Article 107(1) of the Treaty on the Functioning of the European Union (TFEU). In this regard, the complainant submits, in particular, that the bid by Lidl was credible, binding and directly comparable to the bid made by Konsum and accepted by the Municipality. By not accepting Lidl's bid, the complainant considers that the Municipality had sold the plot of land below its market value. The complainant alleges that the aid amounts to SEK 4,6 million (about EUR 495 268), or the difference between Lidl's offer and the sale price.

## 3. COMMENTS FROM INTERESTED PARTIES

- (25) The Commission received no comments from interested parties.

## 4. ADDITIONAL COMMENTS FROM THE COMPLAINANT

- (26) By letter dated 21 May 2012, the complainant submitted that Konsum paid SEK 861/m<sup>2</sup> (about EUR 92) for the land acquired from Åre Centrum compared with SEK 312/m<sup>2</sup> (about EUR 34) for the land bought from the Municipality. According to the complainant, this constitutes additional evidence that the contested sale took place below market value and that a private operator would have sold the plot at a higher price.

<sup>(1)</sup> The plot was renamed after the transaction.

<sup>(2)</sup> The plots were renamed after the transaction.

<sup>(3)</sup> The plot was renamed after the transaction.

## 5. COMMENTS FROM SWEDEN

- (27) According to the Swedish authorities, the sale to Konsum was part of a series of land transactions, notably involving the sale by Konsum of a plot of land in another area of Åre (Åre Torg), which was intended to be used by the Municipality for certain development purposes.
- (28) Through the land sale, Konsum relocated its outlet away from Åre Torg, thereby allowing the Municipality to achieve its objectives as laid down in the MDP, i.e. the creation of a traffic-free zone around the area of Åre Torg. If it had accepted Lidl's bid instead, the Municipality would not have been able to pursue the objective of the MDP, since Konsum would have remained at its premises in Åre Torg. Therefore, Lidl's bid could not be considered comparable to Konsum's. Moreover, the Swedish authorities did not regard Lidl's offer as serious and binding due to its late submission and the lack of sufficient details.
- (29) In any event, the Swedish authorities consider that the contested sale had taken place at market value. In this regard, the Swedish authorities submitted two expert reports to support their views: an evaluation report prepared by Ernst & Young Real Estate in May 2003 and an ex post evaluation report prepared by Price-waterhouse Coopers (PwC) in April 2012 evaluating the value of the land at the time of the sale in October 2005.
- (30) The Ernst & Young evaluation report was carried out in May 2003. It is based on a cash flow analysis taking into account parameters such as the intended use of the land, the future development of the market in the area, operating and maintenance costs for similar properties, etc. To establish the market value, the report referred to and assessed certain land plots, one of which (Åre Prästbord 1:76) is adjacent to the land bought by Konsum from the Municipality (Åre Prästbord 1:30, 1:68 and 1:69). This report values the directly adjacent plot at around SEK 1 000/m<sup>2</sup> gross area (about EUR 110).
- (31) According to the Swedish authorities, the plot adjacent to that to which the Ernst & Young report refers is comparable to the land sold by the Municipality to Konsum in 2005. In the end, the estimated price should correspond to the final sale price of the contested transaction of SEK 1 200/m<sup>2</sup> gross floor area (about EUR 129).
- (32) In this respect, the Swedish authorities stress that when setting the price the Municipality took into account the value per square metre of gross area. This was due to the fact that the parties envisaged building commercial premises on the land. To this end, the Swedish authorities consider that the prices calculated by the complainant and presented as evidence that the contested sale took place below market value (see recital (26)) should not be taken into account, since they refer to the price of the land per square metre of total area.
- (33) According to the Swedish authorities, the time lapse between the date of valuation by Ernst & Young and the date of the actual transaction (2,5 years) was taken into account, although a market for newly built retail premises in Åre was minor if not non-existent. To substantiate this, the Swedish authorities pointed to a consumer price index in the absence of official statistics of real estate prices for the time and area concerned. The Swedish authorities conclude that the Ernst & Young estimate is in any event comparable to the final sale price.
- (34) Furthermore, in response to the Commission's request for information of 22 March 2012, the Swedish authorities provided a new ex post expert valuation prepared by PwC in April 2012. The PwC report concludes that the market value of the land in question <sup>(1)</sup> at the time of the sale (October 2005) lay between SEK 1,65 and SEK 2,474 million (about EUR 177 000 and EUR 265 000). To arrive at this value range, the report uses the local price analysis of transactions involving similar properties.
- (35) Moreover, the Swedish authorities referred to a judgment of the Administrative Court of Jämtland County of 24 May 2006 which confirmed the legality of the Municipality's decision to approve the land sale to Konsum for SEK 2 million. The County Administrative Court decided that the decision was lawful and that there was no favouring of Konsum for the following reasons:
- Lidl's bid was received just before the Municipal Council adopted its decision;
  - The sale concerned land which was subject to special conditions of use, according to the MDP applicable to the area;
  - There was not enough evidence that the sale price was below market value;
  - The decision of the Municipal Council must be regarded as part of a larger plan to relocate businesses away from the city centre. This plan included the contested sale of land to Konsum.
- (36) In reply to the complainant's allegations that the property transactions did not take place and that Konsum still appears to be the owner of the real estate Åre Mörviken 2:91, the Swedish authorities allege that the transactions were followed by a process of re-allotment of all the properties involved. Thus, after the transactions were completed, the different properties switched names in the property register. In this regard, the Swedish authorities point out that the properties sold

<sup>(1)</sup> Åre Prästbord 1:30, 1:68 and 1:69.

by the Municipality and Åre Centrum AB to Konsum changed names from Åre Prästbord 1:30, 1:68, 1:76, and a part of 1:69, to Mörviken 2:91.

therefore not directly applicable. As a consequence, the market value of the plot of land must be inferred from other available information.

## 6. ASSESSMENT OF THE MEASURE

### 6.1. The existence of state aid

- (37) Article 107(1) TFEU states that ‘any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Member States, be incompatible with the internal market’.
- (38) According to settled case law <sup>(1)</sup>, the sale by public authorities of land or buildings to an undertaking or to an individual involved in an economic activity may constitute state aid, in particular where it is not made at market value, that is to say, where it is not sold at the price which a private investor, operating in normal competitive conditions, would be likely to have fixed.
- (39) The Commission notes, in this regard, that land sale transactions should, in principle, be assessed under the Commission Communication on State aid elements in sales of land and buildings to public authorities <sup>(2)</sup> (‘the Land Sale Communication’), which provides a set of guidelines for Member States to ensure that the sale of land and buildings by public authorities is free of state aid.
- (40) The Land Sale Communication provides two methods of excluding the presence of aid from such transactions: first, a sale of land and buildings following a sufficiently well-publicised, open and unconditional bidding procedure, comparable to an auction, accepting the best or only bid; and, second, an ex-ante valuation report prepared by an independent expert. These two methods seek to ensure that the price at which land is sold by a public authority adequately reflects, as much as possible, the market value of that land, thus conforming to the market economy investor principle (MEIP), so as to rule out the possibility that the sale confers an economic advantage on the purchaser of the land. It cannot be ruled out, however, that other valuation methods may also be applied in such instances so long as it is ensured that the price actually paid by the purchaser on the basis of those methods reflects, as far as possible, the market value of that land <sup>(3)</sup>.
- (41) In the present case, there was neither an open and unconditional bidding procedure nor an ex ante independent expert valuation prepared for the purposes of the contested sale. The Land Sale Communication is

### 6.2. The bid by Lidl

- (42) A concrete contemporaneous bid by a competitor is normally a better indicator of the market value of land than the value of the land estimated by an independent expert, since it reflects how much the market is willing to pay for the land at the date of the sale. However, for such a bid to constitute a reliable indicator of the market value of the land it must be credible, binding and comparable to the bid accepted, taking into account the specific context of the transaction at stake.
- (43) The Commission notes that the credibility and binding character of Lidl’s bid has been contested by the Swedish authorities. The Swedish authorities emphasized that Lidl’s expression of interest was received by e-mail on the day before the adoption of the decision to go ahead with the contested sale by the Municipality’s Executive Board and that it lacked sufficient detail.
- (44) The Commission considers that the credibility of Lidl’s bid could indeed be questioned under these circumstances. However, even if Lidl’s bid were considered credible, it would not be fully comparable to Konsum’s bid. That is because Lidl and Konsum were not in a similar situation as regards the contested plot of land. Rather, as regards Konsum, the contested sale was part of a set of real estate transactions that aimed at implementing the above-mentioned MDP in the Municipality to create a traffic-free zone around the Åre Torg.
- (45) In this regard, it follows from the case law that the context in which a transaction takes place should be taken into account for the assessment of whether a sale of land or buildings by a public authority to an undertaking contains state aid elements within the meaning of Article 107(1) TFEU <sup>(4)</sup>.
- (46) While Lidl was only interested in obtaining the contested plot of land, Konsum, according to the Swedish authorities, would not have moved away from Åre Torg had it not been able to acquire the two adjacent plots of land in Åre Prästbord. Indeed, the contested sale formed part of a series of interlinked real estate operations pursuing the same objective under the Municipality’s development plan for the area, namely a re-allotment of properties deemed necessary to create a traffic-free zone around the Åre Torg. Moreover, contrary to the agreement concluded between Konsum

<sup>(1)</sup> Case C-239/09 *Seydaland Vereinigte Agrarbetriebe* [2010] ECR I-13083, paragraph 34 and Case C-290/07 *P Commission v Scott* [2010] ECR I-7763, paragraph 68; Case T-244/08 *Konsum Nord ekonomisk förening v Commission* [2011] ECR II-0000, paragraph 61.

<sup>(2)</sup> OJ L 209, 10.7.1997, p. 3.

<sup>(3)</sup> Case C-239/09 *Seydaland Vereinigte Agrarbetriebe & Co. KG v BVVG Bodenverwertungs- und -verwaltungs GmbH* [2010] ECR I-13083, paragraph 39.

<sup>(4)</sup> See judgment of the General Court of 13 December 2011 in Case T-244/08 *Konsum Nord ekonomisk förening v Commission* [2011] ECR II 00000, paragraph 57.

and the Municipality, Lidl's bid did not contain any references or specifications in relation to the MDP. Accepting Lidl's bid would therefore have jeopardised the attainment of the objectives set out in the MDP so that, from the perspective of the Municipality, the two bids cannot be considered comparable.

- (47) The Commission therefore concludes that, given the context of the contested sale, Lidl's bid does not provide the best available proxy for determining the market value of the contested plot of land.

### 6.3. The expert valuations

- (48) The Swedish authorities have argued that there is no official report on the development of real estate prices for Åre at the time of the contested sale due to the absence of a real estate market for transactions of that kind. Instead, the Swedish authorities submitted a valuation of an adjacent plot of land prepared by Ernst & Young in May 2003. While that valuation was undertaken by an independent asset valuer on the basis of generally accepted valuation standards, it was carried out almost two and a half years before the contested sale took place, so that the value of the land may have changed significantly during that period.
- (49) Further to the Commission's request, the Swedish authorities provided an additional expert report of the market value of the plot of land in question. This new ex post valuation, conducted by PwC in 2012, estimates the market value of the plot of land at the time of the contested sale, i.e. October 2005. The report confirms the Swedish authorities' claim that at the time of the contested sale there were hardly any transactions in the area with similar characteristics from which to derive the market value of the contested property. Nevertheless, to arrive at an estimate of the property's market value, the report applies a local price analysis of transactions with similar properties. The report concludes that the market value of the contested property in October 2005 was between SEK 1,65 and SEK 2,475 million.
- (50) Since this report was carried out by an independent asset valuer on the basis of generally accepted valuation standards, namely the comparative method (i.e. an analysis of

transactions involving similar properties), to appraise the market value of the contested plot of land on the date of the contested sale, the Commission considers this estimate to constitute the best available proxy for determining the market value of the contested plot of land. On the basis of that estimate, the purchase price paid by Konsum to the Municipality for the plot of land – SEK 2 million – lies within the range considered to constitute the market value in October 2005.

- (51) Finally, the Commission also takes into account the fact that the parties considered the price per square metre gross area when setting the price of the plot of land in question. In this respect, the price of SEK 1 000/m<sup>2</sup> gross floor area, as evaluated in the Ernst & Young report, appears to be comparable to the SEK 1 200/m<sup>2</sup> gross floor area agreed for the contested sale.
- (52) In the light of the above, the Commission considers the sale of the property units Åre Prästbord 1:30, 1:68 and 1:69 in the Produkthuset area by the Municipality to Konsum on 5 October 2005 for SEK 2 million to have been made at the market price so that that sale contains no state aid within the meaning of Article 107(1) TFEU,

HAS ADOPTED THIS DECISION:

#### *Article 1*

The measure which Sweden has implemented for Konsum Jämtland Ekonomisk Förening does not constitute aid within the meaning of Article 107(1) of the Treaty on the Functioning of the European Union.

#### *Article 2*

This Decision is addressed to Sweden.

Done at Brussels, 16 April 2013.

*For the Commission*  
Joaquín ALMUNIA  
Vice-President

## COMMISSION IMPLEMENTING DECISION

of 25 July 2013

**approving certain amended programmes for the eradication, control and monitoring of animal diseases and zoonoses for the year 2013 and amending Implementing Decision 2012/761/EU as regards the Union financial contribution for certain programmes approved by that Decision**

*(notified under document C(2013) 4663)*

(2013/403/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field <sup>(1)</sup>, and in particular Article 27(5) and (6) thereof,

Whereas:

- (1) Decision 2009/470/EC lays down the procedures governing the Union financial contribution for programmes for the eradication, control and monitoring of animal diseases and zoonoses.
- (2) Commission Decision 2008/341/EC of 25 April 2008 laying down Community criteria for national programmes for the eradication, control and monitoring of certain animal diseases and zoonoses <sup>(2)</sup> provides that in order to be approved under the Union financial measure provided for in Article 27(1) of Decision 2009/470/EC, programmes submitted by the Member States to the Commission for the eradication, control and monitoring of the animal diseases and zoonoses listed in the Annex to that Decision are required to meet at least the criteria set out in the Annex to Decision 2008/341/EC.
- (3) Commission Implementing Decision 2012/761/EU of 30 November 2012 approving annual and multiannual programmes and the financial contribution from the Union for the eradication, control and monitoring of certain animal diseases and zoonoses presented by the Member States for 2013 <sup>(3)</sup> approves certain national programmes and sets out the rate and maximum amount of the Union financial contribution for each programme submitted by the Member States.
- (4) Commission Decision 2009/719/EC of 28 September 2009 authorising certain Member States to revise their annual BSE monitoring programmes <sup>(4)</sup>, as recently

amended by Implementing Decision 2013/76/EU <sup>(5)</sup>, provides that certain Member States may discontinue the testing of healthy slaughtered bovine animals. This will have a significant impact on the number of tests to be performed under their programmes for the monitoring of transmissible spongiform encephalopathies (TSE), and for the eradication of bovine spongiform encephalopathy (BSE) and of scrapie approved for the year 2013 and significantly reduce the related funding needs.

- (5) Belgium, the Czech Republic, Denmark, Germany, Estonia, Ireland, Spain, France, Cyprus, Latvia, Luxembourg, Hungary, Austria, Slovenia, Slovakia, Finland, Sweden and the United Kingdom have submitted to the Commission for approval amended programmes for the transmissible spongiform encephalopathies (TSE), bovine spongiform encephalopathy (BSE) and scrapie in relation to that amendment to Decision 2009/719/EC.
- (6) In addition, Hungary has submitted an amended programme for the eradication and monitoring of bluetongue modifying its activities in relation to the implementation of entomological surveillance.
- (7) Following the detection of the Bluetongue virus serotype 1 circulating in certain areas of its territory, Spain has submitted an amended programme for the eradication and monitoring of bluetongue to include compulsory vaccination in those areas in order to control that disease and prevent its spread.
- (8) Greece has submitted an amended programme for the eradication of rabies to define the areas where oral vaccination will be applied, following the discovery of rabies cases in its territory.
- (9) Following the recent conclusion of bilateral negotiations with Belarus on rabies cooperation, Poland has submitted an amended programme for the eradication control and monitoring of rabies to include oral vaccination activities in certain bordering areas in the territory of that third country, in order to protect the Union from the reintroduction of rabies through the movement of infected wild animals across the common borders.

<sup>(1)</sup> OJ L 155, 18.6.2009, p. 30.

<sup>(2)</sup> OJ L 115, 29.4.2008, p. 44.

<sup>(3)</sup> OJ L 336, 8.12.2012, p. 83.

<sup>(4)</sup> OJ L 256, 29.9.2009, p. 35.

<sup>(5)</sup> OJ L 35, 6.2.2013, p. 6.

- (10) The Commission has assessed those amended programmes from both a veterinary and a financial point of view. They were found to comply with relevant Union veterinary legislation and in particular with the criteria set out in Decision 2008/341/EC. The amended programmes should therefore be approved.
- (11) The approval by this Decision of the amended programmes has an impact on the amounts needed for carrying out the eradication, control and monitoring programmes approved by Implementing Decision 2012/761/EU. The maximum amount of the Union financial contribution for certain of those programmes should therefore be adjusted accordingly.
- (12) Implementing Decision 2012/761/EU should therefore be amended accordingly.
- (13) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

#### *Article 1*

The amended programmes for monitoring of transmissible spongiform encephalopathies (TSE), and for the eradication of bovine spongiform encephalopathy (BSE) and of scrapie submitted by the following Member States on the following dates are hereby approved for the period from 1 January 2013 to 31 December 2013:

- (a) Belgium on 5 April 2013;
- (b) Czech Republic on 5 April 2013;
- (c) Denmark on 24 April 2013;
- (d) Germany on 20 March 2013;
- (e) Estonia on 26 March 2013;
- (f) Ireland on 22 March 2013;
- (g) Spain on 27 March 2013;
- (h) France on 29 March 2013;
- (i) Cyprus on 29 March 2013;
- (j) Latvia on 28 March 2013;
- (k) Luxembourg on 3 April 2013;
- (l) Hungary on 27 March 2013;
- (m) Austria on 27 March 2013;
- (n) Slovenia on 20 March 2013;
- (o) Slovakia on 26 March 2013;
- (p) Finland on 28 March 2013;
- (q) Sweden on 22 March 2013;
- (r) United Kingdom on 7 June 2013.

#### *Article 2*

The amended programmes for the eradication and monitoring of bluetongue in endemic and high risk areas submitted by the following Member States on the following dates are hereby approved for the period from 1 January 2013 to 31 December 2013.

- (a) Spain on 26 March 2013;
- (b) Hungary on 24 January 2013.

#### *Article 3*

The amended programmes for the eradication of rabies submitted by the following Member States on the following dates are hereby approved for the period from 1 January 2013 to 31 December 2013:

- (a) Poland on 28 March 2013;
- (b) Greece on 28 June 2013.

#### *Article 4*

Implementing Decision 2012/761/EU is amended as follows:

- (1) in Article 4(2), point (b)(vii) is replaced by the following:

‘(vii) EUR 500 000 for Spain;’

- (2) in Article 10(2), point (c) is replaced by the following:

‘(c) shall not exceed the following:

- (i) EUR 290 000 for Belgium;
- (ii) EUR 270 000 for Bulgaria;
- (iii) EUR 500 000 for the Czech Republic;
- (iv) EUR 300 000 for Denmark;
- (v) EUR 4 700 000 for Germany;
- (vi) EUR 60 000 for Estonia;
- (vii) EUR 1 210 000 for Ireland;
- (viii) EUR 1 700 000 for Greece;
- (ix) EUR 3 290 000 for Spain;
- (x) EUR 12 600 000 for France;
- (xi) EUR 4 800 000 for Italy;
- (xii) EUR 230 000 for Croatia;
- (xiii) EUR 1 900 000 for Cyprus;
- (xiv) EUR 80 000 for Latvia;
- (xv) EUR 420 000 for Lithuania;
- (xvi) EUR 50 000 for Luxembourg;
- (xvii) EUR 790 000 for Hungary;
- (xviii) EUR 25 000 for Malta;

(xix) EUR 2 200 000 for the Netherlands;

(xx) EUR 500 000 for Austria;

(xxi) EUR 2 600 000 for Poland;

(xxii) EUR 1 100 000 for Portugal;

(xxiii) EUR 1 200 000 for Romania;

(xxiv) EUR 160 000 for Slovenia;

(xxv) EUR 250 000 for Slovakia;

(xxvi) EUR 160 000 for Finland;

(xxvii) EUR 210 000 for Sweden;

(xxviii) EUR 2 520 000 for the United Kingdom.'

'(vii) EUR 6 850 000 for Poland;'

(c) in paragraph 4, point (c), is replaced by the following:

'(c) not exceed:

(i) EUR 1 260 000 for the part of the Lithuanian programme implemented in Belarus;

(ii) EUR 1 255 000 for the part of the Polish programme implemented in Ukraine;

(iii) EUR 295 000 for the part of the Polish programme implemented in Belarus.'

#### *Article 5*

This Decision is addressed to the Member States.

(3) Article 11 is amended as follows:

(a) in paragraph 2, point (d)(ii) is replaced by the following:

'(ii) EUR 1 500 000 for Greece;'

(b) in paragraph 2, point (d)(vii) is replaced by the following:

Done at Brussels, 25 July 2013.

*For the Commission*

Tonio BORG

*Member of the Commission*

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## COMMISSION IMPLEMENTING DECISION

of 25 July 2013

**authorising Germany to prohibit on its territory the marketing of certain varieties of hemp listed in the Common Catalogue of varieties of agricultural plant species, pursuant to Council Directive 2002/53/EC**

*(notified under document C(2013) 4702)***(Only the German text is authentic)**

(2013/404/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2002/53/EC of 13 June 2002 on the Common Catalogue of varieties of agricultural plant species <sup>(1)</sup>, and in particular Article 18 thereof,

Whereas:

- (1) The Commission, in accordance with Directive 2002/53/EC, published in the C-series of the *Official Journal of the European Union*, in the Common Catalogue of varieties of agricultural plant species, certain varieties of hemp.
- (2) Council Regulation (EC) No 73/2009 <sup>(2)</sup> provides, in Article 39, that in order to prevent support being granted for illegal crops, areas used for the production of hemp shall only be eligible if the varieties used have a tetrahydrocannabinol content not exceeding 0,2 %.
- (3) Commission Regulation (EC) No 1122/2009 <sup>(3)</sup> lays down, in Article 40(3), that, if for the second year the average of all the samples of a given hemp variety exceeds the tetrahydrocannabinol content as laid down in Regulation (EC) No 73/2009, the Member State shall request authorisation to prohibit the marketing of such variety in accordance with Directive 2002/53/EC.
- (4) On 15 November 2012 the Commission received a request from Germany for authorisation to prohibit the marketing of the hemp varieties Bialobrzeskie and Carmagnola, because for the second year in a row their tetrahydrocannabinol content exceeded the authorised content of 0,2 %.

- (5) On this basis, the request from Germany should be granted.
- (6) In order to allow the Commission to inform the other Member States and to update the Common Catalogue of varieties of agricultural plant species, Germany should be required to inform the Commission when it makes use of the authorisation granted by this Decision.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

*Article 1*

Germany is authorised to prohibit the marketing, in any part of its territory, of the hemp varieties Bialobrzeskie and Carmagnola.

*Article 2*

Germany shall notify to the Commission the date from which it makes use of the authorisation referred to in Article 1.

*Article 3*

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 25 July 2013.

*For the Commission*

Tonio BORG

*Member of the Commission*

<sup>(1)</sup> OJ L 193, 20.7.2002, p. 1.

<sup>(2)</sup> 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 (OJ L 30, 31.1.2009, p. 16).

<sup>(3)</sup> Commission Regulation (EC) No 1122/2009 of 30 November 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 73/2009 (OJ L 316, 2.12.2009, p. 65).







2013/403/EU:

- ★ **Commission Implementing Decision of 25 July 2013 approving certain amended programmes for the eradication, control and monitoring of animal diseases and zoonoses for the year 2013 and amending Implementing Decision 2012/761/EU as regards the Union financial contribution for certain programmes approved by that Decision** (*notified under document C(2013) 4663*)..... 30

2013/404/EU:

- ★ **Commission Implementing Decision of 25 July 2013 authorising Germany to prohibit on its territory the marketing of certain varieties of hemp listed in the Common Catalogue of varieties of agricultural plant species, pursuant to Council Directive 2002/53/EC** (*notified under document C(2013) 4702*) ..... 33

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2985 Luxembourg  
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