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Price: EUR 4

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## II

*(Non-legislative acts)*

## INTERNATIONAL AGREEMENTS

**Notice concerning the provisional application of Part IV (trade matters) of the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other (Nicaragua)**

Pending the completion of the procedures for the conclusion of the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other, signed at Tegucigalpa on 29 June 2012, Part IV thereof concerning trade matters shall, in accordance with its Article 353(4), be applied on a provisional basis between the European Union and Nicaragua as from 1 August 2013. By virtue of Article 3 (1) of the Council Decision of 25 June 2012 on the signing and provisional application of the Agreement, Article 271 shall not be provisionally applied.

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**Notice concerning the provisional application of Part IV (trade matters) of the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other (Panama)**

Pending the completion of the procedures for the conclusion of the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other, signed at Tegucigalpa on 29 June 2012, Part IV thereof concerning trade matters shall, in accordance with its Article 353(4), be applied on a provisional basis between the European Union and Panama as from 1 August 2013. By virtue of Article 3 (1) of the Council Decision of 25 June 2012 on the signing and provisional application of the Agreement, Article 271 shall not be provisionally applied.

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**Notice concerning the provisional application of Part IV (trade matters) of the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other (Honduras)**

Pending the completion of the procedures for the conclusion of the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other, signed at Tegucigalpa on 29 June 2012, Part IV thereof concerning trade matters shall, in accordance with its Article 353(4), be applied on a provisional basis between the European Union and Honduras as from 1 August 2013. By virtue of Article 3 (1) of the Council Decision of 25 June 2012 on the signing and provisional application of the Agreement, Article 271 shall not be provisionally applied.

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**COMMISSION DECISION****of 31 July 2012****on the conclusion of the Agreement for Cooperation in the Peaceful Uses of Nuclear Energy  
between the European Atomic Energy Community and the Government of the Republic of  
South Africa**

(2013/408/Euratom)

THE EUROPEAN COMMISSION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 101, the second paragraph thereof,

Having regard to the approval of the Council,

Whereas:

The Agreement for Cooperation in the Peaceful Uses of Nuclear Energy between the European Atomic Energy Community and the Government of the Republic of South Africa should be concluded,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement for cooperation in the peaceful uses of nuclear energy between the European Atomic Energy Community and

the Government of the Republic of South Africa is hereby approved on behalf of the European Atomic Energy Community. The text of the Agreement is attached to this Decision.

*Article 2*

A Member of the Commission is hereby authorised to sign the Agreement and to carry out all necessary steps for the entry into force of this Agreement to be concluded on behalf of the European Atomic Energy Community.

Done at Brussels, 31 July 2012.

*For the Commission*

Günther OETTINGER

*Member of the Commission*

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## AGREEMENT

### between the Government of the Republic of South Africa and the European Atomic Energy Community (Euratom) for Cooperation in the Peaceful Uses of Nuclear Energy

The Government of the Republic of South Africa, hereinafter referred to as 'South Africa', and the European Atomic Energy Community (Euratom), hereinafter referred to as 'the Community', and hereinafter jointly referred to as the 'Parties',

CONSIDERING the friendly relations and cooperation existing between the two Parties;

NOTING with satisfaction the fruitful outcome of economic, technical and scientific cooperation between the Parties;

TAKING into account the Agreement on Trade, Development and Cooperation between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part, done on 11 October 1999;

TAKING into account the Partnership Agreement between the Members of the African, Caribbean and Pacific Group of States on the one part, and the European Community and its Member States, on the other Part, done on 23 June 2000;

DESIRING to promote their cooperation in the use of nuclear energy for peaceful purposes;

REAFFIRMING the strong commitment of the Republic of South Africa, the Community and the Governments of its Member States to nuclear non-proliferation including the strengthening and efficient application of the related safeguards and export control regimes under which cooperation in the peaceful uses of nuclear energy between the Republic of South Africa and the Community should be carried out;

REAFFIRMING the support of the Republic of South Africa, the Community and the Governments of its Member States for the objectives of the International Atomic Energy Agency, hereinafter referred to as 'IAEA', and its safeguards system;

REAFFIRMING the strong commitment of the Republic of South Africa, the Community and its Member States to the Convention on the Physical Protection of Nuclear Material done on 3 March 1980;

WHEREAS the Republic of South Africa and all Member States of the Community are Parties to the Treaty on the Non-Proliferation of Nuclear Weapons done on 1 July 1968, hereinafter referred to as 'NPT';

NOTING that nuclear safeguards are applied in all Member States of the Community pursuant to both the Treaty establishing the European Atomic Energy Community, hereinafter referred to as 'the Euratom Treaty', and the safeguards agreements concluded between the Community, its Member States and the IAEA;

TAKING into account the African Nuclear-Weapon-Free zone treaty (Pelindaba Treaty), done on 11 April 1996 and entered into force on 15 July 2009;

NOTING that the Republic of South Africa and the Governments of all Member States of the Community participate in the Nuclear Suppliers Group;

NOTING that account should be taken of the commitments made by the Republic of South Africa and the Government of each Member State of the Community in the framework of the Nuclear Suppliers Group;

RECOGNISING the fundamental principle of free movement in the internal market within the European Union;

AGREEING that this Agreement should be in compliance with international obligations of the European Union and the Republic of South Africa under the World Trade Organisation;

REITERATING commitments of the Republic of South Africa and the Governments of Member States of the Community to their bilateral agreements in the peaceful uses of nuclear energy;

HAVE AGREED AS FOLLOWS:

#### *Article I*

#### **Definitions**

For the purpose of this Agreement, except as otherwise specified therein,

1. 'competent authority' means:

- (a) for the Republic of South Africa, the Department of Energy;
- (b) for the Community, the European Commission

or such other authority as the Party concerned may at any time notify in writing to the other Party;

- 2. 'equipment' means those items listed in Sections 1, 3, 4, 5, 6 and 7 of Annex B of IAEA Information Circular INFCIRC/254/Rev.10/Part 1 (Guidelines for Nuclear Transfers);
- 3. 'information' means scientific or technical data, results or methods of research and development stemming from the joint research projects and any other information deemed necessary by the Parties and/or participants engaged in the joint research projects to be provided or exchanged under this Agreement or research pursuant thereto;

4. 'intellectual property' shall have the meaning set out in Article 2 of the Convention establishing the World Intellectual Property Organization, done on 14 July 1967, as amended on 28 September 1979, and may include other subject matter as mutually determined by the Parties;
5. 'joint research projects' means research or technological development that is implemented with or without financial support from one or both Parties and that involves collaboration by participants from both the Community and South Africa and is designated as joint research in writing by the Parties or their scientific and technological organisations and agencies implementing the scientific research programmes. In the case where there is funding by only one Party the designation is made by that Party and the participant in that project;
6. 'nuclear material' means any source material or special fissionable material as those terms are defined in Article XX of the Statute of the IAEA. Any determination by the Board of Governors of the IAEA under Article XX of the IAEA Statute that amends the list of material considered to be 'source material' or 'special fissionable material', shall only have effect under this Agreement when the Parties have informed each other in writing that they accept that determination;
7. 'non-nuclear material' means:
- deuterium and heavy water (deuterium oxide) and any other deuterium compound in which the ratio of deuterium to hydrogen exceeds 1:5000, for use in a nuclear reactor, as defined in paragraph (1.1) of Annex B of IAEA Information Circular INFCIRC/254/Rev.10/Part 1,
  - nuclear grade graphite: graphite, for use in a nuclear reactor, as defined in paragraph (1.1) of Annex B of IAEA Information Circular INFCIRC/254/Rev.10/Part 1, having a purity level better than 5 parts per million boron equivalent and with a density greater than 1,50 grams per cubic centimetre;
8. 'participant' means any person, any research institute, any legal entity or firm or any other body otherwise allowed by either Party to participate in cooperative activities and or joint research projects under this Agreement including the Parties themselves;
9. 'person' means any natural person, undertaking or other entity governed by the applicable laws and regulations in the respective territorial jurisdiction of the Parties, but does not include the Parties;
10. 'results of intellectual activity' (RIA) means information and/or intellectual property;
11. 'Parties' means the Republic of South Africa on the one hand and the Community on the other hand;
- 'the Community' means both:
- the legal person created by the Euratom Treaty; and
  - the territories to which the Euratom Treaty applies;
12. 'technology' has the meaning defined in Annex A of IAEA Information Circular INFCIRC/254/Rev.10/Part 1.

## Article II

### Objective

- The objective of this Agreement is to encourage and to facilitate, on the basis of mutual benefit, equality and reciprocity, cooperation in the peaceful uses of nuclear energy with a view to strengthening the overall cooperative relationship between the Community and South Africa, in accordance with the needs and priorities of their respective nuclear programmes.
- This Agreement aims to foster the scientific cooperation between the Community and South Africa, in particular to facilitate the participation of South African research entities in research projects carried out in the framework of the relevant Community research programmes and to ensure a reciprocal participation of research entities of the Community and its Member States in South African projects in similar areas of research.
- Nothing contained in this Agreement shall be construed as binding the Parties to any form of exclusivity and each Party shall be entitled to conduct business independent of the other where market requirements so dictate.

## Article III

### Scope and forms of cooperation

- Nuclear material, equipment, non-nuclear material or nuclear material produced as a by-product shall be used only for peaceful purposes; and shall not be used for any nuclear explosive device, for research or for development of any such device, nor for any military purpose.
- The cooperation intended by this Agreement relates to the peaceful uses of nuclear energy and may include, inter alia:
  - research and development in the field of nuclear energy (including fusion technologies);
  - use of nuclear materials and technologies such as applications in health, agriculture;
  - transfers of nuclear materials and equipment;
  - nuclear safety, radioactive waste and spent fuel management, decommissioning, radiation protection including emergency preparedness and response;

- (e) nuclear safeguards;
- (f) other areas to be agreed by the Parties, insofar as they are covered by the Parties' respective programmes.

3. The cooperation referred to in paragraph 2 of this Article may be undertaken in the following forms:

- (a) supply of nuclear and non-nuclear materials, equipment and related technologies;
- (b) provision of nuclear fuel cycle services;
- (c) establishment of Working Groups, if necessary, to implement specific studies and projects in the area of scientific research and technological development;
- (d) exchange of experts, scientific and technological information, organization of scientific seminars and conferences, training of administrative, scientific and technical personnel;
- (e) consultations on research and technological issues and performing joint research under agreed programmes;
- (f) cooperation activities in promoting nuclear safety; and
- (g) other forms of cooperation as may be determined by the Parties in writing.

4. The cooperation referred to in paragraph 2 of this Article may also take place between authorised persons and undertakings established in the respective territories of the Parties.

#### Article IV

##### Items subject to the Agreement

1. This Agreement shall apply to nuclear material, non-nuclear material or equipment, transferred between the Parties or their respective persons, whether directly or through a third country. Such nuclear material, non-nuclear material or equipment shall become subject to this Agreement upon its entry into the territorial jurisdiction of the receiving Party, provided that the supplying Party has notified the receiving Party in writing of the intended transfer, in accordance with procedures defined in the Administrative Arrangements, and that the proposed recipient, if other than the receiving Party, is an authorised person under the territorial jurisdiction of the receiving Party.

2. Nuclear material, non-nuclear material or equipment, referred to in paragraph 1 of this Article shall remain subject to the provisions of this Agreement until it has been determined, in accordance with the procedures set out in the Administrative Arrangements:

- (a) that such item has been retransferred beyond the jurisdiction of the receiving Party in accordance with the relevant provisions of this Agreement; or

- (b) that nuclear material is no longer usable for any nuclear activity relevant from the point of view of safeguards referred to in paragraph 1 of Article VI of this Agreement or has become practically irrecoverable; or

- (c) that equipment or non-nuclear material is no longer usable for nuclear purposes; or

- (d) that the Parties mutually determine that it should no longer be subject to this Agreement.

3. Technology transfer shall be subject to this Agreement for the Member States of the Community that have expressed their willingness to place such transfers in the framework of this Agreement through a written notification from the Member State concerned to the European Commission. A prior notification between the Member State(s) concerned and the European Commission, on one side, and South Africa, on the other, should be given before each transfer.

#### Article V

##### Trade in nuclear material, non-nuclear material or equipment

1. Any transfer of nuclear material, non-nuclear material or equipment carried out pursuant to the cooperation activities shall be made in accordance with the relevant international commitments of the Community, the Member States of the Community, and the Republic of South Africa in relation to peaceful uses of nuclear energy as listed in Article VI of this Agreement.

2. The Parties shall, to such extent as is practicable, assist each other in the procurement, by either Party or by persons within the Community or under the jurisdiction of the Republic of South Africa, of nuclear material, non-nuclear material or equipment.

3. The continuation of the cooperation envisaged in this Agreement shall be contingent upon the mutually satisfactory application of the system for safeguards and control established by the Community in accordance with the Euratom Treaty and of the system for safeguards and control of nuclear material, non-nuclear material or equipment established by the Republic of South Africa.

4. The provisions of this Agreement shall not be used to impede the implementation of the principle of free movement in the internal market within the EU.

5. Transfers of nuclear material subject to this Agreement and the provision of relevant services shall be carried out under fair commercial conditions and not jeopardise the international obligations of the Parties under the World Trade Organisation. The implementation of this paragraph shall be without prejudice to the Euratom Treaty and its derived legislation, and to South African laws and regulations.

6. Any retransfers of any nuclear material, non-nuclear material, equipment or technology subject to this Agreement outside the jurisdiction of the Parties shall only be made in the framework of the commitments undertaken by the Governments of individual Member States of the Community and the Republic of South Africa within the group of nuclear supplier countries known as the Nuclear Suppliers Group. In particular, the Guidelines for Nuclear Transfers, as set out in IAEA Information Circular INFCIRC/254/Rev.10/Part 1, shall apply to retransfers of any nuclear material, non-nuclear material, equipment or technology subject to this Agreement.

7. Where the Guidelines for Nuclear Transfers referred to in paragraph 6 of this Article require the supplier Party's consent for a retransfer, such consent shall be obtained in writing prior to any retransfer to a country not figuring upon the supplier Party's list of third countries established in accordance with paragraph 8 of this Article.

8. Upon entry into force of this Agreement, the Parties shall exchange lists of the third countries to which retransfers pursuant to paragraph 7 of this Article are authorised without the need to obtain prior authorisation from the supplier Party. Each Party shall notify the other Party of changes to its list of third countries.

#### Article VI

#### Applying conditions to nuclear material subject to the Agreement

1. Nuclear material subject to this agreement shall be subject to the following conditions:

(a) In the Community, to the Euratom safeguards pursuant to the Euratom Treaty and to the IAEA safeguards pursuant to the following safeguards agreements, as relevant, and as they may be revised and replaced, so long as coverage as required by the Non-Proliferation Treaty is provided for:

(i) the Agreement between the Community's non-nuclear weapon Member States, European Atomic Energy Community and the International Atomic Energy Agency, which entered into force on 21 February 1977 (published as INFCIRC/193);

(ii) the Agreement between France, European Atomic Energy Community and the International Atomic Energy Agency, which entered into force on 12 September 1981 (published as INFCIRC/290);

(iii) the Agreement between the United Kingdom, European Atomic Energy Community and the International Atomic Energy Agency, which entered into force on 14 August 1978 (published as INFCIRC/263);

(iv) the Additional Protocols signed on 22 September 1998 which entered into force on 30 April 2004 on the basis of the document published as INFCIRC/540 (Strengthened Safeguards System, Part II);

(b) In South Africa, to the IAEA safeguards pursuant to the Agreement between the Government of the Republic of

South Africa and the IAEA for the Application of Safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons, which was signed and entered into force on 16 September 1991 and was published as INFCIRC/394, supplemented by the Additional Protocol, which was signed and entered into force on 13 September 2002, and to the African Nuclear-Weapon-Free Zone Treaty which was signed on 11 April 1996 and entered into force on 15 July 2009.

2. In the event of the application of any of the Agreements with the IAEA referred to in paragraph 1 of this Article being suspended or terminated for any reason within the Community or South Africa, the relevant Party shall enter into an agreement with the IAEA which provides for effectiveness and coverage equivalent to that provided by the safeguards agreements referred to in provisions a) or b) of paragraph 1 of this Article, or, if that is not possible,

(a) the Community, as far as it is concerned, shall apply safeguards based on the Euratom safeguards system, which provides for effectiveness and coverage equivalent to that provided by the safeguards agreements referred to in provision a) of paragraph 1 of this Article or, if that is not possible,

(b) the Parties shall enter into arrangements for the application of safeguards, which provide for effectiveness and coverage equivalent to that provided by the safeguards agreements referred to in provisions a) or b) of paragraph 1 of this Article.

3. Application of physical protection measures shall be at all times at levels which satisfy as a minimum the criteria set out in Annex C of IAEA Information Circular INFCIRC/254/Rev.10/Part 1; supplementary to this document, the Member States of the Community, the European Commission, as appropriate, and South Africa will refer when applying physical protection measures to their obligations under the Convention on the Physical Protection of Nuclear Material done on 3 March 1980, including any amendments that are in force for each Party and the recommendations in Nuclear Security Recommendations on Physical Protection of Nuclear Material and Nuclear Facilities (INFCIRC/225/Revision 5), IAEA Nuclear Security Series No 13. International transport shall be subject to the provisions of the International Convention on the Physical Protection of Nuclear Material done on 3 March 1980, including any amendments that are in force for each Party, and to the IAEA Regulations for the Safe Transport of Radioactive Materials (IAEA Safety Standards Series No. TS-R-1).

4. Nuclear safety and waste management shall be subject to the Convention on Nuclear Safety (IAEA Information Circular INFCIRC/449), the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (IAEA Information Circular INFCIRC/546), the Convention on Assistance in the case of a Nuclear Accident or Radiological Emergency (IAEA Information Circular INFCIRC/336), and the Convention on Early Notification of a Nuclear Accident (IAEA Information Circular INFCIRC/335).

*Article VII***Exchange of information and intellectual property**

Utilisation and diffusion of information and intellectual property rights, including industrial property, patents and copyrights, and technology transferred pursuant to the cooperative activities under this Agreement shall be in accordance with provisions in the Annex to this Agreement.

*Article VIII***Implementation of the Agreement**

1. The provisions of this Agreement shall be implemented in good faith in such a manner as to avoid hampering, delay or undue interference in the nuclear activities in South Africa and in the Community and so as to be consistent with the prudent management practices required for the economic and safe conduct of nuclear activities.

2. The provisions of this Agreement shall not be used for the purpose of seeking commercial or industrial advantages, nor of interfering with the commercial or industrial interests, whether domestic or international, of either Party or authorised persons, nor of interfering with the nuclear policy of either Party or of the Governments of the Member States of the Community, nor of hindering the promotion of the peaceful and non-explosive uses of nuclear energy, nor of hindering the movement of items subject to or notified to be made subject to this Agreement either within the respective territorial jurisdiction of the Parties or between South Africa and the Community.

3. Nuclear material subject to this Agreement shall be handled based on the principles of proportionality, fungibility and the equivalence of nuclear materials.

4. Any amendment to the documents published by the IAEA mentioned in Articles I, V or VI of this Agreement shall have effect under this Agreement only when the Parties have informed each other in writing through diplomatic channels that they accept such amendment.

*Article IX***Administrative Arrangements**

1. The competent authorities of both Parties shall establish Administrative Arrangements to ensure the effective implementation of the provisions of this Agreement.

2. Such Administrative Arrangements may, inter alia, cover financing provisions, assignment of management responsibilities, and detailed provisions on dissemination of information and intellectual property rights.

3. Administrative Arrangements established pursuant to paragraph 1 of this Article may be amended as mutually determined in writing by the competent authorities.

*Article X***Applicable law**

The cooperation provided for in this Agreement shall be in accordance with the laws and regulations in force in South

Africa and within the European Union as well as with the international agreements entered into by the Parties. In the case of the Community the applicable law includes the Euratom Treaty and its derived legislation.

*Article XI***Non-compliance**

1. If either Party or any Member State of the Community violates any of the material provisions of this Agreement, the other Party may, on giving written notice to that effect, suspend or terminate in whole or in part cooperation under this Agreement.

2. Before either Party takes action to that effect, the Parties shall consult with a view to reaching a decision on whether corrective measures are needed, and if so, the corrective measures to be taken and the time-scale within which such measures shall be taken. Such action shall be taken only if there has been failure to take decided measures within the time decided by the Parties or, in the event of failure to find a solution after the lapse of a period of time defined by the Parties.

3. Termination of this Agreement shall not affect the implementation of any arrangements and/or contracts, made during the period of its validity but still not completed by the date of its termination, unless otherwise agreed upon by the Parties.

*Article XII***Consultation and dispute resolution**

1. At the request of either Party, representatives of the Parties shall meet when necessary to consult with each other on matters arising out of the interpretation or the implementation of this Agreement, to supervise its operation and to discuss arrangements for cooperation additional to those provided in this Agreement. Such consultations may take also the form of an exchange of correspondence.

2. Any dispute arising out of the interpretation, the application or the implementation of this Agreement which is not settled by negotiation or as may otherwise be agreed between the Parties shall, on the request of either Party, be submitted to an arbitral tribunal which shall be composed of three arbitrators. Each Party shall designate one arbitrator and the two arbitrators so designated shall elect a third, not a national of either Party, who shall be the Chairman. If within thirty days of the request for arbitration either Party has not designated an arbitrator, the other Party to the dispute may request the President of the International Court of Justice to appoint an arbitrator to the Party which has not designated an arbitrator. If within thirty days of the designation or appointment of arbitrators for both the Parties the third arbitrator has not been elected, either Party may request the President of the International Court of Justice to appoint the third arbitrator. A majority of the members of the arbitral

tribunal shall constitute a quorum, and all decisions shall be made by majority vote of all the members of the arbitral tribunal. The arbitral procedure shall be fixed by the tribunal. The decisions of the tribunal shall be binding on both Parties and implemented by them. The remuneration of the arbitrators shall be determined on the same basis as that for ad hoc judges of the International Court of Justice.

3. For dispute resolution purposes, the English version of this Agreement shall be used.

#### *Article XIII*

##### **Complementary provisions**

1. This Agreement is without prejudice to the right of the Member States to conclude bilateral agreements with South Africa, respecting the competences of the Member States on the one hand and the Community on the other, and in so far as such bilateral agreements are in full conformity with the aims and terms of this Agreement. Bilateral agreements concluded by certain Member States before the entry into force of the Agreement between the Community and South Africa may continue to apply.

2. Provisions for articulating those agreements and this Agreement should be projected where appropriate, in accordance with the respective competence of the Parties, and subject to the agreement of concerned parties.

#### *Article XIV*

##### **Amendments and status of the Annex**

1. The Parties may consult, at the request of either Party, on possible amendments to this Agreement, particularly to take account of international developments in the field of nuclear safeguards.

2. This Agreement may be amended if the Parties so agree.

3. Any amendment shall enter into force on the date the Parties, by exchange of diplomatic notes, specify for its entry into force.

4. The Annex to this Agreement forms an integral part of this Agreement and may be amended in accordance with paragraphs 1 to 3 of this Article.

#### *Article XV*

##### **Entry into force and duration**

1. This Agreement shall enter into force on the date of the latter written notification that internal procedures necessary for its entry into force have been completed by the Parties.

2. This Agreement shall remain in force for a period of 10 years. Thereafter this Agreement shall be automatically renewed for additional periods of five years, unless, at least six months before the expiration of any such additional period, a Party notifies the other Party of its intention to terminate this Agreement.

3. Notwithstanding the suspension, termination or expiration of this Agreement or any cooperation hereunder for any reason, the obligations in Articles III, IV, V, VI, VII, VIII, IX and X of this Agreement shall continue in effect so long as any nuclear material, non-nuclear material or equipment subject to these Articles remains in the territory of the other Party or under its jurisdiction or control anywhere or until it is determined in accordance with the provisions of Article IV of this Agreement that such nuclear material is no longer usable, or is practicably irrecoverable for processing into a form in which it is usable, for any nuclear activity relevant from the point of view of safeguards.

Done at Pretoria, on the eighteenth day of July in the year two thousand and thirteen, in duplicate, in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each text being equally authentic.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto have signed the present Agreement.

*For the European Atomic Energy  
Community*

Andris PIEBALGS

*For the Government of the  
Republic of South Africa*

Ben MARTINS

## ANNEX

**Guiding principles on the allocation of intellectual property rights resulting from joint research activities under the Agreement for cooperation in the peaceful uses of nuclear energy**

## I. OWNERSHIP, ALLOCATION AND EXERCISE OF RIGHTS

1. This Annex shall apply to cooperative activities under this Agreement except as otherwise agreed by the Parties. The participants shall jointly develop technology management plans (TMPs) in respect of the ownership and use, including publication, of information and intellectual property, to be created in the course of cooperative activities. The TMPs shall be approved by the Parties before the conclusion of any specific Research and Development cooperation contracts to which they refer.

The TMPs shall be developed taking into account the aims of the cooperative activities, the relative contributions of the participants, peculiarities of licensing by territory or for a specific field of use, requirements imposed by laws applicable and other factors deemed appropriate by the participants. The rights and obligations concerning the research generated by visiting researchers under this Agreement in respect of RIA shall also be addressed in the joint TMPs.

2. RIA created in the course of cooperative activities and not addressed in the TMP shall be allocated, with the approval of the Parties, according to the principles set out in the TMP. In case of disagreement, such RIA shall be owned jointly by all the participants involved in the joint research from which the RIA results. Each participant to whom this provision applies shall have the right to use such RIA for his own commercial exploitation with no geographical limitation.
3. Each Party shall ensure that the other Party and its participants shall have the rights to RIA allocated to them in accordance with these principles.
4. While maintaining the conditions of competition in areas affected by this Agreement each Party shall endeavor to ensure that rights acquired pursuant to this Agreement and arrangements made under it are exercised in such a way as to encourage in particular:
  - (i) the dissemination and use of information created, disclosed legally, or otherwise legally made available, under the Agreement;
  - (ii) the adoption and implementation of international technical standards.

## II. COPYRIGHT WORKS

Under this Agreement, copyright belonging to the Parties or to their participants shall be accorded treatment consistent with the Berne Convention for the protection of literary and artistic work (Paris Act 1971).

## III. SCIENTIFIC LITERARY WORKS

Without prejudice to section IV of this Annex, unless otherwise agreed in the TMP, publication of results of research shall be made jointly by the Parties or participants to those cooperative activities. Subject to the foregoing general rule, the following procedures shall apply:

- (a) in the case of publication by a Party or its other participants, of scientific and technical journals, articles, reports, books, including video and software, of the results arising from cooperative activities, pursuant to this Agreement, the other Party or its other participants shall be entitled to a worldwide, non-exclusive, irrevocable, royalty-free license to translate, reproduce, adapt, transmit and publicly distribute such works;
- (b) the Parties shall ensure that literary works of a scientific character arising from cooperative activities pursuant to this Agreement and published by independent publishers shall be disseminated as widely as possible;
- (c) all copies of a copyright work to be publicly distributed and prepared under the provisions of this Agreement shall indicate the names or pseudonyms of the author(s) of the work unless an author or authors expressly declines or decline to be named. The copies shall also bear a clearly visible acknowledgment of the cooperative support of the Parties and/or their representatives and/or organizations.

## IV. UNDISCLOSED INFORMATION

## 1. Documentary undisclosed information

- (a) Each Party or its participants, as appropriate, shall identify at the earliest possible moment and preferably in the TMP, the information that it wishes to remain undisclosed in relation to this Agreement, taking account, inter alia, of the following criteria:

- secrecy of the information in the sense that the information is not, as a body or in the precise configuration or assembly of its components, generally known among or readily accessible by lawful means to experts in the field,
- the actual or potential commercial value of the information by virtue of its secrecy,
- previous protection of the information in the sense that it has been subject to steps that were reasonable under the circumstances by the person lawfully in control, to maintain its secrecy.

The Parties and their participants may, in certain cases, agree, that, unless otherwise indicated, parts of or all the information provided, exchanged or created in the course of cooperative activities pursuant to the Agreement shall not be disclosed.

- (b) Each Party shall ensure that undisclosed information under this Agreement and its ensuing privileged nature is readily recognizable as such by the other Party, for example by means of an appropriate marking or restrictive legend. This also applies to any reproduction of the said information, in whole or in part;

Party receiving undisclosed information pursuant to this Agreement shall respect the privileged nature thereof. These limitations shall automatically terminate when this information is disclosed by the owner without restriction to experts in the field;

- (c) undisclosed information communicated under this Agreement may be disseminated by the receiving Party to persons within or employed by the receiving Party, and other concerned departments or agencies in the receiving Party authorized for the specific purposes of the cooperative activities, under way, provided that any undisclosed information so disseminated shall be pursuant to a specific agreement on confidentiality and shall be readily recognizable as such, as set out above;
- (d) with the prior written consent of the Party providing undisclosed information under this Agreement, the receiving Party may disseminate such undisclosed information more widely than otherwise permitted in paragraph (c). The Parties shall cooperate in developing procedures for requesting and obtaining prior written consent for such wider dissemination, and each Party will grant such approval to the extent permitted by its domestic policies, regulations and laws.

## 2. Non-documentary undisclosed information

Non-documentary undisclosed or other confidential or privileged information provided in seminars and other meetings arranged under this Agreement, or information arising from the attachment of staff, use of facilities, or joint projects, shall be treated by the Parties or their participants according to the principles specified for documentary information in this Annex, provided, however, that the recipient of such undisclosed or other confidential or privileged information has been made aware of the confidential character of the information communicated at the time such communication is made.

## 3. Control

Each Party shall endeavor to ensure that undisclosed information received by it under this Agreement shall be controlled as provided therein. If one of the Parties becomes aware that it will be, or may reasonably be, expected to become unable to meet the non-dissemination provisions of paragraphs 1 and 2, it shall immediately inform the other Party. The Parties shall thereafter consult to define an appropriate course of action.

## V. INDICATIVE FEATURES OF A TECHNOLOGY MANAGEMENT PLAN (TMP)

The TMP is a specific agreement to be concluded between the participants, about the implementation of cooperative activities and the respective rights and obligations of the participants. With respect to RIA, the TMP will normally address, inter alia: ownership, protection, user rights for R & D purposes, exploitation and dissemination, including arrangements for joint publication, the rights and obligations of visiting researchers and dispute settlement procedures. The TMP may also address foreground and background information, licensing and deliverables.

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## REGULATIONS

## COUNCIL REGULATION (EU) No 733/2013

of 22 July 2013

## amending Regulation (EC) No 994/98 on the application of Articles 92 and 93 of the Treaty establishing the European Community to certain categories of horizontal State aid

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

of regional aid, is compatible with the internal market and not subject to the notification requirement.

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 109 thereof,

- (4) Regulation (EC) No 994/98 authorises the Commission to exempt aid for research and development, but not for innovation. Innovation has since become a Union policy priority in the context of 'Innovation Union', one of the Europe 2020 flagship initiatives. Moreover, many aid measures for innovation are relatively small and create no significant distortions of competition.

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Parliament,

- (5) In the culture and heritage conservation sector, a number of measures taken by Member States might not constitute aid because they do not fulfil all the criteria of Article 107(1) of the TFEU, for example because the beneficiary does not carry out an economic activity or because there is no effect on trade between Member States. However, to the extent measures in the field of culture and heritage conservation do constitute State aid within the meaning of Article 107(1) of the TFEU, Member States are currently required to notify them to the Commission. Regulation (EC) No 994/98 authorises the Commission to exempt aid granted to SMEs, but such an exemption would in the cultural sector be of limited use as recipients are often large companies. However, small culture, creation and heritage conservation projects, even if carried out by larger companies, do not typically give rise to any significant distortion, and recent cases have shown that such aid has limited effects on trade.

Whereas:

- (1) Council Regulation (EC) No 994/98<sup>(1)</sup> empowers the Commission to declare by means of regulations that certain specified categories of aid are compatible with the internal market and are exempted from the notification requirement of Article 108(3) of the Treaty on the Functioning of the European Union (TFEU).
- (2) State aid is an objective notion defined in Article 107(1) of the TFEU. The power of the Commission to adopt block exemptions as provided for in Regulation (EC) No 994/98 only applies to measures that fulfil all the criteria of Article 107(1) of the TFEU and therefore constitute State aid. Inclusion of a certain category of aid in Regulation (EC) No 994/98 or in an exemption regulation does not predetermine the qualification of a measure as State aid within the meaning of Article 107(1) of the TFEU.
- (3) Regulation (EC) No 994/98 empowers the Commission to declare, that under certain conditions aid to small and medium-sized enterprises ('SMEs'), aid in favour of research and development, aid in favour of environmental protection, aid in favour of employment and training and aid that complies with the map approved by the Commission for each Member State for the grant

- (6) Exemptions in the culture and heritage conservation sector could be designed on the basis of the Commission's experience as set out in guidelines, such as for cinematographic and audiovisual works, or developed case by case. When drafting such block exemptions, the Commission should take into account that they should only cover measures constituting State aid, that they should in principle focus on measures that contribute to the objectives of 'EU State aid modernisation (SAM)', and that only aid is block-exempted in respect of which the Commission has already substantial experience. Furthermore, the primary competence of the Member States in the area of culture, the special protection enjoyed by cultural diversity under Article 167(1) TFEU and the special nature of culture should be taken into account.

<sup>(1)</sup> OJ L 142, 14.5.1998, p. 1.

- (7) Member States are also required to notify to the Commission State aid measures to make good the damage caused by natural disasters. The amounts granted in this area are usually limited, and clear compatibility conditions can be defined. Regulation (EC) No 994/98 authorises the Commission to exempt such aid from the notification requirement only if it is granted to SMEs. However, large companies may also be affected by natural disasters. In the Commission's experience, such aid does not give rise to any significant distortion, and clear compatibility conditions can be defined on the basis of the experience acquired.
- (8) Member States are also required to notify to the Commission State aid measures to make good the damage caused by certain adverse weather conditions in fisheries. The amounts granted in this area are usually limited, and clear compatibility conditions can be defined. Regulation (EC) No 994/98 authorises the Commission to exempt such aid from the notification requirement only if it is granted to SMEs. However, large companies may also be affected by adverse weather conditions in fisheries. In the Commission's experience, such aid does not give rise to any significant distortion, and clear compatibility conditions can be defined on the basis of the experience acquired.
- (9) In accordance with Article 42 of the TFEU, State aid rules do not apply under certain conditions to certain aid measures in favour of agriculture products listed in Annex I to the TFEU. Article 42 does not apply to forestry or to products not listed in Annex I. Therefore, at present, by virtue of Regulation (EC) No 994/98, aid to forestry and to the promotion of food sector products not listed in Annex I can only be exempted if it is limited to SMEs. The Commission should be able to exempt certain types of aid in favour of forestry, including aid contained in the rural development programmes and also that in favour of promoting and advertising food sector products not listed in Annex I where, according to the Commission's experience, the distortions of competition are limited and clear compatibility conditions can be defined.
- (10) According to Article 7 of Council Regulation (EC) No 1198/2006 of 27 July 2006 on the European Fisheries Fund, <sup>(1)</sup> Articles 107, 108 and 109 of the TFEU apply to aid granted by the Member States to enterprises in the fisheries sector, except for payments made by Member States pursuant to, and in conformity with, Regulation (EC) No 1198/2006. Additional State aid for the conservation of marine and freshwater biological resources usually has limited effects on trade between Member States, contributes to the Union's objectives in the field of maritime and fisheries policy, and does not create serious distortions of competition. The amounts granted are usually limited and clear compatibility conditions can be defined.
- (11) In the sports sector, in particular in the field of amateur sport, a number of measures taken by Member States might not constitute aid because they do not fulfil all the criteria of Article 107(1) of the TFEU, for example because the beneficiary does not carry out an economic activity, or because there is no effect on trade between Member States. However, to the extent that measures in the field of sports do constitute State aid, within the meaning of Article 107(1) of the TFEU, Member States are currently required to notify them to the Commission. State aid measures for sport, in particular those in the field of amateur sport or those that are small-scale, often have limited effects on trade between Member States and do not create serious distortions of competition. The amounts granted are typically also limited. Clear compatibility conditions can be defined on the basis of the experience acquired so as to ensure that aid to sports does not give rise to any significant distortion.
- (12) In relation to aid concerning air and maritime transport, in the Commission's experience, aid having a social character for the transport of residents of remote regions such as outermost regions and islands, including single region island Member States and sparsely populated areas, does not give rise to any significant distortion, provided that it is granted without discrimination related to the identity of the carrier. Moreover, clear compatibility conditions can be defined.
- (13) In the field of aid to broadband infrastructure, the Commission has in recent years acquired vast experience and has devised guidelines <sup>(2)</sup>. In the Commission's experience, aid for certain types of broadband infrastructure does not give rise to any significant distortion and could benefit from a block exemption, provided that certain compatibility conditions are met and that the infrastructure is deployed in 'white areas', being areas where there is no infrastructure of the same category (either broadband or very high-speed next-generation access, 'NGA') and where none is likely to be developed in the near future, as outlined in the criteria developed in the guidelines. This is true of aid covering the provision of basic broadband, as well as of aid for

<sup>(1)</sup> OJ L 223, 15.8.2006, p. 1.

<sup>(2)</sup> Communication from the Commission — EU Guidelines for the application of State aid rules in relation to the rapid deployment of broadband networks (OJ C 25, 26.1.2013, p. 1).

small individual measures covering NGA networks, and of aid to broadband-related civil engineering works and passive broadband infrastructure.

(14) As regards infrastructure, a number of measures taken by Member States might not constitute aid because they do not fulfil all the criteria of Article 107(1) of the TFEU, for example because the beneficiary does not carry out an economic activity, because there is no effect on trade between Member States, or because the measure consists of compensation for a service of general economic interest which fulfils all the criteria of the *Altmark* case-law<sup>(1)</sup>. However, to the extent that the financing of infrastructure constitutes State aid within the meaning of Article 107(1) of the TFEU, Member States are required to notify it to the Commission. With regard to infrastructure, small amounts of aid for infrastructure projects can be an efficient way of supporting the Union's objectives, to the extent the aid minimises costs and the potential distortion of competition is limited. The Commission should therefore be able to exempt State aid for infrastructure projects that are in support of the objectives mentioned in this Regulation and in support of other objectives of common interest, in particular the Europe 2020 objectives<sup>(2)</sup>. This could include support for projects involving multi-sectoral networks or facilities where relatively small amounts of aid are necessary. However, block exemptions can only be granted for infrastructure projects where the Commission has enough experience to define clear and strict compatibility criteria, ensuring that the risk of potential distortion of competition is limited and that large amounts of aid remain subject to notification pursuant to Article 108(3) of the TFEU.

(15) Therefore, the scope of Regulation (EC) No 994/98 should be extended to include new categories of aid. This inclusion does not affect the qualification of a measure as State aid in categories or sectors where Member States are already active.

(16) Regulation (EC) No 994/98 requires the thresholds for each category of aid in respect of which the Commission adopts a block exemption regulation to be expressed either in terms of aid intensities in relation to a set of eligible costs, or in terms of maximum aid amounts. This condition makes it difficult to exempt in block certain types of measures involving State aid which, because of the specific way in which they are designed, cannot be expressed precisely in terms of the aid intensities or

maximum amounts of aid; such as financial engineering instruments or certain forms of measures aimed to promote risk capital investments. This is in particular due to the fact that such complex measures may involve aid at different levels: direct beneficiaries, intermediate beneficiaries and indirect beneficiaries. Given the increasing importance of such measures and their contribution to the Union's objectives, there should be more flexibility to make it possible to exempt them. It should therefore be possible, in the case of such measures, to define the thresholds for a particular award of aid in terms of the maximum level of State support in or related to that measure. The maximum level of State support may comprise of an element of support, which may not be State aid, provided that the measure includes at least some elements that contain State aid within the meaning of Article 107(1) of the TFEU and which elements are not marginal.

(17) Regulation (EC) No 994/98 requires Member States to provide summaries of information concerning aid implemented by them which is covered by an exemption regulation. The publication of those summaries is necessary to ensure the transparency of the measures adopted by the Member States. Their publication in the *Official Journal of the European Union* was the most effective means for ensuring transparency at the time Regulation (EC) No 994/98 was adopted. However, with the growth of electronic communication media, publication of the summaries on the website of the Commission is a faster and more effective method, with added transparency for the benefit of interested parties. Therefore, instead of being published in the *Official Journal*, those summaries should be published on the website of the Commission.

(18) Similarly, draft regulations and other documents to be examined by the Advisory Committee on State Aid in accordance with Regulation (EC) No 994/98 should be published on the website of the Commission, rather than in the *Official Journal*, to ensure greater transparency and to reduce the administrative burden and the delay in publication.

(19) The consultation procedure established in Article 8 of Regulation (EC) No 994/98 provides that the Advisory Committee on State Aid be consulted before publication of a draft regulation. However, in the interest of greater transparency, the draft regulation should be published on the website of the Commission at the same time as the Commission consults the Advisory Committee for the first time.

(20) Regulation (EC) No 994/98 should therefore be amended accordingly,

<sup>(1)</sup> Judgment of the Court of Justice of 24 July 2003 in Case C-280/00, *Altmark Trans GmbH and Regierungspräsidium Magdeburg v Nahverkehrsgesellschaft Altmark GmbH* ([2003] ECR I-7747).

<sup>(2)</sup> See Council Recommendation 2010/410/EU of 13 July 2010 on broad guidelines for the economic policies of the Member States and of the Union (OJ L 191, 23.7.2010, p. 28) and Council Decision 2010/707/EU of 21 October 2010 on guidelines for the employment policies of the Member States (OJ L 308, 24.11.2010, p. 46).

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 994/98 is amended as follows:

(1) The title of the Regulation is replaced by the following:

‘Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to certain categories of horizontal State aid’

(2) Article 1 is amended as follows:

(a) paragraph 1(a) is replaced by the following:

‘(a) aid in favour of:

- (i) small and medium-sized enterprises;
- (ii) research, development and innovation;
- (iii) environmental protection;
- (iv) employment and training;
- (v) culture and heritage conservation;
- (vi) making good the damage caused by natural disasters;
- (vii) making good the damage caused by certain adverse weather conditions in fisheries;
- (viii) forestry;
- (ix) promotion of food sector products not listed in Annex I of the TFEU;
- (x) conservation of marine and freshwater biological resources;
- (xi) sports;
- (xii) residents of remote regions, for transport, when this aid has a social character and is granted without discrimination related to the identity of the carrier;
- (xiii) basic broadband infrastructure, small individual infrastructure measures covering next-generation access networks, broadband-related civil engineering works and passive broadband infrastructure, in areas where there is either no

such infrastructure or where no such infrastructure is likely to be developed in the near future;

(xiv) infrastructure in support of the objectives listed in (i) to (xiii) and in point (b) of this paragraph and in support of other objectives of common interest, in particular the Europe 2020 objectives.’

(b) paragraph 2(c) is replaced by the following:

‘(c) thresholds expressed in terms of aid intensities in relation to a set of eligible costs or in terms of maximum aid amounts or, for certain types of aid where it may be difficult to identify the aid intensity or amount of aid precisely, in particular financial engineering instruments or risk capital investments or those of a similar nature, in terms of the maximum level of State support in or related to that measure, without prejudice to the qualification of the measures concerned in the light of Article 107(1) of the TFEU;’

(3) Article 3(2) is replaced by the following:

‘2. Upon implementing aid systems or individual aids granted outside any system, which have been exempted pursuant to regulations referred to in Article 1(1), Member States shall forward to the Commission, with a view to publication on the website of the Commission, summaries of the information regarding such systems of aid or such individual aids as are not covered by exempted aid systems.’

(4) Article 8 is amended as follows:

(a) paragraph 1(a) is replaced by the following:

‘(a) at the same time as publishing any draft regulation in accordance with Article 6;’

(b) in paragraph 2, the second sentence is replaced by the following:

‘The drafts and documents to be examined shall be annexed to the notification and may be published on the Commission website.’

*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, 22 July 2013.

For the Council  
The President  
C. ASHTON

**COUNCIL REGULATION (EU) No 734/2013**  
**of 22 July 2013**  
**amending Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93**  
**of the EC Treaty**

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 109 thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Parliament,

Whereas:

(1) In the context of a thorough modernisation of State aid rules, to contribute both to the implementation of the Europe 2020 strategy for growth<sup>(1)</sup> and to budgetary consolidation, Article 107 of the Treaty on the Functioning of the European Union (TFEU) should be applied effectively and uniformly throughout the Union. Regulation (EC) No 659/1999<sup>(2)</sup> codified and reinforced the Commission's previous practice of increasing legal certainty and supporting the development of State aid policy in a transparent environment. However, in the light of the experience gained in its application and of recent developments such as the enlargement of the Union and the economic and financial crisis, certain aspects of Regulation (EC) No 659/1999 should be amended in order to enable the Commission to be more effective.

(2) In order to assess the compatibility with the internal market of any notified or unlawful State aid for which the Commission has exclusive competence under Article 108 of the TFEU, it is appropriate to ensure that the Commission has the power, for the purposes of enforcing the State aid rules, to request all necessary market information from any Member State, undertaking or association of undertakings whenever it has doubts as to the compatibility of the measure concerned with the Union rules, and has therefore initiated the formal investigation procedure. In particular, the Commission should

use this power in cases in which a complex substantive assessment appears necessary. In deciding whether to use this power, the Commission should take due account of the duration of the preliminary investigation.

(3) For the purpose of assessing the compatibility of an aid measure after the initiation of the formal investigation procedure, in particular as regards technically complex cases subject to substantive assessment, the Commission should be able, by simple request or by decision, to require any Member State, undertaking or association of undertakings to provide all market information necessary for completing its assessment, if the information provided by the Member State concerned during the course of the preliminary investigation is not sufficient, taking due account of the principle of proportionality, in particular for small and medium-sized enterprises.

(4) In the light of the special relationship between aid beneficiaries and the Member State concerned, the Commission should be able to request information from an aid beneficiary only in agreement with the Member State concerned. The provision of information by the beneficiary of the aid measure in question does not constitute a legal basis for bilateral negotiations between the Commission and the beneficiary in question.

(5) The Commission should select the addressees of information requests on the basis of objective criteria appropriate to each case, while ensuring that, when the request is addressed to a sample of undertakings or associations thereof, the sample of respondents is representative within each category. The information sought should consist, in particular, of factual company and market data and facts-based analysis of the functioning of the market.

(6) The Commission, as the initiator of the procedure, should be responsible for verifying both the information transmission by the Member States, undertakings or associations of undertakings, and the purported confidentiality of the information to be disclosed.

<sup>(1)</sup> Communication from the Commission 'Europe 2020: A strategy for smart, sustainable and inclusive growth' of 3 March 2010 (COM(2010) 2020 final).

<sup>(2)</sup> OJ L 83, 27.3.1999, p. 1.

- (7) The Commission should be able to enforce compliance with the requests for information it addresses to any undertaking or association of undertakings, as appropriate, by means of proportionate fines and periodic penalty payments. In setting the amounts of fines and periodic penalty payments, the Commission should take due account of the principles of proportionality and appropriateness, in particular as regards small and medium-sized enterprises. The rights of the parties requested to provide information should be safeguarded by giving them the opportunity to make known their views before any decision imposing fines or periodic penalty payments is taken. The Court of Justice of the European Union should have unlimited jurisdiction with regard to such fines and periodic penalties pursuant to Article 261 of the TFEU.
- (8) Taking due account of the principles of proportionality and appropriateness, the Commission should be able to reduce the periodic penalty payments or waive them entirely, when addressees of requests provide the information requested, albeit after the expiry of the deadline.
- (9) Fines and periodic penalty payments are not applicable to Member States, since they are under a duty to cooperate sincerely with the Commission in accordance with Article 4 of the Treaty on European Union (TEU), and to provide the Commission with all information required to allow it to carry out its duties under Regulation (EC) No 659/1999.
- (10) In order to safeguard the rights of defence of the Member State concerned, it should be provided with copies of the requests for information sent to other Member States, undertakings or associations of undertakings, and be able to submit its observations on the comments received. It should also be informed of the names of the undertakings and the associations of undertakings requested, to the extent that these entities have not demonstrated a legitimate interest in the protection of their identity.
- (11) The Commission should take due account of the legitimate interests of undertakings in the protection of their business secrets. It should not be able to use confidential information provided by respondents, which cannot be aggregated or otherwise be anonymised, in any decision unless it has previously obtained their agreement to disclose that information to the Member State concerned.
- (12) In cases where information marked as confidential does not seem to be covered by obligations of professional secrecy, it is appropriate to establish a mechanism by which the Commission can decide the extent to which such information can be disclosed. Any such decision to reject a claim that information is confidential should indicate a period at the end of which the information will be disclosed, so that the respondent can make use of any judicial protection available to it, including any interim measure.
- (13) The Commission should be able, on its own initiative, to examine information on unlawful aid, from whatever source, in order to ensure compliance with Article 108 of the TFEU, and in particular with the notification obligation and standstill clause laid down in Article 108(3) of the TFEU, and to assess the compatibility of an aid with the internal market. In that context, complaints are an essential source of information for detecting infringements of the Union rules on State aid.
- (14) To improve the quality of the complaints submitted to the Commission, and at the same time increase transparency and legal certainty, it is appropriate to define the conditions that a complaint should fulfil in order to put the Commission in possession of information regarding alleged unlawful aid and set in motion the preliminary examination. Submissions not meeting those conditions should be treated as general market information, and should not necessarily lead to *ex officio* investigations.
- (15) Complainants should be required to demonstrate that they are interested parties within the meaning of Article 108(2) of the TFEU and of Article 1(h) of Regulation (EC) No 659/1999. They should also be required to provide a certain amount of information in a form that the Commission should be empowered to define in an implementing provision. In order not to discourage prospective complainants, that implementing provision should take into account that the demands on interested parties for lodging a complaint should not be burdensome.
- (16) For reasons of legal certainty, it is appropriate to establish limitation periods for the imposition and enforcement of fines and periodic penalty payments.

- (17) In order to ensure that the Commission addresses similar issues in a consistent manner across the internal market, it is appropriate to complete the existing powers of the Commission by introducing a specific legal basis to launch investigations into sectors of the economy or into certain aid instruments across several Member States. For reasons of proportionality and in the light of the high administrative burden entailed by such investigations, sector inquiries should be carried out only when the information available substantiates a reasonable suspicion that State aid measures in a particular sector could materially restrict or distort competition within the internal market in several Member States, or that existing aid measures in a particular sector in several Member States are not, or are no longer, compatible with the internal market. Such inquiries would enable the Commission to deal in an efficient and transparent way with horizontal State aid issues and to obtain an *ex ante* overview of the sector concerned.
- (18) Consistency in the application of the State aid rules requires that arrangements be established for cooperation between the courts of the Member States and the Commission. Such cooperation is relevant for all courts of the Member States that apply Article 107(1) and Article 108 of the TFEU. In particular, national courts should be able to ask the Commission for information or for its opinion on points concerning the application of State aid rules. The Commission should also be able to submit written or oral observations to courts which are called upon to apply Article 107(1) or Article 108 of the TFEU. When assisting national courts in this respect, the Commission should act in accordance with its duty to defend the public interest.
- (19) Those observations and opinions of the Commission should be without prejudice to Article 267 of the TFEU and not legally bind the national courts. They should be submitted within the framework of national procedural rules and practices including those safeguarding the rights of the parties, in full respect of the independence of the national courts. Observations submitted by the Commission on its own initiative should be limited to cases that are important for the coherent application of Article 107(1) or Article 108 of the TFEU, in particular to cases which are significant for the enforcement or the further development of Union State aid case law.
- (20) In the interests of transparency and legal certainty, information on Commission decisions should be made public. It is therefore appropriate to publish decisions to impose fines or periodic penalty payments, given that they affect the interests of the sources concerned. The Commission, when publishing its decisions, should respect the rules on professional secrecy, including the protection of all confidential information and personal data, in accordance with Article 339 of the TFEU.
- (21) The Commission, in close liaison with the Advisory Committee on State aid, should be able to adopt implementing provisions laying down detailed rules concerning the form, content and other criteria of the complaints submitted in accordance with Regulation (EC) No 659/1999.
- (22) Regulation (EC) No 659/1999 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 659/1999 is amended as follows:

- (1) the title of the Regulation is replaced by the following:

**'COUNCIL REGULATION (EC) No 659/1999 OF 22 MARCH 1999 LAYING DOWN DETAILED RULES FOR THE APPLICATION OF ARTICLE 108 OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION';**

- (2) the title of Article 5 is replaced by the following:

**'Request for information made to the notifying Member State';**

- (3) the following Articles are inserted:

*'Article 6a*

**Request for information made to other sources**

1. After the initiation of the formal investigation procedure provided for in Article 6, in particular as regards technically complex cases subject to substantive assessment, the Commission may, if the information provided by a Member State concerned during the course of the preliminary investigation is not sufficient, request any other Member State, an undertaking or an association of undertakings to provide all market information necessary to enable the Commission to complete its assessment of the measure at stake taking due account of the principle of proportionality, in particular for small and medium-sized enterprises.

2. The Commission may request information only:
- (a) if it is limited to formal investigation procedures that have been identified by the Commission as being ineffective to date; and
- (b) in so far as aid beneficiaries are concerned, if the Member State concerned agrees to the request.
3. The undertakings or associations of undertakings providing information following a Commission's request for market information based on paragraphs 6 and 7 shall submit their answer simultaneously to the Commission and to the Member State concerned, to the extent that the documents provided do not include information that is confidential vis-à-vis that Member State.

The Commission shall steer and monitor the information transmission between the Member States, undertakings or associations of undertakings concerned, and verify the purported confidentiality of the information transmitted.

4. The Commission shall request only information that is at the disposal of the Member State, undertaking or association of undertakings concerned by the request.
5. Member States shall provide the information on the basis of a simple request and within a time limit prescribed by the Commission which should normally not exceed one month. Where a Member State does not provide the information requested within that period or provides incomplete information, the Commission shall send a reminder.
6. The Commission may, by simple request, require an undertaking or an association of undertakings to provide information. Where the Commission sends a simple request for information to an undertaking or an association of undertakings, it shall state the legal basis and the purpose of the request, specify what information is required and prescribe a proportionate time limit within which the information is to be provided. It shall also refer to the fines provided for in Article 6b(1) for supplying incorrect or misleading information.
7. The Commission may, by decision, require an undertaking or an association of undertakings to provide information. Where the Commission, by decision, requires an undertaking or an association of undertakings to supply information, it shall state the legal basis, the purpose of the request, specify what information is

required and prescribe a proportionate time limit within which the information is to be provided. It shall also indicate the fines provided for in Article 6b(1) and shall indicate or impose the periodic penalties payments provided for in Article 6b(2), as appropriate. In addition, it shall indicate the right of the undertaking or association of undertakings to have the decision reviewed by the Court of Justice of the European Union.

8. When issuing a request under paragraph 1 or 6, or adopting a decision under paragraph 7, the Commission shall also simultaneously provide the Member State concerned with a copy thereof. The Commission shall indicate the criteria by which it selected the recipients of the request or decision.

9. The owners of the undertakings or their representatives, or, in the case of legal persons, companies, firms or associations having no legal personality, the persons authorised to represent them by law or by their constitution, shall supply on their behalf the information requested or required. Persons duly authorised to act may supply the information on behalf of their clients. The latter shall nevertheless be held fully responsible if the information supplied is incorrect, incomplete or misleading.

#### *Article 6b*

##### **Fines and periodic penalty payments**

1. The Commission may, if deemed necessary and proportionate, impose by decision on undertakings or associations of undertakings fines not exceeding 1 % of their total turnover in the preceding business year where they, intentionally or through gross negligence:
- (a) supply incorrect or misleading information in response to a request made pursuant to Article 6a(6);
- (b) supply incorrect, incomplete or misleading information in response to a decision adopted pursuant to Article 6a(7), or do not supply the information within the prescribed time limit.
2. The Commission may, by decision, impose on undertakings or associations of undertakings periodic penalty payments where an undertaking or association of undertakings fails to supply complete and correct information as requested by the Commission by decision adopted pursuant to Article 6a(7).

The periodic penalty payments shall not exceed 5 % of the average daily turnover of the undertaking or association concerned in the preceding business year for each working day of delay, calculated from the date established in the decision, until it supplies complete and correct information as requested or required by the Commission.

3. In fixing the amount of the fine or periodic penalty payment, regard shall be had to the nature, gravity and duration of the infringement, taking due account of the principles of proportionality and appropriateness, in particular for small and medium-sized enterprises.

4. Where the undertakings or associations of undertakings have satisfied the obligation which the periodic penalty payment was intended to enforce, the Commission may reduce the definitive amount of the periodic penalty payment compared to that under the original decision imposing periodic penalty payments. The Commission may also waive any periodic penalty payment.

5. Before adopting any decision in accordance with paragraph 1 or 2, the Commission shall set a final deadline of two weeks to receive the missing market information from the undertakings or associations of undertakings concerned and also give them the opportunity of making known their views.

6. The Court of Justice of the European Union shall have unlimited jurisdiction within the meaning of Article 261 of the TFEU to review fines or periodic penalty payments imposed by the Commission. It may cancel, reduce or increase the fine or periodic penalty payment imposed.;

(4) in Article 7, the following paragraphs are added:

‘8. Before adopting any decision in accordance with paragraphs 2 to 5, the Commission shall give the Member State concerned the opportunity of making known its views, within a time-limit that shall not normally exceed one month, on the information received by the Commission and provided to the Member State concerned pursuant to Article 6a(3).

9. The Commission shall not use confidential information provided by respondents, which cannot be aggregated or otherwise be anonymised, in any decision taken in accordance with paragraphs 2 to 5, unless it has obtained their agreement to disclose that information to the Member State concerned. The Commission may take a reasoned decision, which shall be notified to the undertaking or association of undertakings concerned, finding

that information provided by a respondent and marked as confidential is not protected, and setting a date after which the information will be disclosed. That period shall not be less than one month.

10. The Commission shall take due account of the legitimate interests of undertakings in the protection of their business secrets and other confidential information. An undertaking or an association of undertakings providing information pursuant to Article 6a, and which is not a beneficiary of the State aid measure in question, may request, on grounds of potential damage, that its identity be withheld from the Member State concerned.;

(5) in Article 10 paragraphs 1 and 2 are replaced by the following:

‘1. Without prejudice to Article 20, the Commission may on its own initiative examine information regarding alleged unlawful aid from whatever source.

The Commission shall examine without undue delay any complaint submitted by any interested party in accordance with Article 20(2) and shall ensure that the Member State concerned is kept fully and regularly informed of the progress and outcome of the examination.

2. If necessary, the Commission shall request information from the Member State concerned. Article 2(2) and Article 5(1) and (2) shall apply *mutatis mutandis*.

After the initiation of the formal investigation procedure, the Commission may also request information from any other Member State, from an undertaking, or association of undertakings in accordance with Article 6a and 6b, which shall apply *mutatis mutandis*.;

(6) the following chapter heading is inserted after Article 14:

‘CHAPTER IIIA

**LIMITATION PERIODS;**

(7) The title of Article 15 is replaced by the following:

**‘Limitation period for the recovery of aid’;**

(8) the following Articles are inserted:

‘Article 15a

**Limitation period for the imposition of fines and periodic penalty payments**

1. The powers conferred on the Commission by Article 6b shall be subject to a limitation period of three years.

2. The period provided for in paragraph 1 shall start on the day on which the infringement referred to in Article 6b is committed. However, in the case of continuing or repeated infringements, the period shall begin on the day on which the infringement ceases.

3. Any action taken by the Commission for the purpose of the investigation or proceedings in respect of an infringement referred to in Article 6b shall interrupt the limitation period for the imposition of fines or periodic penalty payments, with effect from the date on which the action is notified to the undertaking or association of undertakings concerned.

4. After each interruption, the limitation period shall start running afresh. However, the limitation period shall expire at the latest on the day on which a period of six years has elapsed without the Commission having imposed a fine or a periodic penalty payment. That period shall be extended by the time during which the limitation period is suspended in accordance with paragraph 5.

5. The limitation period for the imposition of fines or periodic penalty payments shall be suspended for as long as the decision of the Commission is the subject of proceedings pending before the Court of Justice of the European Union.

#### Article 15b

#### **Limitation periods for the enforcement of fines and periodic penalty payments**

1. The powers of the Commission to enforce decisions adopted pursuant to Article 6b shall be subject to a limitation period of five years.

2. The period provided for in paragraph 1 shall start on the day on which the decision taken pursuant to Article 6b becomes final.

3. The limitation period provided for in paragraph 1 shall be interrupted:

- (a) by notification of a decision modifying the original amount of the fine or periodic penalty payment or refusing an application for modification;
- (b) by any action of a Member State, acting at the request of the Commission, or of the Commission, intended to enforce payment of the fine or periodic penalty payment.

4. After each interruption, the limitation period shall start running afresh.

5. The limitation period provided for in paragraph 1 shall be suspended for so long as:

- (a) the respondent is allowed time to pay;
- (b) the enforcement of payment is suspended pursuant to a decision of the Court of Justice of the European Union.;

(9) Article 16 is replaced by the following:

#### 'Article 16

#### **Misuse of aid**

Without prejudice to Article 23, the Commission may, in cases of misuse of aid, initiate the formal investigation procedure pursuant to Article 4(4). Articles 6, 6a, 6b, 7, 9 and 10, Article 11(1) and Articles 12 to 15 shall apply *mutatis mutandis*.;

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

'2. Any interested party may submit a complaint to inform the Commission of any alleged unlawful aid or any alleged misuse of aid. To that effect, the interested party shall duly complete a form that has been defined in an implementing provision referred to in Article 27 and shall provide the mandatory information requested therein.

Where the Commission considers that the interested party does not comply with the compulsory complaint form, or that the facts and points of law put forward by the interested party do not provide sufficient grounds to show, on the basis of a *prima facie* examination, the existence of unlawful aid or misuse of aid, it shall inform the interested party thereof and call upon it to submit comments within a prescribed period which shall not normally exceed one month. If the interested party fails to make known its views within the prescribed period, the complaint shall be deemed to have been withdrawn. The Commission shall inform the Member State concerned when a complaint has been deemed to have been withdrawn.

The Commission shall send a copy of the decision on a case concerning the subject matter of the complaint to the complainant';

(11) the following Chapter is inserted after Article 20:

‘CHAPTER VIA

**INVESTIGATIONS INTO SECTORS OF THE ECONOMY AND INTO AID INSTRUMENTS**

*Article 20a*

**Investigations into sectors of the economy and into aid instruments**

1. Where the information available substantiates a reasonable suspicion that State aid measures in a particular sector or based on a particular aid instrument may materially restrict or distort competition within the internal market in several Member States, or that existing aid measures in a particular sector in several Member States are not, or no longer, compatible with the internal market, the Commission may conduct an inquiry across various Member States into the sector of the economy or the use of the aid instrument concerned. In the course of that inquiry, the Commission may request the Member States and/or the undertakings or associations of undertakings concerned to supply the necessary information for the application of Articles 107 and 108 of the TFEU, taking due account of the principle of proportionality.

The Commission shall state the reasons for the inquiry and for the choice of addressees in all requests for information sent under this Article.

The Commission shall publish a report on the results of its inquiry into particular sectors of the economy or particular aid instruments across various Member States and shall invite the Member States and any undertakings or associations of undertakings concerned to submit comments.

2. Information obtained from sector inquiries may be used in the framework of procedures under this Regulation.

3. Articles 5, 6a and 6b shall apply *mutatis mutandis*;

(12) the following Chapter is inserted after Article 23:

‘CHAPTER VIIA

**COOPERATION WITH NATIONAL COURTS**

*Article 23a*

**Cooperation with national courts**

1. For the application of Article 107(1) and Article 108 of the TFEU, the courts of the Member States may ask the

Commission to transmit to them information in its possession or its opinion on questions concerning the application of State aid rules.

2. Where the coherent application of Article 107(1) or Article 108 of the TFEU so requires, the Commission, acting on its own initiative, may submit written observations to the courts of the Member States that are responsible for applying the State aid rules. It may, with the permission of the court in question, also make oral observations.

The Commission shall inform the Member State concerned of its intention to submit observations before formally doing so.

For the exclusive purpose of preparing its observations, the Commission may request the relevant court of the Member State to transmit documents at the disposal of the court, necessary for the Commission’s assessment of the matter.’;

(13) Article 25 is replaced by the following:

‘Article 25

**Addressee of decisions**

1. The decisions taken pursuant to Article 6a(7), Article 6b(1) and (2), and Article 7(9) shall be addressed to the undertaking or association of undertakings concerned. The Commission shall notify the decision to the addressee without delay and shall give the addressee the opportunity to indicate to the Commission which information it considers to be covered by the obligation of professional secrecy.

2. All other decisions of the Commission taken pursuant to Chapters II, III, IV, V and VII shall be addressed to the Member State concerned. The Commission shall notify them to the Member State concerned without delay and shall give that Member State the opportunity to indicate to the Commission which information it considers to be covered by the obligation of professional secrecy.’;

(14) in Article 26, the following paragraph is inserted:

‘2a. The Commission shall publish in the *Official Journal of the European Union* the decisions which it takes pursuant to Article 6b(1) and (2).’;

(15) Article 27 is replaced by the following:

*Article 27*

**Implementing provisions**

The Commission, acting in accordance with the procedure laid down in Article 29, shall have the power to adopt implementing provisions concerning:

- (a) the form, content and other details of notifications;
- (b) the form, content and other details of annual reports;

(c) the form, content and other details of complaints submitted in accordance with Article 10(1) and Article 20(2);

(d) details of time-limits and the calculation of time-limits; and

(e) the interest rate referred to in Article 14(2).'

*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, 22 July 2013.

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

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**COUNCIL IMPLEMENTING REGULATION (EU) No 735/2013****of 30 July 2013****implementing Regulation (EU) No 101/2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Tunisia**

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 101/2011 of 4 February 2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Tunisia<sup>(1)</sup>, and in particular Article 12(1) thereof,

Whereas:

- (1) On 4 February 2011, the Council adopted Regulation (EU) No 101/2011.
- (2) The entries for three persons in the list of natural and legal persons, entities or bodies set out in Annex I to Regulation (EU) No 101/2011 should be replaced and new statements of reasons provided with regard to their designation.

- (3) Annex I to Regulation (EU) No 101/2011 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Regulation (EU) No 101/2011 shall be amended as set out in the Annex to this Regulation.

*Article 2*

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

Done at Brussels, 30 July 2013.

*For the Council*  
*The President*  
L. LINKEVIČIUS

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<sup>(1)</sup> OJ L 31, 5.2.2011, p. 1.

## ANNEX

The entries for the persons in the list of natural and legal persons, entities or bodies set out in Annex I to Regulation (EU) No 101/2011 listed below shall be replaced by the following entries:

	Names	Identifying information	Reasons
1.	Mohamed Ben Moncef Ben Mohamed TRABELSI	Tunisian, born in Sabha-Lybie 7 January 1980, son of Yamina SOUIEI, managing director, married to Inès LEJRI, residing at Résidence de l'Étoile du Nord - suite B - 7th floor - apt. No 25 - Centre urbain du nord - Cité El Khadra - Tunis, holder of NIC No 04524472.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misuse of office by a public office-holder (former CEO of Société Tunisienne de Banque and former CEO of Banque Nationale Agricole) to procure an unjustified advantage for a third party and to cause a loss to the administration.
2.	Fahd Mohamed Sakher Ben Moncef Ben Mohamed Hfaiez MATERI	Tunisian, born in Tunis 2 December 1981, son of Naïma BOUTIBA, married to Nesrine BEN ALI, holder of NIC No 04682068.	Person subject to judicial investigations by the Tunisian authorities for exerting wrongful influence over a public office-holder (ex-President Ben Ali) with a view to obtaining directly or indirectly an advantage for another person, complicity in the misuse of office by a public office-holder (ex-President Ben Ali) to procure an unjustified advantage for a third party and to cause a loss to the administration, and complicity in the misappropriation of Tunisian public monies by a public office-holder (ex-President Ben Ali).
3.	Mohamed Slim Ben Mohamed Hassen Ben Salah CHIBOUB	Tunisian, born 13 January 1959, son of Leïla CHAIBI, married to Dorsaf BEN ALI, CEO, residing at rue du Jardin - Sidi Bousaid - Tunis, holder of NIC No 00400688.	Person subject to judicial investigations by the Tunisian authorities for exerting wrongful influence over a public office-holder (ex-President Ben Ali) with a view to obtaining directly or indirectly an advantage for another person and complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration.

## COMMISSION DELEGATED REGULATION (EU) No 736/2013

of 17 May 2013

## amending Regulation (EU) No 528/2012 of the European Parliament and of the Council as regards the duration of the work programme for examination of existing biocidal active substances

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products <sup>(1)</sup>, and in particular the second subparagraph of Article 89(1) thereof,

Whereas:

- (1) Regulation (EU) No 528/2012 provides for the continuation of the work programme for the systematic examination of all existing active substances used in biocidal products commenced in accordance with Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market <sup>(2)</sup>.
- (2) The first subparagraph of Article 89(1) of Regulation (EU) No 528/2012 provides for the work programme to be achieved by 14 May 2014.
- (3) According to the Commission's latest estimations, as expressed in the Communication from the Commission to the European Parliament pursuant to Article 294(6) of the Treaty on the Functioning of the European Union concerning the position of the Council on the adoption of a Regulation of the European Parliament and of the

Council concerning the placing on the market and use of biocidal products <sup>(3)</sup>, the examination of all existing active substances used in biocidal products will only be finalised by 31 December 2024.

- (4) It is therefore appropriate to extend the work programme until that date,

HAS ADOPTED THIS REGULATION:

*Article 1*

The first subparagraph of Article 89(1) of Regulation (EU) No 528/2012 is replaced by the following:

'1. The Commission shall carry on with the work programme for the systematic examination of all existing active substances commenced in accordance with Article 16(2) of Directive 98/8/EC with the aim of achieving it by 31 December 2024. To that end, the Commission shall be empowered to adopt delegated acts in accordance with Article 83 concerning the carrying out of the work programme and specification of the related rights and obligations of the competent authorities and the participants in the programme.'

*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, 17 May 2013.

For the Commission  
The President  
José Manuel BARROSO

<sup>(1)</sup> OJ L 167, 27.6.2012, p. 1.

<sup>(2)</sup> OJ L 123, 24.4.1998, p. 1.

<sup>(3)</sup> COM(2011) 498 final

**COMMISSION IMPLEMENTING REGULATION (EU) No 737/2013  
of 30 July 2013**

**amending Regulation (EC) No 501/2008 laying down detailed rules for the application of Council Regulation (EC) No 3/2008 on information provision and promotion measures for agricultural products on the internal market and in third countries**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 3/2008 of 17 December 2007 on information provision and promotion measures for agricultural products on the internal market and in third countries <sup>(1)</sup>, and in particular Articles 4, 5 and 15 thereof,

Whereas:

- (1) Commission Regulation (EC) No 501/2008 <sup>(2)</sup> establishes rules for the drawing-up, selection, implementation, financing and checking of information provision and promotion measures provided for in Regulation (EC) No 3/2008.
- (2) The list of themes and products for which measures may be implemented on the internal market in accordance with Article 3(1) of Regulation (EC) No 3/2008 is set out in Part A of Annex I to Regulation (EC) No 501/2008 and the list of products which may be covered by promotional measures in third countries in accordance with Article 3(2) of Regulation (EC) No 3/2008 is set out in Part A of Annex II to Regulation (EC) No 501/2008. Those lists are to be revised every two years.
- (3) The guidelines referred to in Article 5(1) of Regulation (EC) No 3/2008 are set out in Part B of Annex I to Regulation (EC) No 501/2008.
- (4) In the context of the crisis in the sheep meat sector and with a view to raising awareness in relation to sheep meat and its production and consumption, trade and inter-trade organisations from the sector should be given the opportunity to receive Union co-financing for information and promotion programmes for generic sheep meat of Union origin.
- (5) Optional quality terms, introduced by Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs <sup>(3)</sup>, constitute the second tier of quality systems which add value. They can be communicated on the internal market and refer to specific horizontal characteristics, with regard to one or more categories of products, farming methods or processing attributes which apply in specific areas. In order to complete the availability of promotion programmes on the internal market for all current quality schemes, products covered by the scheme for optional quality terms should be included as an eligible product, together with products covered by the schemes for protected designations of origin (PDO), protected geographical indications (PGI) or traditional specialities guaranteed (TSG).
- (6) The reasons for granting the eligibility to poultrymeat are no longer valid, as the period following the avian influenza crisis has been sufficiently long for restoring consumer confidence. Therefore, references to poultrymeat should be deleted.
- (7) In selecting third countries for inclusion in Part B of Annex II to Regulation (EC) No 501/2008, account is to be taken of the markets of third countries where there is actual or potential demand. Due to steadily growing consumption, potential for and interest in Union agricultural products as well as further outreach of Union programmes and cooperation projects, new countries and areas should be considered as eligible markets for the promotional programmes.
- (8) In the context of the accession of Croatia to the Union on 1 July 2013, that country should be removed from the list of eligible third countries.
- (9) Regulation (EC) No 501/2008 should therefore be amended accordingly.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

<sup>(1)</sup> OJ L 3, 5.1.2008, p. 1.

<sup>(2)</sup> OJ L 147, 6.6.2008, p. 3.

<sup>(3)</sup> OJ L 343, 14.12.2012, p. 1.

HAS ADOPTED THIS REGULATION:

*Article 1*

Annexes I, II and III to Regulation (EC) No 501/2008 are amended in accordance with the Annex to this Regulation.

*Article 2*

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

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

Done at Brussels, 30 July 2013.

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

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## ANNEX

Annexes I, II and III to Regulation (EC) No 501/2008 are amended as follows:

(1) Annex I is amended as follows:

(a) Part A. 'List of themes and products' is amended as follows:

(i) the 13th indent is replaced by the following:

— Products covered by the schemes for protected designations of origin (PDO), protected geographical indications (PGI), traditional specialties guaranteed (TSG) or optional quality terms in accordance with Regulation (EU) No 1151/2012 of the European Parliament and of the Council (\*)

(\*) OJ L 343, 14.12.2012, p. 1.

(ii) the 15th indent is deleted

(iii) the following indent is added:

— Sheep meat'

(b) Part B. 'Guidelines' is amended as follows:

(i) in the guidelines on 'FRESH, CHILLED OR FROZEN MEAT, PRODUCED IN ACCORDANCE WITH A COMMUNITY OR NATIONAL QUALITY SCHEME', in point 2. 'Goals', the words 'PDO/PGI/TSG and organic farming' are replaced by the words 'PDO/PGI/TSG, optional quality terms and organic farming'

(ii) the guidelines on 'PRODUCTS WITH A PROTECTED DESIGNATION OF ORIGIN (PDO), A PROTECTED GEOGRAPHICAL INDICATION (PGI) OR TRADITIONAL SPECIALITY GUARANTEED (TSG)' are replaced by the following:

'PRODUCTS COVERED BY THE SCHEMES FOR PROTECTED DESIGNATIONS OF ORIGIN (PDO), PROTECTED GEOGRAPHICAL INDICATIONS (PGI), TRADITIONAL SPECIALITIES GUARANTEED (TSG) OR OPTIONAL QUALITY TERMS IN ACCORDANCE WITH REGULATION (EU) No 1151/2012

### 1. Overview of the situation

The Union system for protecting product names provided for in Regulation (EU) No 1151/2012 is a priority in the implementation of the quality strand of the common agricultural policy. It is therefore necessary to continue previous efforts to run campaigns by which the denominations, the products covered by the protected names and optional quality terms are made known to all potential actors in the chain of production, preparation, marketing and consumption of those products.

### 2. Goals

Information and promotion campaigns should not focus on one or only a very limited number of product names, but rather on groups of names either of certain product categories or of products produced in one or several regions in one or several Member States.

The objectives of those campaigns should be to:

- provide comprehensive information on the content, the operation and the Union nature of the schemes and, in particular, on their effects on the commercial value of the products with protected names or optional quality terms which after registration benefit from the protection granted by those schemes,
- enhance knowledge of the Union symbols for products covered by the schemes for PDO/PGI/TSG or optional quality terms among consumers, distributors and food professionals,
- encourage producer/processor groups not yet taking part in those schemes to register the names of products which satisfy the basic requirements and to apply optional quality terms,
- encourage producers and processors in the regions concerned but not yet taking part in the schemes to participate in the production of the products bearing the registered names by conforming to the approved specifications and inspection requirements laid down for the various protected names,

- stimulate demand for the products concerned by informing consumers and distributors of the existence, significance and benefits of the schemes, and of the logos, the criteria for awarding designations, the relevant checks and controls, and the traceability system.

### 3. Target groups

- Producers and processors
- Distributors (supermarkets, wholesalers, retailers, caterers, canteens, restaurants)
- Consumers and consumer associations
- Opinion multipliers

### 4. Main messages

- The products bearing the protected names have specific characteristics associated with their geographical origin; in the case of products with a PDO, the quality or characteristics of the products are essentially or exclusively linked to the particular geographical environment with its inherent natural and human factors. In the case of products with a PGI, the products possess a specific quality or reputation which can be attributed to the geographical origin; the geographical link must occur in at least one of the stages of production, processing or preparation
- The products with a TSG have specific characteristics associated with their particular traditional methods of production or with the use of traditional raw materials
- The Union symbols for PDO, PGI and TSG are symbols that are understood throughout the Union as designating products meeting specific conditions of production linked to their geographical origin or to their tradition and subject to inspection
- Optional quality terms relate to a characteristic of one or more categories of products, or to a farming or processing attribute which applies in specific areas
- The use of the optional quality term adds value to the product as compared to products of a similar type
- Optional quality terms have a Union's dimension
- The presentation of some products covered by the schemes for PDO, PGI, TSG or optional quality terms as examples for the potential of successful commercial enhancement of products whose names are registered under the protection schemes
- These protection schemes support the Union cultural heritage, support the diversity of agricultural production and the maintenance of the countryside

### 5. Main channels

- Internet and other electronic means
- Public relations contacts with the media (specialised, women's and culinary press)
- Contacts with consumer associations
- Point of sale information and demonstrations
- Audiovisual media (specific television spots, etc.)
- Printed documents (leaflets, brochures, etc.)
- Participation at trade fairs and shows
- Information and training seminars and actions on the functioning of the Union schemes for PDO, PGI, TSG or optional quality terms

### 6. Duration and scope of the programmes

Twelve to 36 months, giving priority to multiannual programmes that set clear objectives and a strategy for each phase.'

- (iii) the guidelines on 'POULTRYMEAT' are deleted
- (iv) the following new guidelines on 'SHEEP MEAT' are added:

'SHEEP MEAT

#### 1. Overview of the situation

The sheep meat sector is a very fragile sector and experiencing a crisis: consumption, production and prices of sheep meat are in decline, whilst costs (introduction of electronic identification, feed prices, traditional production as transhumance) are on the rise. Moreover, supply of sheep meat from third

countries is increasing. Given the worsening profitability, many producers are obliged to leave the production, which can have negative consequence on the variety of the meat in the Union and on further abandonment of the countryside. Sheep meat is an important part of the culinary heritage in the Union and its production plays in fact a special role especially in areas with difficult farming conditions, in terms of landscape preservation and socioeconomic impact.

## 2. Goals

- To increase awareness of the target groups about the quality, the sustainable production conditions of the sheep meat and the special role it plays in the culinary heritage in the Union
- To increase sheep meat consumption

## 3. Target groups

- Producers and processors
- Distributors (supermarkets, wholesalers, retailers, caterers, canteens, restaurants)
- Consumers (especially the young ones, aged 18 to 40 years) and consumer associations
- Opinion multipliers, journalists, gastronomic experts

## 4. Main messages

- Environmentally friendly and traditional production methods
- Traceability (electronic identification)
- The labeling of meats allows the consumer to identify the origin and the characteristics of the products
- Inform consumers of the diversity and organoleptic and nutritional properties of sheep meat
- Advice for use, recipes
- The information and promotion campaigns are restricted to products from the Union

## 5. Main channels

- Internet and other electronic means
- Promotion at points of sale (tasting, recipes, information)
- Press relations and public relations (events, participation in consumer fairs, etc.)
- Publicity (or publicity editorials) in the press
- Audiovisual media (television and radio)
- Participation in trade fairs
- Other channels

## 6. Duration and scope of the programmes

Twelve to 36 months, giving priority to multiannual programmes that set clear objectives and a strategy for each phase and are organised by two or several Member States and implemented in at least two new markets.'

(2) Annex II is amended as follows:

(a) Part A. '**LIST OF PRODUCTS WHICH MAY BE COVERED BY PROMOTIONAL MEASURES**' is amended as follows:

(i) the 11th indent is replaced by the following:

— Products covered by the schemes for protected designations of origin (PDO), protected geographical indications (PGI), or traditional specialities guaranteed (TSG) in accordance with Regulation (EU) No 1151/2012'

(ii) the following new indent is added:

— Sheep meat'

(b) Part B. '**LIST OF THIRD COUNTRY MARKETS IN WHICH PROMOTIONAL MEASURES MAY BE CARRIED OUT**' is amended as follows:

- (i) Section A. 'Countries' is amended as follows:
    - the indents for South Africa and Croatia are deleted
    - the following new indents are added:
      - '— Albania
      - Armenia
      - Azerbaijan
      - Belarus
      - Georgia
      - Kazakhstan
      - Moldova
      - Uzbekistan'
  - (ii) Section B. 'Geographical areas' is amended as follows:
    - the indent for North Africa is deleted
    - the following new indent is added:
      - '— Africa'
- (3) Annex III is amended as follows:
- (a) point 12 is replaced by the following:
    - '12. Products covered by the schemes for protected designations of origin (PDO), protected geographical indications (PGI), traditional specialities guaranteed (TSG) or optional quality terms in accordance with Regulation (EU) No 1151/2012: EUR 3 million'
  - (b) point 15 is deleted
  - (c) the following point 16 is added:
    - '16. Sheep meat: p.m.'
-

## COMMISSION REGULATION (EU) No 738/2013

of 30 July 2013

amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of certain additives in seaweed based fish roe analogues

(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 Article 3(1) of 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> either on the initiative of the Commission or following an application.
- (3) An application for the authorisation of the use of several additives in seaweed based fish product analogues was submitted on 1 February 2011 and has been made available to the Member States.
- (4) Seaweed based fish roe analogues have been developed from extracts of seaweed, amounting to about 85 % of the product. Additional ingredients are water, spices and authorised additives. Seaweed based fish roe analogues belong to the food category 04.2.4.1 'Fruit and vegetable preparations excluding compote' according to Part D of the Union List of food additives of the Annex II to Regulation (EC) No 1333/2008.
- (5) As these products are not visually appealing, the use of certain food colours are needed. The use of sweeteners is needed to adjust the taste, to mask bitterness and at the same time to avoid that the use of sugars would limit the

microbiological stability and the shelf-life of these products. Additionally requested additives are needed as stabilisers and antioxidants.

- (6) The seaweed based fish analogues are primarily intended to be used as garniture or for ornamentation purposes on dishes, as an alternative to fish roe. The additional exposure due to the use of these additives would therefore be negligible compared to their use in other foodstuffs and is not liable to have an effect on human health. It is therefore appropriate to authorise the use of certain colours, sweeteners, antioxidants and stabilisers in fish roe analogues.
- (7) Pursuant to Article 3(2) of Regulation (EC) No 1331/2008, the Commission has to seek the opinion of the European Food Safety 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. Since the authorisation of use of Curcumin (E 100), Riboflavins (E 101), Cochineal, Carminic acid, Carmines (E 120), Copper complexes of chlorophylls and chlorophyllins (E 141), Plain caramels (E 150a), Vegetable carbon (E 153), Carotenes (E 160a), Paprika extract, capsanthin, capsorubin (E 160c), Beta-apo-8'-carotenal (C 30) (E 160e), Beetroot Red, betanin (E 162), Anthocyanins (E 163), Titanium dioxide (E 171), Iron oxides and hydroxides (E 172), Extracts of rosemary (E 392), Phosphoric acid – phosphates – di-, tri- and polyphosphates (E 338 - 452) and Saccharin and its Na, K and Ca salts (E 954) in seaweed based fish roe analogues constitutes an update of that list which is not liable to have an effect on human health, it is not necessary to seek the opinion of the European Food Safety Authority.
- (8) Therefore, Annex II to Regulation (EC) No 1333/2008 should 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*

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

*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, 30 July 2013.

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

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## ANNEX

In Part E of Annex II to Regulation (EC) No 1333/2008, food category 04.2.4.1 'Fruit and vegetable preparations excluding compote', is amended as follows:

(1) The following entries are inserted in numerical order:

	E 100	Curcumin	50		Only seaweed based fish roe analogues
	E 101	Riboflavins	<i>quantum satis</i>		Only seaweed based fish roe analogues
	E 120	Cochineal, Carminic acid, Carmines	100		Only seaweed based fish roe analogues
	E 141	Copper complexes of chlorophylls and chlorophyllins	<i>quantum satis</i>		Only seaweed based fish roe analogues
	E 150a	Plain caramels	<i>quantum satis</i>		Only seaweed based fish roe analogues
	E 153	Vegetable carbon	<i>quantum satis</i>		Only seaweed based fish roe analogues
	E 160a	Carotenes	<i>quantum satis</i>		Only seaweed based fish roe analogues
	E 160c	Paprika extract, capsanthin, capsorubin	<i>quantum satis</i>		Only seaweed based fish roe analogues
	E 160e	Beta-apo-8'-carotenal (C 30)	100		Only seaweed based fish roe analogues
	E 162	Beetroot Red, betanin	<i>quantum satis</i>		Only seaweed based fish roe analogues
	E 163	Anthocyanins	<i>quantum satis</i>		Only seaweed based fish roe analogues
	E 171	Titanium dioxide	<i>quantum satis</i>		Only seaweed based fish roe analogues
	E 172	Iron oxides and hydroxides	<i>quantum satis</i>		Only seaweed based fish roe analogues
	E 338 - 452	Phosphoric acid – phosphates – di-, tri- and polyphosphates	1 000	(1) (4)	Only seaweed based fish roe analogues
	E 392	Extracts of rosemary	200	(46)	Only seaweed based fish roe analogues
	E 954	Saccharin and its Na, K and Ca salts	50	(52)	Only seaweed based fish roe analogues'

(2) The following footnote is inserted after footnote 34:

'(46) As the sum of carnosol and carnosic acid'

## COMMISSION REGULATION (EU) No 739/2013

of 30 July 2013

**amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of Stigmasterol-rich plant sterols as a stabiliser in ready-to-freeze alcoholic cocktails, and the Annex to Commission Regulation (EU) No 231/2012 as regards specifications for Stigmasterol-rich plant sterols food additive**

(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) and 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) 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) Commission Regulation (EU) No 231/2012 <sup>(3)</sup> lays down specifications for food additives listed in Annex II to Regulation (EC) No 1333/2008.
- (3) Those lists 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.
- (4) An application for the authorisation of use of Stigmasterol-rich plant sterols as a stabiliser in ready-to-freeze alcoholic cocktails was submitted on 11 February 2011 and was made available to the Member States.
- (5) There is a technological need for the use of Stigmasterol-rich plant sterols as a stabiliser, ice nucleating agent, to generate and maintain the presence of ice dispersions within a range of ready-to-freeze alcoholic cocktails. These products are designed to be purchased by the

consumer in liquid form and placed in domestic freezers to produce a semi-frozen beverage. Stigmasterol-rich plant sterols when added to the cocktails as an ice-nucleating agent (stabiliser) ensure that the cocktails will freeze and produce a satisfactory semi-frozen beverage in the consumer's freezer. Without the use of stigmasterol-rich plant sterols, supercooling of the beverage can occur and ice formation cannot be guaranteed resulting in product failure.

- (6) 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 set out in Annex II to Regulation (EC) No 1333/2008.
- (7) The European Food Safety Authority evaluated the safety of Stigmasterol-rich plant sterols when used as a food additive in ready-to-freeze alcoholic cocktails and expressed its opinion on 14 May 2012 <sup>(4)</sup>. It considered that the toxicological data available for stigmasterol-rich plant sterols are insufficient to establish an acceptable daily intake. However, based on the available data, it concluded that the proposed use and use levels of stigmasterol-rich plant sterols as a stabiliser in ready-to-freeze alcoholic cocktails are not of a safety concern. Furthermore, the Authority considers that the average daily intake, taking into account the estimated exposure to plant sterols from all sources (i.e. from new applications, from natural sources and added as novel food ingredient) will not exceed 3 g/day.
- (8) Therefore, it is appropriate to authorise the use of Stigmasterol-rich plant sterols as a stabiliser in ready-to-freeze alcoholic cocktails and to assign E 499 as an E-number to that food additive.
- (9) Phytosterols, phytostanols and their esters have been previously evaluated by several scientific authorities, including the Scientific Committee for Food, the Joint FAO/WHO Expert Committee on Food Additives and the European Food Safety Authority and are approved for use in various foods within the Union at levels of intake of up to 3 g/day. Those substances are used as novel food ingredients with the purpose of helping hypercholesterolaemic individuals control their LDL-cholesterol blood levels.

<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.

<sup>(4)</sup> EFSA Panel on Food Additives and Nutrient Sources added to Food (ANS); Scientific Opinion on the safety of stigmasterol-rich plant sterols as food additive. *EFSA Journal* 2012;10(5):2659.

- (10) Commission Regulation (EC) No 608/2004 of 31 March 2004 concerning the labelling of foods and food ingredients with added phytosterols, phytosterol esters, phytostanols and/or phytostanol esters<sup>(1)</sup> provides for mandatory particulars on the labelling of such foods, in addition to those listed in Article 3 of Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs<sup>(2)</sup>. Those labelling requirements relate to the effects of phytosterols, phytosterol esters, phytostanols and/or phytostanol esters on blood cholesterol levels.
- (11) As the levels of stigmaterol-rich plant sterols for the intended use on alcoholic beverages are not sufficient to affect blood cholesterol levels, ready-to-freeze alcoholic cocktail beverages containing the stigmaterol-rich plant sterols should be exempted from complying with the labelling requirements laid down by Regulation (EC) No 608/2004.
- (12) The specifications for stigmaterol-rich plant sterols should be included in Regulation (EU) No 231/2012.
- (13) The European Food Safety Authority's opinion on the safety of Stigmaterol-rich plant sterols of 14 May 2012 considered the specifications for that food additive as proposed by the applicant and as laid down in Annex II to this Regulation. It concluded that the specifications are based on the ones established for phytosterols, phytostanols, and their esters by the Joint FAO/WHO Expert Committee on Food Additives<sup>(3)</sup> and results from analysis of stigmaterol-rich plant sterols verified that the production process produces a consistent product that falls within the proposed specifications.
- (14) When updating specifications laid down in Regulation (EU) No 231/2012, it is necessary to take into account the specifications and analytical techniques for additives set out in the Codex Alimentarius as drafted by the Joint FAO/WHO Expert Committee on Food Additives.
- (15) Regulations (EC) No 1333/2008 and (EU) No 231/2012 should therefore be amended accordingly.
- (16) 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 Annex I to this Regulation.

The Annex to Regulation (EU) No 231/2012 is amended in accordance with Annex II 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, 30 July 2013.

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

<sup>(1)</sup> OJ L 97, 1.4.2004, p. 44.

<sup>(2)</sup> OJ L 109, 6.5.2000, p. 29.

<sup>(3)</sup> Joint FAO/WHO Expert Committee on Food Additives, 2008. Phytosterols, phytostanols and their esters. In: Compendium of Food Additive Specifications. Prepared at the 69th JECFA (2008), FAO JECFA Monographs 5.

ANNEX I

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

(1) in point 3 of Part B, the following entry for E 499 is inserted after the entry for E 495:

E 499	Stigmasterol-rich plant sterols'
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(2) Part E, food category 14.2.8 'Other alcoholic drinks including mixtures of alcoholic drinks with non-alcoholic drinks and spirits with less than 15 % of alcohol' is amended as follows:

(a) the following entries for E 499 are inserted after the entry for E 481-482:

	E 499	Stigmasterol-rich plant sterols	80	(80)	Only to water based ready-to-freeze alcoholic cocktails
	E 499	Stigmasterol-rich plant sterols	800	(80)	Only to cream based ready-to-freeze alcoholic cocktails'

(b) the following footnote is added:

'(80): The labelling requirements set out by Commission Regulation (EC) No 608/2004 (OJ L 97, 1.4.2004, p. 44) shall not apply.'

## ANNEX II

In the Annex to Regulation (EU) No 231/2012 the following entry for E 499 is inserted after the entry for E 495:

**E 499 STIGMASTEROL-RICH PLANT STEROLS****Synonyms****Definition**

Stigmasterol-rich plant sterols are derived from soybeans and are a chemically defined simple mixture that comprises not less than 95 % of plant sterols (stigmasterol,  $\beta$ -sitosterol, campesterol and brassicasterol), with stigmasterol representing not less than 85 % of the stigmasterol-rich plant sterols.

Einesc

Chemical name

Stigmasterol (3S,8S,9S,10R,13R,14S,17R)-17-(5-ethyl-6-methyl-hept-3-en-2-yl)-10,13-dimethyl-2,3,4,7,8,9,11,12,14,15,16,17-dodecahydro-1Hcyclopenta[a]phenanthren-3-ol

$\beta$ -Sitosterol (3S,8S,9S,10R,13R,14S,17R)-17-[(2S,5S)-5-ethyl-6-methylheptan-2-yl]-10,13-dimethyl-2,3,4,7,8,9,11,12,14,15,16,17-dodecahydro-1Hcyclopenta[a]phenanthren-3-ol

Campesterol (3S,8S,9S,10R,13R,14S,17R)-17-(5,6-dimethylheptan-2-yl)-10,13-dimethyl-2,3,4,7,8,9,11,12,14,15,16,17-dodecahydro-1Hcyclopenta[a]phenanthren-3-ol

Brassicasterol (3S,8S,9S,10R,13R,14S,17R)-17-[(E,2R,5R)-5,6-dimethylhept-3-en-2-yl]-10,13-dimethyl-2,3,4,7,8,9,11,12,14,15,16,17-dodecahydro-1Hcyclopenta[a]phenanthren-3-ol

Chemical formula

Stigmasterol  $C_{29}H_{48}O$

$\beta$ -Sitosterol  $C_{29}H_{50}O$

Campesterol  $C_{28}H_{48}O$

Brassicasterol  $C_{28}H_{46}O$

Molecular weight

Stigmasterol 412,6 g/mol

$\beta$ -Sitosterol 414,7 g/mol

Campesterol 400,6 g/mol

Brassicasterol 398,6 g/mol

Assay  
(products containing  
only free sterols and  
stanols)

Content not less than 95 % on a total free sterol/stanol basis on the anhydrous basis

<b>Description</b>	Free-flowing, white to off-white powders, pills or pastilles; colourless to pale yellow liquids
<b>Identification</b>	
Solubility	Practically insoluble in water. Phytosterols and phytostanols are soluble in acetone and ethyl acetate.
Stigmasterol content	Not less than 85 % (w/w)
Other plant sterols/ stanols: either singularly or in combination including Brassic- asterol, campestanol, campesterol, $\Delta$ -7- campesterol, choles- terol, chlerosterol, sitostanol and $\beta$ - sitosterol.	Not more than 15 % (w/w)
<b>Purity</b>	
Total Ash	Not more than 0,1 %
Residual Solvents	Ethanol: Not more than 5 000 mg/kg Methanol: Not more than 50 mg/kg
Water content	Not more than 4 % (Karl Fischer method)
Arsenic	Not more than 3 mg/kg
Lead	Not more than 1 mg/kg
<b>Microbiological criteria</b>	
Total plate count	Not more than 1 000 CFU/g
Yeasts	Not more than 100 CFU/g
Moulds	Not more than 100 CFU/g
<i>Escherichia coli</i>	Not more than 10 CFU/g
<i>Salmonella</i> spp.	Absent in 25 g'

## COMMISSION IMPLEMENTING REGULATION (EU) No 740/2013

of 30 July 2013

**on the derogations from the rules of origin laid down in Annex II to the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, that apply within quotas for certain products from Colombia**

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2012/735/EU of 31 May 2012 on the signing, on behalf of the Union, and provisional application of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part<sup>(1)</sup>, and in particular Article 6 thereof,

Whereas:

- (1) By Decision 2012/735/EU, the Council authorised the signature, on behalf of the Union, of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part ('the Agreement'). Pursuant to Decision 2012/735/EU, the Agreement is to be applied on a provisional basis, pending the completion of the procedures for its conclusion. The Agreement applies on a provisional basis from 1 August 2013.
- (2) Annex II to the Agreement concerns the definition of the concept of 'originating products' and methods of administrative cooperation. For a number of products, Appendix 2A to that Annex provides for derogations from the rules of origin set out in that Annex in the framework of annual quotas. It is therefore necessary to lay down the conditions for the application of those derogations for imports from Colombia.
- (3) The quotas set out in Appendix 2A to Annex II should be managed by the Commission on a first-come, first-served basis in accordance with Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code<sup>(2)</sup>.

- (4) Entitlement to benefit from the tariff concessions should be subject to the presentation of the relevant proof of origin to the customs authorities, as provided for in the Agreement.
- (5) Since the Agreement takes effect on 1 August 2013, this Regulation should apply from the same date.
- (6) 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 rules of origin set out in Appendix 2A to Annex II to the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part (hereinafter referred to as 'the Agreement'), shall apply within the quotas set out in the Annex to this Regulation.

*Article 2*

To benefit from the derogation set out in Article 1, the products listed in the Annex shall be accompanied by a proof of origin as set out in Annex II to the Agreement.

*Article 3*

The quotas listed in the Annex shall be managed by the Commission in accordance with the provisions of Articles 308a to 308c of Regulation (EEC) No 2454/93.

*Article 4*

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

It shall apply from 1 August 2013.

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

Done at Brussels, 30 July 2013.

For the Commission  
The President  
José Manuel BARROSO

<sup>(1)</sup> OJ L 354, 21.12.2012, p. 1.

<sup>(2)</sup> OJ L 253, 11.10.1993, p. 1.

## ANNEX

## Colombia

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording of the description of the products is to be considered as having no more than an indicative value, the scope of the preferential scheme being determined, within the context of this Annex, by CN codes as they exist at the time of adoption of this Regulation.

Order No	CN code	Description of goods	Quota period	Annual quota volume (in tonnes net weight if not otherwise specified)
09.7140	3920	Other plates, sheets, film, foil and strip, of plastics, non-cellular and not-reinforced, laminated, supported or similarly combined with other materials	From 1 August to 31 July	15 000
09.7141	6108 22 00	Women's or girl's briefs and panties, knitted or crocheted, of man-made fibres	From 1 August to 31 July	200
09.7142	6112 31	Men's or boy's swimwear, knitted or crocheted, of synthetic fibres	From 1 August to 31 July	25
09.7143	6112 41	Woman's or girl's swimwear, knitted or crocheted, of synthetic fibres	From 1 August to 31 July	100
09.7144	6115 10	Graduated compression hosiery (for example, stockings for varicose veins), knitted or crocheted	From 1 August to 31 July	25
09.7145	6115 21 00	Other pantyhose and tights, of synthetic fibres, measuring per single yarn less than 67 decitex, knitted or crocheted	From 1 August to 31 July	40
09.7146	6115 22 00	Other pantyhose and tights, of synthetic fibres, measuring per single yarn 67 decitex or more, knitted or crocheted	From 1 August to 31 July	15
09.7147	6115 30	Other women's full-length or knee-length hosiery, measuring per single yarn less than 67 decitex, knitted or crocheted	From 1 August to 31 July	25
09.7148	6115 96	Other, of synthetic fibres, knitted or crocheted	From 1 August to 31 July	175

Order No	CN code	Description of goods	Quota period	Annual quota volume (in tonnes net weight if not otherwise specified)
09.7161	7321	Stoves, ranges, grates, cookers (including those with subsidiary boilers for central heating), barbecues, braziers, gas rings, plate warmers and similar nonelectric domestic appliances, and parts thereof, of iron or steel	From 1 August to 31 July	20 000 items
09.7162	7323	Table, kitchen or other household articles and parts thereof, of iron or steel; iron or steel wool; pot scourers and scouring or polishing pads, gloves and the like, of iron or steel	From 1 August to 31 July	50 000
09.7163	7325	Other cast articles of iron or steel	From 1 August to 31 July	50 000

## COMMISSION IMPLEMENTING REGULATION (EU) No 741/2013

of 30 July 2013

## opening and providing for the administration of Union tariff quotas for agricultural products originating in Colombia

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2012/735/EU of 31 May 2012 on the signing, on behalf of the Union, and provisional application of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part <sup>(1)</sup>, and in particular Article 6 thereof,

Whereas:

- (1) By Decision 2012/735/EU, the Council authorised the signing, on behalf of the Union, of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part ('the Agreement'). Pursuant to Decision 2012/735/EU, the Agreement is to be applied on a provisional basis, pending the completion of the procedures for its conclusion. The Agreement applies on a provisional basis from 1 August 2013.
- (2) Subsection 1 of Section B of Appendix 1 to Annex I to the Agreement concerns the tariff elimination schedule of the EU party for goods originating in Colombia. For a number of specific products, it provides for the application of tariff quotas. It is therefore necessary to open tariff quotas for such products.
- (3) The tariff quotas should be managed by the Commission on a first-come, first-served basis in accordance with Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code <sup>(2)</sup>.
- (4) Entitlement to benefit from the tariff concessions should be subject to the presentation of the relevant proof of origin to the customs authorities, as provided for in the Agreement.

- (5) Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff <sup>(3)</sup>, as amended by Commission Implementing Regulation (EU) No 927/2012 <sup>(4)</sup>, contains new CN codes which are different from those referred to in the Agreement. The new codes should therefore be reflected in the Annex to this Regulation.
- (6) Since the Agreement takes effect on 1 August 2013, this Regulation should apply from the same date.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

Union tariff quotas are opened for the goods originating in Colombia and listed in the Annex.

*Article 2*

The customs duties applicable to imports into the Union of goods originating in Colombia and listed in the Annex shall, within the respective tariff quota set out in the Annex to this Regulation, be suspended.

*Article 3*

The tariff quotas in the Annex shall be managed by the Commission in accordance with the provisions of Articles 308a to 308c of Regulation (EEC) No 2454/93.

*Article 4*This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 August 2013.

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

Done at Brussels, 30 July 2013.

*For the Commission**The President*

José Manuel BARROSO

<sup>(1)</sup> OJ L 354, 21.12.2012, p. 1.<sup>(2)</sup> OJ L 253, 11.10.1993, p. 1.<sup>(3)</sup> OJ L 256, 7.9.1987, p. 1.<sup>(4)</sup> OJ L 304, 31.10.2012, p. 1.

## ANNEX

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording of the description of the products is to be considered as having no more than an indicative value, the scope of the preferential scheme being determined, within the context of this Annex, by CN codes as they exist at the time of adoption of this Regulation.

Order No	CN code	Description of goods	Quota period	Annual quota volume (in tonnes net weight if not otherwise specified)
09.7230	0201 30 0202 30	Meat of bovine animals, fresh, chilled or frozen, boneless	From 1.8.2013 to 31.12.2013	2 334
			From 1.1. to 31.12.2014 and for each period thereafter from 1.1. to 31.12.	6 160 <sup>(1)</sup>
09.7231	0711 51	Mushrooms of the genus <i>Agaricus</i> , provisionally preserved, but unsuitable in that state for immediate consumption	From 1.8.2013 to 31.12.2013	42
	2003 10	Mushrooms of the genus <i>Agaricus</i> , prepared or preserved otherwise than by vinegar or acetic acid	From 1.1. to 31.12.2014 and for each period thereafter from 1.1. to 31.12.	105 <sup>(2)</sup>
09.7232	2208 40 51 2208 40 99	Rum and other spirits obtained by distilling fermented sugar-cane products, in containers holding more than 2 litres	From 1.8.2013 to 31.12.2013	625 hectolitres (expressed in equivalent pure alcohol)
			From 1.1. to 31.12.2014 and for each period thereafter from 1.1. to 31.12.	1 600 hectolitres (expressed in equivalent pure alcohol) <sup>(3)</sup>
09.7233	0710 40 0711 90 30 2001 90 30 2004 90 10 2005 80	Sweetcorn	From 1.8.2013 to 31.12.2013	84
	2008 99 85	Maize (corn), other than sweetcorn ( <i>Zea mays</i> var. <i>saccharata</i> ), otherwise prepared or preserved, not containing added spirit and added sugar	From 1.1. to 31.12.2014 and for each period thereafter from 1.1. to 31.12.	210 <sup>(4)</sup>
09.7234	0403 10	Yogurt	From 1.8.2013 to 31.12.2013	42
			From 1.1. to 31.12.2014 and for each period thereafter from 1.1. to 31.12.	105 <sup>(2)</sup>

Order No	CN code	Description of goods	Quota period	Annual quota volume (in tonnes net weight if not otherwise specified)
09.7235	1701 13 1701 14 1701 91 1701 99	Cane sugar, not containing added flavouring or colouring matter; cane or beet sugar and chemically pure sucrose, in solid form, other than raw sugar not containing added flavouring or colouring matter	From 1.8.2013 to 31.12.2013	25 834 (expressed in raw sugar equivalent)
	From 1.1. to 31.12.2014 and for each period thereafter from 1.1. to 31.12.		63 860 (expressed in raw sugar equivalent) <sup>(5)</sup>	
09.7236	Ex 1704 90 99	Other sugar confectionery, not containing cocoa, containing 70 % or more by weight of sucrose	From 1.8.2013 to 31.12.2013	8 334
	1806 10 30 1806 10 90	Cocoa powder, containing 65 % or more by weight of sucrose or isoglucose expressed as sucrose	From 1.1. to 31.12.2014 and for each period thereafter from 1.1. to 31.12.	20 600 <sup>(6)</sup>
	Ex 1806 20 95	Other preparations in blocks, slabs or bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk in containers or immediate packings, of a content exceeding 2 kg, containing less than 18 % by weight of cocoa butter and 70 % or more by weight of sucrose		
	Ex 1901 90 99	Other food preparations of flour, groats, meal, starch or malt extract, not containing cocoa or containing less than 40 % of cocoa calculated on a totally defatted basis, containing 70 % or more by weight of sucrose		
	Ex 2006 00 31 Ex 2006 00 38	Fruit (excluding tropical fruit and ginger), vegetables, nuts (excluding tropical nuts), fruit-peel and other parts of plants, preserved by sugar (drained, glacé or crystallised), containing 70 % or more by weight of sucrose		
	Ex 2007 91 10 Ex 2007 99 20 Ex 2007 99 31 Ex 2007 99 33 Ex 2007 99 35 Ex 2007 99 39	Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, obtained by cooking, containing 70 % or more by weight of sucrose		

Order No	CN code	Description of goods	Quota period	Annual quota volume (in tonnes net weight if not otherwise specified)
	Ex 2009	Fruit juices (excluding tomato juice, juices of tropical fruit and mixtures of juices of tropical fruit) and vegetable juices of a value not exceeding 30 EUR per 100 kg net weight, unfermented and not containing added spirit, containing 30 % or more by weight of added sugar		
	Ex 2101 12 98	Preparations with a basis of coffee, tea or mate, containing 70 % or more by weight of sucrose		
	Ex 2101 20 98			
	Ex 2106 90 98	Other food preparations not elsewhere specified or included, containing 70 % or more by weight of sucrose		
	Ex 3302 10 29	Mixtures of odoriferous substances and mixtures with a basis of one or more of these substances, of a kind used in the drink industries, containing all flavouring agents characterising a beverage, of an actual alcoholic strength by volume not exceeding 0,5 %, containing 70 % or more by weight of sucrose		
09.7237	0402 99	Milk and cream, containing added sugar or other sweetening matter, not in powder, granules or other solid forms	From 1.8.2013 to 31.12.2013	42
			From 1.1. to 31.12.2014 and for each period thereafter from 1.1. to 31.12.	105 <sup>(2)</sup>

<sup>(1)</sup> With an increase of 560 metric tonnes each year as from 2015.

<sup>(2)</sup> With an increase of 5 metric tonnes each year as from 2015.

<sup>(3)</sup> With an increase of 100 hectolitres (expressed in equivalent pure alcohol) each year as from 2015.

<sup>(4)</sup> With an increase of 10 metric tonnes each year as from 2015.

<sup>(5)</sup> With an increase of 1 860 metric tonnes (expressed in raw sugar equivalent) each year as from 2015.

<sup>(6)</sup> With an increase of 600 metric tonnes each year as from 2015.

**COMMISSION IMPLEMENTING REGULATION (EU) No 742/2013****of 30 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, 30 July 2013.

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

Jerzy PLEWA  
*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
0707 00 05	TR	147,7
	ZZ	147,7
0709 93 10	TR	124,7
	ZZ	124,7
0805 50 10	AR	78,1
	BO	73,4
	CL	73,3
	TR	71,0
	UY	86,6
	ZA	93,5
	ZZ	79,3
0806 10 10	CL	140,3
	EG	221,6
	MA	158,2
	MX	242,3
	TR	174,6
	ZZ	187,4
0808 10 80	AR	135,2
	BR	96,6
	CL	121,1
	CN	111,1
	NZ	141,8
	US	151,0
	ZA	125,9
	ZZ	126,1
0808 30 90	AR	96,7
	CL	149,3
	NZ	112,3
	TR	161,6
	ZA	109,6
	ZZ	125,9
0809 10 00	TR	192,1
	ZZ	192,1
0809 29 00	CA	303,6
	TR	339,3
	ZZ	321,5
0809 30	TR	147,1
	ZZ	147,1
0809 40 05	BA	57,9
	TR	115,1
	XS	66,6
	ZZ	79,9

<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 2013/44/EU

of 30 July 2013

### amending Directive 98/8/EC of the European Parliament and of the Council to include powdered corn cob as an active substance in Annexes I and IA thereto

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market <sup>(1)</sup>, and in particular the second subparagraph of Article 16(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market <sup>(2)</sup> establishes a list of active substances to be assessed, with a view to their possible inclusion in Annex I, IA or IB to Directive 98/8/EC. That list includes powdered corn cob.
- (2) Pursuant to Regulation (EC) No 1451/2007, powdered corn cob has been evaluated in accordance with Article 11(2) of Directive 98/8/EC for use in product-type 14, rodenticides, as defined in Annex V to that Directive.
- (3) Greece was designated as Rapporteur Member State and submitted the competent authority report, together with a recommendation, to the Commission on 22 October 2009 in accordance with Article 14(4) and (6) of Regulation (EC) No 1451/2007.
- (4) The competent authority report was reviewed by the Member States and the Commission with the involvement of the applicant. In accordance with Article 15(4) of Regulation (EC) No 1451/2007, the findings of the review were incorporated, within the Standing Committee on Biocidal Products on 21 September 2012, in an assessment report.
- (5) The assessment report concludes that biocidal products used as rodenticides and containing powdered corn cob may be expected to satisfy the requirements laid down in

Article 5 of Directive 98/8/EC, and therefore recommends the inclusion of powdered corn cob for use in product type 14 in Annex I to that Directive. It is appropriate to follow that recommendation.

- (6) The assessment report also concludes that biocidal products used as rodenticides and containing powdered corn cob may be expected to present only low risk to humans, non-target animals and the environment, in particular with regard to the use which was examined and detailed in the assessment report, that is, when used in the form of pellets in dry locations. The report therefore recommends the inclusion of powdered corn cob for that use in Annex IA to Directive 98/8/EC. It is appropriate to follow that recommendation.
- (7) In accordance with current practice, and in compliance with Article 10(1) of Directive 98/8/EC, it is appropriate to limit the duration of the inclusion to 10 years.
- (8) Not all potential uses and exposure scenarios have been evaluated at Union level. It is therefore appropriate to require that Member States assess those uses or exposure scenarios and those risks to human populations and to environmental compartments that have not been representatively addressed in the Union level risk assessment and, when granting product authorisations, ensure that appropriate measures are taken or specific conditions imposed in order to reduce the identified risks to acceptable levels.
- (9) The provisions adopted pursuant to this Directive should be applied simultaneously in all Member States in order to ensure equal treatment on the Union market of biocidal products of product-type 14 containing the active substance powdered corn cob and also to facilitate the proper operation of the biocidal products market in general.
- (10) A reasonable period should be allowed to elapse before an active substance is included in Annex I and Annex IA to Directive 98/8/EC in order to permit Member States and interested parties to prepare themselves to meet the new requirements entailed and to ensure that applicants who have prepared dossiers can benefit fully from the 10-year period of data protection, which, in accordance with Article 12(1)(c)(ii) of Directive 98/8/EC, starts from the date of inclusion.

<sup>(1)</sup> OJ L 123, 24.4.1998, p. 1.

<sup>(2)</sup> OJ L 325, 11.12.2007, p. 3.

- (11) After inclusion, Member States should be allowed a reasonable period to implement Article 16(3) of Directive 98/8/EC.
- (12) Directive 98/8/EC should therefore be amended accordingly.
- (13) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents <sup>(1)</sup>, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments.
- (14) The Committee established by Article 28(1) of Directive 98/8/EC has not delivered an opinion on the measures provided for in this Directive, and the Commission therefore submitted to the Council a proposal relating to the measures and forwarded it to the European Parliament. The Council did not act within the two-month period provided for by Article 5a of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(2)</sup>, and the Commission therefore submitted the proposal to the European Parliament without delay. The European Parliament did not oppose the measure within four months from the abovementioned forwarding.

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Annexes I and IA to Directive 98/8/EC are amended in accordance with the Annex to this Directive.

*Article 2*

1. Member States shall adopt and publish, by 31 January 2014 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 February 2015.

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.

*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, 30 July 2013.

*For the Commission*

*The President*

José Manuel BARROSO

<sup>(1)</sup> OJ C 369, 17.12.2011, p. 14.

<sup>(2)</sup> OJ L 184, 17.7.1999, p. 23.

## ANNEX

(1) In Annex I to Directive 98/8/EC, the following entry is added:

No	Common Name	IUPAC Name Identification Numbers	Minimum degree of purity of the active substance (*)	Date of inclusion	Deadline for compliance with Article 16(3), unless one of the exceptions indicated in the footnote to this heading applies (**)	Expiry date of inclusion	Product type	Specific provisions (***)
'67	Powdered corn cob	Not allocated	1 000 g/kg	1 February 2015	31 January 2017	31 January 2025	14	When assessing the application for authorisation of a product in accordance with Article 5 and Annex VI, Member States shall assess, where relevant for the particular product, those uses or exposure scenarios and those risks to human populations and to environmental compartments that have not been representatively addressed in the Union level risk assessment.'

(\*) The purity indicated in this column was the minimum degree of purity of the active substance used for the evaluation made in accordance with Article 11. The active substance in the product placed on the market can be of equal or different purity if it has been proven technically equivalent with the evaluated substance.

(\*\*) For products containing more than one active substance covered by Article 16(2), the deadline for compliance with Article 16(3) is that of the last of its active substances to be included in this Annex. For products for which the first authorisation has been granted later than 120 days before the deadline for compliance with Article 16(3) and a complete application has been submitted for mutual recognition in accordance with Article 4(1) within 60 days of the granting of the first authorisation, the deadline for compliance with Article 16(3) in relation to that application is extended to 120 days after the date of reception of the complete application for mutual recognition. For products for which a Member State has proposed to derogate from mutual recognition in accordance with Article 4(4), the deadline for compliance with Article 16(3) is extended to 30 days after the date of the Commission Decision adopted in accordance with the second subparagraph of Article 4(4).

(\*\*\*) For the implementation of the common principles of Annex VI, the content and conclusions of assessment reports are available on the Commission website: <http://ec.europa.eu/comm/environment/biocides/index.htm>

(2) In Annex IA to Directive 98/8/EC, the following entry is added:

No	Common Name	IUPAC Name Identification Numbers	Minimum purity of the active substance in the biocidal product as placed on the market	Date of inclusion	Deadline for compliance with Article 16(3) (except for products containing more than one active substance, for which the deadline to comply with Article 16(3) shall be the one set out in the last of the inclusion decisions relating to its active substances)	Expiry date of inclusion	Product type	Specific provisions (*)
'3	Powdered corn cob	Not allocated	1 000 g/kg	1 February 2015	31 January 2017	31 January 2025	14	Member States shall ensure that registrations are subject to the following condition: — Only for use in the form of pellets in dry locations.'

(\*) For the implementation of the common principles of Annex VI, the content and conclusions of assessment reports are available on the Commission website: <http://ec.europa.eu/comm/environment/biocides/index.htm>

# DECISIONS

## COUNCIL IMPLEMENTING DECISION 2013/409/CFSP

of 30 July 2013

### implementing Decision 2011/72/CFSP concerning restrictive measures directed against certain persons and entities in view of the situation in Tunisia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 31(2) thereof,

Having regard to Council Decision 2011/72/CFSP of 31 January 2011 concerning restrictive measures directed against certain persons and entities in view of the situation in Tunisia<sup>(1)</sup>, and in particular Article 2(1) thereof,

Whereas:

- (1) On 31 January 2011, the Council adopted Decision 2011/72/CFSP.
- (2) The entries for three persons in the list of persons and entities set out in the Annex to Decision 2011/72/CFSP should be replaced and new statements of reasons provided with regard to their designation.
- (3) The Annex to Decision 2011/72/CFSP should be amended accordingly,

HAS ADOPTED THIS DECISION:

#### *Article 1*

The Annex to Decision 2011/72/CFSP shall be amended as set out in the Annex to this Decision.

#### *Article 2*

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

Done at Brussels, 30 July 2013.

*For the Council*  
*The President*  
L. LINKEVIČIUS

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<sup>(1)</sup> OJ L 28, 2.2.2011, p. 62.

## ANNEX

The entries for the persons in the list of persons and entities set out in the Annex to Decision 2011/72/CFSP listed below shall be replaced by the following entries:

	Names	Identifying information	Reasons
1.	Mohamed Ben Moncef Ben Mohamed TRABELSI	Tunisian, born in Sabha-Lybie 7 January 1980, son of Yamina SOUIEI, managing director, married to Inès LEJRI, residing at Résidence de l'Étoile du Nord - suite B- 7th floor - apt. No 25 - Centre urbain du nord - Cité El Khadra - Tunis, holder of NIC No 04524472.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misuse of office by a public office-holder (former CEO of Société Tunisienne de Banque and former CEO of Banque Nationale Agricole) to procure an unjustified advantage for a third party and to cause a loss to the administration.
2.	Fahd Mohamed Sakher Ben Moncef Ben Mohamed Hfaiez MATERI	Tunisian, born in Tunis 2 December 1981, son of Naïma BOUTIBA, married to Nesrine BEN ALI, holder of NIC No 04682068.	Person subject to judicial investigations by the Tunisian authorities for exerting wrongful influence over a public office-holder (ex-President Ben Ali) with a view to obtaining directly or indirectly an advantage for another person, complicity in the misuse of office by a public office-holder (ex-President Ben Ali) to procure an unjustified advantage for a third party and to cause a loss to the administration, and complicity in the misappropriation of Tunisian public monies by a public office-holder (ex-President Ben Ali).
3.	Mohamed Slim Ben Mohamed Hassen Ben Salah CHIBOUB	Tunisian, born 13 January 1959, son of Leïla CHAIBI, married to Dorsaf BEN ALI, CEO, residing at rue du Jardin - Sidi Bousaid - Tunis, holder of NIC No 00400688.	Person subject to judicial investigations by the Tunisian authorities for exerting wrongful influence over a public office-holder (ex-President Ben Ali) with a view to obtaining directly or indirectly an advantage for another person and complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration.

## COMMISSION IMPLEMENTING DECISION

of 10 July 2013

on a Union financial contribution towards Member States' fisheries control programmes for 2013

(notified under document C(2013) 4256)

(Only the Bulgarian, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovenian, Spanish and Swedish texts are authentic)

(2013/410/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 861/2006 of 22 May 2006 establishing Community financial measures for the implementation of the common fisheries policy and in the area of the Law of the Sea <sup>(1)</sup>, and in particular Article 21 thereof,

Whereas:

- (1) The Commission, in its letter of 9 October 2012, defined the priority areas to be funded by the Union in the framework of fisheries control programmes. Those priority areas include improvements in the control system of a Member State, measurements of engine power, and the traceability of fishery products. The Commission also specified in its letter of 14 May 2012 the requirements to be met by operators and Member States when carrying out investments in traceability projects.
- (2) Member States have submitted to the Commission their fisheries control programme for 2013, in accordance with Article 20 of Regulation (EC) No 861/2006, inclusive of the applications for a Union financial contribution towards the expenditure to be incurred in carrying out the projects contained in such programme.
- (3) On that basis and given budgetary constraints, requests in the programmes for Union funding related to non-priority actions such as installation of Automatic Identification Systems (AIS) on board fishing vessels, those training projects having no link with improvements to be brought in the control systems of Member States, as well as the purchase or modernisation of fisheries patrol vessels and aircraft were rejected since they were not dedicated to the priority areas.
- (4) It is appropriate to fix the maximum amounts and the rate of the Union financial contribution within the limits set by Article 15 of Regulation (EC) No 861/2006 and to lay down the conditions under which such contribution may be granted.
- (5) As to traceability projects, it is important to ensure that they are developed on the basis of internationally recognised standards, as required by Article 67(8) of Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy <sup>(2)</sup>.
- (6) The applications for Union funding have been assessed with regard to their compliance with the rules set out in Commission Regulation (EC) No 391/2007 of 11 April 2007 laying down detailed rules for the implementation of Council Regulation (EC) No 861/2006 as regards the expenditure incurred by Member States in implementing the monitoring and control systems applicable to the Common Fisheries Policy <sup>(3)</sup>.
- (7) The Commission has assessed the projects whose cost does not exceed EUR 40 000 VAT excluded, and has retained those for which it is justified to provide for Union co-financing in the light of the improvements they are likely to bring to the control system of the applicant Member States.
- (8) In order to encourage investment in the priority areas defined by the Commission and in view of the negative impact of the financial crisis on Member States' budgets, expenditure related to those priority areas should benefit from a high co-financing rate, within the limits laid down in Article 15 of Regulation (EC) No 861/2006.
- (9) In order to qualify for the contribution, automatic localisation devices as well as electronic recording and reporting devices on board fishing vessels should satisfy the requirements established by Implementing Regulation (EU) No 404/2011.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

<sup>(1)</sup> OJ L 160, 14.6.2006, p. 1.

<sup>(2)</sup> OJ L 112, 30.4.2011, p. 1.

<sup>(3)</sup> OJ L 97, 12.4.2007, p. 30.

HAS ADOPTED THIS DECISION:

#### Article 1

##### Subject matter

This Decision provides for a Union financial contribution for 2013 towards expenditure incurred by Member States for 2013 in implementing the monitoring and control systems applicable to the common fisheries policy (CFP), as referred to in Article 8(1)(a) of Regulation (EC) No 861/2006.

#### Article 2

##### Closure of outstanding commitments

All payments in respect of which a reimbursement is claimed shall be made by the Member State concerned by 30 June 2017. Payments made by a Member State after that deadline shall not be eligible for reimbursement. The budgetary appropriations related to this Decision shall be decommitted at the latest by 31 December 2018.

#### Article 3

##### New technologies and IT networks

1. Expenditure incurred, in respect of projects referred to in Annex I, on the setting up of new technologies and IT networks in order to allow efficient and secure collection and management of data in connection with monitoring, control and surveillance of fisheries activities as well as on the verification of engine power, shall qualify for a financial contribution of 90 % of the eligible expenditure, within the limits laid down in that Annex.

2. As far as traceability projects are concerned, the Union contribution shall be limited to EUR 1 000 000 in case of investments carried out by Member State authorities, and to EUR 250 000 in case of private investments. A maximum of two projects by private operator may be accepted per Member State and per financing decision. The total number of traceability projects carried out by private operators shall be limited to eight per Member State and per financing decision.

3. In order to qualify for the financial contribution referred to in paragraph 2, all projects co-financed according to this Decision shall satisfy the applicable requirements laid down in Council Regulation (EC) No 1224/2009<sup>(1)</sup> and Implementing Regulation (EU) No 404/2011.

4. Any other expenditure incurred in respect of projects referred to in Annex I shall qualify for a financial contribution of 50 % of the eligible expenditure within the limits laid down in that Annex.

#### Article 4

##### Automatic localisation devices

1. Expenditure incurred, in respect of projects referred to in Annex II, on the purchase and fitting on board of fishing vessels of automatic localisation devices enabling vessels to be monitored at a distance by a fisheries monitoring centre through a vessel monitoring system (VMS) shall qualify for a financial contribution of 90 % of the eligible expenditure, within the limits established in that Annex.

2. The financial contribution referred to in paragraph 1 shall be calculated on the basis of a price capped at EUR 2 500 per vessel.

3. In order to qualify for the financial contribution referred to in paragraph 1, automatic localisation devices shall satisfy the requirements laid down in Commission Regulation (EC) No 2244/2003<sup>(2)</sup>.

#### Article 5

##### Electronic recording and reporting systems

Expenditure incurred, in respect of projects referred to in Annex III, on the development, purchase, and installation of, as well as technical assistance for, the components necessary for electronic recording and reporting systems (ERS), in order to allow efficient and secure data exchange related to monitoring, control and surveillance of fisheries activities, shall qualify for a financial contribution of 90 % of the eligible expenditure, within the limits laid down in that Annex.

#### Article 6

##### Electronic recording and reporting devices

1. Expenditure incurred, in respect of projects referred to in Annex IV, on the purchase and fitting on board of fishing vessels of ERS devices, enabling vessels to record and report electronically to a Fisheries Monitoring Centre data on fisheries activities, shall qualify for a financial contribution of 90 % of the eligible expenditure, within the limits established in that Annex.

2. The financial contribution referred to in paragraph 1 shall be calculated on the basis of a price capped at EUR 3 000 per vessel, without prejudice to paragraph 4.

3. In order to qualify for a financial contribution, ERS devices shall satisfy the requirements established in Implementing Regulation (EU) No 404/2011.

4. In case of devices combining ERS and VMS functions, and fulfilling the requirements laid down in Implementing Regulation (EU) No 404/2011, the financial contribution referred to in paragraph 1 of this Article shall be calculated on the basis of a price capped at EUR 4 500 per vessel.

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

<sup>(2)</sup> OJ L 333, 20.12.2003, p. 17.

## Article 7

**Pilot projects**

Expenditure incurred, in respect of projects referred to in Annex V, on pilot projects on new control technologies shall qualify for a financial contribution of 50 % of the eligible expenditure, within the limits laid down in that Annex.

## Article 8

**Maximum Union contribution**

The maximum Union contribution per Member State shall be as follows:

(EUR)			
Member State	Expenditure planned in the national fisheries control programme	Expenditure for projects selected under this Decision	Maximum Union contribution
<b>Belgium</b>	1 369 250	1 369 250	1 232 325
<b>Bulgaria</b>	15 339	15 339	13 805
<b>Denmark</b>	6 801 633	5 226 502	4 691 350
<b>Germany</b>	17 502 400	4 291 800	3 794 200
<b>Estonia</b>	280 000	280 000	252 000
<b>Ireland</b>	1 200 000	1 200 000	1 080 000
<b>Greece</b>	1 370 029	1 370 029	1 153 026
<b>Spain</b>	12 186 266	9 137 042	7 562 370
<b>France</b>	5 373 796	5 363 796	4 811 416
<b>Italy</b>	7 480 000	2 160 000	1 944 000
<b>Cyprus</b>	600 000	600 000	540 000
<b>Latvia</b>	192 735	192 735	173 462
<b>Lithuania</b>	389 539	389 539	350 585
<b>Malta</b>	1 375 002	1 228 802	636 605
<b>Netherlands</b>	3 264 205	2 389 410	2 142 252
<b>Poland</b>	3 422 251	3 322 251	2 990 026
<b>Portugal</b>	1 608 900	703 500	633 150
<b>Romania</b>	769 000	419 000	313 100
<b>Slovenia</b>	315 100	293 400	241 500
<b>Finland</b>	1 682 500	1 682 500	1 514 250
<b>Sweden</b>	1 392 838	1 392 838	1 253 555
<b>United Kingdom</b>	1 039 444	1 039 444	816 423
<b>Total</b>	<b>69 630 227</b>	<b>44 067 177</b>	<b>38 139 400</b>

*Article 9***Addresses**

This Decision is addressed to the Kingdom of Belgium, the Republic of Bulgaria, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Republic of Cyprus, the Italian Republic, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Republic of Finland, the Kingdom of Sweden, and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 10 July 2013.

*For the Commission*

Maria DAMANAKI

*Member of the Commission*

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## ANNEX I

## NEW TECHNOLOGIES AND IT NETWORKS

(EUR)			
Member State and project code	Expenditure planned in the national fisheries control programme	Expenditure for projects selected under this Decision	Maximum Union contribution
<b>Belgium</b>			
BE/13/01	240 000	240 000	216 000
BE/13/02	30 000	30 000	27 000
BE/13/03	30 000	30 000	27 000
BE/13/05	60 000	60 000	54 000
BE/13/06	30 000	30 000	27 000
BE/13/08	4 250	4 250	3 825
BE/13/09	825 000	825 000	742 500
<b>Sub-Total</b>	<b>1 219 250</b>	<b>1 219 250</b>	<b>1 097 325</b>
<b>Bulgaria</b>			
BG/13/01	15 339	15 339	13 805
<b>Sub-Total</b>	<b>15 339</b>	<b>15 339</b>	<b>13 805</b>
<b>Denmark</b>			
DK/13/01	536 215	536 215	482 593
DK/13/03	402 161	402 161	361 945
DK/13/04	335 134	0	0
DK/13/05	268 107	268 107	241 297
DK/13/06	335 134	335 134	301 621
DK/13/07	536 215	0	0
DK/13/08	201 080	201 080	180 972
DK/13/09	134 054	134 054	120 648
DK/13/10	335 134	335 134	301 621
DK/13/11	402 161	402 161	361 945
DK/13/12	100 540	0	0
DK/13/13	134 054	0	0
DK/13/14	536 215	536 215	482 593
DK/13/15	201 080	0	0
DK/13/16	268 107	0	0
DK/13/17	1 125 000	1 125 000	1 000 000
DK/13/18	73 000	73 000	65 700
DK/13/19	275 000	275 000	247 500
DK/13/20	268 107	268 107	241 296
<b>Sub-Total</b>	<b>6 466 498</b>	<b>4 891 368</b>	<b>4 389 731</b>
<b>Germany</b>			
DE/13/09	60 000	60 000	54 000
DE/13/10	75 000	75 000	67 500

(EUR)			
Member State and project code	Expenditure planned in the national fisheries control programme	Expenditure for projects selected under this Decision	Maximum Union contribution
DE/13/12	90 000	90 000	81 000
DE/13/15	2 880 000	2 880 000	2 592 000
DE/13/14	170 000	170 000	153 000
DE/13/17	353 800	353 800	250 000
DE/13/18	110 000	110 000	99 000
DE/13/19	350 000	0	0
DE/13/20	95 000	0	0
DE/13/21	443 100	0	0
DE/13/22	650 000	0	0
DE/13/23	970 000	0	0
DE/13/24	275 000	0	0
DE/13/25	420 000	0	0
DE/13/26	250 000	0	0
DE/13/27	105 500	105 500	94 950
<b>Sub-Total</b>	<b>7 297 400</b>	<b>3 844 300</b>	<b>3 391 450</b>
<b>Greece</b>			
EL/13/02	300 000	300 000	270 000
EL/13/03	200 000	200 000	100 000
EL/13/04	300 000	300 000	270 000
EL/13/05	50 000	50 000	45 000
EL/13/06	50 000	50 000	45 000
EL/13/08	169 694	169 694	152 724
EL/13/09	230 335	230 335	207 302
<b>Sub-Total</b>	<b>1 300 029</b>	<b>1 300 029</b>	<b>1 090 026</b>
<b>Ireland</b>			
IE/13/01	50 000	50 000	45 000
IE/13/02	50 000	50 000	45 000
<b>Sub-Total</b>	<b>100 000</b>	<b>100 000</b>	<b>90 000</b>
<b>Spain</b>			
ES/13/01	651 500	651 500	325 750
ES/13/02	205 971	205 971	185 374
ES/13/03	377 698	377 698	339 928
ES/13/04	252 976	252 976	227 678
ES/13/05	256 514	256 514	230 863
ES/13/06	527 423	527 423	474 680
ES/13/07	298 291	298 291	268 462
ES/13/09	353 996	353 996	318 596
ES/13/10	63 457	63 457	57 111
ES/13/11	72 922	72 922	65 630
ES/13/12	183 900	183 900	165 510

(EUR)			
Member State and project code	Expenditure planned in the national fisheries control programme	Expenditure for projects selected under this Decision	Maximum Union contribution
ES/13/13	215 814	215 814	194 233
ES/13/14	786 000	786 000	707 400
ES/13/15	186 567	186 567	167 910
ES/13/16	367 543	367 543	330 789
ES/13/17	186 754	186 754	168 079
ES/13/18	178 000	178 000	160 200
ES/13/20	115 000	115 000	103 500
ES/13/21	230 000	230 000	207 000
ES/13/22	142 400	0	0
ES/13/23	25 000	25 000	22 500
ES/13/24	90 000	90 000	81 000
ES/13/25	250 000	0	0
ES/13/27	160 000	0	0
ES/13/29	95 557	95 557	86 001
ES/13/30	95 410	95 410	85 869
ES/13/33	33 000	33 000	29 700
ES/13/34	54 000	54 000	48 600
ES/13/35	681 000	0	0
ES/13/36	780 000	0	0
ES/13/37	518 710	518 710	250 000
ES/13/39	258 000	258 000	232 200
ES/13/40	481 698	481 698	250 000
ES/13/41	379 119	263 294	236 966
<b>Sub-Total</b>	<b>9 554 220</b>	<b>7 424 995</b>	<b>6 021 529</b>
<b>France</b>			
FR/13/02	180 000	180 000	162 000
FR/13/03	150 000	150 000	135 000
FR/13/04	400 000	400 000	360 000
FR/13/06	1 000 300	1 000 300	900 270
FR/13/07	1 080 600	1 080 600	972 540
FR/13/08	1 080 600	1 080 600	972 540
FR/13/09	211 500	211 500	190 350
FR/13/10	269 350	269 350	242 415
FR/13/11	51 446	51 446	46 301
<b>Sub-Total</b>	<b>4 423 796</b>	<b>4 423 796</b>	<b>3 981 416</b>
<b>Italy</b>			
IT/13/01	260 000	260 000	234 000
IT/13/02	120 000	0	0
IT/13/03	500 000	500 000	450 000
IT/13/04	1 000 000	1 000 000	900 000

(EUR)			
Member State and project code	Expenditure planned in the national fisheries control programme	Expenditure for projects selected under this Decision	Maximum Union contribution
IT/13/05	300 000	300 000	270 000
IT/13/07	800 000	0	0
IT/13/08	2 000 000	0	0
IT/13/09	2 400 000	0	0
<b>Sub-Total</b>	<b>7 380 000</b>	<b>2 060 000</b>	<b>1 854 000</b>
<b>Cyprus</b>			
CY/13/01	50 000	50 000	45 000
CY/13/02	150 000	150 000	135 000
CY/13/03	400 000	400 000	360 000
<b>Sub-Total</b>	<b>600 000</b>	<b>600 000</b>	<b>540 000</b>
<b>Latvia</b>			
LV/13/01	11 200	11 200	10 080
LV/13/02	58 350	58 350	52 515
LV/13/03	123 185	123 185	110 867
<b>Sub-Total</b>	<b>192 735</b>	<b>192 735</b>	<b>173 462</b>
<b>Lithuania</b>			
LT/13/01	144 810	144 810	130 329
LT/13/03	13 033	13 033	11 730
<b>Sub-Total</b>	<b>157 843</b>	<b>157 843</b>	<b>142 059</b>
<b>Malta</b>			
MT/13/01	55 510	55 510	49 959
MT/13/02	1 173 292	1 173 292	586 646
<b>Sub-Total</b>	<b>1 228 802</b>	<b>1 228 802</b>	<b>636 605</b>
<b>Netherlands</b>			
NL/13/01	278 172	278 172	250 000
NL/13/02	277 862	277 862	250 000
NL/13/03	286 364	286 364	250 000
NL/13/04	276 984	276 984	249 285
NL/13/05	129 398	129 398	116 458
NL/13/06	200 000	0	0
NL/13/07	230 000	0	0
NL/13/08	36 120	36 120	32 508
NL/13/09	89 860	0	0
NL/13/10	129 500	129 500	116 550
NL/13/11	125 010	125 010	112 450
NL/13/12	72 908	0	0
NL/13/13	282 027	0	0

(EUR)			
Member State and project code	Expenditure planned in the national fisheries control programme	Expenditure for projects selected under this Decision	Maximum Union contribution
NL/13/14	200 000	200 000	180 000
NL/13/15	400 000	400 000	360 000
NL/13/16	50 000	50 000	45 000
<b>Sub-Total</b>	<b>3 064 205</b>	<b>2 189 410</b>	<b>1 962 251</b>
<b>Poland</b>			
PL/13/04	1 000 000	1 000 000	900 000
PL/13/05	540 000	440 000	396 000
PL/13/06	227 350	227 350	204 615
PL/13/07	240 300	240 300	216 270
PL/13/08	172 600	172 600	155 340
PL/13/09	323 000	323 000	290 700
PL/13/10	208 760	208 760	187 884
PL/13/11	416 000	416 000	374 400
PL/13/12	40 500	40 500	36 450
<b>Sub-Total</b>	<b>3 168 510</b>	<b>3 068 510</b>	<b>2 761 659</b>
<b>Portugal</b>			
PT/13/01	834 000	0	0
<b>Sub-Total</b>	<b>834 000</b>	<b>0</b>	<b>0</b>
<b>Romania</b>			
RO/13/03	155 000	155 000	139 500
RO/13/04	120 000	120 000	60 000
RO/13/05	40 000	40 000	20 000
RO/13/06	104 000	104 000	93 600
<b>Sub-Total</b>	<b>419 000</b>	<b>419 000</b>	<b>313 100</b>
<b>Slovenia</b>			
SI/13/01	42 000	42 000	37 800
SI/13/02	7 300	0	0
SI/13/03	1 200	1 200	600
SI/13/04	14 400	0	0
SI/13/05	5 000	5 000	2 500
SI/13/06	1 200	1 200	600
SI/13/07	40 000	40 000	36 000
SI/13/08	40 000	40 000	36 000
SI/13/10	45 000	45 000	40 500
SI/13/12	49 000	49 000	24 500
SI/13/13	20 000	20 000	18 000
<b>Sub-Total</b>	<b>265 100</b>	<b>243 400</b>	<b>196 500</b>

(EUR)

Member State and project code	Expenditure planned in the national fisheries control programme	Expenditure for projects selected under this Decision	Maximum Union contribution
<b>Finland</b>			
FI/13/01	1 000 000	1 000 000	900 000
FI/13/03	200 000	200 000	180 000
FI/13/04	150 000	150 000	135 000
<b>Sub-Total</b>	<b>1 350 000</b>	<b>1 350 000</b>	<b>1 215 000</b>
<b>Sweden</b>			
SE/13/01	348 210	348 210	313 389
SE/13/02	464 280	464 280	417 852
SE/13/03	580 348	580 348	522 314
<b>Sub-Total</b>	<b>1 392 838</b>	<b>1 392 838</b>	<b>1 253 555</b>
<b>United Kingdom</b>			
UK/13/01	496 155	496 155	446 539
<b>Sub-Total</b>	<b>496 155</b>	<b>496 155</b>	<b>446 539</b>
<b>Total</b>	<b>50 925 720</b>	<b>36 617 770</b>	<b>31 570 012</b>

## ANNEX II

## AUTOMATIC LOCALISATION DEVICES

(EUR)			
Member State and project code	Expenditure planned in the national fisheries control programme	Expenditure for projects selected under this Decision	Maximum Union contribution
<b>Germany</b>			
DE/13/08	12 500	12 500	11 250
DE/13/28	367 500	0	0
DE/13/02	493 500	0	0
DE/13/04	50 000	50 000	45 000
<b>Sub-Total</b>	<b>923 500</b>	<b>62 500</b>	<b>56 250</b>
<b>Malta</b>			
MT/13/03	146 200	0	0
<b>Sub-Total</b>	<b>146 200</b>	<b>0</b>	<b>0</b>
<b>Romania</b>			
RO/13/07	100 000	0	0
<b>Sub-Total</b>	<b>100 000</b>	<b>0</b>	<b>0</b>
<b>Slovenia</b>			
SI/13/09	10 000	10 000	9 000
<b>Sub-Total</b>	<b>10 000</b>	<b>10 000</b>	<b>9 000</b>
<b>Spain</b>			
ES/13/19	1 256 340	1 256 340	1 130 706
ES/13/31	326 124	326 124	293 512
<b>Sub-Total</b>	<b>1 582 464</b>	<b>1 582 464</b>	<b>1 424 218</b>
<b>United Kingdom</b>			
UK/13/03	245 597	245 597	221 037
<b>Sub-Total</b>	<b>245 597</b>	<b>245 597</b>	<b>221 037</b>
<b>Total</b>	<b>3 007 761</b>	<b>1 900 561</b>	<b>1 710 505</b>

## ANNEX III

## ELECTRONIC RECORDING AND REPORTING SYSTEMS

(EUR)			
Member State and project code	Expenditure planned in the national fisheries control programme	Expenditure for projects selected under this Decision	Maximum Union contribution
<b>Belgium</b>			
BE/13/04	70 000	70 000	63 000
BE/13/07	80 000	80 000	72 000
<b>Sub-Total</b>	<b>150 000</b>	<b>150 000</b>	<b>135 000</b>
<b>Denmark</b>			
DK/13/02	335 134	335 134	301 619
<b>Sub-Total</b>	<b>335 134</b>	<b>335 134</b>	<b>301 619</b>
<b>Germany</b>			
DE/13/11	75 000	75 000	67 500
DE/13/13	140 000	140 000	126 000
DE/13/16	170 000	170 000	153 000
<b>Sub-Total</b>	<b>385 000</b>	<b>385 000</b>	<b>346 500</b>
<b>Estonia</b>			
EE/13/01	110 000	110 000	99 000
EE/13/02	90 000	90 000	81 000
EE/13/03	80 000	80 000	72 000
<b>Sub-Total</b>	<b>280 000</b>	<b>280 000</b>	<b>252 000</b>
<b>Ireland</b>			
IE/13/03	1 100 000	1 100 000	990 000
<b>Sub-Total</b>	<b>1 100 000</b>	<b>1 100 000</b>	<b>990 000</b>
<b>France</b>			
FR/13/05	910 000	900 000	810 000
<b>Sub-Total</b>	<b>910 000</b>	<b>900 000</b>	<b>810 000</b>
<b>Italy</b>			
IT/13/06	100 000	100 000	90 000
<b>Sub-Total</b>	<b>100 000</b>	<b>100 000</b>	<b>90 000</b>
<b>Lithuania</b>			
LT/13/02	231 696	231 696	208 526
<b>Sub-Total</b>	<b>231 696</b>	<b>231 696</b>	<b>208 526</b>
<b>Netherlands</b>			
NL/13/17	200 000	200 000	180 000
<b>Sub-Total</b>	<b>200 000</b>	<b>200 000</b>	<b>180 000</b>
<b>Poland</b>			
PL/13/01	170 948	170 948	153 853
PL/13/02	60 000	60 000	54 000
PL/13/03	27 793	27 793	20 514
<b>Sub-Total</b>	<b>253 741</b>	<b>253 741</b>	<b>228 367</b>

(EUR)			
Member State and project code	Expenditure planned in the national fisheries control programme	Expenditure for projects selected under this Decision	Maximum Union contribution
<b>Portugal</b>			
PT/13/03	492 500	492 500	443 250
PT/13/05	211 000	211 000	189 900
<b>Sub-Total</b>	<b>703 500</b>	<b>703 500</b>	<b>633 150</b>
<b>Slovenia</b>			
SI/13/11	40 000	40 000	36 000
<b>Sub-Total</b>	<b>40 000</b>	<b>40 000</b>	<b>36 000</b>
<b>Spain</b>			
ES/13/08	129 582	129 582	116 624
<b>Sub-Total</b>	<b>129 582</b>	<b>129 582</b>	<b>116 624</b>
<b>Total</b>	<b>4 818 653</b>	<b>4 808 653</b>	<b>4 327 786</b>

## ANNEX IV

## ELECTRONIC RECORDING AND REPORTING DEVICES

(EUR)			
Member State and project code	Expenditure planned in the national fisheries control programme	Expenditure for projects selected under this Decision	Maximum Union contribution
<b>Finland</b>			
FI/13/02	157 500	157 500	141 750
FI/13/05	175 000	175 000	157 500
<b>Sub-Total</b>	<b>332 500</b>	<b>332 500</b>	<b>299 250</b>
<b>Total</b>	<b>332 500</b>	<b>332 500</b>	<b>299 250</b>

## ANNEX V

## PILOT PROJECTS

(EUR)

Member State and project code	Expenditure planned in the national fisheries control programme	Expenditure for projects selected under this Decision	Maximum Union contribution
<b>Spain</b>			
ES/13/28	100 000	0	0
ES/13/32	530 000	0	0
ES/13/38	250 000	0	0
<b>Sub-Total</b>	<b>880 000</b>	<b>0</b>	<b>0</b>
<b>France</b>			
FR/13/01	40 000	40 000	20 000
<b>Sub-Total</b>	<b>40 000</b>	<b>40 000</b>	<b>20 000</b>
<b>United Kingdom</b>			
UK/13/02	297 693	297 693	148 846
<b>Sub-Total</b>	<b>297 693</b>	<b>297 693</b>	<b>148 846</b>
<b>Total</b>	<b>1 217 693</b>	<b>337 693</b>	<b>168 846</b>

## ANNEX VI

## TRAINING AND EXCHANGE PROGRAMMES

(EUR)

Member State and project code	Expenditure planned in the national fisheries control programmes	Expenditure for projects selected under this Decision	Maximum Union contribution
<b>Germany</b>			
DE/13/03	15 000	0	0
DE/13/06	1 500	0	0
<b>Sub-Total</b>	<b>16 500</b>	<b>0</b>	<b>0</b>
<b>Greece</b>			
EL/13/01	70 000	70 000	63 000
<b>Sub-Total</b>	<b>70 000</b>	<b>70 000</b>	<b>63 000</b>
<b>Romania</b>			
RO/13/01	200 000	0	0
RO/13/02	50 000	0	0
<b>Sub-Total</b>	<b>250 000</b>	<b>0</b>	<b>0</b>
<b>Spain</b>			
ES/13/26	40 000	0	0
<b>Sub-Total</b>	<b>40 000</b>	<b>0</b>	<b>0</b>
<b>Total</b>	<b>376 500</b>	<b>70 000</b>	<b>63 000</b>

## ANNEX VII

**AMOUNTS RELATED TO PILOT INSPECTION AND OBSERVER SCHEMES, INITIATIVES RAISING AWARENESS OF CFP RULES AND ACQUISITION OR MODERNISATION OF PATROL VESSELS AND AIRCRAFT THAT WERE REJECTED**

(EUR)

Type of expenditure	Expenditure planned in the national fisheries control programmes	Expenditure for projects selected under this Decision	Maximum Union contribution
<b>Pilot inspection and observer schemes</b>	36 000	0	0
<b>Initiatives raising awareness of CFP rules</b>	35 400	0	0
<b>Patrol vessels and Aircraft</b>	8 880 000	0	0
<b>Total</b>	<b>8 951 400</b>	<b>0</b>	<b>0</b>

DIRECTIVES

- ★ **Commission Directive 2013/44/EU of 30 July 2013 amending Directive 98/8/EC of the European Parliament and of the Council to include powdered corn cob as an active substance in Annexes I and IA thereto <sup>(1)</sup> .....** 49

DECISIONS

- ★ **Council Implementing Decision 2013/409/CFSP of 30 July 2013 implementing Decision 2011/72/CFSP concerning restrictive measures directed against certain persons and entities in view of the situation in Tunisia .....** 52

2013/410/EU:

- ★ **Commission Implementing Decision of 10 July 2013 on a Union financial contribution towards Member States' fisheries control programmes for 2013 (notified under document C(2013) 4256)** 54



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

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